

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

CORAM: Shri Juino De Souza: State Information Commissioner

Appeal No.84/2019/SIC-II

Shri. Cirilo Vales,
H.No. 78, Duncolim ,
Seraulim, Salcete-Goa.

..... Appellant

v/s

1. The Public Information Officer,
O/o The Executive Engineer,
Works Division II,
Water Resources Department,
Rawandfond, Margao, Goa– 403702.

2. First Appellate Authority,
Superintending Engineer,
Central Planning Organization, (CPO)
Water Resources Department,
Sinchai – Bhavan, Near Police Station,
Porvorim, Bardez – Goa.

..... Respondents

Relevant emerging dates:

Date of Hearing : 09-09-2019

Date of Decision : 09-09-2019

ORDER

1. **Brief facts of the case** are that the Appellant vide an RTI application dated 11/10/2019 sought certain information u/s 6(1) from the Respondent PIO, Executive Engineer, Works Div.II Water Resources Department, Rawanfond Goa. The information sought is at three points (1) Inspection of the work at site for the work of urgent repairs to breached portion of Paroda Canal at Ch.5.300, Km. and further upstream side at Paroda in Salcete Taluka as the work Order No.WRD/SDII/Accts-14/629/18-19 dated 14/08/2018 is showing the stipulated date of commencement as 01/10/2018. (2) Copy of the bill prepared for the work of urgent repairs to breached portion of Paroda canal at Ch.5.300 km and further upstream side at Paroda in Salcete Taluka. (3) Copies of the drawing and the measurements prepared for all the works of the tender notice No.WRD/WDII/ASW/F.17/9/2018-19 and tender notice No.WRD /WDII/ASW/ F.17/8(e)/2018-19.

2. It is seen that the PIO by letter No.WRD/WDII/ADM/F.311/297/2018-19 dated 01/11/2018 informed the Appellant to collect the information after depositing the amount on any working day within seven days.
3. Not satisfied with the reply of the PIO, the Appellant filed a First Appeal on 20/11/2018 on the ground that the Respondent PIO in the reply dated 01/11/2018 has not intimated the actual amount to be paid and that after contacting the public authority was informed that an amount of Rs.24/- is to be paid and after making the payment collected the information and on going through the information provided found that the information furnished at Sr.No. 3 is incomplete.
4. It is seen that the First Appellate Authority (FAA) issued a notice dated 14/01/2019 and the matter was fixed for hearing on 28/01/2019 and further postponed to 05/02/2019 as the Appellant could not attend the hearing. It is finally seen that the First Appellate Authority vide an Order dated 06/02/2019 disposed of the matter by upholding the reply of the Respondent PIO who furnished information in tabulation form vide letter dated 05/02/2019 during the hearing before the FAA.
5. The Appellant has approached the Commission by way of Second Appeal registered before the Commission on 03/04/2019 on the ground that the information was furnished by the PIO is incomplete and was not furnished within 30 days but furnished at the hearing before the First Appellate Authority on 05/02/2019 and thereby has caused great hardship. The Appellant has prayed to impose penalty and for compensation and other such reliefs.
6. **HEARING:** During the hearing the Appellant Cirilo Vales is absent. It is also seen that during the last hearing held on 15/07/2019 the Appellant was absent and an opportunity was given to him by postponing the matter for today, however the appellant has failed to avail the opportunity. The Respondent PIO, Shri. Ankush Gaunker, Executive Engineer, Water Resources Dept. Div-II is present in person.

7. **SUBMISSIONS**: At the outset Shri. Ankush Gaunker, submits that after receipt of the RTI application it was informed to the Appellant to come and deposit the amount and collect the information however agrees that inadvertently the estimated amount to be paid was not intimated. It is further submitted that the Appellant approached the Office of the PIO and was informed to pay amount of Rs. 24/- and that the Appellant has paid Rs.24/- and has collected the information.
8. Shri. Ankush Gaunker, also submits that the Appellant was not satisfied with the information furnished as such filed a First Appeal on 20/11/2018 and during the hearing before the First Appellate Authority held on 05/02/2019 further information was furnished in tabulation form and with which the Appellant was satisfied, and as such the First Appellate Authority had disposed off the First Appeal by holding that information has been furnished and confirmed by the Appellant. Shri. Ankush Gaunker finally submits that there is no other information remaining to be furnished and thus requests the Commission to dispose of the Appeal.
9. **FINDINGS**: The Commission after hearing the Respondent PIO and perusing the material on record indeed finds that initially the PIO gave a reply calling upon the Appellant to pay the amount and collect the information vide letter dated 01/11/2018, however inadvertently the Appellant was not informed in that letter about the exact amount to be paid. The Commission also finds that the Appellant had visited the office of the PIO and was informed to pay the amount of Rs.24/- and which was paid and the appellant has also collected the information. The Commission finds that there is a detailed reply filed by the PIO dated 26/07/2019 alongwith enclosures which is on record of the commission.
10. The Commission further finds that the level of the First Appellate Authority, the PIO during the hearing has furnished more information in a tabulation form vide his reply dated 05/02/2019 to the satisfaction of the Appellant. The Commission finally finds that all information as available has been furnished and thus the PIO cannot be faulted.

11. The Appellant has filed the Second Appeal and has prayed for imposition of penalty. It is seen that the appellant has already received the information documents free of cost to his satisfaction at the hearing before the First Appellate Authority on 05/02/2019 and therefore unfair for the Appellant to subsequently press for penalty. Also if the Appellant was more interested in penalty then he should have filed a Complaint case u/s 18 and not a Second Appeal as per 19(3). *Read Judgment of Hon'ble Supreme Court in CIC and another vs. State of Manipur & Ors. (civil Appeal No. 10787-10788 of 2011).*
12. **DECISION:** No intervention is required with the order of the FAA. Consequently the prayer for penalty stands rejected. The Appellant has also prayed for compensation, however the Appellant has not shown the quantum of detriment of loss suffered so as to entertain the claim for compensation u/s 19(8)(b).
13. The very fact that the information as was available with the Public Authority has been furnished free of cost by the PIO to the satisfaction of the Appellant on 05/02/2019 is sufficient to prove the bonafide that there is no malafide intention on the part of the PIO to either conceal or deny information.

Nothing survives in Appeal case which is devoid of any merits and accordingly stands dismissed.

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**

