

# GOA STATE INFORMATION COMMISSION

'Kamat Towers', Seventh Floor, Patto, Panaji – Goa

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**Appeal No. 94/SIC/2015**

Shri Amol S.Sawant,  
H.No. 647, Walkeshwar Wada,  
Betim Bardez Goa.

..... Appellant

**V/s.**

1. First Appellate Authority,  
Director of Panchayats,  
C/o Directorate of panchayats,  
Junta House Panaji Goa.
2. Public Information Officer,  
Dy. Director of Panchayats,  
C/o Directorate of panchayats,  
Junta House Panaji Goa.

..... Respondents

**CORAM:**

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

Filed on: 21/08/2015

Decided on: 06/06/2017

## **ORDER**

1. The appellant, Shri Amol Sawant submitted an application on 17/3/15 under the RT Act 2005 seeking certain information at query no. (a) to (f) from the PIO ,Director of Panchayat panajim Goa.
2. The said application responded by PIO on 2/4/2015 there by partly furnishing information a point No. (a), (b) and (f) of his application the information at point (c)(d) and (e) was denied to him as the same was not available in the case file. However the PIO vide said reply requested the appellant to inspect the said file on any working day in morning session if he so desired.
3. Accordingly the appellant visited their office carried out the inspection on 8/4/2015.

4. The appellant then file first appeal before the Director of Panchayat North, Panaji Goa on 13/5/15 and the first appellate authority vide order dated 26/5/15 was pleased to dismissed the first appeal.
5. Being aggrieved by the order by Respondent No. 1 FAA the present second appeal came to be filed by the appellant on 21/8/2015 seeking relief for invoking penal action against both the respondents on the ground that his application was not responded within time under sub-section (1)of section 7 and that incomplete and misleading documents were furnished to him.
6. In pursuant to the notice the appellant appeared in person. The respondent PIO was represented by Shri Sudhir Kerkar and first appellate authority represented by Pradeep sawant.
7. Reply came to be filed on Respondent PIO on 17/4/17 and reply filed by FAA on 6/2/17.
8. During the course of hearing on 31/3/2017 the PIO Shri Sudhir Kerkar submitted that whatever information desired by him and which was available in their records have been furnished to him and more over the inspection was also carried out by the appellant from the concerned files and the appellant was convinced that no such information at point No. (c), (d) and (e) was available in the said file. The appellant also affirms the said fact and admitted that the documents are not available in the office records.
9. The appellant contended that the Judgment dated 9/2/2010 passed by the additional Director of Panchayat (II) in Panchayat Appeal No. 196/2000 refer to one letter dated 25/2/2002 of Village Pabchayat Penha De France and the said letter was not found in the said file records. He further contended that the said letter might have been removed from the said file by some one . It is further contention that said letter ought to have been provided to him by the PIO.
10. I have perused the records and also considered the reply and arguments.

11. In section 2 (f) of the Act only refers to such material available in the records of the public authority. While requiring PIO to furnish the information, he cannot be called upon to create information for being furnished.
12. I find that since the information sought by appellant under section 6(1) of the act vide his application dated 17/1/15 at point No. (c) (d) and (e) as not available, the same cannot be directed to be furnished.

Hence I find no irregularity or perversity in the reply of PIO or in the order of the first appellate authority.

13. It is the case of the appellant that his application was not responded with in time. It is seen from the records that the application u/s 6(1) was made on 17/3/15 and the same was replied by registered AD on 2/4/15 well within stipulated time wherein the appellant was informed that his information at point No. (a), (b) and (f) is ready and to obtain the same on necessary fees from their office on any working days . It is seen from the acknowledgment given by the appellant on said letter that he collected the information on 21/8/15. It appears from the said records that the appellant has delayed in receiving the same. The appellant is silent as to when the payment was made by him. No any receipt of payment made by him was relied by him. In the course of the hearing he was unable to substantiate vis-avis a the document which are misleading and incorrect documents, which were furnished to him. The appellant has miserably failed to discharge his onus . On the contrary the Respondent PIO have showed their bonafide in furnishing he information in time and even have gone out of way for giving inspection of file consequently I am decline to grant prayers sought by the appellant which are in penal nature in the present appeal .
14. In the above given circumstance I hold that whatever information was available with the PIO have been furnished to him and Respondent have responded well within time.

15. Since it is contention of the appellant that some one might have removed from the file letter dated 25/02/2002 which was referred by the additional director of Panchayat in Judgment dated 9/2/2010 I am of the opinion that ends of justice would meet with following directions.

Order

The appellant can approach with office of Director of Panchayat with his above grievance of tempering of documents and removing the said letter dated 25/2/2002 from the records. The Director of Panchayat or through his subordinate shall inquire into the same within 3 months and shall inform the out come of the inquiry to the appellant.

Appeal is disposed accordingly .

Notify the parties.

Authenticated copies of the Order should be given to the parties free of cost.

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.

Pronounced in the open court.

Appeal is stands dismissed liberty is hereby given to the appellant.

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