

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

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Appeal No. 173/2021/SCIC

Shri. Jawaharlal T. Shetye,
H.No. 35/A, Ward No. 11,
Khorlim, Mapusa-Goa 403507.

.....Appellant

V/S

1. The Public Information Officer,
The Additional Director of Municipal
Administration and Urban Development,
Dempo Towers, 1st Floor,
Patto, Panaji-Goa.

2. The First Appellate Authority,
The Director of Municipal
Administration and Urban Development,
Dempo Towers, 1st Floor,
Patto, Panaji-Goa.

.....Respondents

Shri. Vishwas R. Satarkar

State Chief Information Commissioner

Filed on: 03/08/2021

Decided on: 19/05/2023

FACTS IN BRIEF

1. The Appellant, Shri. Jawaharlal T. Shetye r/o. H.No. 35/A, Ward No. 11, Khorlim, Mapusa-Goa vide application dated 31/03/2021 filed 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), the Additional Director Urban Development & Municipal Administration, Dempo Towers, 1st Floor, Patto, Panaji-Goa.
2. The said application was responded by the PIO on 29/04/2021 in the following manner:-

"With reference to your Application dated Nil, on the above subject. I am to furnish the information as under:-

1	Point No. 1,2 & 3	The office has sought reply / comments vide letter No. 2/1/2012-DMA/part/1066 dated 20/07/2016 and Reminder letter No. 2/1/2012-DMA/part/2014 dated 17/10/2016. (May collect the information on payment of Rs. 6/-)
2	Point 4 & 5	No information is available.

3. Being aggrieved and not satisfied with the reply of the PIO, the Appellant filed first appeal before the Director, Department of Urban Development(Municipal Administration), Patto, Panaji-Goa being the First Appellate Authority (FAA).
4. The FAA by its order dated 29/06/2021 allowed the first appeal and directed the PIO to furnish the information at point No. 4 and 5 as available on date to the Appellant.
5. Since the PIO failed to comply with the order of the FAA dated 29/06/2021, the Appellant preferred this second appeal before the Commission, under Section 19(3) of the Act.
6. Notices were issued to the parties, pursuant to which the Appellant appeared in person on 10/01/2022, the representative of the PIO and the FAA, Adv. Firdous Saba appeared and placed on record the reply of the PIO and the FAA on 13/06/2022.
7. The PIO through his reply dated 13/06/2022 contended that, upon receipt of the RTI application on 31/03/2021, the then PIO vide letter bearing No. 2/1/2020-DMA/RTI/277 dated 29/04/2021 responded the application and furnished the available information to the Appellant within stipulated time.

He further contended that, he could not comply with the order of the FAA dated 29/06/2021 and provide the information at

point No. 4 and 5 being not available in the records of the public authority.

8. On perusal of the content of the information sought by the Appellant at point No. 4 and 5, it appears that, the Appellant has raised questions that too vague and hypothetical. In order to get the information from the public authority, the Appellant has to specify the information sought for. There is no provision under the Act for redressal of grievance.
9. Since the information sought by the Appellant is non existent, the question of giving any direction to furnish the same does not arise. I find no substance in the appeal. Accordingly the appeal is dismissed.

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

Sd/-

(Vishwas R. Satarkar)

State Chief Information Commissioner