

**GOA STATE INFORMATION COMMISSION AT PANAJI**  
**Seventh Floor, Kamat Towers, Patto, Panaji –Goa.**

**CORAM: Shri. Prashant S. P. Tendolkar**, State Chief Information  
Commissioner.

**Smt. Pratima K. Vernekar**, State Information Commissioner.

**Appeal No. 82/SIC/2010**

Shri Sakharam N. Marathe,  
Village Ambede,  
P.O. Nagargaon,  
Sattari – Goa.

... Appellant

V/s

1) Executive Engineer (Proc.)  
PIO, O/o Chief Electrical Engineer,  
Electricity Department,  
Vidyut Bhavan, Panaji –Goa.

... Respondent No.1

2) The First Appellate Authority,  
Superintending Engineer-II (N),  
Electricity Department, Vidyut Bhavan,  
Panaji –Goa.

... Respondent No.2

**Filed on: 28/01/2010**

**Disposed on: 04/08/2016**

**ORDER**

1) In this appeal the appellant assails the action of PIO of non furnishing of information to his queries Nos. 5, 6 and 7 of application, dated 22/08/2009 filed under section 6(1) of the Right to information Act 2005 (Act).

2) By his said application dated 22/08/2009 filed under Section 6(1) of the Act the appellant has sought information to (7) queries. As per his averments in memo of appeal he has no grievance in respect of information furnished at queries (1) to (4). His objection is only in respect of non furnishing of the information for queries (5) to (7).

...2/-

- 3) Notice were issued to the parties. Pursuant to notice PIO appeared. The notice, dated 25<sup>th</sup> April 2016, sent to the appellant was received by him on 04/05/2016. In spite of said notice the appellant failed to remain present before the Commission.
- 4) Subsequently a notice was sought to be served through talathi, the same was returned with remarks that the appellant is residing in Bombay. No change in address is informed to this Commission. Thus in spite of several opportunities the appellant failed to attend the hearing.
- 5) The arguments on behalf of PIO were heard. According to PIO the information at the disputed queries (5) to (7) are sought in the form of reasons and as to the facts which may exist in future. Hence they cannot be furnished being non existing information.
- 6) We have perused the records. The queries at serial No.(5) (6) and are:

*"(5) What is the due date for completion of the billing work of Valpoi office?"*

*6) By what date have you programmed to issue the computerized bills of Valpoi office consumers?"*

*7) It there is delay in execution of this work what is the reason and who is responsible for the delay?"*

7) From the above, it can be seen that by query (5) and (6) the appellant requires the information pertaining to an event which would exist in future and not existing now. Section 2(f) of the Act includes information as is held in any form. The information which is not held and which would exist later does not come under the ambit of information.

8) As regards requisition at Sr. No. 4, there is a significant judgment, dated 03/04/2008 passed by the Hon'ble High Court of

Bombay at Goa in **Writ Petition 419/2007** in the case of **Dr. Celsa Pinto V/s. The Goa State Information Commission and another** to answer the requisition at Sr. no. 4 by the Appellant. His Lordship held as follows:

*"Information has been defined by Section 2 (f) as follows.*

*"Section 2(f) – Information means any material in any form, including records, documents, memos e-mails, opinions, advices, press releases, circulars, orders, logbooks, contracts, reports, papers, samples, models, data material held in any electronic form and information relating to any private body which can be accessed by a public authority under any other law for the time being in force."*

*The definition cannot include within its fold answers to the question "why" which would be the same thing as asking the reason for a justification for a particular thing. The Public Information Authorities cannot expect to communicate to the citizen the reason why a certain thing was done or not done in the sense of a justification because the citizen makes a requisition about information. Justifications are matter within the domain of adjudicating authorities and cannot properly be classified as information."*

9) As per his own queries at (5) and (6), the appellant has sought for certain information of a later date and which is not in existence. Hence to our mind the PIO was justified in not answering the same.

10) Regarding query No.(7) the same is in the form of a reason i.e. "why" such a query does not constitute an information and hence PIO is not supposed to give opinion on the functioning of the Public Authorities.

11) Thus considering the nature of queries, we find no fault on the part of PIO in not furnishing the information. Consequently, we find no merits in the appeal.

The appeal is therefore dismissed. Proceeding closed. Parties to be intimated.

Pronounced in the open proceedings.

**Sd/-**  
**(Prashant S. Prabhu Tendolkar)**  
State Chief Information Commissioner  
Goa State Information Commission  
Panaji-Goa

**Sd/-**  
**(Pratima K. Vernekar)**  
State Information Commissioner  
Goa State Information Commission  
Panaji-Goa