

**GOA STATE INFORMATION COMMISSION**

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**Appeal No. 206/2020**

Shri. Inacio Braganza,  
R/o. H.No. E-162/J, Plot No. 13,  
Moreshwar Navelkar Plots, Baiguinim,  
Old Kadamba Road,  
Near St. Francis Xavier Academy,  
Old Goa, Tiswadi Goa.

.....Appellant

V/S

1. The State PIO/ Asst. Engineer,  
S.D.I. @, O & M, Electricity Department,  
Corlim Industrial Estate,  
Corlim, Tiswadi Goa

2. First Appellate Authority,  
Superintending Engineer II(N),  
Electricity Department,  
Vidhyut Bhavan, Panaji-Goa.

.....Respondents

**Shri. Vishwas R. Satarkar**

State Chief Information Commissioner

**Filed on: 04/12/2020**

**Decided on: 24/02/2022**

**FACTS IN BRIEF**

1. The Appellant, Shri. Inacio Braganza, R/o. H.No. E-162/J, Plot No. 13, Moreshwar Navelkar Plots, Baiguinim, Old Kadamba Road, Near St. Francis Xavier Academy, Old Goa, Tiswadi Goa, by his application dated 27/07/2020 filed under sec 6(1) of the Right to Information Act, 2005 (hereinafter to be referred as 'Act') sought information on 5 points from the Public Information Officer, Electricity Department, Vidhyut Bhavan, Panaji-Goa.
2. The said application was responded by the PIO on 17/08/2020 thereby furnishing available information to the Appellant.
3. Not satisfied with the reply of the PIO, the Appellant preferred first appeal before Superintending Engineer, North Goa at Panaji-Goa being the First Appellate Authority (FAA).

4. The FAA by order dated 02/11/2020 dismissed said first appeal and upheld the reply of PIO.
5. Aggrieved with the order of FAA, the Appellant landed before the Commission in this second appeal under sec 19(3) of the Act.
6. Notice was issued to the parties, pursuant to which PIO, Mr. Patil appeared alongwith APIO, Arif Beig and filed his reply alongwith three set of files on 06/07/2021. The FAA, Mr. Stephen Fernandes appeared, however opted not to file any reply in the matter.
7. According to Appellant he sought information regarding the approved plan of underground electric supply line in survey No. 16/1 of Baiguinim Village. Instead of providing this information he was provided with one old plan showing the overhead cabling and he alleged that information provided to him is incorrect and misleading.
8. On the other hand, the PIO through his reply contented that, he replied to the RTI application of the Appellant on 18/08/2020 i.e within stipulated time and available information has been provided to the Appellant. PIO also submitted that Appellant filed several RTI applications and first appeal before FAA and each and every time he has furnished all the available information.
9. Perused the pleadings, reply of the PIO and scrutinised the documents on record.
10. On perusal of the records, it comes to fore that, Office of Chief Electrical Engineer has proposed the work of converting 11KV overhead line to underground cable of various 11 KV feeders pertaining to Sub-Division-I, Corlim under Infrastructure Development fund and accordingly has obtained technical sanction, Administrative approval and financial approval for the project. Said underground cabling was proposed to be laid down in the property

belonging to Public Works Department by excavating the cables tranches at the roadside with the consent of PWD and their specification, norms and supervision.

11. On perusal of the reply to the RTI application dated 17/08/2020, with respect to information on point No. 1, the PIO has furnished the plan of overhead line existing prior to the laying of the underground cabling, which indicates existing 11 KV line,
12. As far as information at point No. 2 is concerned, the PIO furnished the sketch showing proposed laying of 11 KV 300 Sq mm XLPE underground cable of Bainguinim feeder, which according to PIO is line diagram showing proposed laying of 11 KV 300 sq mm XLPE underground cable. The record indicate that the underground cabling was done as per the existing overhead cabling plan and network of 11 KV and it was retained till underground system was totally executed and made functional.
13. Reply to the information on point No. 3 and 4 is non-controversial in the proceeding, and as regards to information on point No. 5, the PIO replied that "plan not revised".
14. From the reply of the PIO dated 05/07/2021, it reveals that on receiving the information from PIO on 18/08/2020, the Appellant filed similar application on same subject matter to obtain additional information from the office of PIO on 08/09/2020, and PIO contended that all additional information has been furnished to the Appellant by collecting information from superior and subordinate officer of the public authority.
15. Records also reveals that, the PIO in his earlier reply to RTI application of Appellant dated 19/01/2021 replied that No document is available specifically with reference to survey No. 16/1 of Bainguinim Village (Moreshwar Navelkar Plots). However copy of letter seeking permission and also the copy of the permission

received from PWD towards carrying out excavation work in the village Old Goa is enclosed.

