

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

Tel No. 0832-2437908/2437208 email: [spio-gsic.goa@nic.in](mailto:spio-gsic.goa@nic.in) website: [www.gsic.goa.gov.in](http://www.gsic.goa.gov.in)

---

**Appeal No.223/2020/**

Shri Shubham Sawant,  
H.No.143, Sawantwado,  
Mandrem, Pernem-Goa.  
403512

.....Appellant

V/S

1.Public Information Officer  
Agarwada-Chopdem Village Panchayat,  
Agarwada, Pernem Goa.

2.First Appellate Authority  
Block Development Office,  
Pernem-Goa

.....Respondents

**Shri. Vishwas R. Satarkar**

State Chief Information Commissioner

**Filed on: 28/12/2020**

**Decided on: 29/07/2021**

**FACTS IN BRIEF**

- a) The Appellant herein by his application dated 19/09/2020, filed under Sec 6(1) of the Right to Information Act 2005 (Act for short) sought certain information from the Respondent No. 1, PIO, Secretary of V.P. Agarwada, Chopdem, Pernem Goa, in the form of (1) certified copy of all the building construction to whom NOC/ permission has been granted since 2015 (2) certified copy of the building construction project of commercial development to whom NOC / permission has been granted (3) certified copies of how many resolutions have been passed to give NOC to various project from 2015 and (4) certified copy of final account for the financial year 2015, till date.
- b) The said application was replied on 05/10/2020 by the PIO, informing the Appellant to make an advance payment of Rs. 5945/-

towards the fee of certified copies and also inform the Appellant to collect the said information after eight days from the date of receipt of an advance payment. It is also communicated to the Appellant that PIO unable to supply the E-copies format of above information due to non-availability of such facility with Public Authority.

- c) According to Appellant the information as sought was not furnished, he filed first appeal to the Respondent No.2, Block Development Officer, Pernem, being the First Appellate Authority (FAA). FAA by Order dated 13/11/2020 directed the PIO to furnish information, after receiving the necessary advance payment from the Appellant to carry out Xerox copies of requisite information.
- d) Aggrieved by the order of FAA, Appellant preferred this Second Appeal under Sec 19(3) of the Act.
- e) Notices were issued to the parties, pursuant to which PIO appeared along with his counsel Adv. P.K. Shahapurkar and filed reply dated 05/04/2021. Representative of Respondent No. 2, Shri. Mahesh Gawade appeared but opted not to file any reply in the matter. Appellant right from the beginning failed to appear, inspite of a valid service of notice.
- f) According to Appellant, both the Respondents have acted in perverse and illegal manner by refusing to furnish the information in E-copies format as sought by him in his RTI application.

The case of the Appellant is that the advance fee calculated by the PIO is without proper calculation and he was asked to deposit the advance payment of Rs. 5945/- towards information is uncorrect and direction may be issued to PIO to give details of exact number of pages and thereafter exact pricing be intimated to the Appellant.

g) On the contrary, the PIO submits that he has replied to the RTI application within stipulated time and also directed the Appellant to deposit the sum of Rs. 5945/- towards the fees of certified copy. He also submits that by his reply dated 05/10/2020, he has also made it clear that if any extra payment is made by Appellant it will be refunded back and if it is found that Appellant is still required to pay extra fee as per the calculation then Appellant will have to pay extra fee and further inform the Appellant to collect the information after 8 days from the date of receipt of advance fee.

He also placed on record the detail bifurcation of exact number of pages and calculated cost of the information which is required to be deposited. As per PIO, he has also communicated to the Appellant that his request to provide information in E-copies format cannot be considered on account of non-availability of such facility.

h) Perused the records, considered the pleadings of the parties. I have also considered the oral submission made by Adv. Shahapurkar and his written synopsis.

i) Information is defined under Sec 2(f) of the act as under

**"2. Definitions.**\_\_\_\_\_ in this Act, unless the context otherwise requires,\_\_\_\_\_

*(f) "information" means any material in any form, including records, documents, memos, e-mails, opinions, advices, press releases, circulars, orders, logbooks, contracts, reports, papers, samples, models, data material **held in any electronic form** and information relating to any private body which can be accessed by a public authority under any other law for the time being in force;*

j) While considering the extend and scope of information that could be dispensed under the act, the Hon'ble Supreme Court in the case

of: **Central Board of Secondary Education & another V/s Aditya Bandopadhyaya** (Civil Appeal no.6454 of 2011) at para 35 has observed:

*"35. At this juncture, it is necessary to clear some misconceptions about the RTI Act. The RTI Act provides access to all information that is available and existing. This is clear from a combined reading of section 3 and the definitions of 'information' and 'right to information' under clauses (f) and (j) of section 2 of the Act. If a public authority has any information in the form of data or analysed data, or abstracts, or statistics, an applicant may access such information, subject to the exemptions in section 8 of the Act. But where the information sought is not a part of the record of a public authority, and where such information is not required to be maintained under any law or the rules or regulations of the public authority, the Act does not cast an obligation upon the public authority, to collect or collate such non available information and then furnish it to an applicant. A public authority is also not required to furnish information which require drawing of inferences and/or making assumptions. It is also not required to provide 'advice' or 'opinion' to an applicant, nor required to obtain and furnish any 'opinion' or 'advice' to an applicant. The reference to 'opinion or 'advice' in the definition of 'information' in section 2(f) of the Act, only refers to such material available in the records of the public authority. Many public authorities have, as a public relation exercise, provide advice, guidance and opinion to the citizens. But that is purely voluntary and should not be confused with any obligation under the RTI Act."*

- k) Applying the above observation of the Hon'ble apex court under the Act, the PIO is expected to furnish the information as it exists. The Appellant expected that the PIO should collect and convert it into E-copies format and then supply to him. Such expectation appears to be true and necessary but the information is not held in the e-copy format and hence not available for dissemination with the PIO as on today. PIO is not expected nor can be called upon to collect or collate the information as it sought by the seeker.
- l) No doubt in the ordinary course section 7(9) of the Act requires the information to be furnished in the form in which it is asked. However PIO is also granted a discretion to act otherwise in case it is divert the resources. In the present case the PIO has offered the same in the available form and expressed his inability to provide the same in E-copies format due to lack of resources.
- m) In the case in hand, Appellant filed the RTI application on 19/09/2020 same is replied by the PIO on 05/10/2020 therefore PIO acted within stipulated period. The PIO did not deny the information sought by the Appellant, but has made reference to make the advance payment of Rs. 5945/- towards the fees towards certified copies in respect of information sought. Besides, PIO in his reply has clearly mentioned that the request to provide information in E-copies format cannot be considered on account of non-availability of such facilities.
- n) In the background of above fact, I find that there is no denial of information by the PIO. It is the duty of PIO to see that under the garb of supplying information no loss is caused to the public exchequer. The cost of the information should be charged and accounted and in that direction to ensure that Public monies are not wasted on Xeroxing and copying the information unless such cost is deposited by the seeker.

- o) Commission does not find any fault in the conduct of the PIO, the approach of the PIO is bonafide and genuine.
- p) In the above circumstances, I am unable to consider the relief as sought by the Appellant as I find no merit in the Appeal.

## **O R D E R**

The appeal is dismissed.

Proceedings closed.

Pronounced in the open court.

Notify the parties.

Sd/-

**(Vishwas R. Satarkar)**  
State Chief Information Commissioner