

**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: 290/2019/SIC-II**

Shri. Sushant P. Nagvenkar,  
House No. C-312, Fondvem,  
Ribandar – Goa.

**..... Appellant**

v/s

1. Public Information Officer,  
The Deputy Collector (Revenue),  
Collectorate, North Goa,  
Panaji-Goa.
2. First Appellate Authority,  
Additional Collector - I  
Collectorate, North Goa.  
Panaji-Goa.

**..... Respondents**

**Relevant emerging dates:**

Date of Hearing : 24-10-2019

Date of Decision : 24-10-2019

**O R D E R**

1. **BRIEF FACTS** of the case are that the Appellant vide an RTI application dated 05/03/2019, sought certain information under Section 6 (1) of the RTI Act. 2005 from the Respondent PIO, Office of the District Collector, North Goa, panaji-Goa.
2. The Appellant *inter alia* is seeking information by enclosing memorandums (a) No. 4-1-2018/TIS/RB/10064-418 of nil date and (b) No. 4-1-2018/TIS/RB-9110-452 dated 09/08/2018 regarding 1) copies of the reports filed by the Mamlatdar of Tiswadi, Panaji 2) provide inspection of the complete file of proceedings in the matter and to take photocopies of the documents from the said file post inspection as and is desired.
3. It is the case of the Appellant that the PIO has not furnished in any information as it is mandatory as per section 7(1) of the RTI Act, 2005 and as such the Appellant filed a First Appeal on 07/06/2019 and the First Appellate Authority (FAA) vide an Order dated 26/06/2019 directed the respondent PIO to provide the information sought by the appellant vide letter dated 05/03/2019 within next 10 days and disposed off the First Appeal. ...2

4. Being aggrieved that despite the order of the FAA, the respondent PIO has not furnished any information the Appellant thereafter filed a Second Appeal u/s 19(3) of the RTI act 2005 before the Commission registered on 16/09/2019 and has prayed that the Respondent PIO be directed to provide the complete inspection of the records and to provide certified true copies of the information documents free of cost and imposing penalty and other such reliefs.
5. **HEARING:** During the hearing the Appellant Shri. Sushant P. Nagvenkar is absent. The former PIO, Shri. Gurudas Desai, presently posted as Dy. Director of Mines is present along with Amit P. Batekar, Head clerk. The FAA is represented by Shri. Ajit Naik, Awal Karkun with the public authority.
6. **SUBMISSIONS:** The former PIO submits that he was the PIO when this RTI Application was filed with his Office. It is further submitted that pursuant to the order passed by the FAA, the Mamlatdar of Tiswadi has submitted the entire information as sought by the Appellant which has been forwarded to the Dy. Collector Office vide letter no MAM/TIS/CI-I-II/Misc/2019/1975 dated 22/10/2019 along with the enclosures. The PIO places the information before the Commission and requests to dispose off the Appeal case.
7. The former PIO also submits that the Appellant filed the RTI application with the Office of the District Collector (North) and should have addressed his RTI application to the concerned PIO, Mamlatdar of Tiswadi, and due to this there was a delay in receiving the RTI application and after which there were Lok Sabha elections and the office was busy with election related work therefore RTI Application was not replied to timely.
8. **FINDINGS:** The Commission after hearing the submissions and perusing the material on record including the information presently furnished by the Respondent PIO finds that all information as sought by the Appellant in his RTI Application dated 25/03/2019 with regard to both the Memorandums which are interlinked has been.. ..3

.... made placed before the Commission by the PIO who in turn has obtained the same from the office of Mamlatdar Tiswadi which contains 14 pages of information documents including check list bearing no. MAM/TIS/CI-I&II/45/ILL-CNV/2017/387 dated 08/03/2017 and check list dated 08/03/2017 and 19/06/2018, Form D, Plan showing chalta no.16 & 7 and other such related documents.

9. **DECISION:** As stipulated in the RTI Act, the role of the PIO is to provide information as is available and what is available in the records. The PIO is not called upon to create information or to analyze information so as to satisfy the whims and fancies of the Appellant. The very fact that the PIO has furnished information is sufficient to prove the bonafide that there are no malafide intentions on part of the PIO to either deny or conceal information.
10. As the Appellant has also sought inspection of the files, that Commission directs the Appellant to approach the office of the PIO after prior intimation to the PIO within 15 days of the receipt of this order (latest by 18<sup>th</sup> November 2019) and take the inspection of the relevant files, if he so desires. In such an event, the PIO is directed to give inspection of the files and provide the information documents which the Appellant desires to have after collecting the necessary charges for the same. Copies of the information documents which have been furnished by the PIO before the Commission is to be given to the Appellant either hand delivery or is to be sent as an enclosure along with this order by speed post.

**With these directions the appeal case which accordingly stands 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**

