GOA STATE INFORMATION COMMISSION
'Kamat Towers', Seventh Floor, Patto, Panaji –Goa
Tel No. 0832-2437908/2437208 email: spio-gsic.goa@nic.in website:www.gsic.goa.gov.in

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Appeal No.159/2020

Shri. Peter Paul Almeida,
House No. 142,
Ward No. 3, Carrasco Vaddo,
Mapusa Bradez-Goa.
403507. .....Appellant

V/S

1. The Public Information officer,
Office of the Administrator of Communidades,
North Zone, Altinho,
Mapusa-Bardez-Goa.
403507. .....Respondents

Shri. Vishwas R. Satarkar State Chief Information Commissioner

Filed on: 01/10/2020
Decided on: 01/12/2021

FACTS IN BRIEF

1. The Appellant, Mr. Peter Paul Almeida, House No. 142, Ward No. 3, Carrasco Vaddo, Mapusa Bradez-Goa, by his application dated 18/12/2019 filed under sec 6(1) of the Right to Information Act, 2005 (hereinafter to be referred as 'Act') sought certain information from the Public Information Officer (PIO), Office of the Administrator of Commuindades (North Zone), Altinho, Mapusa, Bardez-Goa.

2. The said application was replied on 04/03/2020 by the PIO, informing the Appellant that the said information is not readily available, efforts were made to trace out the said file in order to furnish the information, as the file is not traceable, he is unable to provide the information.

3. As the information sought was not furnished , he filed first appeal before the Additional Collector – III, North Goa District, Mapusa Bardez Goa being the First Appellate Authority (FAA).

4. The FAA by its order dated 10/07/2020 directed the PIO to furnish the information to the Appellant free of cost within ten days from the date of receipt of the order.

5. As the PIO failed to comply the order of FAA, the Appellant preferred this second appeal before the Commission under sec 19(3) of the Act, with the prayer to direct the PIO to furnish the information as per his application.

6. Notice was issued to the parties, inspite of a valid service of notice PIO failed to appear before the Commission.

7. Perused the pleadings and scrutinised the documents on record and heard the submissions of Adv. S.D. Kolwalkar.

8. According to Appellant, since the PIO failed to furnish the information, he preferred first appeal before the FAA, the Additional Collector-III, North Goa at Mapusa. The FAA by order dated 10/07/2020 allowing the first appeal, directed to furnish the information free of cost within ten days from the date of receipt of the order. Further according to him, during the pendency of first appeal, the PIO claimed that the concerned file could not be traced in order to furnish the information. Inspite of sufficient time given, the PIO has failed to furnish the information.

9. On perusal of the reply of the PIO to the RTI application it is clear that the information is available with public authority.

10. Under the RTI Act, it is obligatory duty of the PIO to collect the information from all possible resources either from subordinate and superior and provide it to the seeker.

11. The approach of the PIO appears to be casual and trivial, inspite of valid service of notice he failed to remain present for hearing before the Commission. He has not rebutted the contention of the Appellant. I am unable to hold that the information is not

available with the public authority or it cannot be furnished. Under sec 6(1) and 7(1) of the Act, it is the PIO who is responsible for ensuring the information as sought is provided to the applicant within the statutory requirement of the Act.

12. Hon'ble High Court of Delhi in case **State Bank of India v/s Mohd. Shahjahan** has stated that, unless the public authority is able to demonstrate why the information held by it should be exempt from disclosure, it should normally be disclosed. The burden therefore is entirely on the public authority to show why the information sought from it should not be disclosed.

13. In the light of above ratio of Hon'ble High Court, I hold that information as sought by Appellant has to be furnished, therefore I dispose the present appeal with following:-

O R D E R

- The appeal is allowed.
- The PIO is directed to comply the order of FAA dated 10/07/2020 and furnish the information to the Appellant within **FIFTEEN DAYS** from the date of receipt of this order.
- Proceeding closed.
- Pronounced in open court.
- Notify the parties.

Sd/-
(Vishwas R. Satarkar)
State Chief Information Commissioner