

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

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

Second Appeal No.208/2018/SCIC

Rahul Basu,
D3 & 4 Bay View,
204 Nagalli Hills Streets 3 Lane 1,
Dona Paula -Goa 403004.

....Appellant

V/s

- 1) The Public Information Officer,
The Directorate of Mines and Geology,
Panaji Goa 403001.
- 2) The First Appellate Authority,
Directorate of Mines and Geology
Panaji Goa 403001.

.....Respondents

Filed on: 03/09/2018

Decided on:08/04/2019

O R D E R

1) This second Appeal arises out of the application dated 28/05/2018, filed under Section 6(1) of the Right to Information Act 2005 Act. By said application the appellant requested the information on 6 points therein.

In the course of hearing it was clarified on behalf of the appellant that the information at point 1 & 5 was received. The information at point 2, 3, 4 and 6 required clarification for its non availability and hence in exercise of my powers under Rule 5(1) of GSIC Appeal Procedure Rules 2006, the PIO was directed to file affidavit.

Accordingly the PIO filed the affidavit on 16/11/2018. By said affidavit the PIO submitted that the information at point (2) is not available as the training is done online. Regarding point (3) and (4) it was the contention of the PIO that the same does not

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exist in any electronic form or otherwise. In respect of point (6) it was the contention of PIO that the information is not dispensable since it relate to security audit and are part of software programme developed by M/s Mega Soft System, which is confidential in nature.

2) For the purpose of clarifying the scheme, assistance was sought from said M/s Mega soft System and a presentation was done for the appellant. The parties filed compliance report and submissions of the parties were heard. On 27/03/2019 the appellant submitted that they have received the entire information except point (2) and (6), which according to PIO does not exists with the authority. In view of this submission the PIO was directed to file additional affidavit in support of its contention.

3) Today when the matter was called, Shri Baban Gaonkar filed affidavit of the PIO affirming that the information at point (2) and (6) does not exist. Copy of the same was given to Adv. A. Gode, who submitted that considering the said affidavit appropriate order be passed.

4) Perused the affidavit and the records. Vide said affidavit PIO has clearly stated that information at point (2) and (6) does not exist with the Respondent authority and hence cannot be furnished. I find no grounds to discard or disbelieve the said affidavit. Consequently I hold that as no such information exist the same cannot be ordered to be furnished. The appeal is therefore required to be disposed accordingly, which I hereby do.

Pronounced in the open Proceeding.

Notify the parties.

Proceeding closed.

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

