

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

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Appeal No. 175/2020

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 two applications dated 21/03/2020 and 11/05/2020 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 applications were responded by the PIO on 18/04/2020 and 04/06/2020 respectively and replied that no such information is available and original copy of charge sheet No. 199/2018 dated 03/11/2018 had been submitted to JMFC Margao.
3. Aggrieved and not satisfied with the reply of the PIO, the Appellant filed first appeal before the Superintendent of Police, South at Margao-Goa being the First Appellate Authority (FAA).

4. The FAA by its order dated 13/07/2020 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 to the application dated 21/03/2020 and 11/05/2020 to the Appellant, free of cost within ten days.
5. Since the PIO failed and neglected to comply the order of the FAA dated 13/07/2020, 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 caused 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 13/07/2020.
8. The PIO through his reply contended that, vide letter No. SDPO/MRG/RTI/522/2020 dated 22/07/2020 complied the order of the FAA and the Appellant personally collected the said information on 14/08/2020.
9. 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 of the documents afresh and matter fixed for compliance on 22/06/2022.
10. 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.

11. During the course of hearing on 27/09/2022 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.

On the other hand, the Appellant submitted that the copy of the enquiry report dated 21/04/2020 furnished to him is illegible and not clear. The Commission therefore directed the APIO to provide the legible copy of the Enquiry report on next date of hearing.

12. During the course of hearing on 01/12/2022, APIO, Tulshidas S. Naik appeared and produced the original copy of the Enquiry report dated 21/04/2020 and comparing with the original fresh copy of the report has been furnished to the Appellant. According to the APIO he has furnished all the available information to the Appellant.

The authority of this Commission is simply to provide the information held or under the control of a public authority to a citizen applying for it. The Commission cannot adjudicate upon the merits or worthiness of the information provided. This is a matter for agitation either before concerned department or the judicial courts.

13. 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.

14. 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