GOA STATE INFORMATION COMMISSION

'Kamat Towers', Seventh Floor, Patto, Panaji – Goa

CORAM: Shri Juino De Souza: State Information Commissioner

Appeal No. 40/2019/SIC-II

Shri. Santana Piedade Afonso,
H. No. 263, Comba Central,
P.O. Cuncolim,
Salcete Goa 403 703

..... Appellant

v/s

1.Public Information Officer,
Shri Joao B. Fernandes,
O/o Mamlatdar of Salcete Taluka,
1st Floor, Mathany Saldanha
Administrative Complex,
Margao – Salcete Goa.

2.First Appellate Authority,
Shri Uday N aik,
Dy. Collector & SDO,
O/o Mamlatdar of Salcete Taluka,
1st Floor, Mathany Saldanha
Administrative Complex,
Margao – Salcete Goa

..... Respondents

Relevant emerging dates:

Date of Hearing : 20-06-2019
Date of Decision : 20-06-2019

ORDER

1. **BRIEF FACTS OF THE CASE** are that the Appellant vide an RTI application dated 06/08/2018 addressed to the PIO O/o Mamlatdar of Salcete, Margao Goa sought certain information under Section 6 (1) of the RTI Act, 2005.

2. The information pertains to four points (I) Certified copy/ copies of the Circular/Notification from the Land Revenue Department , Government of Goa, Porvorim-Goa along with the covering letter of the same for not issuing the said form I & XIV and other relevant documents, such as Residence Certificates, Divergence Certificates, Domicile Certificates, etc.

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3. (II) to provide list of prescribed fees for documentation obtained from the Office of the Mamlatdar of Salcete Taluka through this private company named Citizens Service Center which is fixed by the Land Revenue Department of Goa. (III) to provide the prescribed fees for the one Mutaion copy. e.g. Mutation No.68863 of the village Cuncolim charged by the Mamlatdar of Salcete Office only and (IV) whether and why the said Citizens Service Center is charging Rs. 45/- plan and why Mamlatdar office paid only Rs.30/-

4. It is the case of the Appellant that there was no reply filed by the PIO and as such the Appellant filed a First Appeal on 05/11/2018 and the First Appellate Authority (FAA) vide a short Order on the Roznama dated 13/12/2018 directed the PIO to provide the information free of cost to the Appellant within 15 days of the receipt of the Order.

5. Being aggrieved that despite the Order of First Appellate Authority (FAA), the PIO has not furnished information, the Appellant has approached the Commission by way of a Second Appeal registered before this Commission on 18/02/2019 and has prayed to direct the PIO to provide the information as per the Order passed by the First Appellate Authority (FAA) and for penalty and other reliefs.

6. **HEARING**: During the hearing the Appellant Shri. Santana Piedade Afonso is present in person. The Respondent PIO, Prataprao P. Gaunker, Mamlatadar of Salcete is present alongwith Shri. Sudesh Naik, LDC.

7. **SUBMISSION:** The Appellant submits that the Government has started Citizens Service Center which are charging exhibitant rates of Rs.45/- plus State GST and Central GST and that such Citizen Service Centres are paying only Rs.30 to the Mamlatdar for obtaining I & XIV form and keeping the Rs.15 as a commission for themselves and that Government has not issued any proper Notification for issuing such certificates, nor the CSC has displayed the prescribed fees as applicable and hence has filed an RTI application in public interest.

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8. The Appellant further submitted that the First Appellate Authority had vide order dated 13/12/2018 directed the PIO to furnish information free of cost and despite the Order, the PIO has failed in providing the information.

9. The Respondent PIO submits that all information was furnished to the Appellant vide letter dated 11/04/2019 in tabulation form. It is submitted that in the said reply it was informed that the information at point No.1, 2 and 4 are not available and information at point No.3 was furnished and it was informed that the prescribed fees for one Mutation is Rs.1000/-. The PIO finally submitted that information at point No. 4 is sought in question form and which the PIO is not called upon to answer as per the RTI Act.

10. **FINDINGS**: The Commission after perusing the material on record and hearing the submission of the respective parties at the outset find that although the Appellant has filed the RTI application in public interest because he is more concerned with the high rate that the Citizen Service Center is charging the public for obtaining form I & XIV Survey Plan, divergence Certificate and other document. The Commission regrets that the said issue of exorbitant rates charged cannot be dealt through an RTI Act.

11. The Commission also finds that the PIO has clearly mentioned in the reply dated 11/04/2019 in tabulation form that information at points 1, 2 & 4 are not available which was sent to the Appellant by registered AD. The Appellant has submitted that he has not received the reply, nevertheless the said reply is handed over to the Appellant during the hearing.

12. As stipulated in the RTI Act the role of the PIO is to provide information as is available in the records. The PIO is not called upon to create information or to do research or to analyze information so as to satisfy the whims and fancies of the Appellant.

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13. The very fact that the PIO has furnished a reply dated 11/04/2019 in tabulation form is sufficient to prove the bonafide that there is no malafide intention on the part of the PIO either to conceal or deny information.

14. The Commission also finds that the PIO has furnished correct information at point No. 3 regarding the fees of Rs.1000/- for Mutation No.68863 Village Cuncolim charged by the Mamlatdar, however from the submission of the Appellant it appears that he is more interested to obtaining information of the fees prescribed for form I & XIV and which according to him is Rs.45/- plus GST and not process fee for mutation which is Rs.1000/- .

15. **DECISION:** The Commission accordingly directs the PIO to furnish to the appellant correct information of fees prescribed for obtaining Mutation form I & XIV issued by the Mamlatdar Salcete. The PIO, Mamlatdar of Salcette shall sent this information by Speed Post to the Appellant within 15 days of the receipt of the order. The Respondent PIO, to file a compliance report before the Commission after dispatch of the said information to the Appellant.

With these directions the Appeal case stand disposed.

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