

**GOA STATE INFORMATION COMMISSION**  
**AT PANAJI**

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

**Appeal No.143/SIC/2010**

Shri Praxy F. Bhobe,  
Vithalpur Karapur, Tisk,  
Sankhali-Goa 4035-05

....Appellant

**V/s**

The Public Information Officer,  
Mamlatdar of Salcete,  
Govt. of Goa,  
Margao, Salcete-Goa.

..... Respondent

Appellant in person

Adv. Smt. Harsha Naik for Respondent

**JUDGEMENT**  
**(05-09-2011)**

1. The Appellant, Shri Praxy F. Bhobe, has filed the present Appeal praying that the Mamlatdar of Salcete be directed to immediately furnish all the information requested by him as per his application dated 8/10/2009 free of cost as the 30 days time period has lapsed; that penalty may be levied on the P.I.O. as per the provision of the R.T.I. Act for considerable delay in providing the information and that the P.I.O.'s and Appellate Authorities are ignorant about the provisions and procedures of the R.T.I. Act 2005 and should be penalized for creating unwarranted hurdles to the applicants seeking information under the Act.

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

That the Appellant, vide his application dated 8/10/2009 sent by speed post, sought certain information under the Right to Information Act 2005 (R.T.I. Act for short) from the Public Information Officer, (P.I.O.)/Respondent. That by reply dated 30/10/2009 the Respondent, instead of providing information he was asked to report to his office at Margao Goa on 6/11/2009 at 9.30 a.m. That the appellant was not present in Goa around that time and there was delay on his part to report about his inability,

however, he did so by letter dated 9/12/2009. That the Appellant in the said letter requested the P.I.O. to provide him whatever information was available. That finally after three months the Mamlatdar of Salcete vide letter dated 8/1/2010 informed him to collect the information by paying an amount of Rs. 456/- that the appellant filed the Appeal before the First Appellate Authority, office of the Collector of south Goa District Margao Goa, vide letter dated 16/1/2010 against the excessive fee charged and for delay in providing the information and also for providing information free of charge as 30 days had passed. However the Appeal was not heard. Being aggrieved the Appellant has preferred the present appeal.

3. The Respondent resists the Appeal and the reply of the Respondent is on record. In short it is the case of the Respondent that no first Appeal is filed by the Appellant. That the present complaint is vicious and bad in law and only filed to harass the Government Officials. On merits the Respondent denies that about the application being sent on 8/10/2009. That vide letter dated 30/10//2009 complainant was asked to come and collect the information on 6/11/2009. That it is admitted fact that there was a delay on the part of the Complainant to approach the office and the same is clear vide his letter dated 9/12/2009 and that the complainant is not residing in Goa and is mostly out of station. That by letter dated 8/1/2010 the complainant was informed to collect the information by paying an amount of Rs. 456/- since the information was voluminous to which the complainant failed to do so. The Respondent denies that the first Appeal was filed. According to the Respondent the Appeal is liable to be dismissed.

4. Heard the arguments. The Appellant filed the written arguments. The learned Adv. Smt. Harsha Naik argued on behalf of Respondent No.1

Adv. for Respondent no.1 submitted that point 1 and 2 cannot be answered and point no.3 is voluminous information . That the P.I.O. replied to remain present on 6/11/2009. However the Appellant failed to remain present on that day but sent letter dated 9/12/2009. By letter 8/1/2010 he was told to pay the amount but failed to pay. According to her it is not known whether appeal was filed at all.

5. I have carefully gone through the records of the case and also considered the arguments advanced by the Adv. for the Respondent No.1 and written arguments of Appellant.

