

**GOA STATE INFORMATION COMMISSION**  
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**Appeal No. 173/2020**

Shri. Deepak Gracias,  
r/o. Karishma Apartments,  
'C' Block, Near Cine Vishant, Aquem,  
Margao-Goa 403601.

.....Appellant

V/S

1. The Public Information Officer,  
Sub-Divisional Police Officer,  
Margao, Salcete-Goa 403601.

2. The Superintendent of Police,  
South Goa,  
Margao Town Police Station,  
Salcete-Goa 403601.

.....Respondents

**Shri. Vishwas R. Satarkar**

State Chief Information Commissioner

**Filed on: 19/10/2020**  
**Decided on: 20/01/2023**

**FACTS IN BRIEF**

1. The Appellant, Shri. Deepak Gracias r/o. Karishma Apartments, 'C' Block, Near Cine Vishant, Aquem, Margao-Goa by his application dated 28/04/2020 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), Sub Divisional Police Officer, Margao-Goa.
2. The said application was responded by the PIO on 26/05/2020 in the following manner:-

Sr. No.	Question	Answer
1	Inquiry Report and Status report of File Inward No. 6058 dated 04/09/2019 (Margao Town police Station)	Certified copy of Enquiry report is enclosed herewith as Annexure "A".
2	Inquiry Report and Status report of File Inward No. 6886 dated 10/10/19 (Margao Town police Station)	

3	Inquiry Report and Status report of File Inward No. 6885 dated 10/10/19 (Margao Town police Station)	
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3. Not satisfied with the reply of the PIO, the Appellant preferred first appeal before the Superintendent of Police, South at Margao-Goa being the First Appellate Authority (FAA).
4. The FAA by its order dated 06/07/2020 allowed the first appeal and directed the APIO, Shri. Sachin S. Narvekar, Police Inspector attached to Margao Town Police Station to furnish specific reply/information free of cost to the Appellant within ten days.
5. Since the PIO failed and neglected to comply the order of the FAA, the Appellant landed before the Commission by this second appeal under Section 19(3) of the Act, with the prayer to direct the Respondents to pay compensation of Rs. 250/- per day for delay in providing the information.
6. Notices were issued to the parties, pursuant to which representative of the PIO, Shri. Gajanan Desai appeared and placed on record the reply of the PIO on 17/12/2021. The FAA duly served opted not to appear for the hearings.
7. It is the case of the Appellant that, inspite of the order of the FAA, the PIO failed and neglected to comply the order of the FAA dated 06/07/2020.
8. The PIO through his reply contended that, vide letter No. SDPO/MRG/RTI/521/2020 dated 22/07/2020 he complied the order of the FAA, however the Appellant collected the said information personally on 18/08/2020.

The PIO further contended that, even after passing the order by the First Appellate Authority, the Appellant filed fresh representation to the Superintendent of Police on 24/07/2020 with the prayer to direct the Respondents to pay compensation for delay in providing information. The Superintendent of

Police, South thereafter by letter No. SP/S-Goa/Reader /RTI/APPEAL/2378/2020 dated 17/09/2020 directed the PIO to furnish the information with regards to Margao Town Police Station and specifically Inward No. 6885 dated 10/10/2019 and also directed to submit compliance report to him.

9. The PIO submitted that, vide letter No. SDPO/MRG/RTI/661/2020 dated 21/09/2020, he complied the order of the Superintendent of Police.
10. Since the Appellant was not satisfied with the information, provided by the PIO, the Commission directed the representative of the PIO to furnish the copy afresh to the Appellant and matter fixed for compliance on 22/06/2022.
11. In the course of hearing on 22/06/2022, the representative of the PIO, Shri. Dinesh Kumar appeared and furnished bunch of documents to the Appellant and submitted that he has furnished the copy of the chapter case bearing No. 58/2019, report prepared by Sujay Korgaonkar dated Nil and paper related to re-submission of the chapter case dated 19/09/2020 and matter fixed for clarification on 22/07/2022.
12. During the course of hearing on 22/07/2022, the Appellant disputed the information furnished by the APIO and submitted that, he is not satisfied with the information. As against this the representative of the PIO submitted that he has furnished all the available information to the Appellant. The Commission therefore directed the PIO to file an affidavit to that effect.
13. That on 01/12/2022, the incumbent APIO, Shri. Tulshidas Sudhakar Naik, Police Inspector attached to Margao Town Police Station appeared and filed his Affidavit dated 01/12/2022 and submitted that, the information sought by the Appellant was provided to the Appellant alongwith the Inquiry Report submitted

by the PSI Sujay Korgaonkar at Margao Town Police Station, which was in respect to LA-44 dated 22/02/2019, inward No. 6058/2019, 6886/2019, 5667/2019, 6885/2019, 5752/2019 and LA-43/2019.

14. In the present case the Appellant prayed that, both the Respondents be directed to pay the compensation of Rs. 250/- per day for delay in providing the information. However, he did not make out any specific plea for amount of loss or shown quantum of actual damage caused to him. Such a relief cannot be granted to the Appellant being irrational and completely unfounded. To substantiate it, a reference can be conveniently made to the recent judgement of the High Court of Bombay, Goa Bench in the case **Santana Nazareth v/s State of Goa & Ors. (2022 (6) ALL MR 102)**, paragraph 4 of the said judgement being relevant is quoted below:-

*"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."*

Therefore, I am not inclined to grant the relief sought by the Appellant.

15. In view of above, the appeal stands dismissed.
- Proceeding closed.
  - Pronounced in the open court.
  - Notify the parties.

Sd/-

**(Vishwas R. Satarkar)**

State Chief Information Commissioner