

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

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Appeal No. 133/2023/SCIC

Mr. Vijayanand Naik,
H.No. 546/A, Baga Ambelim,
Salcete-Goa 403701.

.....Appellant

V/S

1. The Secretary of Village Panchayat Ambelim,
Ambelim, Salcete-Goa.

2. The Block Development Officer-II, Salcete,
2nd Floor, Mathany Saldhanha Complex,
Margao-Salcete-Goa 403601.

.....Respondents

Shri. Vishwas R. Satarkar

State Chief Information Commissioner

Filed on: 20/04/2023

Decided on: 17/07/2023

ORDER

1. The Appellant, Mr. Vijayanand Naik r/o. H.No. 546/A, Baga Ambelim, Salcete-Goa vide his application dated 06/02/2023 under Section 6(1) of the Right to Information Act, 2005 (hereinafter to be referred as 'Act') sought certain information from the Public Information Officer (PIO), Village Panchayat Ambelim, Salcete-Goa.
2. The said application was not responded by the PIO within stipulated time, deeming the same as refusal, the Appellant filed first appeal before the Block Development Officer-II, Salcete, Margao-Goa on 15/03/2023 being the First Appellate Authority (FAA).
3. The FAA vide its order dated 11/04/2023, allowed the first appeal and directed the PIO to carry out thorough inspection of Panchayat records in presence of the Appellant and furnish the information to the Appellant, free of cost.
4. According to the Appellant, pending the hearing of the first appeal the PIO furnished the reply dated 03/04/2023 and informed the

Appellant that purported information is not available in Panchayat records.

5. Since the PIO failed and neglected to comply, the order of the FAA dated 110/04/2023, the Appellant preferred this second appeal before the Commission under Section 19(3) of the Act with the prayer to direct the PIO to furnish the information, to impose penalty and to initiate disciplinary action against the PIO for denying the information.
6. Parties were notified, pursuant to which Adv. Joshua Gracias appeared on behalf of the Appellant on 19/05/2023, the PIO Shri. Uday Fal Dessai appeared and filed his reply on 13/06/2023. He also placed on record the reply of the FAA dated 19/05/2023.
7. The PIO through his reply dated 13/06/2023 contended that, upon the receipt of RTI application dated 07/02/2023, he informed the Appellant by reply dated 24/03/2023 that the information sought for is not available in the Panchayat records.

Further, according to the PIO, he has made thorough search in the Panchayat records and even after making search in the old records, the said information is not available in the Panchayat records.

8. Since the said information is not available in the records of the public authority, the Commission under Rule 5(1) of the Goa State Information Commission (Appeal Procedure) Rules, 2006 directed the PIO to file an Affidavit to that effect.
9. Accordingly, in the course of hearing on 12/07/2023, the PIO Shri. Uday B. Fal Dessai, Panchayat Secretary of Village Panchayat Ambelim, Salcete-Goa filed his Affidavit. I have perused the content of Affidavit, in which it is categorically submitted on oath that he has made thorough search in the Panchayat records and even after

search in the old records, the said information is not available in the Panchayat Records.

10. Since the information is not available in the records, the Commission cannot issue any direction to the PIO to furnish non-existing information. Since all the attempts to locate the information in this matter have failed, no purpose would be served by prolonging the matter.

11. In any case at any time the content of the said Affidavit are found false, the person swearing it, would be liable for action for perjury.

12. In the present case, the RTI application was replied by the PIO on 24/03/2023 i.e. within reasonable time. Considering the facts and circumstances, I am of the view that there was no malafide intention in non-furnishing of the information. I am therefore not inclined to impose penalty as prayed by the Appellant. In the view of above, the appeal is disposed off.

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

Sd/-

(Vishwas R. Satarkar)

State Chief Information Commissioner