

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

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**CORAM: Shri Juino De Souza: State Information Commissioner**

**Appeal No. 14/2019/SIC-II**

Shri Nitin Y. Patekar,  
Oshalbag, Dhargal,  
P.O Colvale - Goa.403 513.

**.... Appellant**

v/s

1. Public Information Officer,  
O/o Inspector of Survey of Land records,  
Pernem – Goa. 403507
2. First Appellate Authority,  
O/o. Superintendent of  
Surveyor & Land Records,  
Panaji – Goa.

**..... Respondents**

**Relevant emerging dates:**

Date of Hearing : 24-07-2019

Date of Decision : 24-07-2019

**O R D E R**

1. **Brief facts of the case** are that the Appellant vide an RTI application u/s 6(1) dated 25/09/2018 sought to inspect Survey plan under Survey No. 324/0, 307/0, 280/1, 240/0 248/0, 549/0, 308/2, 309/7, 310/12, 311/13 & 312/12 of V.P. Dargal, Pernem, Goa and to furnish copies of the survey plan in survey nos 279/5, 278/6 of the same village.
2. The PIO vide reply No.ISLR/PER/RTI/06/2018/691 dated 17/10/2018 informed the Appellant that he can carry out inspections between 9.30 a.m. to 12.30 p.m. and 2.15 to 4.00 p.m. by depositing an amount of Rs.50/- and in point No. 2 the PIO informed the Appellant to collect the Survey map by depositing the prescribed fees of Rs.360/-.
3. Not satisfied with the reply and not wanting to pay the necessary fees, the Appellant filed a First Appeal on 09/11/2018, however the Order of the First Appellate Authority has not been enclosed by the Appellant in the case file. The Appellant subsequently approached the Commission by way of a Second Appeal registered on 18/01/2019 and has prayed that appeal be allowed and the respondent be directed to fix the rate per page and inspection fees and to recommend disciplinary action under service rule.

4. **HEARING:** During the hearing the Appellant Shri. Nitin Y. Patekar is present in person. The Respondent PIO, Shri. Rajesh Kuchalkar, Inspector of Survey & Land Records, Pernem is present. Shri. Sandeep Chodankar, Supervisor is present on behalf of FAA.
5. **SUBMISSION:** The Appellant submits that his grievance is regarding the rates being charged by the public authority which is Rs.50 per hour for inspection and Rs. 360 for plan. It is the contention of the Appellant that he is entitled to pay fees for inspection and certified copies at the rates applicable as per the RTI act 2005 and not higher fees as per what is stated in the gazette notifications.
6. The Respondent PIO submits that pursuant to the receipt of the RTI application dated 25/09/2018, he had informed the Appellant within the mandated 30 days period as per 7(1) vide letter dated 17/10/2018 to deposit the prescribed fees of Rs.50/- and also to collect the Survey Map by depositing of Rs.360/- and that the Appellant refused to pay the amount and instead filed a First Appeal.
7. It is further submitted that the Appellant was present for the hearing during the First Appeal and that the First Appellate Authority by an order dated 11/12/2018 disposed off the first appeal on the ground that the Appellant was satisfied with the relevant gazette copies notifying the rates viz Goa Land Revenue (Inspection, search and supply of copies of Land Records) (Amendment) Rules, 2018 notified vide notification No. 26/13/2016-RD/513 dated 16/03/2018 read with notification No.DI/INF/RTI/BILL/05 dated 04/02/2008 issued by the Director, Information & Publicity & Ex-Officio Jt. Secy. to the Government, whereby a new Rule 4 was inserted after Rule 3 of the Goa Right to Information (Regulation of Fee and cost) Rules 2006.
8. The PIO submits that the Notification was issued for charging the appropriate fees, more so in view that all Plans are stored in soft copy on the Computer....

.....and the inspection has to be carried out by opening a Computer where the person has to sit on the Computer and alongwith the Surveyor or draughtsman and keep on searching for the records. Also there are limited number of Computers which are also discharging other functions and therefore the government has fixed higher cost accordingly.

9. The PIO also submits that there is only one system in the Pernem office which is used by the Draftsman for extracting the Plans and for the Surveyor to prepare various reports and the Department has fixed the inspection cost at Rs.50/- per hour and the cost for giving for extracting the plan at the rate of Rs.180/- per sub division as per gazette notifications.
10. The PIO files a detailed reply enclosing a copy of the Order of First Appellate Authority (FAA), copy of the Gazette notification No.26/13/2016-RD/513 dated 29/03/2018, copy of the Notification No. No.DI/INF/RTI/BILL/05 dated 04/02/2008 which is taken on record.
11. When the Commission enquired with the Appellant whether he is willing to pay the higher fees as prescribed as per the gazette notifications and that lower fees as per the RTI act are not applicable in the case, the Appellant stood up stating that the Commission may passed any Order it so pleases and walked off in a huff.
12. **FINDINGS:** The Commission after hearing the submission of the respective parties and scrutinizing the material on record, finds that the PIO has correctly informed the Appellant in his reply No.ISLR/PER/RTI/06/2018/691 dated 17/10/2018 regarding the prescribed fees for inspection which is Rs. 50/- per hour and the rates for obtaining copies of Survey Plan which is Rs.180/- per plan and which is as per the notifications issued in the gazette and which the Appellant has neglected to pay. The Commission also finds that at the level of the FAA, the Appellant was given copies of the official gazette notifying the higher fees and was satisfied with the same.

13. The Commission finally finds that there is merit in the argument of the PIO that the higher fees charged were as prescribed as per the relevant rules framed as per Gazette notification No.26/13/2016-RD/513 dated 29/03/2018, copy of the Notification No. No.DI/INF/RTI/BILL/05/ dated 04/02/2008 and which are permissible.
14. **DECISION:** In view of the above discussion, the Commission comes to the conclusion that higher charges can be levied for certified copies as per rates prescribed in notification no: No.26/13/2016-RD/513 dated 29/03/2018, further the notification No. DI/INF/RTI/6474 under section 4 clearly specifies that higher charges for certified abstract can be charged under relevant rules.

*"4. Fees under other rules which state. - "Notwithstanding anything contained in these rules, in case any higher fee than specified above is laid down by any Rules framed under any other law for the time being in force for inspection, search of documents/records, etc., or supply of certified copies or certified extracts thereof such higher fee as specified under the relevant Rules shall be charged for such inspection, search or supply of certified copies or certified extracts thereof, as the case may be".*

**No intervention is required with the order of the FAA. The Appeal is devoid of any merit and stands dismissed**

15. Consequently, the prayer of the appellant to direct the PIO to fix the rate per page and inspection fees and to recommend disciplinary action under service rule stands rejected. The Commission directs the Appellant to pay prescribed fees @ Rs.50/- per hour for inspection and fees of Rs. 180/- per plan within 15 days of the receipt of this order, if he so desire. In such an event the PIO will allow inspection and provide the certified copies after verification of receipt of payment.

With these directions all proceedings in Appeal case stands closed. Pronounced before the parties who are present at the conclusion of the hearing. Notify the parties concerned. Authenticated copies of the order be given free of cost.

Sd/-  
**(Juino De Souza)**  
**State Information Commissioner**