

# GOA STATE INFORMATION COMMISSION

Kamat Towers, seventh Floor, Patto, Panaji, Goa

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

**Appeal No.311/2018/CIC**

Shri Jawaharlal T. Shetye,  
H. No.35/A Ward No.11.  
Khorlim, Mapusa –Goa.

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**Appellant**

**V/s**

- 1) The Public Information Officer,  
Goa State Urban Development Agency,  
Shrama Shakti Bhavan, 6<sup>th</sup> floor,  
Patto Panaji –Goa.  
403001.
- 2) The First Appellate Authority,  
Chief Project Officer,  
Goa State Urban Development Agency,  
Patto, Plaza, Panaji Goa.  
403001.

..... **Respondents.**

**Filed On: 24/12/2018**

**Disposed On: 15/03/2019**

## **O R D E R**

- 1) The appellant has filed the present appeal with a grievance that the PIO has failed to comply with the order of the First Appellate Authority (FAA), dated 16/10/2018.
- 2) The facts in brief involved herein are that by his application, dated 10<sup>th</sup> August 2018, the appellant has sought for information under points 1, (2) 3(1) to 3(7), 4 & 5. The said application was responded by PIO on 05/09/2018, within the statutory period by furnishing copies of the information in the form of annexures.

Sd/-

...2/-

- 3) The appellant, contending that he is not satisfied with the said information, approached FAA by First appeal u/s 19(1) of the Act. The FAA by order, dated 16/10/2018, directed the PIO to grant inspection of the files relating to the said information. According to appellant the PIO has not complied with the order of FAA and hence has approached this Commission in second appeal u/s 19(3) of the Act.
- 4) On notifying the PIO, he filed reply. Vide his reply it is the contention of PIO that the appellant is not aggrieved by information given to him. According to him appellant never visited the office to have inspection. That there is no time limit fixed by FAA for furnishing inspection.
- 5) Submissions of the parties were heard. On perusal of the records it is seen that vide his application u/s 6(1), the appellant has not sought for inspection of any records. The information as was sought was in the form of copies, which was furnished within time in the form of annexures.
- 6) The appellant has preferred the first appeal on a vague plea that the is not satisfied with the information. Subjective satisfaction is not the intent of act. The information cannot be what is expected by seeker to his satisfaction but as it exists. In case he has any grounds to contend that the same is not satisfactory, he should specify as to what the part is not disclosed/incorrect.
- 7) Section 2(j) of the act provides Right to Information in four forms viz.
  - (i) Inspection of works, documents and records
  - (ii) Taking notes, extracts or certified copies of documents or records.
  - (iii) Taking samples of material.
  - (iv) Information in form or diskettes floppies etc.

Sd/-

...3/-

Consequently when an application is filed u/s 6(1), the PIO is required to consider it and furnish the information in the mode in which it sought and charge fees as per the mode. In the present case the appellant has sought for the information in the form of copies and the application nowhere refers to information in the form of inspection of records.

- 8) The FAA while dealing with the appeal has extended the scope of information by loosing the site that no inspection was sought. Under Goa Right to information (Regulation of fee and cost) Rules 2006, various fees are prescribed for various type of information. Thus fees for copies and that for inspection of records are also distinct and separate.
- 9) In the present case appellant has sought only for copies, which were furnished. He had never sought for inspection of records in his request u/s 6(1) of the act. In this situation the FAA ought not to have directed the inspection which is beyond the request u/s 6(1).
- 10) The FAA herein has thus extended the scope of information. When the information was sought in the form of copy of material and fees received therefore, there was no ground for FAA to grant inspection of records which was not called for by appellant. Thus any order passed by FAA beyond the said request cannot survive being beyond competence and jurisdiction of the FAA vis a vis the application u/s 6(1) of the act. Consequently the order of FAA directing inspection or the records cannot sustain.
- 11) In the above circumstances, as the required information is furnished, the appeal has no merits. The same is therefore liable to be dismissed.

Sd/-

...4/-

Consequently the appeal stands dismissed. However this shall not effect the right of appellant to seek inspection of records if he wish so, by filing fresh application. Notify the parties.

Proceeding closed.

Pronounced in the open hearing.

Sd/-

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