

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

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**CORAM: Shri Juino De Souza: State Information Commissioner**

**Appeal No.83/2019/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. The First Appellate Authority,  
Superintending Engineer,  
Central Planning Organization, CPO)  
Water Resources Department,  
Sinchai – Bhavan, Porvorim- 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 30/11/2018 sought certain information under section 6(1) of RTI Act, 2005 from the Respondent PIO, The Executive Engineer, Works Div.II Water Resources Department, Rawanfond Goa at eleven points.
2. The Appellant is *inter alia* seeking information to Inspect the entire file including the bills prepared for the work of desilting of Campco lake in Colva and for copy of the quotation received to prepare estimate for the work of supply and installation of Solar Fountain type submersible pump Aerator and Solar Wave Aerator at Baina Tank at Sasmollem Baina in Vasco Constituency and copies of the acceptance letter and work orders placed on various agencies whose quoted rates were more than 20% below the estimated cost put to tender w.e.f 01.01.2013 till date, copies of all the bills prepared and certified by the Engineer for all works which were quoted more than 20% below the estimated cost put to tender w.e.f 01.01.2013 till date and other such related information as contained in RTI Application therein. ..2

3. It is the case of the Appellant that no reply was furnished by the PIO within mandatory 30 days period and as such the Appellant wrote a letter to the PIO dated 01/01/2019 to furnish the entire information free of cost as the 30 days period has expired.
4. It is further seen that the Appellant thereafter filed a First Appeal dated 15/01/2019 and the First Appellate Authority (FAA) after issuing the notices to the parties fixed the matter on 04/02/2019 and disposed off the First Appeal vide his Order dated 27/02/2019 by holding that the information sought by the RTI application was furnished by the PIO during the hearing on 25/02/2019 and confirmed by the Appellant.
5. The Appellant thereafter 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 was after the mandated 30 days period and was furnished in the presence of the First Appellate Authority during the hearing held on 25/02/2019 and thereby the Appellant putting the great hardship and has prayed to imposed 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. **SUBMISSION:** At outset Shri. Ankush Gaunker submits that after receiving the RTI Application dated 30/11/2018 an intimation was sent to the Appellant vide letter no. WRD/WDII/ADM/F.311/405/2018-19 dated 21/12/2018 by ordinary post informing the Appellant to deposit Rs. 240/- and collect the certified Xerox copies of the documents. It is also stated that vide letter No. WRD/WDII/ADM/F.311/414/2018-19 dated 28/12/2018 information was furnished in tabulation form.

8. It is further submitted that the Appellant vide his letter dated 01/01/2019 addressed to the PIO communicated to provide the information free of cost as the mandated 30 days period is over. Shri. Ankush Gaunker argues that the Appellant thereafter had filed a First Appeal dated 15/01/2019 and the First Appellate Authority (FAA) after issuing the notices to the parties disposed off the First Appeal vide his Order dated 27/02/2019 holding that the information has been received by the Appellant during the hearing on 25/02/2019 and confirmed by the APPELLANT. Shri. Ankush Gaunker requests to dispose the Appeal.
9. **FINDINGS:** The Commission after perusing material on the records and hearing the submissions of the respondent PIO finds that the PIO has furnished all information as was available at all 11 points in tabulation form vide letter no. WRD/WDII/ADM/F.311/414/2018-19 dated 28/12/2018.
10. The Commission also finds that after receiving the RTI Application dated 30/11/2018 a intimation was sent to the Appellant by the PIO vide letter no. WRD/WDII/ADM/F.311/405/2018-19 dated 21/12/2018 by ordinary post informing the Appellant to deposit Rs. 240/- and collect the certified Xerox copies of the documents. The Commission further finds that information was also furnished by the PIO during the hearing held at the level of the FAA on 25/02/2019 and which is confirmed by the Appellant in his appeal memo. The Commission finally finds that there is a detailed reply filed by the PIO alongwith enclosure on 15/07/2019 confirming the facts which is on record of the file.
11. **DECISION:** 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 on 25/02/2019 and which is admitted by the appellant in his appeal memo. Also the Appellant was informed by the PIO vide letter no. WRD/WDII/ADM/F.311/405/2018-19 dated 21/12/2018 sent by ordinary post to deposit Rs. 240/- and collect the certified Xerox copies of the documents.

12. Therefore it is unfair on the part of the Appellant to subsequently press for penalty. 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).*

**No intervention is therefore required with the order of the FAA.**

13. 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).
14. 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 25/02/2019 and information was also furnished in tabulation form vide letter no WRD/WDII/ADM/F.311/414/2018-19 dated 28/12/2018 within the mandated 30 days period after receipt of the RTI application 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**