GOA STATE INFORMATION COMMISSION

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Appeal No. 107/2021/SCIC

Shri. Rajesh Wadkar,
R/o. No. 118, St. Jerome Vaddo,
Xelpem, Duler,
Mapusa-Goa. .....Appellant

V/S

1. The Public Information Officer,
Village Panchayat of Betki,
Khandola, Ponda-Goa.

2. The First Appellate Authority,
The Block Development Officer,
Ponda-Goa. .....Respondents

Shri. Vishwas R. Satarkar State Chief Information Commissioner

Filed on: 07/05/2021
Decided on: 17/03/2023

FACTS IN BRIEF

1. The Appellant, Shri. Rajesh Wadkar r/o. H.No. 118, St. Jerome Vaddo,, Xelpem, Duler, Mapusa-Goa vide application dated 30/12/2020 filed under the Right to Information Act, 2005 (hereinafter to be referred as 'Act') sought certain information from the Public Information Officer (PIO), Village Panchayat Betki-Khandola, Ponda-Goa.

2. The said application was responded by the PIO on 01/01/2021 and furnished partial information and with regards to information at point No. 3, 4, 5, 6, 7 and 8 replied that *'No information available with this office.'*

3. Aggrieved and not satisfied with the reply of the PIO, the Appellant filed first appeal before the Block Development Officer at Ponda Goa being the First Appellate Authority (FAA).

4. The FAA vide its order dismissed the first appeal on 18/03/2021.

5. Being aggrieved and dissatisfied with the order of the FAA, the Appellant landed before the Commission by this second appeal under Section 19(3) of the Act, with prayer to direct the PIO to furnish complete information free of cost to the Appellant.

6. Notices were issued to the parties, pursuant to which the FAA, Shri. Ashwin K Desai appeared and filed his reply on 02/08/2021. The PIO, Shri. Gokuldas Kudalkar appeared and filed his reply on 06/09/2021.

7. Through his reply the PIO contended that available information has been furnished to the Appellant vide letter No. VP/BC/2020-21/1296 dated 01/01/2021 and remaining information with respect to house No. 371 is not available with the public authority, however in the course of arguments he offered inspection of the relevant file. Therefore the Commission directed the PIO to give inspection of file to the Appellant on 24/11/2021 at 3:00 pm in the office of the PIO at Village Panchayat Betki Khandola and the matter was fixed for compliance.

8. In the course of hearing on 01/12/2021, the Appellant appeared and submitted that he has carried out the inspection. However he did find purported information in the records of the public authority.

9. It is the case of the Appellant that, house bearing No. (371 old) 152 situated at Gaonkarwada Betki was initially registered in the name of his late father Rajaram Krishna Wadkar, however said house has been transferred in the name of one Krishnasagar Dnyaneshwar Wadkar and therefore he filed RTI application seeking documents based on which the house has been transferred and also sought the copy of resolution adopted by the Village Panchayat Betki-Khandola to that effect.

10. The PIO in his reply to the RTI application dated 01/01/2021 categorically submitted that *"No information has been available in this office."* He also reiterates in his reply dated 06/09/2021 as under:-

> *"That the information as available and as per the requirement of the Applicant was furnished to the Applicant vide letter No. VP/BC/2020-21/1296 dated 01/01/2021 and that remaining information with respect to the house No. 371 is not available with the office of Village Panhchayat Betki-Khandola."*

11. In the present case, the PIO has furnished Demand and Tax collection Register for the year 1993-1994 and for the year 2001-2002 and the rest of the information has been denied being not available in office records.

Under Section 2(f) of the Act, the information can be something that is available in the material form and is retrievable from the official records. It cannot be something that is not a part of the record. The role of the PIO under the Act is of information provider.

12. Since the information sought for by the Appellant is not in existence, the Commission cannot issue any direction to the PIO to furnish non-existing information, therefore the appeal is disposed off.

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

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