

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

---

**Complaint No. : 40/2019/SIC-I**

Mr. Nitin Y. Patekar,  
Oshalbag, Dhargal,  
P. O. Colvale,Goa.

..... Complainant

v/s

1. Public Information Officer,  
O/o Directorate of Panchayat,  
Junta House, Panaji-Goa.

2. First Appellate Authority,  
Directorate of Panchayat,  
Junta House, Panjim-Goa

..... Respondent/Opponent

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

Filed on: 26/04/2019

Decided on: 19/8/2019

**ORDER**

1. The facts leading to the present Complaint are that the Complainant Mr. Nitin Y. Patekar by his application dated 7/01/2019, filed under section 6(1) of Right To Information Act, 2005 sought information on point (a) to (o) as stated therein the said application pertaining to file ref. No. 15/6/DP/Est/post /VPS/08/6238 dated 29/12/2008.
2. According to the Complainant the said application was replied on 25/01/2019 interalia offering him information on payment of total Rs 22 towards photo copy charges.
3. According to the Complainant the information which was furnished to him by Respondent No. 1 Public Information Officer (PIO) was not certified and attested and as such he filed first appeal on 28/02/2019 before the Respondent No.2, Directorate of Panchayat in terms of section 19(1) being first appellate authority, who issued notice to the parties but no order is passed by the said authority till date. According to the Complainant he being aggrieved by the action of both the

Respondents has been forced to approach this Commission by way of present Complaint.

4. In this background the Complainant approached this Commission with the present Complaint interms of section 18 of the Right To Information Act with the prayer to provide information duly attested and for taking disciplinary action against both the Respondents under the service rule.
5. Notice of this Complaint was issued to parties. Pursuant to which the Complainant initially opted to remain absent. Ms. Anjali Shirodkar appeared on behalf of Respondent PIO and placed on record on 5/07/2019 the reply of Respondent PIO alongwith enclosures. Respondent No.2 opted to remain absent. Copy of the reply of Respondent no. 1 could not be furnished to the Complainant on account of his continuous absence.
6. Vide reply PIO contended that the RTI application of the Complainant was responded by him on 21/01/2019. It was further contended that the Respondent No.2 First Appellate Authority (FAA) vide Order dated 2/04/2019 have dismissed the first appeal by upholding the say of PIO.
7. I have scrutinised the records available in the file.
8. Section 7(9) of the Act requires the information to be furnished ordinary in the form in which it is sought said section 7(9) reads:

"7. Disposal of request.\_\_\_\_(1) .....

(9) An information shall ordinarily be provided in the form in which it is sought unless it would disproportionately divert the resource of the public authority or would be detrimental to the safety or preservation of the record in question."
9. Considering the above requirement, in case the seeker seeks the information in form of simple copies, then they should be

provided in the said form and in case his requirement is in the form of certified copies, the simple thing required from the Public Information Officer is certification of such copies indicating that those documents are issued under the RTI Act, 2005.

10. This above observation of mine are based on the ratio laid down by the Hon'ble High Court of Kerala Ernaculam in writ petition No. 31947 of 2013, John Numpeli (junior) V/s the Public Information Officers and others.
11. On perusal of the application of the Complainant dated 7/01/2019, it is seen that the Complainant has sought simple copies of the documents. Nowhere there is reference to provide him certified copies of the information.
12. Be that as it may be: in a Complaint case the onus lies on the party to prove the facts which are averred by complaint. Though the complainant have approached this commission with his grievance of non furnishing of certified copies of the documents to him. However no any documents/information furnished to him by Respondent PIO is placed on record by him to substantiate his contention. As such the commission was not able to verify the information and was unable to find out whether PIO has done certification of such copies indicating that those documents are issued under the RTI Act,2005. Hence in absence of such documents drawing of any conclusion that the Complainant has been furnished with non certified copies of the information would be premature.
13. Never the less the Respondent PIO vide him additional reply dated 12/7/2019 placed on record certified copies of the information. The same were collected by the complainant on 19/8/2019. Since the certified copy of the information now been

provided to the complainant prayer- 2 of the memo of appeal becomes infructuas.

14. The complainant also submitted that he is not pressing for penal provision and accordingly endorsed his say on the memo of appeal .

In view of the submission and endorsement made by the complainant I find no reasons to proceed with the matter. Hence complaint 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