

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

CORAM: Shri Juino De Souza: State Information Commissioner

Appeal No.82/SIC/ 2012

Shri Mahendra G. Pednekar,
H. No.62, Ward No.2,
Ruzai wado, Duler,
Mapusa – Goa.

New Address:-

Shri Mahendra G. Pednekar,
H. No.160/2,
Zariwaddo, Muddi,
Near Mahila Ashram,
Anjuna, Bardez – Goa.

..... Appellant

v/s

1. Public Information Officer,
O/o North Goa Comunidades,
Bardez, Mapusa -Goa.

2. First Appellate Authority,
Additional Collector-II,
O/o Collectorate of North Goa District,
Patto Panaji-Goa.

..... Respondents

Relevant emerging dates:

Date of Hearing : 05-02-2018

Date of Decision : 05-02-2018

O R D E R

1. Brief facts of the case are that the Appellant vide an RTI application under 6(1) of the RTI act 2005 dated 05/12/2011 sought certain information with the PIO, O/o Administrator of Comunidade (North) Zone, Mapusa. The information is on 03 points.
2. The Appellant is *inter alia* seeking certified copy of the allotment letter given to Shri Ramakant S. Chari for erection of Kiosk/stall/gaddo in the land belonging to the Comunidade of Mapusa in survey no 1, sub-div no 2 of P.T sheet no 157, of MAPUSA including2

- ...Certified copy of the contract between the Managing Committee of Comunidade of Mapusa and Shri. Ramakant S. Chari, with reference to point No.1 as referred above. Certified copy of all the related and relied document by which this authorization has taken place, as referred at point No.1, above and also Certified copy of the Allotment letter and/or any other document showing authorization given (**regarding the same temporary stall/kiosk/gaddo, earlier allotted to Shri. Ramakant S. Chari**) to Smt. Ramabai Ramakant Chari, resident of House No.62, ward NO.2, Ruzai waddo, Duler, Mapusa, Bardez, Goa,
3. It is seen that the PIO vide letter dated 28/12/2011 informed the Appellant that after verifying the records, it is found that there is no information is available in this office relating to the erection of temporary stall/Kiosk/gaddo in the above land as this office has not allotted any such stall/kiosk/gaddo to Shri Ramakant S. Chari. and Smt. Ramabai Ramakant Chari or to any person and hence RTI application has been filed and accordingly disposed.
 4. Not satisfied with the reply of the PIO the Appellant thereafter filed a First Appeal before the First Appellate Authority on 09/01/2012 and the First Appellate Authority vide his Order dated 31/01/2012 disposed off the said Appeal directing the PIO to conduct the necessary existence of the relevant records in the O/o Comunidade, North Zone, Mapusa and accordingly also disposed the RTI application dated 05/12/2011.
 5. Being aggrieved that despite such direction no information has been provided by the PIO, the Appellant thereafter filed Second Appeal before the commission registered on 20/04/2012 and has prayed to direct the PIO to furnish the information as per the RTI application and for other reliefs.

6. During the hearing the Appellant Shri Mahendra G. Pednekar is absent without intimation to this Commission. It is seen that he has remained absent right since 19/06/2013 and also nineteen times from 23/03/2016 onwards when fresh notices were dispatched and the matter was listed for hearing and it appears that the appellant is not interested to pursue his appeal case. The former PIO, Administrator of Comunidade, Smt. Irene Sequeira is present alongwith representative of the present PIO, Shri. Tushar Tulaskar, Acting Secretary, O/o Administrator of Comunidade, North Zone, Mapusa.
7. At the outset Shri. Tushar Tulaskar submits that the former PIO had informed the Appellant timely by a letter dated 28/12/2011 that the said information is not available in the records of the public authority and further pursuant to the Order passed by the First Appellate Authority (FAA) a diligent search has been conducted in the Administration Office and yet the said records is not available and as such no information is available with respect to the RTI application.
8. The Commission on perusal of the material on records and after hearing the submission of the PIO indeed finds that the information is not traceable. As stipulated in the RTI Act the role of the PIO is to provide information as is available from the records. Regrettably the PIO cannot procure information for the satisfaction of the Appellant/Complainant.
9. The PIO is not authorized to give information which is non-existent nor can he create or analyze the information correctly as per the whims and fancies of the Appellant/Complainant. The very fact that the PIO has furnished a timely reply dated 28/12/2011 stating that the said information is not available in the records of the public authority is sufficient to prove the bonafide that there is no malafide intention on the part of the PIO to deny or delay any information.

10. Further pursuant to the Order passed by the First Appellate Authority (FAA) a diligent search was conducted by the PIO in the Administration Office and yet the said records are not traceable. In view that there was no kiosk/stall/gaddo allotted by the Administrator of Comunidades, North Zone to Shri Ramakant S. Chari and Smt. Ramabai Ramakant Chari or to any person there was no information available with respect to the RTI application.

Nothing therefore survives in the appeal case which accordingly stands disposed

All proceedings in Appeal case also stand 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