

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

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Appeal No. 241/2022/SCIC

Shri. Narayan Datta Naik,
H.No. 278/1 (3), Savorfond,
Sancoale-Goa 403710.

.....Appellant

V/S

Shri. Raghuvir D. Bagkar,
The Public Information Officer,
Village Panchayat of Sancoale,
P.O. Cortalim,
Mormugoa-Goa 403710.

.....Respondent

Shri. Vishwas R. Satarkar

State Chief Information Commissioner

Filed on: 15/09/2022

Decided on: 10/04/2023

FACTS IN BRIEF

1. The Appellant, Shri. Narayan Datta Naik, r/o. H.No. 278/1(3), Savorfond, Sancoale, Mormugao-Goa vide his application dated 09/05/2022 filed under Section 6(1) of the Right to Information Act, 2005 (hereinafter to be referred as 'Act') sought following information from the Public Information Officer (PIO), Office of the Village Panchayat Sancoale, Sancoale-Goa:-

"Kindly furnish me below mentioned information pertaining to the application of NOC/ Occupancy Certificate / Construction Licences/ Trade Licences / permission etc that were already decided by the V.P. body (Panch members) placing it before fortnightly (Ordinary) Meeting (i.e. from 1st Jan 2022 till date).

1) Kindly furnish me Numbers of Applications that were disposed off by your office as on date after V.P. body decision/ approval.

2) Kindly inform me Numbers of Applications that were decided/ Given approval for it by V.P. body subject to site inspection.

- 3) *Kindly inform me Numbers of site inspection that were conducted / carried out by your office as per the V.P. body meeting resolutions.*
- 4) *Kindly inform me Numbers of application on issue of Occupancy Certificate is still pending & not disposed off by your office, even after V.P. body approval/ decision (i.e. Subject to site inspection).*
- 5) *Kindly furnish me name of all those applicants who's applications were not disposed off by your office as on date, even after V.P. body approval/ decision (i.e. Subject to site inspection).*
- 6) *Kindly inform me that the application received from MVR Seaview Homes Pvt. Ltd / Umiya Holdings Pvt. Ltd for issue of Occupancy Certificate in Survey No. 211/1-A, of village Sancoale is disposed off by your office after V.P. Body decision/ approval. If not then furnish me status of application."*

2. The said application was responded by the PIO on 23/06/2022, thereby furnishing the information at point No. 6 and further replied that, information sought at point No. 01 to 05 were not specific and voluminous and requested the Appellant to visit the office of public authority on any working day for inspection of documents.
3. Not satisfied with the reply of the PIO, the Appellant preferred first appeal before the Block Development Officer at Mormugao-Goa being the First Appellate Authority (FAA).
4. The FAA vide its order dated 15/07/2022 allowed the first appeal and directed the PIO to provide the information to the Appellant free of cost, within 10 days.

5. Since the PIO failed and neglected to comply the order of the FAA dated 15/07/2022, the Appellant landed before the Commission by this second appeal under Section 19(3) of the Act with the prayer to direct the PIO to furnish the information, to impose penalty on the PIO and to award for compensation.
6. Notices were issued to the parties, pursuant to which, the Appellant appeared in person on 17/10/2022, the PIO Shri. Raghuvir Bagkar appeared on 23/10/2022 and submitted that he will try to locate the information. Accordingly, the Commission directed the PIO to furnish the information on next date of hearing and the matter was posted for compliance on 16/12/2022. However, the PIO failed to appear for hearings for all further hearings viz 16/12/2022; 27/01/2023; 03/03/2023 and 10/04/2023.
7. I have perused the pleadings and scrutinised the documents on record.
8. On perusal of the application filed by the Appellant, under Section 6(1) of the Act which is reproduced hereinabove at para No. 1, it appears that information sought by the Appellant is vague and ambiguous without specifying the date and year of generation of the information. In order to get the information from the public authority the Appellant has to specify the information as required under Section 6(1) of the Act. When the request of the information seeker is clear, specific and unambiguous it would be possible for the PIO to identify the material on record, with regards to the subject. In the instant case it is impracticable to search the records of several years and then to furnish the information to the Appellant. This kind of request cannot be treated to fall within the ambit of 'information' as defined under Section 2(f) of the Act.

9. If the Appellant really wishes to receive the correct and complete information, it is his own interest that he shows diligence to identify the information. The PIO is not expected to do research to decipher all material record and to furnish the outcome to the Appellant.

10. The High Court of Bombay, Nagpur Bench in the case **The State Information Commissioner & Ors v/s Mr. Tushar Dhananjay Mandlekar (L.P. No. 276/2012)** has held as under:-

"..... Instead of seeking information on some specific issues, the respondent sought general information on scores of matters. The application is vague and the application does not make it clear to the Information Officer as to what information is actually sought by the respondent from the Officer. It was literally impossible for the appellants, as pointed by the learned Assistant Government Pleader to supply the entire information sought by the respondent.

*.....The principle of **lex non cogit ad impossibilia** is clearly applicable to the facts of the case. Law does not compel a person to do that what is impossible."*

11. Considering the fact and circumstances, I find no malafide intention for non-furnishing the information by the PIO, hence I am not inclined to impose penalty as prayed by the Appellant, the appeal being devoid of any substance therefore stands dismissed.

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

Sd/-

(Vishwas R. Satarkar)

State Chief Information Commissioner