

**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)

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**Appeal No. 227/2022/SCIC**

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

.....Appellant

V/S

1. The Public Information Officer,  
Sub-Divisional Police Officer,  
Mapusa Police Station,  
Mapusa-Goa 403507.

2. The First Appellate Authority,  
Superintendent of Police (North),  
Porvorim Police Head Quarters,  
Alto Porvorim, Bardez-Goa.

.....Respondents

**Shri. Vishwas R. Satarkar**

State Chief Information Commissioner

**Filed on: 22/08/2022**

**Decided on: 17/03/2023**

**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 28/04/2022 filed under the Right to Information Act, 2005 (hereinafter to be referred as 'Act') sought information from point No. 1- 6 from the Assistant Public Information Officer (PIO), Police Inspector Colvale Police Station, Colvale, Badez-Goa.
2. The said application was responded by the PIO on 30/05/2022 in the following manner:-

*"Refer to your application dated 28/04/2022, addressed to the Asstn. PIO/ Police Inspector Colvale Police Station, Colvale, Bardez-Goa which is received at Colvale Police Station on 10.05.2022 and further received by this office on 25.05.2022 from Colvale Police Station alongwith the reply into the information requested by you, on the subject cited above. The*

*information furnished by APIO/PI, Colvale Ploce Station,  
is as follows:-*

Sr. No.	Questions	Reply
	Enclosed herewith the photo copy of your letter dated 01/09/2021 addressed to Mr. Swapnil Vilas Shirodkar r/o Khorlim, Mapusa-Goa requesting him to furnish certain information within 10 days for your ready perusal and kindly furnish to me the following information as under:-	
1.	Provide the copy of ownership documents of property bearing survey No. 156/1 of Village Camurlim, Bardez-Goa which is in the possession of the complaint Mr. Swapnil V. Shirodkar	Copy of I & XIV Form of Survey No. 156/1 of Village Camurlim, Bardez-Goa is enclosed.
2.	Provide the copy of Licences issued by Village Panchayat Camurlim and other permission from concerned Department for setting up the Dairy Farm in the name of Vilas Dairy Farm.	As per PI Colvale PS, required information is not available on record.
3.	Furnish the copy of the Power of Attorney executed between the owners of the property bearing survey No. 156/1 of Village Camurlim, Bardez-Goa and Mr. Pascoal Baptista Fernandes and Shri. Shantilal Patel from your office record.	As per PI Colvale PS, required information is not available on record.
4.	Furnish the exact date and the exact time of producing the power of attorney holder's namely Mr. Pascoal Baptista Fernandes and Shri. Shantilal Patel before the IO PSI Mandar Parab by Mr. Swapnil V. Shirodkar.	As per PI Colvale PS, required information is not available on record.
5.	Furnish the certified copies of all the documents submitted to your office by the complainant Mr. Swapnil V. Shirodkar in connection with the Vilas Dairy Farm set up in the property bearing survey No. 156/1 village Camurlim Bardez-Goa from your office records.	Copies of the documents submitted by Mr. Swapnil V. Shirodkar in connection with the Vilas Dairy Farm are enclosed.
6.	Furnish the exact area in possession of Mr. Swapnil V. Shirodkar out of the area admeasuring 3,68,861 sq. Mtrs surveyed under survey No. 156/1 of	As per the Deed of Lease the property admeasuring 4020 sq. mtrs is in

	Village Camurlim Bardez-Goa and whether the said property has been barricaded or fenced.	possession of Mr. Swapnil V. Shirodkar. During the visit at the scene of offence it was noticed that the property was fenced with bamboo compound.
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3. Aggrieved and being not satisfied with the reply of the PIO, the Appellant filed first appeal before the Superintendent of Police (North), Porvorim Goa being the First Appellate Authority (FAA).
4. The FAA vide its order upheld the reply of the PIO and dismissed the first appeal on 19/07/2022.
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, prayer to set-aside the order of the FAA, to direct the PIO to furnish the information and to impose penalty on the PIO for providing false and misleading information.
6. Notices were issued to the parties, pursuant to which the Appellant appeared on 03/10/2022, the APIO, Shri. Somnath Mahajik, Police Inspector attached to Colvale Police Station appeared on behalf of PIO on 03/10/2022 and placed on record the reply alongwith annexures of the PIO. The FAA though served opted not to appear in the matter.
7. It is a case of the Appellant that, vide his RTI application dated 28/04/2022 he sought information from the PIO with respect to letter dated 01/09/2021 addressed to Mr. Swapnil Vilas Shirodkar by Mandar R. Parab, Police Sub-Inspector attached to Colvale Police Station seeking information under Section 91 of the CRPC, with regards to Colvale Police Station crime No. 12/2021 under Section 447 of IPC raising six queries, including the ownership document of property bearing survey No. 156/1 of Camurlim Village of Bardez taluka and other details, however the PIO furnished him false and misleading information.

8. On the other hand, the PIO through his reply submitted that he had furnished the copy of form I & XIV in respect of survey No. 156/1 of Village Camurlim and provided the copy of documents submitted by Mr. Swapnil V. Shirodkar in connection with the Vilas Dairy Farm. According to him the information/ documents which were available on record of Colvale Police Station were duly furnished to the Appellant.

Further according to him, information which were not available on records of Colvale Police Station was replied as information is not available on records.

9. Perused the pleadings, reply of the PIO and scrutinise the documents on record.

10. It is the consistent stand of the PIO that, available information has been furnished to the Appellant. As against this the Appellant alleged that information furnished by the PIO is incorrect and misleading.

11. I am unable to accept the contention of the Appellant, that the PIO under the Act is only a custodian of records, which is the information, he is expected to furnish the same in the form and the manner in which it exist. The PIO is not expected nor can be called upon to collect and collate the information or summarise the information as is sought by the seeker. The PIO also cannot either confirm or deny perception of the Appellant.

12. The High Court of Himachal Pradesh in the case **State of Himachal Pradesh & Anrs. v/s Archit Sant & Anrs. (2017 (4) ALL MR (JOURNAL) 35)** has held that:-

*"8. The PIO could only supply the material in any form as held by public authority in terms of Section 2(f). The Act does not require the Public Information Officer to*

*deduce some conclusion from the material and supply the conclusion so deduced to the Appellant."*

13. The Delhi High Court in the case **Union of India v/s Central Information Commission & P.D. Khandelwad (Writ Petition No. 8396/2009)** has observed as under:-

*"..... Central or State Information Commissions cannot examine the correctness of the decision / directions of the public authority or the competent authority or the appropriate government under the RTI Act.*

*48..... Central or State Information Commission have been created under the statute and have to exercise their powers within four corners of the statute. They are not substitute or alternative adjudicators of all legal rights and cannot decide and adjudicate claims and dispute other than matters specified in Section 18 and 19 of the RTI Act."*

14. In the present case, the PIO replied the RTI application on 30/05/2022 within reasonable time and has furnished the available information to the Appellant. The PIO further cannot justify or provide the reason for decision made by Investigating Officer as it is outside the purview of the PIO under the Act. This can be a matter for agitation before competent authority and not under this forum.

15. Considering the facts and circumstances hereinabove, I do not find any substance in the matter hence the appeal is dismissed.

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

Sd/-

**(Vishwas R. Satarkar)**

State Chief Information Commissioner