GOA STATE INFORMATION COMMISSION

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Appeal No. 174/2020

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 23/05/2020 in the following manner:-

Sr. No.	Question	Answer
1	Inquiry Report and Status report of file inward No 955 dated 12/12/2019 at SP Office South Goa.	No such information is Availabale.
2	Inquiry Report and Status report of the file inward No. 955 dated 12/12/2019 at Women and Child Protection Unit Margao Goa	

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 PIO to furnish specific reply/ information at point No. 1 and 2, 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 dated 17/12/2021 contended that, vide letter No. SDPO/MRG/RTI/513/2020 dated 22/07/2020 he complied the order of the FAA and the Appellant personally collected the said information on 14/08/2020.

9. The PIO further contended that, even after deciding the issue by the FAA, the Appellant filed afresh representation to the Superintendent of Police on 24/07/2020 with the prayer to direct the Respondents to pay compensation to him for delay in providing the information. The Superintendent of Police on 17/09/2020 directed the PIO to furnish the information with regards to Margao Town Police Station and particularly inward No. 6885

dated 10/10/2019 and also directed to submit compliance report within four days.

10. The PIO submitted that, vide letter No. SDPO/MRG /RTI/513/2020 dated 22/07/2020, he has complied the order of the Superintendent of Police, South

11. 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.

12. In the course of hearing on 22/06/2022, the representative of PIO, Shri. Dinesh Kumar appeared and furnished the copy of Enquiry report conducted by Woman and Child Protection Unit dated 13/12/2019 and copy of complaint filed by the Appellant dated 05/12/2019 for trespass in his property, and the matter fixed for clarification on 22/07/2022.

13. During the course of arguments, the Appellant disputed the information furnished by the APIO and submitted that he is not satisfied with the information and prayed that Respondents may be directed to pay the compensation for the delay caused in providing the information.

As against this the APIO, Shri. Tulshidas S. Naik, Police Inspector attached to Margao Town Police Station appeared and submitted that he has furnished all the available information to the Appellant.

14. In the present case the Appellant prayed that, both the Respondent 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. Considering the fact and circumstances, the appeal is devoid of any merit, therefore, stands dismissed.

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

Sd/-

(Vishwas R. Satarkar)
State Chief Information Commissioner