

**GOA STATE INFORMATION COMMISSION**  
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**Appeal No. 209/2022/SCIC**

Mr. Prashant Rayappa Gurav,  
R/o. Flat No. UG-2, H.No. 52/5,  
SK Serenity Churchwada, Corlim,  
Tiswadi-Goa.

.....Appellant

V/S

1. The Public Information Officer,  
The Secretary,  
Village Panchayat Corlim,  
Tiswadi-Goa.

2. The First Appellate Authority,  
The Block Development Officer,  
Tiswadi Block, Junta House,  
6<sup>th</sup> Floor, 4<sup>th</sup> Lift,  
Panaji-Goa.

.....Respondents

**Shri. Vishwas R. Satarkar**

State Chief Information Commissioner

**Filed on: 29/07/2022**

**Decided on: 24/04/2023**

**FACTS IN BRIEF**

1. The Appellant, Shri. Prashant Rayappa Gurav, r/o. Flat No. UG-2, H.No. 52/5, S.K. Serenity, Churchwada, Corilm, Tiswadi-Goa vide his application dated 08/03/2022 filed under Section 6(1) of the Right to Information Act, 2005 (hereinafter to be referred as 'Act') sought following information from the Public Information Officer (PIO), Village Panchayat Corlim, Tiswadi-Goa:-

*"Please provide completion report along with the building plan for Plot No. 30, S.K. Serenity, house No. 52/5, Corlim, Goa 403110 under RTI Act 2005.*

*I am ready to pay the necessary fees towards the same.*

*Please intimate me the time and date to collect the same from your office."*

2. The said application was responded by the PIO on 11/04/2022, in the following manner:-

*"This has reference to your application on the above cited subject. In this connection I am to inform you that search has been made in Panchayat records, the information available regarding the building plan is ready. Further the occupancy certificate i.e Second document you mentioned is not found yet, same will be made available as soon as it is traced.*

*You are kindly requested to collect the available information by depositing sum of Rs. 2/-."*

3. Aggrieved and not satisfied with the reply of the PIO, the Appellant preferred first appeal before the Block Development Officer Tiswadi at Panaji-Goa being the First Appellate Authority (FAA).
4. The FAA vide its order dated 17/05/2022, dismissed the first appeal being not maintainable.
5. Aggrieved and dissatisfied with the order of the FAA, the Appellant preferred this second appeal before the Commission under Section 19(3) of the Act, with the prayer to direct the PIO to furnish the complete information.
6. Notices were issued to the parties, pursuant to which Adv. S. Kuvelkar appeared for the Appellant, the PIO Shri. Jitendra Naik appeared on 20/10/2022 and filed his reply, the FAA duly served opted not to appear in the matter.
7. Perused the pleadings, reply, rejoinder, considered the written/ oral arguments and scrutinised the documents on records.
8. By this second appeal, the Appellant assails order dated 17/05/2022 passed by the First Appellate Authority. For

convenience the operative part of the said order is being reproduced here as under:-

*"Upon perusal of your letter dated 12/04/2022 along with enclosures, it is seen that, you have not made request under the RTI Act, 2005, nor you have attached court fees which can be seen from your original letter dated 08/03/2022 addressed to the Sarpanch/ Secretary V.P. Corlim, Tiswadi-Goa. Under the R.T. I. Act PIO of respective village is designated as public authority. The Sarpanch/ Secretary is not empowered to dealt with such issue in a capacity of P.I.O.. Hence a citizen has to address letter to concern PIO as regards to R.T.I. matter.*

*Hence, this office is not empowered to deal with this in proper matter, therefore you may file application under RTI Act 2005, with concerned PIO, and if you file proper application under RTI Act, 2005, than the same will be dealt with provisions of the Act."*

9. Considering the above view of the FAA, it is appropriate to go through the relevant provision of the Act. Section 6 of the Act reads as under:-

**"6. Request for obtaining information.\_\_(1)** *A person, who desires to obtain any information under this Act, shall make a request in writing or through electronic means in English or Hindi or in the official language of the area in which the application is being made, accompanying such fee as may be prescribed, to\_\_"*

Plain reading of the above section it is revealed that this section provides for procedure for making a request to obtain

information. This section provides that the request for obtaining information is to be made in writing to be accompanied with such fee as prescribed.

10. In exercise of power conferred by Section 27 of the Right to Information Act, 2005, the Government of Goa made rules thereunder called the Goa Right to Information (Regulations of Fee and Cost) Rules, 2006. Section 3 of the said rule read as under:-

**"3. Fee for information.**\_\_\_ (1) A request for obtaining information under sub-section (1) of section 6 of the Act, shall be accompanied by an application fee of rupees ten by way of cash against proper receipt or 1[by affixing a Court fee stamp of Rs.10/- or] by demand draft or by bankers cheque payable to the concerned Public Information officer. "

11. From the reading of the above provisions of law it would clear that while obtaining the information from the public authority, an information seeker is required to deposit the prescribed fee.

12. Section 19(10) of the Act reads as under:-

**"19. Appeal**

*(10) The Central Information Commission or State Public Information Commission, as the case may be, shall decide the appeal in accordance with such procedure as may be prescribed."*

13. The High Court of Delhi in the case **Delhi Development Authority v/s Central Information Commission & Anrs. (W.P. No. (c) 12714/09)** has held as under:-

**"36.** We would also like to re-iterate the provisions of Section 19(10) of the RTI

*Act. Section 19, as we have mentioned earlier, deals with appeals. Sub-section (10) of Section 19 clearly stipulates that the Central Information Commission or the State Information Commission, as the case may be, shall decide the appeal in accordance with such procedure "as may be prescribed". The word "prescribed" is defined in Section 2(g) of the RTI Act to mean prescribed by the rules made under the RTI Act by the appropriate Government or the competent authority, as the case may be. It has no reference to any regulations made or to be made by the Chief Information Commissioner. Thus, the mandate of the Act is that the Central Information Commission shall decide the appeal in accordance with the rules made under the said Act by the appropriate Government or the competent authority, as the case may be and not otherwise. "*

14. The Hon'ble Supreme Court in the case **Chief Information Commissioner & Anrs. v/s State Of Manipur & Anrs. ((2011) 15 SCC)** has observed as under:-

*"40. It is well known that when a procedure is laid down statutorily and there is no challenge to the said statutory procedure the Court should not, in the name of the interpretation, lay down a procedure which is contrary to the express statutory provision. It is a time-honoured principle as early as from the decision in Taylor v/ Taylor that where a statute provides for something to be done in a particular manner it can be*

*done in that manner alone and all other modes of performance are necessarily forbidden. ”*

15. Application without fee is not maintainable under the Act. There is no scope for filing the RTI application without paying appropriate fee. The Appellant did not bring to my notice that he has paid the required fee to the public authority, alongwith the application filed under Section 6(1) of the Act, which is mandatory as per the provision of the RTI Act.

16. On going through the impugned order of the FAA dated 17/05/2022 it appears that the order of the FAA is just and equitable in the facts of the case. I do not find any palpable error in reasoning or any jurisdictional error. Therefore, I am of the considered opinion that the view of the FAA has substance. For all these reasons the order of the FAA calls for no interference. Hence appeal is dismissed.

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

Sd/-

**(Vishwas R. Satarkar)**

State Chief Information Commissioner