16. It has been consistent stand of PIO that available information has been furnished to the Appellant, however Appellant alleged that information furnished by PIO is incorrect and misleading. In order to clear the doubt of the Appellant with the consent of rival parties Commission fixed a joint /mutual inspection of file on 07/10/2021 in the office of the deemed PIO, Division-I, Electricity Department at Corlim-Tiswadi, Goa. As per the direction of the Commission, the inspection was held despite of the same the Appellant was not satisfied and alleged that there are no notings by the Officers available in the file so also he did not find underground electric cabling plan in the file.

17. At this stage, it would be relevant to refer to Section 2(f) and 2(J) of the Act, which reads as under:-

*"Section 2(f)- "information" means any material in any form, including records, documents, memos, e-mails, opinions, advices, press releases, circulars, orders, logbooks, contracts, reports, papers, samples, models, data material held in any electronic form and information relating to any private body which can be accessed by a public authority under any other law for the time being in force;*

*Section 2(J)- "right to information" means the right to information accessible under this Act which is held by or under the control of any public authority and includes the right to\_\_*

*(i) inspection of work, documents, records;*

*(ii) taking notes extracts or certified copies of documents or records;*

*(iii) taking certified samples of material;*

*(iv) obtaining information in the form of diskettes, floppies, tapes, video cassettes or in any other electronic mode or through printouts where such information is stored in a computer or in any other device;"*

A careful reading of this provision of law, it suggest that PIO is required to supply such material in any form as held by the public authority and it does not require the PIO to deduce some conclusion from the material and furnish the conclusion so deduced to the Appellant.

18. Alongwith the reply filed in this proceeding dated 06/07/2021, the PIO also furnished three set of files, as annexures Considering the material on record as well as provisions of the above Act, I am of the view that the PIO has made compliance by furnishing the information. It is a fact that approved copies of plans for laying underground cable is not available in the form required by the Appellant, as such it cannot be said that information has been malafidely withheld by PIO.

Hon'ble High Court of Patna in case of **Shekhar Chandra Verma v/s State Information Commission (L.P.A. 1270/2009)** has held that:-

*"10. In our view, the RTI Act contemplates furnishing of information which is available on records, but it does not go so far as to require an authority to first carry out an enquiry and thereby 'create' information, which appears to be what the information seeker had required of the Appellant."*

19. Hon'ble Supreme Court in the case of **Central Board of Secondary Education & another V/s Aditya Bandopadhyay (Civil Appeal no.6454 of 2011)** at para No. 35 has observed:-

*"35. At this juncture, it is necessary to clear some misconceptions about the RTI Act. The RTI Act provides access to all information that is available and existing. This is clear from a combined reading of section 3 and the definitions of "information" and "right to information" under clauses (f) and (j) of section 2 of the Act. If a public authority has any information in the form of data or analysed data, or abstracts, or statistics, an applicant may access such information, subject to the exemptions in section 8 of the Act. But where the information sought is not a part of the record of a public authority, and where such information is not required to be maintained under any law or the rules or regulations of the public authority, the Act does not cast an obligation upon the public authority, to collect or collate such non available information and then furnish it to an applicant. A public authority is also not required to furnish information which require drawing of inferences and/or making assumptions. "*

In the light of the above ratio as laid down, I find that information on point No. 1 and 2 is beyond dispensation as non-existing. The Appellant in this case has failed to substantiate that information furnished by the PIO is not correct, and some more information exists with the public authority. Moreover, the PIO has proved beyond doubt that all the available information has been furnished to the Appellant.

20. In the above circumstances, I find that the information as available is duly furnished and the one which has remained to be

furnished does not exist with the PIO. I therefore find no grounds to grant the relief as prayed. The appeal is therefore disposed by following:-

## **ORDER**

- The appeal is dismissed.
- Proceeding closed.
- Pronounced in open court.
- Notify the parties.

Sd/-

**(Vishwas R. Satarkar)**

State Chief Information Commissioner