



information as sought was not furnished and hence the appellant filed first appeal to the respondent No.2, being the First Appellate Authority (FAA).

- c) The FAA by order, dated 03/10/2017, allowed the said appeal and directed PIO to furnish the information after making a search.
- d) The appellant being aggrieved by said order has landed before this Commission in this second appeal u/s 19(3) of the act.
- e) Notices were issued to the parties, pursuant to which they appeared. The PIO on 08/02/2018 filed reply to the appeal.
- f) In the reply it was the contention of PIO that inspite of offering the information the appellant failed to collect the information. According to her the information was kept ready. In view of these submissions, the PIO was directed to produce and furnish copy of such purported information to the appellant and on copy for the records of this Commission.
- g) Accordingly on 28/03/2018 Adv. O.V. Kulkarni appeared for the appellant. PIO, Smt. Ulka Bandekar furnished, the copies of the purported information. On scrutinizing it was found that information at point No. 17 was not furnished, which was ordered to be furnished.
- h) In view of the contention of PIO in her reply u/s 7(1) of the act, that information at points 3, 4, 16, 20 to 25 and 28 is not available, she was directed to file affidavit in support of her said contentions. Accordingly on 08/06/2018 PIO filed the affidavit. However the appellant remained continuously absent

from 04/05/2018 nor collected the copy of the said affidavit. Consequently appellant did not file any affidavit in counter. In these circumstances this Commission has to proceed based on the records before it.

**2) FINDINGS:**

- a) On perusal of the records it is that the information sought is pertaining to the year 2001 and prior thereto. Being the information pertaining to old records and voluminous, delay in furnishing information appears to be reasonable. The PIO has stated in her affidavit that the information to points 3, 4, 16, 20 and 25 and 28 is not available. According to her said documents are not generated at the respondent's office nor copies are endorsed to the said office. It is in these circumstances that the PIO could not furnish the said information.
- b) The appellant has not disputed the contents of said affidavit. In the absence of any dispute this Commission has no reason to discard or disbelieve the said affidavit.

In this situation this Commission holds that the information as was dispensable is furnished to appellant and that the balance information being not in existence is beyond dispensation.

- c) Coming to the relief of penalty as prayed by appellant, it is to be noted that as observed by the Commission hereinabove, considering the period to which the information refers to and the volume of information delay caused cannot be held as intentional or

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malafide. Hence the Commission find no grounds to invoke its power u/s 20(1) and /or 20(2) of the act.

In the above circumstances the appeal stands disposed with the following :

**O R D E R**

Appeal is dismissed. Notify the parties. Proceedings stands closed.

Pronounced in open proceedings.

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