

**GOA STATE INFORMATION COMMISSION**  
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**Appeal No. 07/2023/SCIC**

Mr. Brutano Peixoto,  
R/o. H.No. 56/2, Cavorim,  
Covatem, Chandor, Salcete,  
Goa 403714.

.....Appellant

V/S

1. The Public Information Officer (PIO),  
Office of Superintendent,  
Administration Branch,  
Police Head Quarters,  
Panaji-Goa 403001.

2. The First Appellate Authority,  
Superintendent of Police,  
Head Quarters, Panaji-Goa.

.....Respondents

**Shri. Vishwas R. Satarkar**

State Chief Information Commissioner

**Filed on: 03/01/2023**

**Decided on: 31/07/2023**

**ORDER**

1. The Appellant, Mr. Brutano Peixoto, r/o. H.No. 56/2, Cavorim, Covatem, Chandor, Salcete-Goa vide his application dated 27/07/2022 filed under Section 6(1) of the Right to Information Act, 2005 (hereinafter to be referred as 'Act') sought certain information from the Public Information Officer (PIO), Office Superintendent, Office of the Director General of Police, Police Head Quarters, Panaji-Goa.
2. The said application was responded by the PIO on 22/08/2022, in the following manner:-

*"Please refer to your application dated 27.07.2022 on the subject cited above. The same was received in this office on 29.07.2022.*

*The information pertaining to this Office and available on records of this Officer is as under:-*

<i>Pt.No.</i>	<i>Question</i>	<i>Reply</i>
<i>1.</i>	<i>As per your application point no. 1 to 4</i>	<i>Application / Representation is under consideration and the information will be produced after finalization of the same.</i>

3. Not satisfied with the reply of the PIO, the Appellant preferred first appeal before the Superintendent of Police, Head Quarters at Panaji-Goa on 09/09/2022, being the First Appellate Authority (FAA).
4. The FAA vide its order dated 06/10/2022 disposed off said appeal without granting any relief to the Appellant.
5. Being aggrieved and dissatisfied with the order of the FAA dated 06/10/2022, the Appellant landed before the Commission with this second appeal under Section 19(3) of the Act.
6. Notices were issued to the parties, pursuant to which the Appellant appeared in person on 21/02/2023, the PIO, Vasudev Garudi appeared and filed his written submissions. On going through the RTI application dated 27/07/2022, it revealed that, the Appellant seeking the information with regards to own records, maintained by the public authority. Considering the same, the Commission directed the PIO to furnish the information to the Appellant on next date of hearing and the matter was posted for compliance on 17/03/2023.
7. During the course of hearing on 17/03/2023, the PIO, Vasudev Garudi appeared and furnished bunch of documents to the Appellant and submitted that he has furnished all the available information to the Appellant and matter was fixed for clarification/order on 04/05/2023.
8. In the course of hearing on 04/05/2023, the Appellant, Brutano Peixoto appeared and admitted that he received the information

and that he is satisfied with the information provided by the PIO. However, he stressed upon to impose penalty on the PIO for causing delay in furnishing the information.

9. Therefore, a question that arises for consideration of the Commission is whether the delay caused in furnishing the information was deliberate and/or intentional which merits imposition of penalty.
10. A perusal of records reveal that, the Appellant filed his RTI application on 27/07/2022 and was responded by the PIO on 22/08/2022 i.e within stipulated time. Through said reply, the PIO did not deny the information, however, sought time to trace the file.
11. It is also a matter of fact that, upon direction of the Commission, the PIO furnished all the information to the Appellant on 17/03/2023, free of cost.
12. Having gone through the entire material on record, it indicates that the Appellant, the PIO and the FAA are working in the same Department and holding high statuses/ positions in the public authority. However, it appears that there is lack of trust and coordination amongst them in the office of the Police Department. In fact the matter is purely a grievance issue and can be addressed through the grievance redressal mechanism by taking up the matter with concerned higher authorities or to approach an appropriate court of law for legal remedy. Be that as it may.
13. Every statute functions and operates with its scope and ambit. Section 19 of the Act provides the information seeker a mechanism with which he can seek redressal of grievance of non-disclosure of information.

In the present case, the Appellant not satisfied with the reply of the PIO, preferred first appeal. The FAA upon considering the merit of the case, disposed off the first appeal as per it's wisdom.

14. It is also a matter of fact that, the Appellant is filing multiple RTI applications thereby hampering the administrative work of the public authority. The right conferred by the RTI Act should be exercised judiciously. It is true and correct that there is delay in furnishing the information, however, same is marginal delay. The High Court of Bombay, Goa Bench at Panaji in the case **Public Authority Officer of Chief Engineer, Panaji v/s Shri. Yeshwant Tolio Sawant (W.P. No. 704/2012)** while considering the scope of imposing penalty has observed as under:-

*"6. However in the present case, the learned Chief Information Commissioner has himself noted that the delay was marginal and further the PIO cannot be blamed for the same. The question, in such a situation, is really not about the quantum of penalty imposed, but imposition of such penalty is a blot upon the career of the Officer, at least to some extent. In any case the information was furnished, though after some marginal delay. In the facts and circumstances of the present case, the explanation for the marginal delay is required to be accepted and in fact, has been accepted by the learned Chief Information Commissioner. In such circumstances, therefore, no penalty ought to have been imposed upon the PIO."*

15. In another judgement the Hon'ble High Court of Bombay at Goa Bench in the case **Shri. A. A. Parulekar v/s Goa State Information Commission & Ors. ( W.P. No. 205/2007)** has observed:-

*"11..... The order of penalty for failure is akin to action under criminal law. it is necessary to ensure that the failure to supply the information is either intentional or deliberate."*

In the case in hand, the RTI application dated 27/07/2022 was responded by the PIO on 22/08/2022, that is within stipulated period. This is not the case where the PIO was unwilling to provide the information to the Appellant. Considering the fact and circumstances, I am of the opinion that there was no malafide intention in non-furnishing the information. I am therefore not inclined to grant the relief prayed by the Appellant.

16. The Appellant also prayed that, he may be compensated for delay in providing the information. However, he did not make out any specific plea for amount of loss incurred or shown actual quantum of damage caused to him. Such a relief cannot be granted to the Appellant being irrational and unfounded. The Hon'ble High Court of Bombay, Goa Bench in recent judgement in the case **Santana Nazareth v/s State of Goa & Ors. (2022 (6) ALL MR 102)** has held as under:-

*"4..... compensation as in Section 19(8)(b) is intended to be provided to the information seeker by the public authority on proof of loss or sufferance of detriment by the former because of negligence, carelessness or recalcitrance of the later. Merely because the petitioner was found to have suffered hardship did not entitle her to payment of compensation unless a case of loss or sufferance of detriment was specifically set up in the appeal."*

17. Considering the facts and circumstances hereinabove and since all the available information has been furnished to the

Appellant by the PIO, I hold that nothing survives in the appeal.  
Accordingly the matter is disposed off.

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

Sd/-

**(Vishwas R. Satarkar)**

State Chief Information Commissioner