

GOA STATE INFORMATION COMMISSION

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Shri. Sanjay N. Dhavalikar, State Information Commissioner

Appeal No. 126/2022/SIC

Nazareth Baretto,
R/o. H.No. 126, Borda,
Margao, Salcete-Goa 403602.

-----Appellant

v/s

1.The Public Information Officer,
Office of the Deputy Collector and S.D.O.,
Salcete,
Matanhy Saldhana Administrative Complex,
Margao-Goa.

2. The Additional Collector-I,
First Appellate Authority,
South Goa District,
Margao-Goa.

-----Respondents

Relevant dates emerging from appeal:

RTI application filed on	: 22/07/2021
PIO replied on	: 17/08/2021
First appeal filed on	: 22/09/2021
First Appellate Authority order passed on	: 24/02/2022
Second appeal received on	: 09/05/2022
Decided on	: 21/11/2022

ORDER

1. The second appeal filed under Section 19(3) of the Right to Information Act, 2005 (hereinafter referred to as the 'Act'), against Respondent No. 1, Public Information Officer (PIO) and Respondent No. 2, First Appellate Authority (FAA), came before the Commission on 09/05/2022.
2. The brief facts of the appeal, as contended by the appellant are that vide application dated 22/07/2021 he had sought from the PIO information of four points. PIO, vide reply dated 17/08/2021 requested the appellant to collect information on point no. 1 after paying requisite charges and with respect to information on point no. 2, 3 and 4 appellant was requested to quote relevant file number. Presuming that the information is denied, appellant filed appeal before the FAA. FAA vide order dated 24/02/2022 disposed the appeal directing the PIO to furnish the information on point no. 2, 3 and 4 on the payment of required fees. Being aggrieved, appellant appeared before the Commission.

3. Pursuant to the notice, Shri. Abhishek A. Naik, Awal Karkun appeared on behalf of the PIO under authority letter and filed reply dated 10/06/2022. Appellant appeared in person, filed written arguments on 19/07/2022.
4. PIO submitted that, on receipt of the application appellant was requested to make necessary payment towards information on point no. 1, accordingly appellant made payment and the information was furnished. With respect to point no. 2, 3 and 4 appellant was requested to quote relevant file number, since the records are maintained as per file number assigned. Later, appellant filed first appeal which was disposed on 24/02/2022 with a direction to PIO to furnish the information on payment of requisite fees. Accordingly, PIO vide letter dated 28/02/2022 requested the appellant to pay Rs. 35,006/- towards the information and collect the same. However, the appellant failed to appear before PIO and has not made the said payment. PIO further contended that the information is not denied by him and has replied to the appellant within the stipulated period, as provided under the Act.
5. Appellant while pressing for the remaining information argued that, the PIO has failed to furnish the information on point no. 2, 3 and 4 within the stipulated period and even after the lapse of 30 days time frame as prescribed in the Act. Hence, the PIO is liable for penal action under the Act. Appellant further stated that the FAA failed to appreciate the fact that the PIO has not furnished the information on point no. 2, 3 and 4 when the appellant had clearly mentioned in the application at point no. 2, 3 and 4 that the information sought is of cases pertaining to illegal conversion in village Davorlim, Salcete – Goa from the year 2017 till date, which is self explanatory, there occur no need to mention the file number separately.
6. The Commission has perused the records of the instant case. Upon careful perusal it is seen that, the appellant vide application dated 22/07/2021 had sought information on four points and the PIO had furnished the information on point no. 1 upon payment of necessary fees. With respect to information on point no. 2, 3 and 4 the appellant was requested by the PIO to quote relevant file number. However the appellant did not respond to the request and going further, filed first appeal before the FAA.

The Commission notes that, the request made by the PIO to the appellant to quote relevant file number was appropriate and in the interest of the appellant, since the information available in the

records of the PIO was voluminous. Appellant could have visited the PIO to quote relevant file number, if any, and collect the information after making the necessary payment.

During the arguments, appellant mentioned that, he was very clear in the application about the fact that he was seeking all available files from 2017 till date, hence PIO was required to provide the entire information. Even though the said argument appears to be logical, the Commission is of the opinion that, the appellant could have conveyed the PIO that he is seeking all available files from 2017 till date. He could have conveyed this to the PIO at the time of making payment against information at point no. 1 of the application.

It is seen that the PIO had not denied the said information, nor had expressed inability to trace the documents. It was upto the appellant to communicate regarding the files he was seeking from the PIO, make required payment and collect the information. However, he failed to take appropriate action and preferred to file appeal before the FAA and later before the Commission.

7. The FAA, while disposing the first appeal has rightly held that, the information on point no. 2, 3 and 4 is required to be furnished on payment of necessary fees. Also, the PIO had issued a letter dated 28/02/2022 to the appellant requesting him to make payment and collect the copies of the information, as directed by the FAA. Hence, it is seen that it was appellant who failed to respond to PIO's letter and PIO cannot be held guilty for the failure of the appellant to take appropriate action.
8. In the light of above discussion, the Commission concludes that the instant appeal is devoid of merit. Hence, the same is disposed as dismissed. However, the appellant, if wishes, may collect the information on point no. 2, 3 and 4 sought vide application dated 22/07/2022, after making necessary payment, from the PIO within 30 days from the receipt of this order.

Proceeding stands closed.

Pronounced in the open court.

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.

Sd/-

Sanjay N. Dhavalikar

State Information Commissioner
Goa State Information Commission
Panaji - Goa