

**GOA STATE INFORMATION COMMISSION**  
'Kamat Towers', Seventh Floor, Patto, Panaji Goa

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**Shri Prashant S.P. Tendolkar,**  
State Chief Information Commissioner

**Appeal No. 283/2018/CIC**

Shri Sushant P. Nagvekar,  
House No.C-312, Fondvem,  
Ribandar –Goa 403006. .... Appellant

V/s

The Public Information Officer and Mamlatdar,  
Collectorate Building,  
Tiswadi, Panaji –Goa. .... Respondent.

Filed On: 23/11/2018

Disposed On:13/05/2019

**1) FACTS IN BRIEF:**

a)The appellant herein by his application, dated 18/07/2018 filed u/s 6(1) of The Right to Information Act 2005 (Act for short) sought certain information from the respondent no.1, in the form of inspection of file and to provide copies of documents from file if and as desired.

b)According to appellant said application was not responded to by the PIO within time and as such deeming the same as refusal appellant filed first appeal to the respondent no.2, being the First Appellate Authority (FAA), on 20/08/2018.

c)According to appellant, in the course of hearing of the said appeal, PIO has filed his reply submitting that vide letter dated 16/08/2018 the appellant was offered inspection.

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a) The FAA by order, dated 05/10/2018, allowed the said appeal and directed PIO to permit inspection and provide copies of documents.

b) According to appellant inspection was furnished to him but only part he could get as the file did not contain any notings.

c) The appellant has therefore approached this commission in this second appeal u/s 19(3) of the act.

d) Notices were issued to the parties, pursuant to which they appeared. The PIO on 23/01/2019 filed reply to the appeal. Parties filed their written submissions.

**FINDINGS:**

a) Perused the records and considered submissions of the parties. By his application dated 18/07/2018, filed under section 6(1) of the act, the appellant, at para (2), has sought for inspection of complete file in respect of his letter dated 15/05/2018 and memorandum issued by dy. Collector Revenue. At para (3) he has sought the true copies of the documents from the file "if any as desired". In other words appellant has sought the information in the nature of inspection and has reserved his right to seek copies of the said information.

b) According to the PIO on receipt of the application for information under section 6(1) which is dated 18/07/2018 the PIO decided to give the inspection of the file to the appellant and that accordingly by letter, dated 16/08/2018, the appellant was requested to inspect the file on any working day. According to the appellant he has not received any such reply within the stipulated time of 30 days and that as no reply was received, he filed the

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first appeal and in the course of the first appeal a reply was filed by PIO before First Appellate Authority FAA that by letter dated 16/8/2018 the appellant was requested to inspect the documents. It is the contention of the appellant in his arguments that he has not received any reply from the respondent and that the respondent should be put to strict proof as to date of dispatch of said letter.

c) Considering the controversy and with a view to have the date on which the said letter, dated 16/08/2018 was posted, the PIO was directed to produce on record the evidence as to the date on which the said letter, dated 16/08/2018 was infact sent to the appellant either by producing the dispatch register or the postal records. Accordingly during the hearing of appeal on 09/05/2019 the APIO produced the certified copy of the dispatch register showing the entry of the concerned register. On going through the same it is found that the said letter is dispatched under Sr. No.2202 on 27/08/2018. The application filed by the appellant was inwarded in the office of respondent authority on 18/07/2018 and hence under section 7(1) the same was required to be decided on or before 19/08/2018. Though the said response is dated 16/08/2018 the same was not dispatched on the said date. The first appeal was filed on 20/08/2018 and as per the dispatch register it was posted thereafter i.e. on 27/08/2018. In the circumstances I find some force in the submission of the appellant that his application was not decided within the time stipulated under section 7(1) of the act.

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d) It is also the contention of the appellant that he has not received the information fully. As per his submissions at para (4) and (5) he has admitted that he was furnished a file for his inspection consequent upon the order of First appellate Authority. Though it is his contention that the said file has no noting sheets or page numbers or some of the documents were hapzard, the fact remained is that he was given the inspections of the file which was precisely the information as sought by him. Such an inspection should be the existing records as it is available with public authority. Though the appellant contends that records are not maintained properly or that files are without notings, the same is beyond the powers of PIO.

It is to be noted that by his application under section 6(1) appellant has requested to provide inspection of complete file in respect of the memorandum referred in the said application. By said application he has not sought copies of the documents but he has reserved his rights to seek the same as and when desired. This being the position I find that the information as was sought by the appellant in the nature of inspection has been furnished. Needless to say that appellant can seek the copies of the records by another application.

e) Considering the above facts I find that the appellant is furnished with the information and was sought by him. However, I find that the PIO has failed to decide the said application within the time as stipulated in section 7(1). In the circumstances as the request of the appellant is fulfilled, no intervention of this Commission is necessary

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for furnishing information. However, as there appears a delay in deciding the application u/s 6(1) and in case it is proved that the delay was deliberate or intentional the PIO may be liable for penalty as contemplated under section 20(1) and/or 20(2) of the act unless the delay is explained satisfactorily. In the circumstances I hereby proceed to dispose the present appeal and with the following :

**O R D E R**

Appeal is partly allowed. The PIO, Shri Sailendra J. Dessai is directed to show cause as to why action has contemplated under section 20(1) and/or 20(2) should not be initiated against him. Issue show cause notice accordingly. Reply to the notice be filed by him in person on 21/06/2019 at 10.30 am.

Appeal stands disposed. Initiate penalty proceeding.

Order be communicated to the parties.

Sd/-  
**(Shri. P. S.P. Tendolkar)**  
Chief Information Commissioner  
Goa State Information Commission  
Panaji -Goa