

GOA STATE INFORMATION COMMISSION

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**Penalty No. 05/2023
in
Appeal No. 207/2022/SCIC**

Shri. Deepak Gracias,
R/o. Karishma Apartments, 'C' Block,
Opposite Cine Vishant,
Behind Punjab National Bank,
Aquem, Margao, Goa 403601.

.....Appellant

V/S

1. The First Appellate Authority,
The Member Secretary,
South Goa Planning & Development Authority,
4th Floor, D-Wing, Osia Commercial Arcade,
Margao-Goa 403601.

2. The Public Information Officer,
South Goa Planning & Development Authority,
4th Floor, D-Wing, Osia Commercial Arcade,
Margao-Goa 403601.

.....Respondents

Shri. Vishwas R. Satarkar

State Chief Information Commissioner

Filed on: 27/03/2023

Decided on: 27/09/2023

ORDER

1. While disposing the appeal bearing No. 207/2022/SCIC, the Commission vide its order dated 30/01/2023 directed Mr. Rosario Paulo Gomes, Public Information Officer (PIO), South Goa Planning and Development Authority, Margao-Goa, to provide the information to the Appellant free of cost as per his RTI application dated 06/04/2022 within the period of 15 days from the date of receipt of the order.
2. The Commission also issued show cause notice to the said PIO as to why penalty should not be imposed on him in terms of Section 20(1) of the Act.
3. Pursuant to the notice, the PIO, Mr. Rosario Paulo Gomes appeared alongwith his counsel Adv. Anirudh B. S. Salkar and submitted that

he is ready and willing to furnish the information. Accordingly the Commission directed the PIO to furnish the information on next date of hearing and matter was posted for compliance/ reply on 26/04/2023.

4. In the course of hearing on 14/06/2023, the PIO appeared alongwith Adv. A. Salkar and furnished bunch of documents to the Appellant and submitted that he has furnished to the Appellant information at point No. 3, with regards to information at point No. 4, same is not available in the records of the public authority and with regards to information at point No. 1 and 2, same has been rejected under Section 8(1)(j) of the Act.
5. Through the reply dated 14/06/2023, the PIO contented that, at the relevant time when the information was sought by the Appellant the files relating to the said matter were in the custody of the advocate on record, Adv. Menino Pereira at Vasco-da-Gama, Goa and same were not in his possession.

Further, the PIO contended that, moment he received the relevant files from the advocate on 27/03/2023, the information sought by the Appellant was kept ready on the same day and dispatched a registered letter to the Appellant dated 27/03/2023 informing to collect the information, and to support his case he produced on record the copy of letter alongwith registered A/D Card.

6. It is a matter of fact that, the PIO has furnished available information to the Appellant in the open court on 14/06/2023.
7. The contention of the Appellant is that, the information provided by the PIO is incomplete and incorrect and that he is not satisfied with the information. Apart from this bare statement, the Appellant has not clarified as to how the information furnished is not correct and

particularly why he is not satisfied with the information. The Appellant being unable to substantiate his contention regarding malafide denial of information, therefore, I do not find any substance in the claim raised by the Appellant.

8. The authority of this Commission is simply to provide the information held or under the control of a public authority. This authority cannot adjudicate upon the merits or worthiness of the information provided.
9. In the backdrop of the above facts, I find that there is no denial of information by the PIO. If the information is not in the custody of the PIO at the relevant time, there is nothing wrong on the part of the PIO to seek time in furnishing the information.
10. No doubt, it is true and correct that there is delay in furnishing the information. However, the delay caused in furnishing the information was not deliberate and intentional and same is reasonably explained by the PIO. This is also not the case where the PIO is unwilling to provide the information, on the contrary upon the direction of the Commission, the PIO has promptly furnished the information to the Appellant in the course of hearing.
11. In the light of above facts and circumstances, the show cause notice dated 03/02/2023 issued in the present penalty proceeding against the PIO is dropped.

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

Sd/-

(Vishwas R. Satarkar)

State Chief Information Commissioner