

**GOA STATE INFORMATION COMMISSION**

“Kamat Towers” 7<sup>th</sup> Floor, Patto Plaza, Panaji, Goa – 403 001

Tel: 0832 2437880 E-mail: [spio-gsic.goa@nic.in](mailto:spio-gsic.goa@nic.in) Website: [www.scic.goa.gov.in](http://www.scic.goa.gov.in)

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**Shri. Sanjay N. Dhavalikar**, State Information Commissioner

**Appeal No. 80/2022/SIC**

Shri Vilas Vishwanath Naik,  
H.No. 133 (3) Nachnolwada,  
Advalpal Post,  
Assonora-Goa 403503.

-----Appellant

**v/s**

The Public Information Officer,  
Shri. Sandesh T. Chodankar,  
Sub-Divisional Police Officer,  
Bicholim-Goa 403504.

2. The First Appellate Authority,  
Shri. Shobit Saksena, IPS,  
Superintendent of Police (North),  
Porvorim-Goa 403521.

-----Respondents

**Relevant dates emerging from appeal:**

RTI application filed on	: 07/10/2021
PIO replied on	: 08/11/2021
First appeal filed on	: 19/11/2021
First Appellate Authority order passed on	: 27/01/2022
Second appeal received on	: 10/03/2022
Decided on	: 19/09/2022

**ORDER**

1. The appellant, vide application dated 07/10/2021 filed under Section 6 (1) of the Right to Information Act, 2005 (hereinafter referred to as the 'Act') had sought certain information on three points from Respondent No. 1, Public Information Officer (PIO). Aggrieved by the action of the PIO and Respondent No. 2, First Appellate Authority (FAA), he filed second appeal before the Commission.
2. The contention of the appellant is that the PIO neither furnished information, nor rejected the appeal within the stipulated period, hence he preferred first appeal before the FAA. He received a letter dated 08/11/2021 by hand delivery from the PIO on 22/11/2021 with a request to collect the information after paying Rs. 508/-. However, he received the said letter after the expiry of stipulated period and in the meanwhile, he had already filed the first appeal. FAA disposed

the appeal asking appellant to collect the information after paying necessary charges. Not satisfied with the said order, appellant approached the Commission by way of second appeal.

3. Pursuant to the notice, PIO appeared on 12/04/2022 and filed reply. Another submission was filed on behalf of the PIO on 16/06/2022. FAA was represented by authorized representative, filed reply on 16/06/2022. Appellant appeared in person and filed his say on 18/04/2022, written arguments on 21/04/2022 and submission on 06/07/2022.
4. PIO stated that, intimation was sent to the appellant through Police Inspector of Bicholim Police Station, to collect the information, however the appellant has not collected the documents from PIO's office. FAA had ordered that the appellant may collect the information after paying requisite charges. PIO further stated that he had never denied the information.
5. FAA stated that, after due hearing he had passed the order stating that, since the intimation letter was sent to the appellant within the prescribed time limit, the appellant may collect the information after paying the charges for the documents.
6. Appellant submitted that, he received the letter sent by PIO by hand delivery on 22/11/2021, after the stipulated period was over, asking him to pay Rs. 508/- and collect the information. Similarly, the first appeal was decided by the FAA after the expiry of the mandatory period of 45 days. Therefore, he did not pay the charges and prays for the complete information free of charges.
7. Upon perusal, it is seen that, the appellant vide application dated 07/10/2021 had requested for the information. PIO vide reply dated 08/11/2021 intimated appellant to pay Rs. 508/- and collect the information. The appellant contends that he received the said reply on 22/11/2021, hence he is not required to pay the charges for the information. PIO has not denied this contention of appellant that he

received the reply on 22/11/2021 and that appellant has written the date on the acknowledgement.

8. The Commission finds that the PIO had issued the reply (08/11/2021) after the expiry of the stipulated period of 30 days and the appellant received the said reply after further delay (22/11/2021), though the delay is not substantial. However, since the reply was issued by the PIO after the expiry of the stipulated period provided by the law, the appellant is eligible for receiving the information free of charge.
9. Appellant has prayed for information and imposing penalty on the PIO for not furnishing the information. However, it is noted that the PIO at no point had denied the information. The conflict between the appellant and PIO is only on paying the charges for the documents. Since the Commission finds no malafide intention on the part of the PIO, holds that there is no need to invoke Section 20 for penal action against the PIO.
10. In the light of above discussion, the appeal is disposed with the following order:-
  - a) PIO is directed to furnish the information sought by the appellant vide application dated 07/10/2021, within 10 days from receipt of this order, free of cost.
  - b) All other prayers are rejected.

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