

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

Tel No. 0832-2437908/2437208 email: [spio-gsic.goa@nic.in](mailto:spio-gsic.goa@nic.in) website: [www.gsic.goa.gov.in](http://www.gsic.goa.gov.in)

---

**Appeal No. 15/2023/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: 04/01/2023**

**Decided on: 15/06/2023**

**ORDER**

1. The Appellant, Mr, Brutano Peixoto, r/o. H.No. 56/2, Cavorim, Covatem, Chandor, Salcete-Goa vide his application dated 28/07/2022 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), O/o. 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 28.07.2022 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 Office 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. Being aggrieved and not satisfied with the reply of the PIO, the Appellant filed 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 disposed off the said first appeal on 06/10/2022 without granting any relief to the Appellant.
5. 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. Parties were notified, pursuant to which the Appellant appeared in person on 28/02/2023, the PIO, Shri. Vasudev Garudi appeared and filed his written submission on 28/02/2023 and matter was posted for arguments on 20/03/2023.
7. In the course of hearing on 24/04/2023, the PIO, Shri. Vasudev Garudi appeared and furnished bunch of documents to the Appellant and submitted that he has furnished all the information to the Appellant.
8. The Appellant also admitted that he has received the information from 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. In the present case, the application under Section 6(1) of the Act was filed on 28/07/2022 and same was responded by the PIO on 22/08/2022, thereby informing the Appellant that his application is under consideration and information will be provided after finalisation of the same. Eventually, the purported information has been furnished to the Appellant on 20/03/2023.
11. 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."*

12. 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."*

13. 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