

GOA STATE INFORMATION COMMISSION

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

Tel: 0832 2437880 E-mail: spio-gsic.goa@nic.in Website: www.scic.goa.gov.in

Shri. Sanjay N. Dhavalikar, State Information Commissioner

Complaint No. 36/2022/SIC

Shri. Master Sousa Leonardo Caetano,
Sao Bras Gaundalim Tiswadi,
Post Office, Marcela, Ilhas Goa,
403107

.....Complainant

V/s

1. The Public Information Officer (PIO),
Office of the Mamlatdar of Tiswadi,
Tiswadi, Panaji-Goa, 403001
2. The First Appellate Authority (FAA),
Office of the Mamlatdar of Tiswadi,
Panaji- Goa, 403001

.....Opponents

Relevant dates emerging from appeal:

RTI application filed on	: 30/08/2021
PIO replied on	: Nil
First appeal filed on	: 04/10/2021
First Appellate Authority order passed on	: Nil
Second appeal received on	: 14/12/2021
Order passed on second appeal	: 12/05/2022
Complaint received on	: 28/10/2022
Decided on	: 06/03/2023

ORDER

1. Aggrieved by non compliance of the order dated 12/05/2022, passed by the Commission while disposing Appeal No. 298/2021/SIC, appellant under section 18(1)(b) of the Right to Information 'Act' (for short, the Act) filed complaint against opponent No. 1 Public Information Officer (PIO) and Opponent No. 2 First Appellate Authority (FAA), which came before the Commission on 28/10/2022.
2. The brief facts of this Complaint are that, the complainant in the present matter had sought certain information, however neither the information was furnished by the PIO nor the first appeal was heard by the FAA. Being aggrieved, the complainant appeared before the Commission by way of second appeal. The said appeal (Appeal No. 298/2021/SIC) was disposed with direction to the PIO

to provide for inspection and furnish the information within 30 days.

3. It is the contention of the complainant that the PIO did not furnish full information after the inspection, hence he has filed the present complaint.
4. Pursuant to the notice, appellant appeared in person. Smt. Anusha Gaonkar, the present PIO and Shri. Sanjeev Signapurkar, the then PIO appeared in person and filed reply dated 29/11/2022 and 04/01/2023. Complainant on 29/11/2022 filed application with a request to impose penalty on PIO.
5. Complainant stated that, as per the direction of the Commission, PIO was required to furnish complete information, however the PIO refused to furnish complete documents. Complainant further stated that, he had sought certified copies of entire file No. TNC/PVR/Ella/02/2012/JM-III and being aggrieved by the action of the PIO of not furnishing the said information, requests the Commission to impose penalty against the PIO.
6. PIO stated that, the complainant inspected the said file and collected the information on 23/08/2022, only the Plan Copy was left to be furnished due to size of the plan which is bigger, photocopy of the same was required to be taken from outside the office premises and the same fact was intimated to the complainant. Later, photocopy of the plan was taken and complainant was requested on several occasion to collect the same, yet he failed to respond and filed the present complaint. Thus, allegations levelled by the complainant are false and incorrect, hence liable to be dismissed.
7. Upon perusal, the Commission observes that as per the order passed while disposing Appeal No. 298/2021/SIC, PIO had provided inspection of the documents sought by the complainant. the complainant visited PIO's office on 23/08/2022 and collected the documents. One document, i. e. Plan Copy could not be furnished as the said document was bigger in size and the PIO could not take photocopy of the same, was required to take photocopy from elsewhere, outside the premises of her office. Nevertheless, PIO kept the said Plan Copy ready and requested the complainant to collect the same. Complainant, instead of collecting

the information filed the present complaint pressing for penal action against the PIO.

8. Further, it is seen that during the proceeding on 04/01/2023, PIO produced before the Commission, certified copy of the said plan which was collected and acknowledged by the complainant. Thus, the Commission finds that at no stage PIO had denied the information and in the end has fully complied with the direction of the Commission, by furnishing complete information.
9. Hon'ble High Court of Bombay at Goa, in writ Petition No. 205/2007, Shri. A. A. Parulekar V/s. Goa State Information Commission, has held that:-

“ The order of Penalty for failure is akin to action under Criminal Law. It is necessary to ensure that the failure to supply the information is either intentional or deliberate”.

10. Subscribing to the ratio laid down by the Hon'ble High court of Bombay, the Commission concludes that the present case does not warrant levy of penalty on the PIO. Similarly, the Commission finds that the present complaint is devoid of merit and required to be disposed accordingly.
11. Thus, the present complaint is disposed as dismissed 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