

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

Tel No. 0832-2437908/2437208 email: [spio-gsic.goa@nic.in](mailto:spio-gsic.goa@nic.in) website: [www.gsic.goa.gov.in](http://www.gsic.goa.gov.in)

---

**Appeal No. 181/2022/SCIC**

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

.....Appellant

V/S

1. The Public Information Officer,  
Mapusa Municipal Council,  
Mapusa-Bardez-Goa,  
403507.

2. The First Appellate Authority,  
The Chief Officer,  
Mapusa Municipal Council,  
Mapusa-Bardez-Goa, 403507.

.....Respondents

**Shri. Vishwas R. Satarkar**

State Chief Information Commissioner

**Filed on: 05/07/2022**

**Decided on: 20/06/2023**

**ORDER**

1. The Appellant, Shri. Jawaharlal T. Shetye, r/o. H. No. 35/A, Ward No. 11, Khorlim, Mapusa-Goa vide his application dated 03/03/2022 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), Mapusa Municipal Council, Mapusa-Goa:-

*"Kindly furnish to me the following information as under:-*

- 1. Furnish the present upto date progress as well as the present upto date, status report with regards to my complaint dated 02/07/2021 against Illegal Garage operating by encroaching the public road with the help of ward councillor Shri. Sudhir R. Kandolkar. (Copy of my complaint dated 02/07/2021 is enclosed herewith for your ready perusal.)"*

2. The said application was not responded by the PIO within stipulated period, deeming the same as refusal, the Appellant filed first appeal before the Chief Officer, Mapusa Municipal Council, Mapusa-Goa being the First Appellate Authority (FAA).
3. The FAA also failed to dispose the first appeal within stipulated time, hence the Appellant landed before the Commission by this second appeal under Section 19(3) of the Act.
4. Parties were notified, pursuant to which the PIO Shri. Prashant Narvekar appeared on 22/09/2022 and filed his reply, representative of the FAA, Adv. Pallavi Dicholkar appeared and filed her reply on 26/10/2022 and matter was posted for arguments on 30/11/2022 and thereafter adjourned for so many times.
5. In the course of arguments today, the incumbent PIO, Shri. Rajendra Bagkar appeared alongwith the then PIO Shri. Prashant Narvekar and submitted that inspite of putting lot of efforts, he could not trace the information in the records of the public authority. He also pointed out that the RTI application dated 03/03/2022 is based on one complaint lodged by the Appellant on 02/07/2021 before the Chairperson/ the Chief Officer of Mapusa Municipal Council at Mapusa-Goa.
6. Having perused the material on record, it reveals that, the Appellant lodged the complaint on the basis of news, appeared in daily Marathi 'Gomantak' on 28/06/2021, and by way of RTI application he is seeking the status report of the said complaint. The PIO through his reply dated 22/09/2022 categorically stated that said information is not traceable in the office records and hence information cannot be furnished.
7. In the instant case, the information sought is on the basis of complaint which is based on the news item which appeared in newspaper. The Appellant is not sure about the factual position

and information sought is on mere apprehension and hypothetical possibility.

A report in a newspaper is only hearsay evidence and is not admissible in evidence without proper proof of the content under Indian Evidence Act. News is a strange term because even when the information is old, its still news and oftentimes disinformation or misinformation and may have profound consequences.

8. Under the definition of 'right to information' in Section 2(j) of the Act, access to information can only be to information which is held by or under the control of any public authority. The obligation of the PIO under the Act is to provide the information which is available and exists and cannot compel the public authority to furnish the status report of an action yet to be conducted or even filed. There is no provision under the Act to redress the grievances. In this matter, it appears that the Appellant is pursuing his own dispute in the garb of seeking information.
9. Since the PIO has categorically submitted that information sought by the Appellant is not traceable, the question of furnishing non-existing information does not arise.
10. Considering the above facts, I find no merit in the application filed under Section 6(1) of the Act dated 03/03/2022, and consequently no substance in the appeal. Hence the matter is disposed off.
  - Proceedings closed.
  - Pronounced in the open court.
  - Notify the parties.

Sd/-

**(Vishwas R. Satarkar)**

State Chief Information Commissioner