

**GOA STATE INFORMATION COMMISSION**

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**Shri. Sanjay N. Dhavalikar**, State Information Commissioner

**Appeal No. 326/2022/SIC**

Dr. K.K. Nadkarni,  
H. No. 84, Bendwada  
Sanguem-Goa 403704

-----Appellant

**v/s**

1. The FAA,  
O/o. the Dy. Collector,  
Sanguem-Goa 403704.

2. The PIO,  
O/o. the Mamlatdar,  
Sanguem-Goa 403704.

-----Respondents

**Relevant dates emerging from appeal:**

RTI application filed on	: 20/03/2022
PIO replied on	: 18/04/2022
First appeal filed on	: 05/07/2022
First Appellate Authority order passed on	: 01/12/2022
Second appeal received on	: 29/12/2022
Decided on	: 26/06/2023

**ORDER**

1. The appellant under Section 6 (1) of the Right to Information Act, 2005 (hereinafter referred to as the 'Act') had sought certain information from Respondent No. 2, Public Information Officer (PIO). Being aggrieved by the act of PIO of not furnishing complete information, and also aggrieved by the order of Respondent No. 1, First Appellate Authority (FAA), under Section 19 (3) of the Act, he filed second appeal, which came before the Commission on 29/12/2022.
2. It is the contention of the appellant that, he received incomplete and incorrect information from the PIO, thus, filed first appeal before the FAA. However, the appeal was dismissed by the FAA. It is the contention of the appellant that even after sending reminders via email, PIO has not furnished complete information, yet FAA, without going into the merits of the case, dismissed the appeal. Hence, he prays for complete and correct information as sought in the application.
3. Notice was issued to the concerned parties, pursuant to which appellant appeared in person on 01/02/2023 and subsequently informed the Commission that he is unable to attend the proceeding

on medical grounds. Submissions from appellant received in the registry via emails dated 23/02/2023, 13/03/2023, 28/04/2023, 08/05/2023, 09/05/2023 11/05/2023 and 15/05/2023 are taken on record. Shri. Viraj Malkarnekar, Shri. Vishwas Satardekar, Smt. Sharmila Sinai Kerkar appeared on behalf of the respondent under authority. Submission on behalf of FAA was filed on 21/02/2023. Reply dated 21/02/2023, 26/04/2023 and 16/05/2023 was filed on behalf of the PIO.

4. PIO stated that the application was replied by him within the stipulated period, as required under the Act and the appellant was requested to collect the information. However, the appellant failed to collect the said information and proceeded to file first appeal and later the second appeal. PIO vide reply dated 16/05/2023 stated that, copies of the information sought vide application dated 20/03/2022 were sent to the appellant by Registered AD and that the same was received by the appellant, hence, he requests the Commission to dispose the matter.
5. FAA stated that, during the proceeding of the first appeal it was established that the PIO has replied the application within the stipulated time and had kept the information ready, accordingly, the appellant was informed, however, the appellant failed to visit PIO's office. FAA further stated that acknowledging the PIO's action, he dismissed the first appeal.
6. Appellant vide submission sent via email stated that, he has received information from the PIO during the present proceeding, however, the same is not complete. Therefore, he requests the Commission to direct the PIO to furnish him remaining information.
7. Upon perusal it is seen that, the appellant vide application dated 20/03/2022 had sought information on seven points. PIO vide reply dated 18/04/2022 requested the appellant to collect the information from his office after paying the requisite charges. However, records indicate that the appellant instead of visiting PIO's office raised some queries with respect to PIO's reply, via email addressed to the PIO. In the process, the appellant did not collect any information and filed first appeal before the FAA. The Commission finds from the records that the FAA rightly upheld PIO's say and dismissed the appeal.
8. Appellant was required to visit PIO's office and collect the available information after paying requisite charges and then should have raised his grievance if the information received by him was

incomplete or incorrect. Instead, appellant first approached the FAA with grievance against PIO and later appeared before the Commission with grievance against PIO as well as FAA.

9. This being the case, the Commission finds that the appellant does not deserve any relief. However, considering the aims and objectives of this beneficial Act, the Commission directed PIO to dispatch the information to the appellant by Registered AD Post. In compliance PIO vide reply dated 16/05/2023 stated that photocopies of information have been sent to the appellant by Registered AD Post.
10. On the other hand, appellant vide submission sent via email acknowledged receipt of the information from the PIO, however, has stated that, some of the photo copies are illegible and some photo copies have some script overwritten due to overlapping of original pages. Also that, none of the pages carry endorsement / attestation by the PIO to indicate that the information is provided under the Act.
11. With this, it is clear that as directed by the Commission, PIO has furnished the information and the same has been received by the appellant. Yet, some photocopies are not clear and the information is not certified by the PIO. Thus, the PIO is required to furnish clear copies, duly stamped and certified, in compliance with the direction of the Commission. Similarly, the Commission finds that, the PIO has never denied the information to the appellant and hence no malafide behind the intention of the PIO was found during the proceeding. Hence, prayer of the appellant for penal action against the PIO cannot be granted. Also, the Commission concludes that the appellant does not deserve grant compensation.
12. In the light of above discussion, the present appeal is disposed with the following order:-
  - a) Appellant if desires, may visit PIO's office alongwith the information in his possession, within 15 days from receipt of this order.
  - b) PIO is directed to replace illegible and unclear copies of information with readable and clear copies and furnish the same within 8 days from the visit of the appellant to his office.
  - c) PIO is directed to certify with the stamp of his office, the entire information furnished by him.

Proceeding stands closed.

Pronounced in the open court.

Notify the parties.

Authenticated copies of the order should be given to the parties free of cost.

Aggrieved party if any, may move against this order by way of a Writ Petition, as no further appeal is provided against this order under the Right to Information Act, 2005.

Sd/-  
**Sanjay N. Dhavalikar**  
State Information Commissioner  
Goa State Information Commission  
Panaji - Goa