

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

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**Shri Prashant S.P. Tendolkar,**  
State Chief Information Commissioner

**Appeal No.205/2018/CIC**

Shri Cirilo Vales,  
H. No.78, Duncolim,  
Seraulim,  
Salcete -Goa. 403708.

..... Appellant

**V/s**

1) The Public Information Officer,  
The Executive Engineer,  
Works Div.II, WRD,  
Rawanfond Margao-Goa.

2) The First Appellate Authority,  
Superintendent Engineer(CPO),  
WRD, Sinchayi Bhavan,  
Porvorim Goa.

..... Respondents.

**Filed On: 30/08/2018**

**Disposed On:22/04/2019**

**O R D E R**

1) This appeal of the appellant, U/s 19(3) of The Right to Information Act 2005 (Act), arises out of his application dated 09/04/2018, filed u/s 6(1) of the act. By said application appellant has sought information at points (1) to (6) out of which, the information at points (4) and (5) is in the nature of inspection of works.

According to appellant the PIO did not comply with the request of appellant within stipulated time and hence he preferred appeal to respondent no.2 on 05/06/2018. The respondent no.2 issued order on 22/06/2018.

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According to him the information furnished thereafter by PIO by letter dated 28/06/2018 is incomplete. The appellant has therefore approached this commission u/s 19(3) of the act with a prayer to take cognizance that the PIO has not abided by section 7(1) and 19(9) and to penalize respondent no.1 to compensate the appellant.

2) The PIO filed his reply on 13/11/2018. Vide his said reply it is the contention of PIO that telephonically and during his visits, appellant was called upon to inspect, verify and pay the amount but the appellant failed to do so and hence finally a letter was posted on 09/05/2018. Copy of said letter is filed on record. According to PIO inspite of letter no information was collected but instead filed first appeal, which was disposed on 22/06/2018 by issuing directions to furnish information.

It is further contended by PIO that as per order dated 22/06/2018 the information was offered by it was not collected by appellant.

3) In the course of hearing of the present second appeal the parties have no dispute that, as on date, the information as was sought, including the inspection of works, was completed. The appellant has also not prayed for any order to furnish information to him in his appeal memo. His only prayer is to penalize the PIO and compensate him. In these circumstances I find that no intervention of this commission is required to order information and only the aspect of penalty and compensation is required to be dealt with.

4) In this appeal it is nowhere the case of appellant that there was refusal by PIO to receive application or denied the request for information. Though it is contended by appellant

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that information as was offered was incomplete there is no clarity as to which one is incomplete. The only contention of appellant is that the PIO has failed to furnish the information within time.

5) Sub Section (1) of section (7) requires the PIO to dispose the request of seeker within 30 days. Disposal of request may result in furnishing of information on payment of fees or rejection of request on grounds as mentioned in sections (8) and/or (9). In the present case the PIO has disposed the request on about 29<sup>th</sup> day by deciding to furnish information for which inspection was offered and communicated by letter, dated 09/05/2018. In such circumstances I find no violation of section 7(1) of the act or any other grounds as enumerated in section 20 of the act.

6) In the course of submissions of the parties it is the contention of the appellant that at serial nos. (4) and (5) of his application he wanted the site inspection and that if the site inspection which was not given.

7) In the course of arguments of PIO, it was contended by PIO that in addition to his present duties he was holding additional charge. He was therefore directed to produce related documents in support, which were accordingly submitted. On going through the said papers I find no convincing evidence to show that the concerned PIO i.e. Executive Engineer WD II was holding additional charge.

8) However considering the fact that the information, which had remained to be furnished was in the form of inspection of works, which requires the PIO to be out of office and considering this peculiar nature of information in

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the form of inspection, which may require a preparation by adjusting the regular office work a common time scale for furnishing of the records from the office and furnishing of site inspection out of office, cannot be applied.

9) While dealing with the scope of dispensing voluminous information the Hon'ble Apex Court in the case of ***Central Board of Secondary Education & another V/s Aditya Bandopadhyay*** (Civil Appeal no.6454 of 2011) has observed :

“----- The nation does not want a scenario where 75% of the staff of public authorities spends 75% of their time in collecting and furnishing information to applicants instead of discharging their regular duties. The threat of penalties under the RTI Act and the pressure of the authorities under the RTI Act should not lead to employees of a public authorities prioritizing ‘information furnishing’, at the cost of their normal and regular duties.”

10) The High Court of Punjab and Haryana in the case of Dalbir Singh V/S Chief Information Commissioner Haryana & others WP©No.18694 of 2011, wherein it is observed:

*“There appears to be no justification to deny the information on this ground. Suffice it to mention that if the records are bulky or compilation of the information is likely to take some time, the Information Officer might be well within his right to seek extension of time in supply the said information, expenses for which are obviously to be borne by the petitioner.”*

11) The ratio as laid down by Hon'ble High Court of Punjab and Haryana regarding the bulky information, which

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requires extra time by PIO would be applicable in case of site inspections, which would also involve requirement of extra time by PIO. In case the same scale for dispensation of information by site inspections is applied, it would violate the concern as expressed by Hon'ble Supreme Court of India in the case of Central Board of Secondary Education (Supra).

12) For the purpose of invoking my rights for imposing penalty, the criteria as laid down by the Hon'ble High Court of Bombay is required to be considered. *In Writ petition No. 205/2007, (Shri A. A. Parulekar, V/s Goa State Information Commission and others )* it is observed:

*"11. The order of penalty for failure is akin to action under criminal Law. It is necessary to ensure that the failure to supply the information is either intentional or deliberate."*

13) Considering the peculiar circumstance as stated above, I find no material to hold that the delay in furnishing the information was deliberate or intentional. I Therefore find no grounds to invoke my rights U/s 20 or under section 19(8) of the act to order penalty or grant compensation.

However this observations of mine shall not be construed as precedent for condoning delay in cases of inspection of works and each matter requires to be examined on case to case bases.

14) In the result the relief as prayed for by appellant cannot be granted. The appeal is disposed accordingly.

This order be communicated to parties.

Proceedings close.

Sd/-  
**(Shri. P. S.P. Tendolkar)**  
Chief Information Commissioner  
Goa State Information Commission  
Panaji -Goa

