

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

---

**Appeal No. : 166/2019/SIC-I/**

Sushant P. Nagvenkar,  
House No. C-312, Fondvem,  
Ribandar, Goa ..... Appellant

v/s

1. Shri Edwin Colaco,  
Dy. Superintendent of Police & PIO,  
Headquarters (North), Porvorim-Goa
2. Shri Uttam Raut,  
Dy. Superintendent of Police & Public Information Officer,  
SDPO, Panaji, Goa
3. Smt. Chandan Choudahry, Supeintendent of Police,  
First Appellate Authority, Porvorim-Goa .. .Respondents

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

Filed on:7/06/2019  
Decided on:04/12/2019

**ORDER**

1. The brief facts leading to second appeal filed by the Appellant Shri. Sushant Nagvekar interms of section 19(3) of RTI Act, 2005 against (i) Respondent No. 1 Public Information Officer (PIO) of the Head Quarter (North), Porvorim-Goa, against ii) Respondent No. 2, Public Information Officer (PIO) of SDPO, Panaji and against (iii) Respondent No. 3, First Appellate Authority (FAA) are as follows:-
  - a) Appellant vide his application dated 5/03/2019 sought certain information on 4 points from the Respondent No. 1 pertaining to the Complainant under section 154(3) dated 3/01/2019 and subsequent reminders dated 23/01/2019 and 20/02/2019 filed by him.
  - b) It is contention of appellant that said request was not replied, and as no information was furnished to him, he filed first appeal before the Respondent No. 3 on 18/04/2019 in terms of section 19(1) of Right To Information Act, 2005.

c) It is contention of the appellant that he received communications bearing No. Dy. Sp. HQ. (North)/ RTI-53/87/2018 and No. Dy. SP. HQ (North)/RTI-53/88/2018 both dated 19/03/2019 delivered by hand through Old Goa Police Station on 30/04/2019.

d) It is his further contention that in the course of the hearing of the first appeal, Respondent No. 1 further submitted communication No. Dy. SP. HQ (North)/RTI -53/86/2018 dated 19/03/2019 as information and he promptly brought to the notice of the Respondent No. 3, First Appellate Authority (FAA), that information furnished to him is incomplete as information at point No. 2 i.e. inspection of the documents of the records are not furnished to him

e) It is the contention of appellant that no order was passed by Respondent No. 3, First Appellate Authority in the First Appeal dated 18/04/2019 till date and that he has not been given the inspection of the documents and the information as sought by him at point No. 2.

2. In this background being aggrieved by the action of Respondent No. 1 and 3, the Appellant has approached this Commission on the grounds raised in the memo of the appeal there by contending that information at point No. 2 is still not provided and seeking direction from this Commission to Respondents for providing him inspection of the documents/records in line with his application dated 5/03/2019 and the certified copies of the documents. He also sought for invoking penal provisions under section 20 and 21 of the RTI Act, 2005 against Respondent No. 1 and Respondent No. 2.

3. Matter was listed on the board and was taken up for hearing. In pursuant to which Appellant was present in person. Respondent No. 1 Shri. Edwin Colaco appeared alongwith the Police Constable, Shri. S. C. Malik. The Respondent No. 2 Shri. Uttam Raut Desai was present alongwith the Police Constable, Mr. Nitesh Singade. Respondent No. 3 First Appellate Authority (FAA) was represented by Police Constable Mangesh Mahale.
4. Reply was filed by the Respondent No. 1 and Respondent No. 2 on 4/07/2019 alongwith enclosures and by Respondent No. 3 on 24/07/2019 resisting the appeal and denying the averments made by the Appellant.
5. Affidavit was filed by the Appellant on 29/08/2019 countering the replies filed by the Respondents to which again counter reply was also filed by Respondent No. 1 on 28/10/2019. The copy of those replies were furnished to the Appellant herein alongwith the enclosures.
6. The Respondent No. 1 vide his reply submitted that he had kept his reply ready vide office letter bearing No. HQ(North)/RTI-53/86/2019 dated 19/03/2019 based on the information furnished to him by the APIO/PSI, Reader Branch (North), Porvorim and accordingly letter was sent to the appellant vide their Office letter bearing NO. Dy. SP. HQ (North)/RTI-53/86/2019 through Police Inspector (Old Goa) Police Station to collect the information, but the appellant had not visited to their office to collect the information and the said fact was brought to the notice of the First Appellate Authority (FAA). It was further contended that as per the direction of the First Appellate Authority (FAA), part of the information was provided to the appellant free of cost. He further contended that as part of the information was pertaining to the SDPO, Panjim the point No. 2 was transferred to the PIO of SDPO vide letter bearing No. Dy. SP. HQ(North)/RTI-53/88/2019 dated 19/03/2019 with request to provide the information

pertaining to their Office to the Appellant under intimation to their office.

7. Vide reply the Respondent No. 2 contended that he upon receipt of information from Assistant Public Information Officer, had kept it ready on 17/04/2019 and an intimation letter was sent to the Appellant vide letter bearing No. SDPO/PAN/RTI-96/180/2019 dated 17/04/2019 and vide letter bearing No. SDPO/PAN/RTI/96/181 dated 17/04/2019 through APIO/Police Inspector of Old Goa Police Station informing appellant that the information available is ready and to collect the same from this Office on any working day during the office hours after paying Rs. 30/- towards documents charges.
8. Respondent No. 3 vide his reply contended that the order was passed in the first appeal no. 17/2019 and the copy of the order was sent to the appellant through PI, Old Goa for service but order was return "unserved" as the appellant was not found at his residence.
9. In the nutshell, it is the case of the Respondents that they have acted bonafidely and offered the information within stipulated time as contemplated under the RTI Act, 2005 and there was no malifides on their parts.
10. Since appellant only raised grievance with respect to the non furnishing of the information at point No. 2, the Respondent No.2 undertook to provide him inspection of the documents as sought by him.
11. The Respondent No. 1 vide his reply dated 28/10/2019 also volunteered to provide him inspection as the said inquiry report was received by their office on 22/03/2019. It was further informed that offence has been already registered at Panjim Police Station by Panjim Police Station CR No. 39/2019 under section 465, 468, 471,

420 IPC on 13/02/2019 upon the written application of the appellant and the case is under investigation.

12. The Appellant, agreed to carry out the inspection of the records and accordingly the same was carried by the appellant on 28/11/2019. The Respondent No. 1 PIO also filed compliance report to that effect. Since grievance of the appellant of non providing information at point No. 2 now have been redressed by Respondent No. 1 and Respondent No. 2 and as required information is furnished to the appellant, I find no further intervention of this Commission is required for the purpose of furnishing the information and hence prayer (a) becomes infructuous.

13. The facts of the present case doesnot warrants levy of penalty on Respondent No. 1 and Respondent No. 2 as both the Respondents relied upon supporting documents in support of their contention. Never-the-less the Appellant also didnt press for penal provisions and endorsement to that effect have been made on the memo of appeal.

14. Since the information is now being furnished as per requirement of appellant and inview of endorsement of appellant nothing survives to be decided in the present proceedings. Hence the present appeal proceedings stands closed.

Notify the parties.

Pronounced in the open court.

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.

Sd/-

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