

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

CORAM: Shri Juino De Souza: State Information Commissioner

Appeal No. 215/2019/SIC-II

Mr. Uday B. Vaigankar,
Khalchawada, Harmal,
Pernem – Goa.
403524.

..... Appellant

v/s

1. The Public Information Officer,
O/o. Executive Engineer, PWD
Works division XIII(Roads),
Mapusa-Goa 403512.
2. The First Appellate Authority,
O/o. SSW, PWD
Altinho, Panaji Goa. 40300.

..... Respondents

Relevant emerging dates:

Date of Hearing : 13-01-2020
Date of Decision : 13-01-2020

ORDER

1. **Brief facts** of the case are that the Appellant vide an RTI application dated 11/03/2019 sought certain information at five points u/s 6(1) of the RTI Act, 2005 from the Respondent PIO, O/o the Executive Engineer, PWD, DIV.XIII, Mapusa Goa.
2. The information pertains to reply bearing No.PWD/WD XIII (R) /Adm-45/19-20/28 dated 18/02/2019 and the Appellant is seeking information regarding (1) date/s on which encroachments noted/checklist filed on MDR-18 since 01/01/2002 (2) status of such list forwarded of encroachments mentioned in point no.4 (3) furnish various complaints filed against such encroachments since 01/01/2002 (4) furnish objections raised to oppose removal of encroachments since 01/01/01/2002 (5) All details of Land acquisition process (except ROAD MAP Plan) of MDR-18 till date.
3. The PIO informed the Appellant by letter No.PWD/WD XIII (R)/Adm-45/19-20/28 dated 05/04/2019 to pay an amount of Rs.26/- towards Xeroxing and collect the information. It is seen that the Appellant has paid Rs.26/- by receipt No.85 dated 09/04/2019 and collected the information.

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4. It is seen that the PIO thereafter vide letter No.PWD/WD XIII (R)/Adm-45/19-20/46 dated 09/04/2019 has furnished the information with respect to point No.1, 2, 3 & 4 by enclosing the list in Annexure 1,2,3, & 4 and in point No.5, the PIO stated that since the information is voluminous, the Appellant may approach the Office of the PIO with prior appointment to inspect the required documents.
5. Not satisfied with the fact that the PIO, has not furnished information at point No.5, the Appellant filed a First Appeal on 26/04/2019 and the First Appellate Authority (FAA) vide an Order dated 07/05/2019 has stated in the last paragraph thus: Even though the Appellant visited the office, but he failed to mark the number of copies required. As on hearing, the Appellant asked for all the copies of the file and the Authority is hereby ordered to issue the copies within 3 days after payment made by the Appellant.
6. It is further seen that pursuant to the Order of the First Appellate Authority, the PIO has sent a further letter to the Appellant on 04/06/2019 informing to pay an amount of Rs.7,408/-towards photocopying charges and collect the Xerox documents and that Xerox documents will be issued within 3 working days after paying the amount.
7. Being aggrieved with the Order of FAA and the letter of the PIO dated 04/06/2019 calling upon the Appellant to pay an amount of Rs 7408/-, the Appellant has approached the Commission by way of Second Appeal registered on 08/07/2019 and has prayed to directed the PIO to furnish information to the Appellant free of cost and for other such reliefs.
8. **HEARING:** During the hearing the Appellant Mr. Uday B. Vaigankar is absent. The Respondent PIO is represented by Shri. Shivnath Gawas, Technical Assistant, Sub Division I, Works Div.XIII, PWD Mapusa. Shri. Deelip Khaunte, Surveyor of Works, is present on behalf of FAA.

9. **SUBMISSION:** At the outset the representative for the Respondent PIO, Shri. Shivnath Gawas submits that the Appellant was informed in point No.5 that the information sought is voluminous and that he should take inspection and further the Appellant had visited the office and inspected the file but he has not marked the information documents required.
10. It is further submitted that the Appellant has also paid an amount of Rs.26/-and collected information documents at points No.1,2,3 &4 which was furnished to him in Annexure 1, 2, 3, & 4. It is also submitted that the Appellant had filed a First Appeal and the First Appellate Authority has directed to furnish information on payment and pursuant to which the PIO had addressed letter dated 04/06/2019 to the Appellant calling upon the appellant to pay an amount of Rs.7,408/- and after receiving the payment, the information would be furnished on 3 working days.
11. Shri Shivnath Gawas finally submits that the Appellant has neither paid the amount and come forward to collect the information but has instead filed a Second Appeal.
12. **FINDINGS:** The Commission after hearing the submission of the representative for the PIO and perusing the material on record finds that the FAA in his order had directed the PIO to issue the copies of all documents in the file within 3 days after payment is made by the Appellant and pursuant to which the PIO had sent a letter to the Appellant on 04/06/2019 calling upon to pay an amount of Rs.7,408/- and collect the Xerox documents.
13. The Appellant in his Appeal memo has stated that the time limit to furnish the information as prescribed in the Act has lapsed and thus wants the information free of cost. However the Commission finds that it is not the case. The PIO had given a timely reply dated 05/04/2019 within 30 days period after receiving the RTI application dated 11/03/2019 and thus there is no delay. ...4

14. The Commission also finds that the Appellant had inspected the documents but did not mark or state which documents that he requires to be furnished, on the contrary before the FAA, the Appellant stated he wants all the documents contained in the file and accordingly the FAA ordered toe PIO to issue the same on payment.
15. **DECISION:** No interference is required with the Order of First Appellate Authority (FAA). The Commission comes to the conclusion that the Appellant is not entitled to receive the information free of cost and is directed to pay the amount of Rs.7,408/- as per the intimation sent by the PIO on 04/06/2019 and collect the information after making the payment, if he so desires.
16. In such an event the PIO shall proceed to take Xerox copies of information documents only after verifying that the payment for the same amounting to Rs.7,408/- has been received and has been by the Appellant. Consequently the reliefs sought by the Appellant in his prayer are rejected.

With these directions the Appeal case stands disposed.

All proceedings in Appeal case stands closed. 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**