

GOA STATE INFORMATION COMMISSION

“Kamat Towers” 7th Floor, Patto Plaza, Panaji, Goa – 403 001

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Shri. Sanjay N. Dhavalikar, State Information Commissioner

Appeal No. 56/2023/SIC

Shamba Anand Sinai Kuvelkar,
Alias Satish Anand Kuvelkar,
Building-A, Annapurna Apartments,
Near Gomantak Bhavan, St. Inez,
Panaji-Goa 403001.

-----Appellant

v/s

The Public Information Officer,
Goa Industrial Development Corporation,
Plot No. 13A-2, EDC Complex,
Patto Plaza, Panaji-Goa 403001.

-----Respondent

Relevant dates emerging from appeal:

RTI application filed on	: 19/10/2022
PIO replied on	: 07/11/2022
First appeal filed on	: 24/11/2022
First Appellate Authority order passed on	: 05/01/2023
Second appeal received on	: 06/02/2023
Decided on	: 25/09/2023

ORDER

1. The second appeal filed by the appellant under Section 19 (3) of the Right to Information Act, 2005 (hereinafter referred to as the 'Act'), against Respondent Public Information Officer (PIO), Goa Industrial Development Corporation (GIDC), came before the Commission on 06/02/2023.
2. It is the contention of the appellant that he had sought certain information from the PIO and the information not sought by him was provided to him by the Assistant Public Information Officer (APIO). Being aggrieved, he appeared before the First Appellate Authority (FAA) by way of first appeal. The FAA vide order dated 05/01/2023 directed PIO to furnish information by 12/01/2023, if available with the land Acquisition Section. Appellant further contends that, he received no information on or before 12/01/2023, thus, filed second appeal before the Commission praying for information.
3. Pursuant to the notice, appellant appeared and filed submission dated 20/06/2023 and rejoinder dated 02/08/2023. Respondent PIO Shri. Sohan Uskaikar appeared alongwith Shri. Vence Azavedo, APIO.

Reply dated 06/07/2023 was filed on behalf of the PIO and later on 05/09/2023 PIO filed affidavit.

4. PIO stated that, he had furnished the information to the appellant vide letter dated 15/11/2022 upon receiving Rs. 06/- towards charges and later, vide letter dated 18/11/2022 furnished additional information on receipt of Rs. 96/- towards charges. PIO further submitted that, inspite of receiving the information, the appellant has filed second appeal before the Commission on the ground that the APIO did not have jurisdiction to certify and supply the information. That, as the information has been furnished, he requests for dismissal of the appeal.
5. Appellant stated that, PIO contrary to his contentions has not furnished complete information as sought by him vide application dated 19/10/2022. That, part of the information provided is irrelevant, not sought by the appellant. Also, the APIO has no jurisdiction to furnish the information under the Act, thus, the information furnished by the APIO is bad in law. Further, that the appellant requests for complete and specific information and refund of fees collected by the PIO for supplying the information not sought by him.
6. Upon perusal of the records of this matter it is seen that, the appellant had requested for information with respect to parcels land which have been acquired and surveyed under "Survey Nos. / Sub Division Nos. 232/18 (p) to 406/ 22 (p)- pages 832 and 833 of the official gazette series II, No. 26, dated 27/09/2007". In response, the PIO furnished information vide letters dated 15/11/2022 and 18/11/2022, within the stipulated period, through APIO.
7. Being aggrieved by the above mentioned action of the PIO, the appellant filed first appeal. The FAA after hearing both the sides directed PIO to furnish the available information by 12/01/2023. However, no more information was provided by the PIO, hence, the appellant appeared before the Commission by way of second appeal.
8. Here, the Commission observes that, the appellant is aggrieved on three aspects. One- information was furnished to him by the APIO and not the PIO and that the APIO has no jurisdiction to furnish the information. Two- the information furnished is irrelevant and not sought by him. Three- refund of fees collected by the PIO for supplying information.

9. With respect to the first grievance of the appellant, it is seen that, Shri. Sohan Uskaikar, PIO issued three letters dated 07/11/2022, 15/11/2022 and 18/11/2022 to the appellant, with respect to the information and the information was furnished vide letters dated 15/11/2022 and 18/11/2022. These letters are signed by Shri. Sohan Uskaikar and not by the APIO. Only the handing over of the documents was done by the APIO. Hence, the Commission finds no substance in the contention of the appellant that the information was not furnished by the PIO. Also, it is noted that initially the copies of information were not certified, however, upon direction of the Commission during the appeal proceeding, PIO furnished certified copies of the information.
10. Second grievance of the appellant is that irrelevant information which was not requested by him was furnished to him. Upon perusal of the application it is seen that the appellant had requested for information with respect to acquisition of lands, with details such as compensation paid to occupants and tenants, mode of payment, date of distribution of compensation etc. The Act requires the PIO to furnish the information as available in his records, and the PIO is not required to collate specific information from his records in order to meet the request of the appellant. Also, the PIO cannot create any information as per the request of the appellant. Accordingly, it is held that the PIO has provided the information as available in his records and the same includes information sought by the appellant, thus, the said information cannot be termed as irrelevant.
11. Regarding the third grievance of the appellant - the appellant has prayed for refund of fees charged by the PIO for furnishing the information which has been termed by the appellant as irrelevant. The Commission has held in the above para that the said information is not irrelevant. Also, the said information was furnished within the stipulated period. Hence, the appellant is not eligible for refund of the amount paid to get the information.
12. Besides this, the Commission, during the appeal proceeding found that some part of the information is yet to be furnished by the PIO. This being the case, the PIO was directed to provide the appellant inspection of the relevant records, accordingly, appellant inspected the records on 03/05/2023 and 03/07/2023 and identified certain documents related to his application. The said documents were also furnished by the PIO.

13. In addition to this, Shri. Sohan Uskaikar, PIO has filed an affidavit dated 04/09/2023 before the Commission stating that all the available information as sought by the appellant after the inspection has been furnished by him.
14. In the background of the facts as mentioned above, the Commission finds that, the PIO had responded to the application and furnished part information within the stipulated period of 30 days, hence, has not contravened Section 7 (1) of the Act, meaning no penal action needs to be initiated against him.
15. In the light of above discussion, nothing survives in the instant appeal, thus, the appeal is disposed accordingly and the 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.