

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

CORAM: Shri Juino De Souza: State Information Commissioner

Appeal No.92/SIC/ 2012

Harihar Chodankar,
R/o. Block A-1, Ground Floor,
Kamat Woods, Pedem
Mapusa, Bardez – Goa.

..... Appellant

New Address:-

Harihar Chodankar,
H.No.1792/S,
Vidy Nagar,
Porvorim, Bardez-Goa. 403 521

v/s

1. Public Information Officer,
Secretary,
Village Panchayat Socorro,
Porvorim – Goa.

2. First Appellate Authority
BDO -I
O/o of Block Development Officer,
Mapusa, Bardez – Goa.

..... Respondents

Relevant emerging dates:

Date of Hearing : 03-01-2018

Date of Decision : 03-01-2018

O R D E R

1. Brief facts of the case are that the Appellant vide an RTI application dated 21/11/2011 sought certain information u/s 6(1) of the RTI act 2005 from the Respondent PIO, Secretary, Village Panchayat, Socorro, Porvorim-Goa.
2. The information is at 4 points and the appellant *inter alia* is seeking information about a house bearing No.67/5, at Waddem, Socorro, Bardez, Goa belonging to Mr. Agnelo Lobo regarding the Ownership/Title documents, NOC/Order issued by P.W.D., Town and Country Planning Department, Health and Electricity Department, Receipts of Construction license fees, House Tax and Infrastructure Tax, Sanad, Occupancy certificate and other such related information

3. The PIO vide reply No.VP/SOC/2597/2011-2012 dated 23/12/2011 informed the Appellant that the construction file pertaining to house No.67/5 at Vaddem Socorro belonging to Mr. Agnelo Lobo is not traceable in the Panchayat records.
4. Not satisfied with the reply the Appellant thereafter filed a First Appeal with the First Appellate Authority on 05/01/2012 and First Appellate Authority vide an Order dated 28/03/2012 directed the Respondent PIO to handover the information within 7 days.
5. Being aggrieved that despite such an Order no information has been received, the Appellant has approached the Commission by way of a Second Appeal registered on 25/04/2012 and has prayed that directions be given to the PIO to provide the information as sought for in the RTI application and for penalty, disciplinary action and other such reliefs.
6. This matter has come up on board on twelve previous occasions and it is seen that the Appellant has remained absent since 2012 and it appears that the Appellant is not interested to pursue his case. The Respondent PIO, Shri. Chetan Shirodkar, Secretary, V.P. Socorro, Porvorim is present in person.
7. The Respondent PIO submits that a reply dated 23/12/2011 was sent to the Appellant within stipulated 30 days period informing the Appellant that the said file is not traceable. It is also submitted that the said reply was acknowledged by the appellant by appending his signature.
8. It is further submitted that after direction of First Appellate Authority (FAA), the PIO has conducted a diligent search to trace the missing file and yet the said file was not traceable. It is further submitted that there is no malafide intention to deny the information. The Respondent PIO files a written declaration dated 03/01/2018 confirming the facts which is taken on record. ..3

9. The Commission has perused the reply filed wherein it is stated that after the directions of the FAA a complete search for the missing file was carried out and yet the file is not traceable. It is also stated that the Panchayat office was shifted to its new premises in February 2014 and perhaps the file could have gone missing. It is also submitted in the said reply filed by the PIO that there is no malafide intention to conceal any information and as the said file was not traceable the information could not be furnished.
10. As stipulated in the RTI Act the role of the PIO is to provide information as available from the records. Regrettably the PIO cannot procure information for the satisfaction of the Appellant. The PIO is not authorized to give any information which is non-existent nor can he create or analyze the information correctly as per the whims and fancies of the Appellant.
11. The very fact that the PIO has furnished a reply No.VP/SOC/2597/2011-2012 dated 23/12/2011 stating that the information is not traceable and which is sufficient to prove the bonafide that the PIO has acted reasonably and diligently and which is the mandate of the RTI Act.

As the information sought by the Appellant is not traceable despite a diligent search by the PIO, the same cannot be provided. 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