

GOA STATE INFORMATION COMMISSION
"Kamat Towers" 7th Floor, Patto Plaza, Panaji, Goa – 403 001
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Appeal No. 229/2024/SCIC

Mr. Shrikant V. Gaonkar,
Padmavati Towers,SF-5, 2nd Floor,
18th June Road, Panaji-Goa 403001.Appellant
V/s

1.Public Information Officer,
O/o North Goa Planning & Development Authority,
Shanta Bldg., 1st Floor, St. Inez,
Panaji-Goa.

2.First Appellate Authority,
The Member Secretary,
North Goa Planning & Development Authority,
Shanta Bldg., 1st Floor, St. Inez,
Next to Hotel Vivanta,
Panaji-Goa. Respondents

Shri. ARAVIND KUMAR H. NAIR - State Chief Information Commissioner, GSIC

Relevant Facts Emerging from the Appeal

RTI application filed on	24/04/2024
PIO replied on	21/05/2024
First Appeal filed on	31/05/2024
First Appellate order on	03/06/2024
Second appeal received on	11/10/2024
Decided on	14/10/2025

Information sought and background of the Appeal

1. Shri. Shrikant V. Gaonkar filed an application dated 24/04/2024 under RTI Act, 2005 to the PIO, North Goa Planning and Development Authority (NGPDA) seeking information at five(05) main points and at nine(09) sub points under point 05 in connection with his complaint dated 22/01/2023 and the correspondence received by the North Goa Planning and Development Authority from Saras Co-operative Housing Society Ltd, Ribander.

2. In response to the RTI application, PIO, North Goa Planning and Development Authority vide letter dated 21/05/2024 replied as under :

"With reference to your letter, it is informed that your request for information is considered by the Authority and you are requested to make a payment of Rs. 1350".

3. Subsequently, Appellant filed first appeal dated 31/05/2024 before the First Appellate Authority stating that the Respondent PIO failed to provide required information within 30 days and the PIO has collected Rs.1350/- as fee which is illegal and the amount needs to be refunded to the Appellant with interest @ 18/- from the date of receipt of the payment till the date of refund of the said amount.
4. Perusal of material available with the present appeal revealed that the Respondent PIO vide letter dated 03/06/2024 furnished point wise reply covering all 05 main points and 09 sub points under main Point No.05 of the Appellant's RTI application.
5. Material available with the present appeal indicates that First Appellate Authority has served notice to the parties in the Appellant's first appeal fixing the matter for hearing on 03/07/2024 but copy of the FAA's order did not find along with the present appeal.
6. Appellant preferred Second appeal dated 11/10/2024 before the Commission stating that :
 - a. Appellant was directed by the Respondent PIO to make payment of Rs.1350/- to seek the information without giving details as required u/s. 7 of the Act.
 - b. FAA failed to pass an order in first appeal within the prescribed time limit.
 - c. PIO has given no reply to Point No.3 and 5.

Appellant prayed for direction to the Respondent PIO –

- i. To furnish correct information to the RTI application.
- ii. To refund Rs.1350/- collected from the Appellant with interest 18% per annum w.e.f. 29/05/2024 till the date of refund.

- iii. Recommend disciplinary action against the PIO and FAA for failing to adhere to the provisions of the RTI Act, 2005.
- iv. Direct the Respondent PIO to pay Compensation of Rs.25,000/- and cost of Rs. 10,000/- each to the Appellant for his failure to give required information.

FACTS EMERGING IN COURSE OF HEARING

7. Pursuant to the filing of the present appeal, parties were notified fixing the matter for hearing on 24/02/2025 for which Appellant's authorised person Ms. Shivani Gaonkar and Respondent's lawyer Adv. Preeta P. Gaykar present. Adv. Gaykar agreed to file reply on the next date of hearing slated for 17/14/2025.
8. Adv. Sayeli Bandodkar present for Respondent on 17/04/2025 and Appellant was represented by Ms. Shivani Gaonkar. Matter posted to 30/04/2025 with the direction to the lawyer of Respondent PIO to file reply to the appeal.
9. When matter called for hearing on 30/04/2025, Appellant present and Adv. Sayeli Bandodkar present for Respondent PIO. Adv. Sayeli Bandodkar filed Respondent PIO's reply dated 30/04/2025 stating that:
 - a. On receipt of the Appellant's RTI application dated 24/04/2024, after verifying the availability of the information, vide letter dated 21/05/2024 requested the Appellant to make payment of Rs. 1350/- to provide information.
 - b. Appellant paid the amount of Rs. 1350/- on 29/05/2025 but information not furnished on the same day.
 - c. Instead of waiting for the information to be provided, Appellant preferred first appeal dated 31/05/2024 before the FAA.
 - d. FAA vide order dated 15/07/2024 directed the Respondent PIO to refund additional amount as the actual amount towards the photocopy was Rs.570/-.

