

GOA STATE INFORMATION COMMISSION

'Kamat Towers', Seventh Floor, Patto, Panaji –Goa

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Complaint No. 07/2022/SCIC

Shri. Ramesh S. Kerkar,
R/o. H.No. 3/15, Muddawadi,
Saligao, Bardez-Goa 403511.

.....Complainant

V/S

Ms. Pravisha Bhonsle,
Public Information Officer,
V.P. Secretary,
Village Panchayat Saligao,
Bardez-Goa 403511.

.....Opponent

Shri. Vishwas R. Satarkar

State Chief Information Commissioner

Filed on: 24/02/2022

Decided on: 25/11/2022

ORDER

1. The Complainant, Shri. Ramesh S. Kerkar r/o. H. No. 3/15, Muddawadi, Saligao, Bardez-Goa, by his application dated 22/10/2021 filed in the office of the Block Development Officer, Mapusa Goa under sec 6(1) of the Right to Information Act, 2005 (hereinafter to be referred as 'Act'), sought certain information.
2. The office of the Block Development Officer (BDO) Mapusa transferred the said application to the other Public Information Officer (PIO) i.e. Village Panchayat Secretary, Village Panchayat Saligao, Bardez-Goa under Section 6(3) of the Act.
3. Since the PIO failed and neglected to respond to the RTI application within stipulated time, deeming the same as refusal, the Complainant filed first appeal before the Block Development Officer under Section 19(1) of the Act, being the First Appellate Authority (FAA).
4. The FAA by its order dated 25/01/2022 allowed the first appeal and directed the PIO to furnish the information free of cost to the applicant within 15 days.

5. Since the information provided by the PIO was incomplete and unwanted, the Complainant landed before the Commission with this complaint proceeding under Section 18(1) of the Act.
6. Notices were issued to the parties, pursuant to which PIO, Ms. Pravisha Bhonsle appeared on 12/04/2022 and furnished bunch of documents to the Complainant and submitted that she has furnished all the available information to the Complainant. However, the Complainant was not satisfied with regards to the information at point No. 1(g). The Commission directed the PIO to furnish the available information to the Complainant.
7. In the present case, it is admitted fact that, the Complainant has received the information, however, he is insisting for the penalty on the PIO for causing delay in furnishing the information.
8. It is also the grievance of the Complainant that, he has not been provided the information as per the format/ proforma provided by him, thus he alleged that the PIO has violated the provision of Section 7(9) of the Act, and submitted that he is entitled for the information as per the format/ proforma sheet provided by him. It is therefore relevant to go through the provision of Section 7(9) of the Act, which reads as under:-

"7. Disposal of request-

(9) An information shall ordinarily be provided in the form in which it is sought unless it would disproportionately divert the resource of the public authority or would be detrimental to the safety or preservation of the record in question."

On bare reading of the above provision, it is clear that, this section provides that the information has to be given in that mode or form in which the information has been sought. However, the

purported information can be given in an alternative mode or form where it will disproportionately divert the resources of the public authority. This provision does not allow the PIO to withhold the disclosure of information, it merely makes provisions for the disclosure of information in a format other than that in proforma requested by the Complainant.

9. Hon'ble High Court of Delhi in the case the **Registrar Supreme Court of India v/s Commodore Lokesh K. Batra & Ors. (LPA 24/2015)** while dealing with the identical issue, wherein, the specific case of the PIO that no data is maintained by the public authority in the manner as sought by the Appellant, the Court has held as under:-

"15..... As already noticed above, "right to information" under Section 2(j) means only the right to information which is held by any public authority. We do not find any other provision under the Act under which a direction can be issued to the public authority to collate the information in the manner in which it is sought by the applicant."

10. The Central Information Commission in the case **Mr. Sant Kumar Singh v/s Food Corporation of India (Appeal No. 2690/ICPB/2008)** has held that:-

"2.... The appellant has sought for huge information in a particular format. Whenever the appellant is requesting information in a particular format, unless that information is maintained in that format, there is no obligation on the part of the CPIO to create the information in a format in which, it was desired by the appellant."

11. In the present case, record indicates that, the PIO sent reply/ information through her staff Mr. Eric Madeira on 26/11/2021 at the residence of the Complainant. However, the Complainant refused to accept the copy of the reply, here it is not the case that the PIO was unwilling to provide the information. Therefore, the PIO cannot be held responsible for delay in furnishing the information. The delay caused in providing the information is not deliberate or intentional. Since the purported information has been furnished to the Complainant free of cost, I am not inclined to impose penalty as prayed by the Complainant. Accordingly the complaint proceeding is disposed off.

- Proceedings closed.
- Pronounced in the open court.
- Notify the parties.

Sd/-

(Vishwas R. Satarkar)
State Chief Information Commissioner