

GOA STATE INFORMATION COMMISSION
'Kamat Towers', Seventh Floor, Patto, Panaji –Goa

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Appeal No. 11/2023/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 25/07/2022 filed under Section 6(1) of the Right to Information Act, 2005 (hereinafter to be referred as 'Act') sought following information from the Public Information Officer (PIO), Office Superintendent, Office of the Director General of Police, Police Head Quarters, Panaji-Goa:-

"Please provide me the certified copies of the following information/ documents under the RTI Act, 2005, pertaining to the period from 2021 to till date as under:-

- 1. The details/ identity of the author who made comments/ notings on page 09/N of the note sheet at serial number 21.*

The above contents/ information is part of the document furnished vide File No. MS-I(B)/RTI-302/331/2021, Dated- 13/01/2022m, under RTI Act 2005, as enclosure at Annexure-B."

2. The said application was responded by the PIO on 22/08/2022, in the following manner:-

"Please refer to your application dated 25.07.2022 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</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, Shri. Vasudev Garudi appeared and filed his written submissions on 21/002/2023 and matter was posted for argument on 17/03/2023.

7. During the course of hearing on 17/03/2023, the PIO, Shri. Vasudev Garudi appeared and furnished the copy of documents to the Appellant and submitted that he has furnished all the available information to the Appellant.
8. The Appellant also admitted that he has received all the information from the PIO, however he pressed on for imposing penalty on the PIO for causing delay in furnishing the information.
9. In the instant case, 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."

10. 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."

11. In the present case, the RTI application dated 25/07/2022 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. Therefore I am not inclined to impose penalty on the PIO, as prayed by the Appellant.

12. 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. Hence, the matter is disposed off.

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

Sd/-

(Vishwas R. Satarkar)

State Chief Information Commissioner