

## **GOA INFORMATION COMMISSION**

Ground Floor, "Shrama Shakti Bhavan", Patto Plaza, Panaji.

Appeal No. 52/SCIC/2008

Shri. Narayan Ganesh Gadekar,  
302, Nigal Ambere, Pernem – Goa.

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Appellant.

V/s.

1. Public Information Officer,  
Excise Station, Pernem Taluka,  
Pernem - Goa.
2. First Appellate Authority,  
The Excise Commissioner,  
Office of the Commissioner of Excise,  
Panaji – Goa.

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Respondents.

### **CORAM:**

Shri A. Venkataratnam  
State Chief Information Commissioner

(Per A. Venkataratnam)

Dated: 22/09/2008.

Appellant in person.

Respondent No. 1 in person. Respondent No. 2 absent.

## **ORDER**

This matter has come up for hearing when both the Appellant and the Public Information Officer were present. Though an unsigned memo of appearance was filed on behalf of Mr. K. L. Bhagat to defend the Respondents, no appearance was put in by him at the final hearing.

2. The Appellant made two requests for information under the Right to Information Act, 2005 (for short the RTI Act) on 29/03/2008 and 9/5/2008. Having received no reply in time he filed his first appeal before the Respondent No. 2. After hearing both the parties, the learned first Appellate Authority dismissed the appeal. However, he also directed information to be given to the Appellant on payment of fees.

3. The Public Information Officer has taken the plea both at the time of hearing before first Appellate Authority and before this Commission, that he did not receive both the applications of the request. He, however, received both of them through the office of the first Appellate Authority alongwith the notice for appearance for the hearing of the first appeal. The Public Information Officer further submitted that the information was kept ready on the same day and was informed to the Appellant to collect

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the information after payment of fees. The Appellant has admitted before me that he did receive the intimation to collect information. However, he is not willing to collect information because it was not given to him "in time".

4. In his prayer in the second appeal before this Commission as well as at the time of personal hearing before this Commission, the Appellant wanted that the concerned officer, meaning the Public Information Officer, to be punished by taking necessary action. It is, therefore, clear that the Appellant does not want the information but wants to get the Public Information Officer punished.

5. On the specific issue of the non-receipt of the request of the Appellant by the Public Information Officer, the Appellant could not produce any evidence except photocopies of a certificate of posting. The first Appellate Authority has made efforts by contacting the Postal Department, which did not accept any responsibility for delivery of articles posted under certificate of posting. The Postal Department further clarified that the evidence of the certificate of posting by way of the stamp receipt will only show that the article have been handed over at the post office. However, under its rules, the Postal Department is not responsible for the delivery to the addressee unless the articles are sent by registered post.

6. In view of the above discussion, as it has not been proved that the applications for request were received by the Public Information Officer from the Appellant, the prayer of initiating action for penalizing the Public Information Officer does not arise.

7. Accordingly, the second appeal is devoid of any merit and is hereby dismissed.

Pronounced in the open court on this 22<sup>nd</sup> day of September, 2008.

Sd/-  
(A. Venkataratnam)  
State Chief Information Commissioner