

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

CORAM: Shri Juino De Souza : State Information Commissioner

Appeal No: 180/2019/SIC-II

Mrs. Pari N.S. Katkar,
Resident of H. No. 834,
Near Borkar Super Store,
Vidhyanagar, Margao - Goa.

.... Appellant

v/s

1. The Public Information Officer,
Electricity Department,
Margao - Goa.

2. First Appellate Authority,
Superintending Engineer,
Electricity Department,
Vidyut Bhavan, Aquem,
Margao - Goa

.... Respondents

Relevant emerging dates:

Date of Hearing : 14-10-2019

Date of Decision : 14-10-2019

O R D E R

1. **BRIEF FACTS** of the case are that the Appellant vide an RTI application dated 04/02/2019, sought certain information under Section 6(1) of the RTI Act. 2005 from the Respondent PIO, Electricity Department, Aquem, Margao – Goa at two points.
2. The Appellant *inter-alia* is seeking information regarding 1) Ownership documents and other documents annexed for the grant of electricity meter bearing no. NAJ-6B-185/784-LTC/C1041017010 which is in the name of Joao J. Nunes and 2) Ownership documents and other documents annexed for the grant of electricity meter bearing no. 6B-185-1/16463/LTC/C1041017029 which is in the name of Naresh Khandeparkar.
3. It is seen that the PIO vide reply No. AEC-I/MAR/Div-IV/BS-34/20153/18-19 dated 12/02/2019 furnished the information in tabulation form. The PIO has informed that with respect to point no.1, the file is not traceable and at point no.2 also the File is not traceable in the office as the connection is 30 years old.

4. Not satisfied with the reply, the Appellant filed a First Appeal on 04/04/2019 and the First Appellate Authority (FAA) vide an Order No. FAA/SE-I(S)/Appeal-01(19-20)/Tech-61/96 dated 12/04/2019 upheld the reply of the PIO and disposed off the said First Appeal case on the grounds that as information is not traceable, the same cannot be furnished to the Appellant.
5. Being aggrieved with the order of the FAA, the Appellant thereafter has approached the Commission by way of Second Appeal u/s 19(3) of the RTI act 2005 registered on 07/06/2019 and has prayed that the Respondent PIO be directed to furnish the information sought by the Appellant in the RTI Application and the order passed by the FAA be quashed and set aside and to conduct an inquiry and for compensation and other such reliefs.
6. **HEARING:** During the hearing the Appellant Mrs. Pari N.S. Katkar is present in person. The Respondent PIO is represented by Shri. Vivekanand Bandekar, APIO, Asst. Engineer, Electricity Department, Margao and Shri. Brito De Sa, Asst. Engineer. The FAA is absent.
7. **SUBMISSIONS:** At the outset Appellant submits that the reply of the PIO stating that the information is not available as the file is not traceable is not acceptable. It is also submitted that the order passed by the FAA observing that the connection of Joao J. Nunes and Naresh Khandeparkar were released in 1944 and 1989 and the section office was then housed in Panjifond and the files were destroyed in the floods in the year 1980-81 is not correct.
8. The Appellant further submits that if files were not traceable then the PIO should have filed an FIR or show some documentary evidence of the floods and is merely giving excuses so as to not furnish the information is not acceptable.
9. The APIO submits that although there are no records that prove floods had occurred, the allegation of the appellant that it is an excuse not to furnish information is not correct.

10. The APIO further submits that the section office was then housed in Panjifond till the year 2000 and thereafter the office was shifted to Aquem Power House and there is no record of some files which were not traceable during the shifting of office. The APIO finally submits that the documents were once again searched by putting more man power in the sub-division office as per the directions of the Goa State Information Commission and despite diligent search the information is not traceable. It is finally submitted that there is no malafide intention on his part to either deny or conceal the information. The PIO files an affidavit dated 11/10/2019 confirming the facts which is taken on record and also served on the Appellant.
11. **FINDINGS:** The Commission after perusing the material on record and hearing the submissions of the both parties indeed finds that the information could not be furnished as the same was not traceable and that diligent search was made for the missing information. As stipulated in the RTI Act, the role of the PIO is to provide information as is available and if available in the records. The PIO is not called upon to create information so as to satisfy the whims and fancies of the Appellant. The very fact that the PIO has furnished a reply No. AEC-I/MAR/Div-IV/BS-34/20153/18-19 dated 12/02/2019, it is sufficient to prove the bonafide that there are no malafide intentions on part of the PIO to either deny or conceal information and which is the mandate of the RTI act 2005.
12. **DECISION:** The Commission finds that no intervention is required with the order passed by the FAA. As information is not traceable the same cannot be furnished and which fact is confirmed by affidavit. Nothing further survives in the Appeal case is disposed.

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

