

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

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**Appeal No.309/2018/SIC-I**

Shri Uday m. Rege,  
IDC Retired Staff Welfare Association,  
C/o Dr. Uddhav Pawar, Flat No. 244,  
Landscape Pinto Park, Behind Reliance world,  
Campal, Panaji Goa.

....Appellant

V/s

1) General Manager Cum  
First Appellate Authority,  
Shri Ajay R. Gaude(GCS),  
Goa Industrial Development Corporation,  
Corporate Office, Plot No.13A-2,  
EDC Complex, Patto Plaza,  
Panaji Goa.

2) Dy. General Manager(A) cum  
The Public Information Officer,  
Shri Caetano F. Sequeira,  
Goa Industrial Development Corporation,  
Corporate Office, Plot No.13A-2,  
EDC Complex, Patto Plaza,  
Panaji Goa.

....Respondents

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

Filed on: 24/12/2018  
Decided on: 11/02/2019

**ORDER**

1. By this appeal the Appellant assails the order dated 29/10/2018, passed by the Respondent No. 1, First Appellate Authority (FAA), in first appeal No. FAA/09/2018/3913 filed by the Appellant herein.
2. The brief facts which arises in the present appeal are that the Appellant Shri Uday Rege vide his application dated 10/9/2018 had sought information as listed at serial No. 1 to 6 therein. The said information was sought from the PIO of the office of Goa Industrial Development Corporation, in exercise of appellant's right under sub-section (1) of section 6 of Right to Information Act, 2005.
3. It is the contention of the appellant that respondent No. 1 PIO vide letter dated 9/10/2018 requested him to deposit Rs. 88/- toward

the documents at point no. 2 ,3 and 5 and also informed him that rest of the points will be provided by PIO(Accounts).

4. It is the contention of the appellant that accordingly he made payment on 9/10/2018 and receipt to that effect have been issued by the cashier of the Goa Industrial Development Corporation.
5. It is the contention of the appellant that the Respondent No. 2 PIO vide letter dated 9/10//2018 provided him incomplete information at point no. 2,3,and 5, hence he preferred first appeal on 15/10/2018 before the Respondent no. 1 herein interms of section 19(1) of the Right To Information Act, 2005.
6. It is the contention of the appellant that PIO (Accounts)vide letter dated 26/10/2018 provided him information at point No. 1,2,and 6 which according to him was also incomplete.
7. It is the contention of the appellant that the Respondent No. 1 First appellate authority by an order dated 29/10/2018 disposed his first appeal by upholding the say of PIO and coming to the conclusion that all the information has been furnished to the appellant as per the available office records. No any further relief was granted to the appellant by the First appellate authority. It is his further contention that neither any of the PIO nor first appellate authority did mention about information at point No. 4.
8. Being not satisfied with the order dated 29/10/2018 passed by Respondent No.1 First appellate authority and reasoning given by Respondent No.1 First appellate authority, the Appellant approached this Commission on 24/12/2018 on the ground that incomplete information has been furnished to him by Respondent no. 2 PIO.
9. In this back ground the appellant has approached this commission with a prayer for directions to Respondent No. 2 PIO for furnishing correct and complete information as sought by him vide his application dated 10/9/2018 and for invoking penal provision against both the Respondents.

10. In pursuant of notice of this commission, appellant appeared in person. Respondent No.1 first appellate authority was initially represented by Shri Ramkrishna Thakur and Respondent No. 2 PIO Shri Caetano Sequeira was present alongwith APIO Shri H.M Bhatker.
11. Reply filed by Respondent No. 2 PIO on 4/2/2019 alongwith the enclosures thereby also providing information at point No. 2, 3, 5 and 6. No reply came to be filed on behalf of Respondent no. 1 first appellate authority.
12. Copy of the reply of Respondent no. 2 PIO alongwith the copies of the information was provide to the appellant herein. Respondent no. 2 fairly admitted of not having furnished him one document earlier however according to him it remained due to oversight. On verification of the information furnished to him by Respondent no. 1 appellant submitted that the pay scale of the officer on the deputation as sought by him at point No. 2 have not been furnished to him so also the information at point no.1 and 4 .
13. The Respondent no. 2 submitted that the information regarding pay scale and information at point No. 1 and 4 is not available in his section and the same pertains to the account section and there is a designated PIO to the said section. He further submitted that Shri H.M Bhatker who is presently officiating as APIO was designated earlier as PIO of Account Section.
14. The APIO Shri H.M. Bhatker undertook to furnish the remaining information to the appellant pertaining to account section and accordingly the same was furnished to the appellant on 11/2/2019.
15. The appellant on verification of the same submitted that the same has been furnished as per his requirement and as was sought by him. However according to the appellant Respondent no.2 ought to have transferred his application to the PIO (Accounts) within 5 days

interms of section 6 (3 ) of RTI Act and the Respondent no. 2 PIO ought to have collected the information from PIO(accounts) for the purpose of furnishing him within 30 days from the receipt of the request letter.

16. The Respondent no. 2 PIO submitted that as per their office procedure the RTI Application are inwarded and handed over to dealing clerk who inturn forwards the same to the PIOs of respective sections, and the PIOs of respective section deals with the same as per law .
17. Since now the complete information has been furnished to the appellant no further intervention of this commission is required for the purpose of furnishing the same and as such prayer "A" becomes infractuas.
18. On perusing of the records it is seen that the Respondent No. 2 PIO was diligent in his duties under the RTI Act and has responded the said application well within stipulated time of 30 days . There was no denial from his side to provide the available information.
19. The appellant has also sought for disciplinary action as against Respondent No. 1 first appellate authority. The same does not warrant in the facts and circumstances of the present case as the records shows that the appropriate order was passed by the Respondent no.1 first appellate authority on 29/10/2018 well within stipulated time as contemplated u/s 19(1). Be that as it may, as per the provisions of the RTI Act, only the PIO can be penalized u/s 20 and not the First Appellate authority.
20. The facts of the present case doesn't warrant levy of penalty on the respondents as there is no sufficient and cogent evidence on records exhibiting their malafides.
21. In the above given circumstances and as discussed above the reliefs sought by the appellant for invoking penal provisions cannot be granted.

Appeal disposed accordingly. Proceedings stands closed.

Notify the parties.

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.

Pronounced in the open court.

Sd/-

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