

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

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Appeal No. 17/2023/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: 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 26/07/2022 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, 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 26.07.2022 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</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 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 dated 06/10/2022 disposed off the first 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 preferred this second appeal before the Commission 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, the FAA duly served opted not to appear in the matter. Granting opportunity to the FAA, the matter was posted for arguments on 20/03/2023.
7. In the course of hearing on 20/03/2023, the PIO, Shri. Vasudev Garudi appeared and furnished the information to the Appellant and submitted that he has furnished all the available information to the Appellant.

The Appellant also admitted that he has received the information from the PIO and he is satisfied with the information. However, he pressed on to impose penalty on the PIO for causing delay in furnishing the information.

8. 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 Talio Sawant (W.P. No. 704/2012)** while considering the scope of imposing penalty for marginal delay 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."

9. In another judgement the Hon'ble High Court of Bombay at Goa Bench in the case of **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."

10. In the present case, the RTI application dated 12/09/2022 was responded by the PIO on 11/10/2022, that is within the stipulated period. This is not the case where the PIO was unwilling

to provide the information, therefore I am not inclined to grant the relief as prayed by the Appellant.

11. 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