

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

CORAM: Shri Juino De Souza : State Information Commissioner

Appeal No. 41/2019/SIC-II

Shri. Yogesh V. Khandeparkar,
H.No.1032, Ghodewada,
Shiroda, Ponda Goa, 403 103.

..... Appellant

v/s

1.Public Information Officer,
Director of Education (Acad),
Porvorim -Goa.

2.The Public Information Officer,
Headmaster, Kamlabai Hede High School,
Karai, Shiroda Goa.

..... Respondents

Relevant emerging dates:

Date of Hearing : 20-06-2019

Date of Decision : 20-06-2019

O R D E R

1. **BRIEF FACTS OF THE CASE** are that the Appellant vide RTI application dated 21/08/2018, sought information u/s 6(1) from the PIO, Headmaster, Kamlabai Hede High School, Shiroda Goa. The information pertains to certified copies of all documents contained in the personal file of the Appellant himself maintained in the School.
2. The PIO vide reply letter No.KHHS/218-19/128 dated 05/09/2018 informed the Appellant that the RTI application is vague and to specify the exact documents which the information is sought. The Appellant in his counter reply dated 06/09/2018 informed the PIO, to allow him, the appellant for inspection of the personal file and to intimate the date for the inspection.
3. The PIO vide another letter No.KHHS/2018-19/152 dated 04/10/2018 informed the Appellant to inspect the file on 08/10/2018. The appellant inspected the file, however being aggrieved that certified copies of information document were not furnished, subsequently filed a First Appeal on 03/10/2018 and the First Appellate Authority (FAA) vide Order dated 31/10/2018 directed the Respondent PIO to immediately furnish all copies of all the papers in the personal file of the said Applicant within weeks a time.

4. Pursuant to the Order of the First Appellate Authority (FAA), the PIO addressed a letter to the Appellant dated 09/10/2018 calling upon the Appellant to deposit an amount of Rs.1500/- being the approximate cost of providing the information documents. The Appellant by another reply dated 16/11/2018 informed the PIO that he is ready to pay the prescribed rates as per copy and the PIO vide reply dated 19/11/2018 informed the Appellant that information will be furnished after receipt of payment of fees as the information sought is voluminous in nature.
5. Being aggrieved that the information is not being furnished the Appellant has approached the Commission by way of Second Appeal registered on 18/02/2019 and has prayed that the Respondent PIO be directed to furnish information without further delay and free of cost.
6. **HEARING:-**During the hearing the Appellant Shri. Yogesh V. Khandeparkar is represented by his Advocate Deepak Prabhu Dessai who files his Vakalatnama which is taken on record. The Respondent No. 1 is absent. The Respondent No.2 PIO, Mr. Vikas Patil, Head Master, Kamlabai Hede High School, Karai, Shiroda is present in person.
7. **SUBMISSION:-** At the outset the Advocate for the Appellant submits that his client is ready to pay necessary fees for receiving the information, however argues that his client is entitled to receive information free of cost as there has been delay under the RTI Act and Section 7(6) is applicable.
8. The Respondent PIO submits that pursuant to the Order of the First Appellate Authority (FAA) an intimation was sent to the Appellant to deposit Rs.1500/- and which the Appellant failed to do so and because of which there was unnecessary exchange of correspondence between the PIO and the Appellant. The PIO further submits that he is willing to furnish all information document contained in the personal file provided the Appellant deposits the advance amount of Rs.1500/- for approximately 731 pages of information document. ...3

9. **DECISION:-** The Commission accordingly directs the Appellant to within one week of the receipt of this Order to approach the O/o Respondent PIO and deposit an amount of Rs.1500/-. The PIO, Head Master of the public authority shall issue a receipt for the amount so deposited, this being the estimated cost of providing the information.
10. The PIO shall then proceed with Xeroxing the necessary pages of information documents within a further period seven days and thereafter inform the Appellant by speed post to collect the information documents. If the cost of furnishing the information exceeds the deposit amount of Rs.1500/- the extra amount shall be collected by the PIO from the Appellant and after which the information will be furnished. If the amount is less, then the PIO shall refund the balance amount. If the Appellant needs certified copies, the Appellant has to pay extra amount as per the prescribes fees, if Appellant is unwilling to pay higher fees, then the PIO will furnish only Xerox copies along with a covering letter to the Appellant.

With these directions the Appeal case stands disposed.

11. The Advocate for the Appellant has requested that information be furnished free of cost, however the request stands rejected as it is not the case that the PIO has denied information. There was a continuous exchange of correspondence between the parties, moreover the PIO had furnished reply timely on 05/09/2018 within 30 days mandated period after receiving the RTI application. Also the Appellant had filed a First Appeal and Second Appeal, thus Section 7(6) is not applicable.

With these observations, 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