

# GOA STATE INFORMATION COMMISSION

Kamat Towers, seventh Floor, Patto, Panaji, Goa

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

## **Appeal No. 169/2017/SCIC**

Dasharath S. Naik,  
H. No.556, Thorlem Bhat,  
Dongri Tiswadi –Goa. .... Appellant  
403104

V/s.

- 1) The Public Information Officer,  
O/o the Mamlatdar (Tiswadi),  
Panaji –Goa.
- 2) The First Appellate Authority (APIO)  
Dy. Collector (SDO),  
Collectorate Bldg  
North, Panaji-Goa. .... Respondents

**Filed On: 17/10/2017**

**Decided On: 09/10/2018**

## **ORDER**

- 1) By his application, dated 22/03/2017, the appellant sought information pertaining to agricultural land/khazan lands having sluice gates. The said information was in the form of data pertaining to such properties. According to appellant the PIO failed to furnish information within time hence first appeal was filed to First Appellate Authority (FAA).
- 2) By order, dated 18/09/2017 FAA directed PIO to furnish information to appellant. In spite of said order the PIO failed to furnish information and hence this second appeal u/s 19(3) of the RTI Act.

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- 3) On notifying the PIO she filed reply on 31/07/2018 inter alia submitting that when the required information was sought from the concerned tenant's Association, they refused to furnish information on the ground that the association is a private body and such lack of furnishing information has led to delay.

Besides said ground it is also the contention of PIO that she has several other duties to be performed under Mundkar Act, tenancy Act, u/s 133 CrPC etc. However I find no force in such grounds as PIO under the Right to Information Act 2005, has to adhere to the schedule of time. On additional work, the office will have to take call and commission has no role to play.

Vide said reply the PIO has contended that there was no malice in delay of information and that the information as was received is furnished to the appellant. The PIO has also filed on record the copies of the information purportedly furnished to appellant.

- 4) The appellant appeared to 11/06/2018 and thereafter he failed to appear. As the PIO had contended that the information is furnished, opportunity was given to appellant to file his say thereon and that failing to file any say would be held as confirmation of having received information. In spite of the said opportunity the appellant neither appeared nor filed any say disputing the receipt of said information. In view of the same I find no grounds to disbelieve that the information is fully furnished to appellant.

- 5) Coming to the relief of penalty as sought at prayers (2) and (3), on going through the nature of application it is seen that the appellant has sought the information in the form of compilation of a data. Under the RTI Act, what is required to be furnished is the information as it exists. PIO is not required to collect the data for the purpose of compilation to be furnished to the seeker. Being so, I find no malafides on the part of the PIO in delaying with the application and hence the said prayers cannot be granted.
- 6) In the above circumstances nothing remains to be decided in the appeal and the same is to be dismissed, which I hereby do.

Notify the parties.

Pronounced in the open proceedings.

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