

**GOA STATE INFORMATION COMMISSION
AT PANAJI**

CORAM: Shri M. S. Keny, State Chief Information Commissioner

Complaint No. 191/SCIC/2010

Shri Kashinath Shetye,
R/o Bambin Bldg.,
Alto, Fondvem, Raibandar.

...

Complainant.

V/s

Public Information Officer,
Commercial Tax,
Panajim Ward,
Altinho, Panaji –Goa.

...

Opponent.

Complainant present.

Opponent absent. His Adv. K. L. Bhagat present.

**O R D E R
(17/01/2011)**

1. The complainant, Shri Kashinath shetye, has filed this complainant praying that the information as requested by the complainant be furnished to him correctly free of cost as per section 7(6); that penalty be imposed on the Public Information Officer as per law for denying the information to the complainant that compensation be granted and that inspection of documents may be allowed as per rules.

2. The brief facts leading to the present complaint are as under:-

That the complainant had filed an application dated 19/10/2009 seeking certain information under Right to Information Act 2005('RTI'Act for short) from the Public Information Officer ('PIO')/Opponent. That the Opponent failed to furnish the required information as per the application of the complainant and further no information was allowed and payment in challan. Being aggrieved by the order and non-action on behalf of the opponent of the RTI Act the Complainant has preferred the present complaint on various grounds as set out in the complaint.

3. The case of the opponent is fully set out in the reply which is on record. In short it is the case of the opponent that the present complaint does not fall within

the ambit of section 18 of the RTI Act and ought to be dismissed in limine. That the present complaint is premature as the complainant has not taken recourse of approaching the First Appellate Authority and on this ground also the appeal needs to be dismissed. That Hon'ble CIC has held that Appellant should prefer the First Appeal before FAA before approaching the Hon'ble RTI Commission. On merits it is the case of the opponent that the complainant, vide his application dated 19/10/2009 had sought information in respect of items Nos. 1 to 6 as set out in the application. That the PIO vide his letter dated 18/11/2009 informed the complainant that the information was ready. However the complainant failed to pay process fees alongwith the said application as provided under RTI Rules 2005. That the complainant was asked to make payment of Rs.8/- so as to enable the PIO to process his application. He was further advised to make payment by depositing the same amount in S.B.I. Treasury Branch, Panaji –Goa or Corporation Bank or by affixing requisite amount of Court fee stamps. Duly prepared challan was also enclosed to the said letter so as to make it convenient for the complainant to make the payment of process fees. It is the case of the opponent that despite having received the letter the complainant failed and/or neglected to make the payment of the said fees. Hence the application was not maintainable and as such PIO was not bound to furnish the information. According to the opponent grounds set out are baseless.

4. Heard the complainant and the Adv. Shri K. L. Bhagat for the opponent and perused the records.

It is seen that complainant and ten others filed an application dated 19/10/2009 seeking certain information. The application is styled as complaint/information under Right to Information Act 2005. By reply dated 18/11/2009, the Commercial Tax Officer informed the complainant that information

...3/-

is ready and to pay Rs. 8/-. The complainant was told to pay the amount in SBI Treasury Branch, Panaji Goa or Corporation Bank. It was also informed that alternatively the complainant may also pay fees by way of court fees stamp. It appears that the complainant did not pay the same instead filed the present complaint.

The complainant ought to have paid the fees and received the information. If the complainant did not wish to pay by challan he could pay by any mode as prescribed by rules. It is to be noted here that fee rules have little discretion with public authority. Prescribed fee is to be paid.

5. Adv. for the opponent contends about maintainability of the complaint. Of course in the factual backdrop of this case no complaint lies. Adv. for opponent has relied on some rulings of C.I.C. I do agree that First Appeal is to be preferred C.I.C. has also refused to accept appeals without approaching FAA.

6. In any case the Complainant to pay the fees as laid down in the rules. Opponent on his part to accept the said fees to be paid as laid down in rules.

7. In view of the above I pass the following order:-

ORDER

Opponent to furnish the information as sought by the complainant vide his application dated 19/10/2009, within 15 days from the date of receipt of this order, on payment of the necessary fees. The complaint is disposed off.

The complaint is accordingly disposed off.

Pronounced in the Commission on this 17th day of January, 2011.

Sd/-
(M.S. Keny)
State Chief Information Commissioner

Complaint No.481/SCIC/2010

Goa State Information Commission,
Shrama Shakti Bhavan, Gr. Floor,
Patto, Plaza, Panaji –Goa.

Dated: 28/01/2011.

To,
Mr. Rudresh S.Naik,
R/o Radha Bldg, 2nd flr.,
Nr. Market, Panaji –Goa.

Public Information Officer,
Goa Coastal Zone Management Authority,
Saligao

Sub: Complaint No.481/SCIC/2010.

Sir,

I am directed to forward herewith copy of the Order dated 11/01/2011 passed by the Commission in the above referred Complaint for your information and necessary action.

Yours faithfully,

(Meena H. Naik Goltekar)
Under Secretary-Cum-Registrar

Encl: copy of Judgment/Order in 3 pages.

