

**GOA STATE INFORMATION COMMISSION**

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**Shri. Sanjay N. Dhavalikar**, State Information Commissioner

**Appeal No. 142/2023/SIC**

Shri. Nilesh Raghuvir Dabholkar,  
R/o. H. No. 275/2 (New), Dabholwada,  
Chapora, Anjuna, Bardez-Goa.

-----Appellant

**v/s**

1. Public Information Officer,  
Under Secretary Revenue II,  
Secretariat, Porvorim,  
Bardez-Goa 403521.

2. The Joint Secretary Revenue,  
First Appellate Authority,  
Room No. 004, First Floor,  
Secretariat, Porvorim,  
Bardez-Goa 403521.

-----Respondents

**Relevant dates emerging from appeal:**

RTI application filed on	: 21/11/2022
PIO replied on	: 27/12/2022
First appeal filed on	: 19/01/2023
First Appellate Authority order passed on	: 17/02/2023
Second appeal received on	: 24/04/2023
Decided on	: 22/08/2023

**ORDER**

1. Being aggrieved by non furnishing of the information by the Public Information Officer (PIO) and the order of the First Appellate Authority (FAA), appellant under Section 19 (3) of the Right to Information Act, 2005 (hereinafter referred to as the 'Act') preferred second appeal against the Respondent No. 1, PIO and Respondent No. 2, FAA, which came before the Commission on 24/04/2023.
2. It is the contention of the appellant that, the PIO failed to furnish him the information, hence, he filed first appeal before the FAA. However, FAA while disposing the appeal arbitrarily passed the order and no information was furnished by the PIO. Appellant further contended that, the FAA deliberately did not go into the details of the matter, thus, the said order is in violation of principle of natural justice.
3. The concerned parties were notified, pursuant to the which appellant appeared praying for complete and correct information.

Advocate K. L. Bhagat appeared on behalf of the PIO and on 31/07/2023 filed affidavit in reply.

4. PIO stated that, upon receipt of the application he made in-depth search of the records which are around 47 years old. Since the information was not found office of the Collector, North was requested to furnish copy of the budget estimate of Shree Siddheshwar Devasthan, as sought by the appellant, however, these efforts did not bear any fruits. PIO further submitted that, all possible efforts have been made to ensure that the information is furnished to the appellant, yet, the said information could not be traced. That, the PIO has no malafide intention to evade disclosure of the information. Also that, he has complied with the order of the FAA by making thorough search, but the efforts proved futile.
5. Upon perusal it is seen that, the appellant had sought information pertaining to budget of Shree Siddeshwar Devasthan, Chapora-Anjuna and is aggrieved since the PIO has failed to provide the information. PIO after carrying out search vide letter dated 27/12/2022 had informed the appellant that the relevant file is not traceable. Later, in compliance with the direction issued by the FAA, the PIO once again undertook in-depth search, also made efforts to get the said information from the office of the Collector, North. Even so, he could not succeed and the same process has been explained by the PIO before the Commission.
6. The PIO vide an affidavit in reply, on 31/07/2023 has narrated the details of the efforts taken by him to trace the information and finally stated that he is unable to furnish the information which is not available in his records.
7. In view of the reply of the PIO filed on the affidavit, the Commission holds that the information sought by the appellant is not available in the office of the PIO, thus, the PIO cannot be directed to issue any information which is non-existent in his records or to create any such information. Needless to say that, in case at any time the statements in the said affidavit are found false, the person swearing the same would be liable for action for perjury.
8. Considering the above circumstances the Commission finds that the PIO cannot be directed to furnish any information. Similarly, there is no ground to invoke Section 20 of the Act as the non-furnishing of the information cannot be held as intentional or malafide. Hence, no relief can be granted to the appellant.

9. In the light of above discussion, it is concluded that the instant appeal is impertinent, thus, the same is disposed as dismissed.

Proceeding stands closed.

Pronounced in the open court.

Notify the parties.

Authenticated copies of the order should be given to the parties free of cost.

Aggrieved party if any, may move against this order by way of a Writ Petition, as no further appeal is provided against this order under the Right to Information Act, 2005.

Sd/-

**Sanjay N. Dhavalikar**

State Information Commissioner  
Goa State Information Commission,  
Panaji-Goa.