

**GOA STATE INFORMATION COMMISSION**

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

**Appeal No. 234/2022/SIC**

Minguel Fernandes,  
H.No. 225/1 Sinqetim, Navelim,  
Salcete-Goa, 403707.

-----Appellant

**v/s**

1. Public Information Officer,  
Mr. Shankar B. Gaonkar,  
The Sports Authority of Goa,  
Athletic Stadium, Bambolim-Goa.

2. First Appellate Authority,  
Mr. Ajay Gaude,  
Director The Sports Authority of Goa,  
Athletic Stadium, Bambolim-Goa.

-----Respondents

**Relevant dates emerging from appeal:**

RTI application filed on	: 01/06/2022
PIO replied on	: 01/07/2022
First appeal filed on	: 08/07/2022
First Appellate Authority order passed on	: Nil
Second appeal received on	: 30/08/2022
Decided on	: 27/02/2023

**ORDER**

1. The second appeal filed under Section 19 (3) of the Right to Information Act, 2005 (hereinafter referred to as the 'Act') by the appellant, against Respondent No. 1, Public Information Officer (PIO) and Respondent No. 2, First Appellate Authority (FAA), came before the Commission on 30/08/2022.
2. The brief facts of this appeal, as contended by the appellant are that he had sought certain information from the PIO. Upon not getting any reply within the stipulated period, he filed appeal before the FAA. The said appeal was not decided by the FAA within the mandatory period. Being aggrieved, appellant preferred second appeal before the Commission.
3. Notice was issued to the concerned parties and the matter was taken up for hearing. Appellant appeared and pressed for the information and penal action against the respondents, filed submissions dated 03/11/2022, 05/01/2023 and 25/01/2023. Shri. Shankar Gaonkar, PIO appeared in person and filed reply dated 07/10/2022,

01/12/2022 and compliance report dated 17/01/2023. FAA was represented by his authorised representative.

4. Appellant contended that, he received reply from the PIO after the stipulated period of 30 days. Though the said letter is dated 01/07/2022, the same was posted on 05/07/2022 and he received it on 06/07/2022. Appellant further contended that he was asked to pay Rs. 40/- towards charges of information, although complete information was not furnished and that he wants refund of this amount since he received the reply after the stipulated period. Similarly, he presses for complete information and penal action against the PIO.
5. Appellant further stated that, being aggrieved with the PIO, he had filed first appeal before the FAA. However, FAA passed no order within the mandatory period of 45 days and inaction of the FAA has compelled him to appear before the Commission, which has caused him unnecessary expenses and harassment, hence he requests for adequate compensation from the authority.
6. PIO stated that, application dated 01/06/2022 was received by his office on 02/06/2022 and vide reply dated 01/07/2022 he informed the appellant to collect the information upon payment of Rs. 40/- and the available information was furnished. PIO further stated that, information sought at point no. 2 to 4 was not provided as the information sought was not clear. If the appellant clarifies before the Commission on the information he has sought under these points, PIO could furnish the same.
7. Upon perusal of the records of the present matter it is seen that the appellant vide application dated 01/06/2022 had sought information on nine points. PIO received the application on 02/06/2022 and vide reply dated 01/07/2022 requested the appellant to collect the desired information after paying charges of Rs. 40/-. It appears that the said reply, though dated 01/07/2022, was posted on 05/07/2022 and received by the appellant on 06/07/2022. The Commission finds that the reply was posted by the office of the PIO on 05/07/2022 meaning, after the expiry of the stipulated period, hence it is wrong on the part of the PIO to charge the appellant for the said information. Also, the information furnished was not complete, though the PIO later, during the proceeding of the second appeal, furnished additional information upon Commission's direction. Therefore, the PIO is required to refund the amount collected from the appellant.

8. Further, the Commission notes that, PIO had not furnished the information on point no. 2 to 4. During the present proceeding appellant vide submission dated 05/01/2023 stated that he will be satisfied if the PIO furnishes information on point no. 2 and 4, and clarified on the nature of information sought under point no. 2 and 4. The Commission directed PIO to furnish the said information to the appellant, accordingly PIO vide compliance report filed before the Commission on 17/01/2023 furnished the information. The Commission observes that the information as requested by the appellant vide submission dated 05/01/2023 has been furnished by the PIO on 17/01/2023.
9. Appellant, vide submission dated 25/01/2023 has prayed for penal action against the PIO for delay in furnishing the information and compensation for the suffering he had to undergo and expenses he had to incur to file the second appeal. However, regarding compensation, appellant has not furnished any details of expenses incurred by him, nor has elaborated on the quantum of compensation against the harassment. Thus, the Commission is unable to grant him any relief.
10. Similarly, with respect to the prayer of penal action against the PIO, it is seen that the PIO had furnished part information to the appellant after the expiry of the stipulated period, however the delay is marginal and invoking of Section 20 against the PIO for such marginal delay cannot be justified, hence the prayer for penal action is not acceptable to the Commission. However, amount of Rs. 40/- charged towards the part information will have to be refunded by the PIO, since his reply was posted after the expiry of the stipulated period.
11. With these findings, the Commission concludes that the information sought by the appellant has been furnished by the PIO. Hence, the prayer for information becomes infructuous and the present appeal needs to be disposed accordingly.
12. Thus, the present appeal is disposed with the following order:-
  - a) PIO is directed to refund amount of Rs. 40/- received from the appellant vide receipt no. 3243 dated 05/07/2022, within 10 days from the receipt of this order.
  - b) All other prayers are rejected.

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