

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

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Complaint No. 37/2022/SCIC

Master Sousa Leonardo Caetano,
R/o. Mundakar H.No. 370, Sao Bras,
Ilhas Marcelle, North Goa,
403107.

.....Complainant

V/S

1. The Public Information Officer,
Office of the Mamlatdar of Tiswadi,
Panaji-Goa 403001.

2. The First Appellate Authority,
Office of the Mamlatdar of Tiswadi,
Panaji-Goa 403001.

.....Opponents

Shri. Vishwas R. Satarkar

State Chief Information Commissioner

Filed on: 24/11/2022

Decided on: 18/04/2023

ORDER

1. The Complainant, Master Sousa Leonardo Caetano r/o. Mundkar, H.No. 370, Sao Bras, Ilhas, Marcella, North Goa vide his application dated 18/04/2022 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), Mamlatdar of Tiswadi at Panaji-Goa.
2. The said application was responded by the PIO on 04/05/2022, in the following manner:-

"With reference to your RTI application dated 26/04/2022, it is to inform you that the information sought by you is ready. You are requested to collect the same from this office on any working day i.e. from 10.00 am to 12.00 pm and 2.30 pm to 4.00 pm on payment of necessary fees.

3. Not satisfied with the reply of the PIO, the Complainant preferred first appeal before the Mamlatdar of Tiswadi at Panaji-Goa being the First Appellate Authority (FAA).
4. Pending the hearing of the first appeal, the PIO furnished the information to the Complainant on 07/07/2022 with regards to the information at point No. 2, 3 and 4.
5. Meanwhile, the FAA vide its order dismissed the first appeal on 14/11/2022.
6. Being aggrieved and not satisfied with the order of the FAA, the Complainant landed before the Commission with this complaint proceeding under Section 18 of the Act.
7. Notices were issued to the parties, pursuant to which the Complainant appeared in person on 05/01/2023, the incumbent PIO, Ms. Anusha Gaonkar appeared and filed her reply on 05/01/2023. The FAA duly served opted not to appear in the matter.
8. The PIO through her reply contended that, when the application was filed under Section 6(1) of the Act by the Complainant she was not the designated PIO, however, after taking the charge as the PIO on 07/06/2022, she immediately searched the records and available information has been provided to the Complainant, during the pendency of the first appeal.
9. It is not in dispute that, the Complainant received the information at point No. 2, 3 and 4 from the incumbent PIO.
10. The PIO categorically submitted that the information sought at point No. 1 by the Complainant is not available in records of the public authority.

11. The Complainant did not produce any cogent evidence to establish that the said information was actually generated and available with the public authority and that the PIO has withheld the said information. The Act contemplates furnishing of information which is available on records. In the present case, available information has been provided by the incumbent PIO. I therefore do not find anything on record to show that the incumbent PIO has acted contrary. The Complainant has also not stressed upon to impose penalty on the incumbent PIO.

12. Considering the fact and circumstances hereinabove, I find no substance in the complaint proceeding, hence, same is disposed off as follows:-

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

Sd/-

(Vishwas R. Satarkar)

State Chief Information Commissioner