

GOA STATE INFORMATION COMMISSION

“Kamat Towers” 7th Floor, Patto Plaza, Panaji, Goa – 403 001

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Shri. Sanjay N. Dhavalikar, State Information Commissioner

Appeal No. 242/2022/SIC

Shri. Tukaram Appa Patil,
R/o. Sunshine Hills A5/408,
Jagdamba Bhavan Marg,
Nr. Bricks Institute,
Pisoli-Pune (M.H.),
411060.

-----Appellant

v/s

1. Public Information Officer,
O/o. Goa State Human Rights Commission,
Old Education Department Building,
1st Floor, 18th June Road,
St. Inez, Panaji-Goa, 403001.

2. First Appellate Authority,
The Secretary,
O/o. Goa State Human Rights Commission,
Old Education Department Building,
1st Floor, 18th June Road,
St. Inez, Panaji-Goa, 403001.

-----Respondents

Relevant dates emerging from appeal:

RTI application filed on	: 13/06/2022
PIO replied on	: 28/06/2022
First appeal filed on	: 20/07/2022
First Appellate Authority order passed on	: 24/08/2022
Second appeal received on	: 15/09/2022
Decided on	: 12/12/2022

ORDER

1. The brief facts of this appeal are that the appellant vide application dated 13/06/2022 filed under Section 6 (1) of the Right to Information Act, 2005 (hereinafter referred to as the 'Act') had sought from Respondent No. 1, Public Information Officer (PIO), certain information. It is the contention of the appellant that he did not receive information from the PIO, hence, filed appeal before the Respondent No. 2, First Appellate Authority (FAA). Being aggrieved by the order of the FAA, he has appeared before the Commission by way of second appeal.
2. The concerned parties were notified and pursuant to the notice, Shri. Umesh Desai, PIO appeared in person. PIO filed reply on 11/10/2022 alongwith enclosures and later, submission dated 14/11/2022 was received in the registry from the PIO. Appellant did not appear before the Commission. Nevertheless, Rule 7 (2) of the

Goa State Information Commission (Appeal Procedure) Rules, 2006 allows appellant to opt not to be present. Accordingly, the matter is heard and decided on merit, in the absence of the appellant.

3. PIO stated that, after compilation of the information, vide reply dated 28/06/2022 sent by Registered post A.D., he requested the appellant to pay the requisite charges and collect the information. The said reply was issued within the stipulated period as provided under the Act. However, appellant thereafter had not made any communication before the PIO. PIO further contended that he had never denied the information and was ready and willing to abide by the direction of the Commission in order to furnish the information to the appellant.
4. Appellant submitted that he is a senior citizen having age of 71 years, presently residing at Pune and not in a position to attend the hearing in person. That, alongwith the application, he had sent Indian Postal Order (I.P.O.) of Rs. 10/- payable to the authority, however PIO did not accept the I.P.O. and has not furnished the information. Appellant further submitted that appropriate instructions may be issued to PIO to provide the information.
5. Upon perusal of the records, it is seen that the appellant alongwith the application had sent I.P.O. of Rs. 10/- payable to the authority, i.e. Goa Human Rights Commission. PIO did not accept the said I.P.O. and the appellant did not communicate with him after his reply. PIO had issued reply to the appellant well within the stipulated period of 30 days, and was ready to furnish the information after payment of Rs. 4/- towards the charges of the documents. In the meanwhile, appellant preferred first appeal and later second appeal as he was aggrieved by the order of the FAA.
6. During the hearing on 08/11/2022, the Commission directed the PIO to accept the amount of charges by any other means instead of insisting on cash payment from the appellant, since the appellant is residing in Pune and unable to visit PIO's office in person due to his age. Accordingly, PIO vide submission dated 14/11/2022 has submitted that the appellant may make payment of Rs. 4/- to the authority by way of Postal Order in the name of PIO, Goa State Human Rights Commission, alongwith Registered A.D. charges of Rs. 25/- or ordinary postage charges of Rs. 5/- and after receiving the payment he shall furnish the information to the appellant.

7. It is noted that the PIO had never denied the information to the appellant. He had replied to the appellant within the stipulated period. Furnishing of the information was delayed only because there was no clarity on the mode of payment. Hence, the Commission concludes that the appellant is required to make the requisite payment as suggested by the PIO and PIO shall furnish the requested information to the appellant.
8. In the background of the above discussion the present appeal is disposed with the following order:-
 - a) Appellant, if desires to get the information sought vide application dated 13/06/2022, shall pay charges of Rs. 4/- for the documents and Rs. 25/- for Registered A.D or Rs. 5/- for ordinary postage, by way of Postal Order in the name of PIO, Goa State Human Rights Commission, within 15 days from the receipt of this order.
 - b) PIO is directed to dispatch the information sought by the appellant vide application dated 13/06/2022, within four days from the receipt of the Postal Order, as mentioned above at para (a), to the postal address of the appellant and file compliance report before the Commission within seven days from the date of dispatch.

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

