

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

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**CORAM: Shri Juino De Souza: State Information Commissioner**

**Appeal No.125/SIC/ 2013**

Mr.Caridade Fernandes,  
H. No. 852/A,  
St. Agostinho,Santa Cruz,  
Tiswadi – Goa.

..... **Appellant**

**v/s**

1.State Public Information Officer,  
Village Panchayat of St. Cruz,  
Tiswadi –Goa.

2.First Appellate Authority,  
Block Development Officer,  
Panaji-Goa.

..... **Respondents**

**Relevant emerging dates:**

Date of Hearing : 14-08-2018

Date of Decision : 14-08-2018

**ORDER**

1. **BRIEF FACTS** of the case are that the Appellant vide an RTI application dated 31/01/2013 sought certain information under Section 6(1) of the RTI Act, 2005 from Respondent PIO, V.P. St. Cruz, Tiswadi Goa. It is seen that the information is sought is on 17 points.
  
2. The Appellant is *inter alia* is seeking information about property under survey no 44 and 44/9 of Calapor Village, Tiswadi Taluka regarding Survey plan, FORM III, application for construction license and modification/ repairs, plans submitted, NOC from the following: TCP, PWD, Mrs Etelvina Fernandes, St Cruz Panchayat, license fees, house number allotted, name of owner of house tax, dimensions of existing house, setbacks and other such related information.

3. It is the case of the Appellant that as no reply or information was received from the PIO as per 7(1), the Appellant filed a First Appeal on 28/05/2013 and the First Appellate Authority (FAA) vide his Order dated 18/06/2013 disposed off the said First Appeal by holding that no directions are need to issued to the Respondent PIO since he has already furnished reply to the RTI application informing the Appellant, this information is not available in the Village Panchayat records.
4. Being aggrieved with the Order of the First Appellate Authority, the Appellant has filed the Second Appeal before this Commission registered on 16/09/2013 and has prayed that the Commission should take cognizance of the purported submissions on behalf of Respondent PIO No. 1 who is knowingly has given incorrect, misleading, incomplete information and for penalty, compensation and other such reliefs.
5. **HEARING:** This matter of the year 2013 has come up before the Commission on numerous previous occasions and hence taken up for final disposal. The Appellant Mr. Caridade Fernandes is absent, it is seen from the roznama that he has remained continuously absent right since 10/10/2016 and it appears that he is not interested to pursue his Appeal case. The present Respondent PIO, Shri Rajesh Naik, Secretary, V.P. St. Cruz, Tiswadi is present in person.
6. **SUBMISSIONS:** The Respondent PIO at the outset submits that whatever information was available was furnished to the Appellant vide letter No.VP/SC/332/2013-14 dated 15/05/2013. It is further submitted that the PIO has furnished reply / information on all 17 points and that in point No. 13 regarding House number allotted to the said construction it was replied as 'yes' and in point No.14 the name of the owner house tax paid, was Mrs. Etelvina Fernandes and that certain other information it was replied as 'not available'.

7. The Respondent PIO further submits that the Appellant had filed First Appeal and the FAA had examined the reply of the PIO and in his Order dated 18/06/2013 stated that he could not find any fault with the reply of the PIO because records from point No.1 to 14 are not available in the Village Panchayat records and in respect to point from 5 to 17 the Appellant has not given the name or house number and as such the PIO could not be make proper search of the record and was unable to furnish information.
8. **FINDINGS:** The Commission on perusal of the material on record and after hearing the PIO finds that there is a reply filed by the PIO dated 15/05/2013 wherein although in most of the points, the PIO has replied that information is 'not available', however this reply has been upheld by the FAA in his order dated 18/06/2013 which clearly states that no directions are need to be issued to the Respondent PIO as the appellant has not furnished the name or house number and hence the PIO could not make a search of the records.
9. **DECISION:** The Commission comes to the conclusion that as specific details were not provided in the RTI application by the Appellant, the PIO was unable to search the records and furnish the information. Thus there is no fault on the part of the PIO. As stipulated in the RTI Act, the role of the PIO is to provide information as available in the records, the PIO is not called upon to research or analyze or create information to satisfy the Appellant.

**No intervention is required with the order of the FAA.  
The Appeal case is devoid of any merit and is dismissed.**

All proceedings in Appeal case stands closed. Pronounced before the parties who are present at the conclusion of the hearing. Notify the parties concerned. Authenticated copies of the order be given free of cost.

**Sd/-  
(Juino De Souza)  
State Information Commissioner**

