

**GOA STATE INFORMATION COMMISSION**  
'Kamat Towers' Seventh Floor, Patto, Panaji – Goa

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

**Appeal No. 46/SCIC/SCIC/2016**

**Shri Shailesh S. Henriques,**  
**H. NO.306(6), Near St. Andrew Church,**  
**Vasco –Da-Gama-Goa.**

**Appellant**

**V/s**

**The Public Information Officer,**  
**Office of the Deputy Collector & S.D.O.,**  
**Mormugao, Vasco-Da-Gama –Goa.**

**Respondent.**

Filed on : 10/3/2016

Disposed on: 29/11/2017

**O R D E R**

- 1) The appellant herein by his application, dated 17/08/2015 filed u/s 6(1) of The Right to Information Act 2005(Act for short) sought certain information from the Respondent No.1, PIO under several points therein.
- 2) The said application was replied on 14/09/2015 informing the appellant that the file pertaining to said information is not available inspite of efforts to trace the file and hence the same could not be furnished. According to appellant as the information sought was not furnished the appellant filed first appeal to the respondent No.2 being the First Appellate Authority(FAA).
- 3) The First Appellate Authority (FAA) by order, dated 27/11/2015, allowed the said appeal and directed PIO to furnish the information. Inspite of said order information is not furnished.

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4) The appellant has therefore landed before this commission in this second appeal u/s 19(3) of the act.

5) Notices were issued to the parties, pursuant to which they appeared. The PIO on several occasions sought time to furnish information after tracing the file.

6) In the course of hearing several opportunities were given to PIO to search the file and to provide information. After seeking several adjournments on 10/11/2017 PIO through his representative filed a memo enclosing the purported information. A copy of the said memo alongwith the copy of purported information was also kept in the file. As the appellant was absent the said information could not be furnished to him and opportunity was granted to appellant to confirm the same.

Inspite of opportunity appellant failed to attend the hearing even on the adjourned date i.e. 20/11/2017 hence one more opportunity was given to appellant to report compliance and was adjourned today i.e. 29/11/2017.

7) Today the appellant appeared. He was furnished the copy of the purported information, which was filed in this Commission. Appellant submitted that in view of the receipt of said information appropriate orders be passed. Accordingly I proceed to dispose the appeal.

8) The appellant has also sought for penalty against PIO. I have perused the records. In fact the file was not traceable and this is evident from the order of Dy. Collector issuing direction to staff to locate the file by remaining present on Saturdays and Sundays. It is further seen from the copies of documents, filed

as information that the said copies are the copies of said documents which were obtained in 2015 for some other proceedings.

In the above circumstances, I find no deliberate or intentional delay on the part of PIO to furnish the information, consequently I find no grounds to invoke my powers u/s 20 (1) and/or 20(2) of the act.

In the above circumstances the appeal is required to be dismissed. Accordingly the appeal is dismissed. The rights of the appellant to seek further information if any are kept open.

Order to be communicated.

Proceedings closed.

Pronounced in open proceedings.

Sd/-

**(Mr. Prashant S. P. Tendolkar)**

State Chief Information Commissioner

Goa State Information Commission

Panaji-Goa