- e. In compliance with the direction issued by the FAA, apart from providing information, an amount of Rs.792/- vide Cheque No.330531 dated 08/10/2024 returned to the Appellant.
 - f. Despite refunding the extra amount, Appellant preferred Second appeal with malafide intention and seeking various directions including claim of interest @ 18% per annum and compensation.
 - g. There is no provision under RTI Act to grant interest or to award compensation.
10. In response to the Respondent PIO's reply dated 30/04/2025, Appellant filed rejoinder dated 06/05/2025 submitting that:
- i. The same Respondent PIO has been noticed earlier also for collecting amount beyond the prescribed fee for information.
 - ii. PIO has failed to explain why he did not furnish information immediately after collecting money for the information.
 - iii. Appellant has paid over 28 lakhs as income tax and hourly income is Rs.7500/-.
 - iv. Both FAA and PIO compelled the Appellant to visit their office on multiple times to seek information.
 - v. Grant cost and compensation of Rs. 2,00,000 for compelling Appellant to file present appeal, first appeal and attending hearings.
 - vi. Impose maximum penalty on Respondents.

COMMISSION'S OBSERVATIONS

- (i) **When actual fees to be charged for the information provided to the Appellant is Rs. 558/- only, on what ground Rs.1350/- has been collected as fee from the Appellant by the Respondent PIO.**
- (ii) **Since the Appellant paid the amount (Rs.1350/-) for getting desired amount on 29/05/2024, Respondent PIO**

was bound to furnish the information to the Appellant on the same day itself.

- (iii) When an Appellant is asked to pay an amount to avail information, it is the responsibility of the concerned PIO to mention the said fee giving the break-up of the document/information (No. of pages x amount per page)**
- (iv) Commission has nothing to do with the amount paid as Income Tax by the Appellant or Respondent of a matter before it or the amount they earn as income.**
- (v) If any Appellant or Complainant filed an appeal or complaint before the Commission, they have to invariably attend the hearing if they wish to pursue their matter before the Commission and Commission is not responsible for losing their working hours or income on account of attending the hearing in the matter filed by said Appellant or Complainant.**
- (vi) Respondent PIO is directed henceforth to ensure that if the information is send by post, it should be sent by registered post with acknowledgement.**
- (vii) PIO is duty bound to furnish information within the stipulated time frame of 30 days and if information is provided after 30 days, it should be free of cost.**

COMMISSION'S CONCLUSION

After considering the appeal memo, submission and arguments placed by the parties to the present appeal, Commission has come to the conclusion that –

- (i) The Respondent PIO has collected Rs. 1350/- from the Appellant on 29/05/2024 to furnish information instead of actual amount of Rs. 558/- but information was not furnished to the Appellant on the same day. It was furnished vide letter dated 03/06/2024.
- (ii) Complying with the order of the First Appellate Authority, Respondent PIO has refunded excess charge of Rs. 792/- to the Appellant on 08/10/2024.
- (iii) Appellant besides praying for an amount of Rs. 2,00,000/- (Two lakhs only) as compensation and cost also prayed for interest @ 18% per annum to the amount of Rs. 1350/- paid by him for the period from 29/05/2024 (date of payment) to 08/10/2024 (date of refund).

DECISION

- i. Appellant primarily approached the Commission with the prayer of granting interest @ 18% per annum to the amount of Rs. 1350/- held by the Public Authority from 29/05/2024 to 08/10/2025, but there is no provision under the RTI Act, 2005 to award interest for the excess amount charged.

Even though excess fee of Rs. 792/- collected has been refunded on 08/10/2024, Respondent PIO failed to furnish the information on the same day on which Rs. 1350/- was paid by the Appellant.

- ii. *Under RTI Act, 2005, if information is not provided within stipulated 30 days, the Appellant is entitled to get it free of cost and any fee already paid should be refunded.*

In the present matter even after collecting the fee on 29/05/2024, information was provided vide letter dated 03/06/2024 only (i.e. after 30 days' time frame).

Appreciating the direction of the First Appellate Authority to the Respondent PIO to refund the excess amount of Rs. 792/-, Commission hereby directed the Respondent PIO and the Public Authority (NGPDA) to refund Rs. 558/-, the charge collected for furnishing information to the Appellant within 15 days from the receipt of this order.

iii. Even though the Respondent PIO has furnished reply to the Appellant vide letter dated 03/06/2024, Commission hereby directed the Respondent PIO to furnish information in respect of Point No.5 (c) of the RTI application dated 24/04/2024 free of cost within 15 days from the receipt of this order.

iv. Commission has not found any sufficient ground in the matter to award compensation to the Appellant as the Appellant's core request is the return of money with interest @ 18% per annum.

Section 19(8) (b) of the RTI Act, 2005 grants Information Commission the power to order compensation for the complainant for any loss or detriment suffered.

Compensation is not automatically granted and the Appellant must prove that he/she suffered tangible loss or harm on account of the denial or delay of the information sought.

In this present appeal, issue was not pertaining to the information but pertaining to the fee collected by the Respondent PIO exceeding the actual amount for furnishing information and not giving proper break-up of the amount visa-vis information.

v. Respondent PIO is hereby directed to show cause why penal action u/s 20(1) of RTI Act, 2005 is not initiated

against you for overcharging (collecting Rs. 1350/- instead of actual fee of Rs. 558/-) from the Appellant and not providing information on the same day of receiving the fee for information.

vi. Respondent PIO's compliance report should reach the Commission within 21 days from the receipt of this order.

- Proceedings in the matter stands closed.
- Notify the parties.

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/-

(ARAVIND KUMAR H. NAIR)

State Chief Information Commissioner, GSIC

