

**GOA STATE INFORMATION COMMISSION**

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**Appeal No. 37/2022/SCIC**

Shri. Anil Gajanan Naik,  
H.No. 101, Nagzar, Curti,  
Ponda-Goa.

.....Appellant

V/S

The Public Information Officer,  
Spl. Land Acquisition Officer,  
PWD (Cell), Altinho,  
Panaji-Goa.

.....Respondents

**Shri. Vishwas R. Satarkar**

State Chief Information Commissioner

**Filed on: 04/02/2022**

**Decided on: 26/09/2022**

**ORDER**

1. The Appellant, Shri. Anil Gajanan Naik, r/o. H.No. 101, Nagzar, Curti, Ponda-Goa by his application dated 30/08/2021, filed under Sec 6(1) of the Right to Information Act, 2005 (hereinafter to be referred as 'Act') sought following information from the Public Information Officer (PIO), the Land Acquisition Officer, PWD, Altinho, Panaji-Goa as under:-

*"Kindly issue certified copies of documents on the basis of which compensation was paid to the 'beneficiaries' whose properties were acquired for Ponda bypass road. The information pertains to survey No. 75/2 of village Ponda, Nagzar-Curti area.*

*The above copies are required to submit before competent judicial authorities."*

2. The said application was responded by the PIO on 27/09/2021, in the following manner:-

*"File pertaining to Land Acquisition for present project is not traceable in the record room Hence, desired information cannot be furnished."*

3. Not satisfied with the reply of the PIO, the Appellant preferred first appeal before the Superintending Surveyor of Works, PWD, Altinho, Panaji-Goa, being the First Appellate Authority (FAA).
4. The FAA by its order upheld the reply of the PIO and disposed the first appeal on 07/01/2022.
5. Being aggrieved with the order of the FAA, the Appellant landed before the Commission with this second appeal under section 19(3) of the Act, with prayer to direct the PIO to provide the information, to impose the penalty on the PIO and also to compensate the Appellant.
6. Notice was issued to parties, pursuant to which the representative of the PIO, Smt. Sulekha Usgaonkar appeared and placed on record the reply of the PIO on 25/04/2022.
7. According to the Appellant, through his RTI application he sought information with regards to the land acquired by the Government for construction of bypass road which pertains to survey No. 75/2 of Curti Village of Ponda taluka and the same is in public domain as it involves financial aspect. The information sought by the Appellant ought to have been provided by the PIO since, it was generated by the public authority and alleged that the PIO has deliberately withheld the said information and that he acted casually and carelessly.
8. On the other hand, the PIO contended that upon receipt of the RTI application from the Appellant, he has taken the help of dealing clerk under section 5(4) of the Act, however, he could not locate the file from the record room being 30 years old record.

He further argued that, as per the direction of the FAA he made fresh efforts to trace the record of the file bearing No. 10/224/90/LAO-PWD, however, the said file could not be traced. Further, according to him, the Appellant did not mention

the date and year of the acquisition of land in his RTI application and request for information was ambiguous and vague without mentioning the Award number or the name of public authority who passed the order.

He also submitted that earlier the acquisition of land were done by the various authorities like the Deputy Collector of respective talukas, Additional Collector (Revenue) and Collector North and South Goa as per the order issued by the Government from time to time in accordance with the need of the project.

9. Perused the pleadings, reply, rejoinder, Affidavit of the PIO, scrutinised the documents on record and heard the submissions of the rival parties.
10. It is the consistent stand of PIO that, information sought for by the Appellant is not traceable. Records also reveal that by adhering the order of the FAA, the PIO tried his best to locate the information.
11. Since the PIO has categorically stated that information sought for by the Appellant is not traceable, the question of furnishing non-existing information does not arise. As far as RTI Act is concerned, it can only facilitate in providing information to the citizen, which is available with the public authority in material form.
12. On direction of the Commission under Rule 5 of the Goa State Information Commission (Appeal Procedure) Rules 2006, the PIO, Shri. Chandrakant B. Shetkar presently posted as Special Land Acquisition Officer, PWD, Altinho Panaji-Goa appeared and categorically submitted through affidavit dated 06/07/2022 as under:-

*"I say that as per the direction of the First Appellate Authority, the Respondent had made fresh efforts to*

*trace the records of the file bearing No. 10/224/90/LAO-PWD, however, said file could not be traced being 30 years old record.”*

13. Since all attempts to locate the information / file have been failed in this case, no purpose would be served by prolonging the matter.

14. In the present case, the RTI application dated 30/08/2021 was replied by the PIO on 27/09/2021 that is within stipulated time. Considering the facts and circumstances, I am of the opinion that there was no malafide intention in non-furnishing the information. I am therefore not inclined to impose the penalty as prayed by the Appellant. Accordingly the matter is disposed off.

- Proceedings closed.
- Pronounced in the open court.
- Notify the parties.

Sd/-

**(Vishwas R. Satarkar)**  
State Chief Information Commissioner