It is seen that the Appellant by letter dated 8/10/2009 sought certain information. The said letter was sent by speed post. According to the Respondent the same was received on 13/10/2009. It appears that by letter dated 30/10/2009 the Mamlatdar of Salcete requested the Appellant to approach their office on 6/11/2009 at 9.30 a.m. It appears that the Appellant did not remain present. By letter dated 9/12/2009 the Appellant informed the Respondent that due to his continuous travel plans out of the State of Goa, he has not been able to report his office on the Specific date as mentioned by him. He also states that if his presence was required he would visit the office in the near future. He also mentioned that in the meantime the Respondent may provide with the information. On 8/1/2010 Mamlatdar of Salcete writes another letter requesting the Appellant to remain present on 18/1/2010 to pay the challan amount of Rs. 456/- It is to be noted here that the Appellant did not pay the said amount. Instead preferred an appeal before the first appellate authority. The Appeal was addressed to the F.A.A. office of the Collector of south Goa District, Salcete Margao -Goa by letter dated 16/01/2010. By letter dated 22/01/2010, the Collector, south Goa sent the same to the Dy. Collector & sub divisional Officer Margao and directed to

take appropriate action in the matter. It is seen that by letter dated 22/03/2010, the Appellant informed the Collector that even after 2 months no solution has been provided by any of the Officer including Dy. Collector & S.D.O. Margao or the P.I.O Mamlatdar of Salcete. It appears that Appeal was not decided. On 9/6/2010 the present appeal was filed.

6. In the first place there is delay on the part of the Appellant to approach the Respondent in pursuance of letter dated 30/10/2009. This letter is within 30 days. On 9/12/2009, the Appellant has given explanation as to how he could not attend. The Respondent calls the Appellant to pay by letter dated 8/1/2010. This could be done immediately after 9/12/2010. So there is delay on the part of Respondent also. The matter does not rest here.

It is seen that request for information is dated 8/10/2009/13/10/2009 reply should have been by 8/11/2009. since information is not furnished then it could be treated as deemed to have been refused. So within 30 days from 8-11/13-11-2009 the Appeal before F.A.A. should have been filed. The appeal memo is on record, Annexure V. That means Appeal is filed beyond period of 30 days. Under R.T.I. Act First Appellate Authority has to decide the Appeal within 30 days this period can be extended by 15 days for which the F.A.A. has to give reasons. So the same should have been decided by 16/2/2010. second Appeal lies within 90 days the present appeal is filed on 9/6/2010.

Section 19 reads as under;-

“ Section 19 Appeal

(1) Any person who does not receive decision within the time specified in Sub-section (i) or clause (a) of Sub-section (3) of section 7 or is aggrieved by a decision of the Central Public Information Officer or State Public Information Officer, as the case may be may within 30 days from the expiry of such period or

from the receipt of such a decision prefer an appeal to such Officer who is senior in rank to the Central information Officer or State Public Information Officer as the case may be, in each Public Authority.

Provided that such officer may admit the Appeal after the expiry of the period of thirty days if he or she is satisfied that the Appellant was prevented by sufficient cause from filing the Appeal in time.

2.....  
.....

3. A second appeal against the decision under sub-section (1) shall lie within ninety days from the date on which the decision should have been made or was actually received , with the central information Commission or the State Information Commission .

Provided.....

4. -----

5.-----

6. An Appeal under sub-section (1) or sub-section (2) shall be disposed of within thirty days of the receipt of the Appeal or within such extended period not exceeding a total of forty five day from the date of filing thereof as the case may be for reasons to be recorded in writing”

7. Appellant did not collect information as called by letter dated 8/1/2010 perhaps he could not know about F.A.A. He filed an Appeal before office of the Collector South Goa. It appears that the same was sent to Dy. Collector. However the same was not decided. Under R.T.I. appeal ought to have been decided within 30 days. This has not been done. This shows the attitude of F.A.A. to the matters under R.T.I. Hope the Appellant Authority henceforth shall treat the Appeal /R.T.I. matters with care and caution.

8. As observed above there is delay on the part of the Appellant as well as the Respondent P.I.O. P.I.O. sent the initial letter in time. In the factual matrix of this case I do not wish to penalize the P.I.O. however he is warned that such things do not happen in future His only fault is he should have acted at least within a week from the letter dated 9/12/2009 received from the Appellant. In the entire process there is delay in furnishing information to the Appellant. Therefore, the information be furnished without charging fees .

9. In view of all the above, I pass the following order:-

**ORDER**

Appeal is partly allowed.

The Respondent is hereby directed to furnish the information as requested by the Appellant vide his application dated 8/10/2009 free of cost at the address of the appellant within 20 days from the date of receipt of this order and report compliance.

Appeal is accordingly disposed off.

Pronounced in the Commission on this 5<sup>th</sup> day of September 2011.

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