

**GOA STATE INFORMATION COMMISSION**

Kamat Tower, Seventh Floor, Patto Panaji-Goa

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**Penalty 36/2018**  
**In**  
**Appeal No. 136/2018/SIC-I**

Shri Bharat L. Candolkar,  
Vady, Candolim,  
Bardez Goa.

....Appellant

V/s

1) The Public Information Officer,  
Shri Sanjeev Joglekar,  
GCZMA, Porvorim,  
Bardez – Goa.

2) First Appellate Authority,  
Member Secretary, GCZMA,  
Porvorim, Bardez – Goa

.....Respondents

**CORAM:**

**Smt. Pratima K. Vernekar**, State Information Commissioner

**Decided on:23/10/2018**

**ORDER**

1. The Commission while disposing the above Appeal vide order dated 14/8/2018 had directed the public authority concerned herein i.e Goa Coastal Zone Management Authority, Porvorim-Goa through its Chairman to Showcause as to why it should not be ordered to compensate the appellant as contemplated u/s 19(8)(b) of the Right to Information Act, 2005 .
2. In view of the said order passed by this Commission on 14/8/2018, the proceedings should converted into penalty proceedings.
3. Accordingly showcause notice were issued to the public authority on 20/8/2018.
4. In pursuant to the showcause notice the PIO Sanjeev Joglekar and the member Secretary of GCZMA Shri Ravi Jha appeared and filed his reply to Showcause notice on 30/8/2018. Additional reply was also filed by them on 11/09/2018 alongwith enclosures and affidavit

of dealing clerk Shri Bhaskar Shinde. The copy of the said reply alongwith the enclosure and affidavit were furnished to the appellant.

5. Arguments were advanced by both the parties.
6. Vide reply and also by affidavit, the Respondent have contended that the application dated 24/1/2018 filed by the appellant since was vague without any specific reference to the documents as such the appellant was called telephonically by the dealing clerk Shri Bhaskar Shinde to their office for inspection within time frame which was carried out by the appellant on 1/3/2018 and the appellant have made endorsement to that effect. The application dated 24/1/2018 bearing the endorsement and the signature of the appellant was also placed on record in the support of their above contention.
7. It was further contended that the PIO had provided the information vide letter dated 7/3/2018 which was collected by the appellant on 12/3/2018 after making the payment of necessary fees. It was further contended that during the hearings before this commission since the appellant was not satisfied with the information earlier provided, the PIO again provided information twice on 26/7/2018 i.e vide letter dated 17/7/2018 and on 14/8/2018 vide letter dated 9/8/2018 clarifying his doubt and furnishing in details which was ultimately to the satisfaction of the appellant .
8. It was further contended that the officer holding the charge of first appellate authority was transferred and the new member Secretary took over the office on 26/4/2018 who after joining the office had to go on official training after which he actually took over the office on 14/5/2018 and the new member secretary resumed to his duties when the second appeal was already filed before this commission hence the Respondent no. 2 could not decide the matter.

9. It was further contended that the fact that the Respondent PIO gave the appellant the inspection of the file was concealed by the appellant before this commission.
10. It was contended that Respondent PIO has acted in good faith and taken due care to provide the information and further submitted that there is no willful delay in disposing the RTI Application and even tendered unconditional apology for any inadvertent delay.
11. The dealing clerk Shri Bhasker Shinde vide his affidavit have admitted of having received the application of appellant and he further contended that he called appellant within time frame of 30 days however appellant came to office only on 1/3/2018 and the appellant carried out the inspection of the file and then the documents were collected by appellant after making due payments of fees.
12. In the nutshell it is the case of the Respondent PIO that there was not willful intention on his part to refuse the information and that he have acted bonafidely in discharging his duties under the RTI Act. It is his further case that there is no evidence of malafide denials of information in order to attract the compensation.
13. I have scrutinize the records and also considered the submission of both the parties.
14. The information was sought on 24/1/2018 which was required to be furnished by 25/2/2018. The said information was furnished on 7/3/2018 after due inspection was carried out by appellant on 1/3/2018. There is a marginal delay in furnishing the information. Further the PIO have shown his bonafides by offering clarification twice vide their reply dated 17/7/2018 and 9/8/2018.
15. The explanation given by PIO appears to be convincing and probable as the same is supported by the documentary evidence more particularly by the affidavit of dealing clerk Shri Bhaskar Shinde and as such I did not find any willful and malafide intention

on the part of the PIO for the delay. Further the first appellate authority has also justified the reasons for not disposing the first appeal. It appears that marginal delay if any in furnishing the information cannot be solely attributed to PIO. The appellant herein has also caused for the said delay.

16. Be that as it may, the appellant though have sought the relief of compensation, have not produce any cogent and convincing evidence, showing that what was the loss caused to him or the detriments suffered by him. Hence I hold that the levy of compensation is not warranted in the facts and circumstances of the present case consequently showcause notice issued to Public authority on 20/8/2018 stands withdrawn.

Proceedings stands closed.

Notify the parties.

Authenticated copies of the Order should be given to the parties free of cost.

Aggrieved party if any may move against this order by way of a Writ Petition as no further Appeal is provided against this order under the Right to Information Act 2005.

Pronounced in the open court.

Sd/-

**(Ms.Pratima K. Vernekar)**  
State Information Commissioner  
Goa State Information Commission,  
Panaji-Goa