

GOA STATE INFORMATION COMMISSION
"Kamat Towers" 7th Floor, Patto Plaza, Panaji, Goa – 403 001
E-mail: spio-gsic.goa@nic.in Website: www.scic.goa.gov.in

Appeal No. 59/2024/SCIC

Shri Xavier A. Dias,
H. No. 477, Orel,
Assolna, Salcette-Goa. ---Appellant
V/s

1.The Public Information Officer,
Office of the Deputy Collector & SDO-II,
Margao-Goa.
2.The First Appellate Authority,
Deputy Collector & SDO-II,
Margao-Goa. ----Respondents

Shri. ARAVIND KUMAR H. NAIR - State Chief Information Commissioner, GSIC

Relevant Facts Emerging from the Appeal.

RTI application filed on	- 17-07-2023
PIO replied on	- 09-08-2023
First Appeal filed on	- 16-08-2023
First Appellate order on	- 13-10-2023
Second appeal received on	- 01-03-2024
Decision of the Second Appeal on	- 19-05-2025

Information sought and background of the Appeal

- Shri. Xavier A. Dias filed an application dated 17/07/2023 under Section 6 of the RTI Act, 2005 to the PIO, O/o Dy. Collector and SDO-II, Margao seeking '*Certified copies of all the papers including Roznama notings of case No.LRC/DEM/GOVT/29/2014-I.*'
- In response to the RTI application, PIO Shri. Rohan R. Naik, Awal Karkun vide letter dated 09/08/2023 replied as under :

"With reference to your letter dated 17/07/2023, it is to inform that after verifying the inventory records of the file available in the office of the Deputy Collector and SDO-II, it is revealed that the information sought by you is not available in the records of the office of Dy. Collector and SDO-II, Salcette, Margao-Goa.

3. Aggrieved by the reply received from the PIO, Appellant filed first appeal dated 16/08/2023 to the First Appellate Authority.
4. First Appellate Authority (Shri.Ravishankar G. Nipanikar, Dy. Collector and SDO-II, Salcette, Margao) vide order dated 13/10/2023 directed the Respondent PIO to go through the inventory and submit the information to the Appellant within 30 days failing which PIO shall file FIR for missing file.
5. Failing to receive the copy of the FIR registered for the missing file, Appellant vide letter dated 01/02/2024 prayed before the Dy. Collector and SDO-II, Margao to furnish the copy of the FIR registered for the missing file.
6. Thereafter, Appellant preferred Second appeal dated 01/03/2024 before the Commission stating that the Respondent PIO has not furnished the desired information at the initial level and also after the order passed by the FAA on 13/10/2023.

Facts Emerging in Course of Hearing

7. Pursuant to the filing of Second appeal by the Appellant, parties were notified fixing the matter for hearing on 29/11/2024 for which Appellant and Respondent PIO present in person. The Presiding Commissioner directed the Respondent PIO to conduct another round of thorough search in his office to furnish information as sought by the Appellant. Matter adjourned to 18/12/2024.
8. On 18/12/2024, Appellant filed written submission dated 18/12/2024 along with a copy of proceeding sheet of 2014 in the Court of Dy. Collector and SDO-II, Salcette pertaining to the File No.LRC/DEM/GOVT/29 of 2014-I, which is mentioned as Reference File by the Appellant in his RTI application dated 17/07/2023. Appellant prayed that necessary directions/notice be issued to the Dy. Collector and SDO-I, Margao-Goa to search the records and FIR be registered if the said file is not traced after the search.

9. Respondent PIO in his written submission dated 18/12/2024 stated that:

- a. Acting on the direction issued by the presiding Commissioner on 29/11/2024, FAA(Dy. Collector and SDO-II) vide memo dated 06/12/2024 directed the undersigned and dealing clerk handling the demarcation matters in the O/o Dy. Collector and SDO-II, Salcette to search for the concerned file sought by the Appellant and to file Compliance report.
- b. Carried out thorough search of the file bearing No.LRC/DEM/GOVT/29/2014-I but could not be located in the store of the O/o Dy. Collector and SDO-II.
- c. Concerned dealing hand vide letter dated 16/12/2024 submitted that as per inventory records of demarcation files available in the office of the Dy. Collector and SDO-II, Salcette, the reference of the said file is not available. It is also informed that as per the Roznama copy provided by the Appellant for reference, the said file had originated in the office of the Dy. Collector and SDO-I, Salcette Goa in the year 2014.
- d. The concerned dealing clerk submitted that vide order dated 19/05/2015 of Collector, South Goa, Villages of Salcette Taluka was distributed between the offices of the SDO I and II of Salcette Goa.
- e. There is nothing on record which shows that the said file has been transferred from the office of the Dy. Collector and SDO-I. Hence search may be conducted in the office of Dy. Collector and SDO-II, Salcette.
- f. Necessary direction may be issued to the O/o the Dy. Collector and SDO-I, Salcette Goa for tracing the said file in his office records.

10. Based on the written submission dated 18/12/2024 filed by Respondent PIO Shri. Rohan R. Naik, O/o Dy. Collector and SDO-II, Salcette Goa, Commission vide letter dated 18/12/2024 issued direction to the Dy. Collector and SDO-I, Salcette Goa to trace the file No.LRC/DEM/GOVT/29/2014-I in his office records within two weeks time to furnish information to the Appellant and file Police complaint to register an FIR on missing file if it is not traced.

11. Complying with the direction issued by the Commission, Dy. Collector and SDO-I, Salcette, vide letter dated 06/02/2025 communicated to the Dy. Collector and SDO-II to make necessary action to trace the file No.

LRC/DEM/GOVT/29/2014-I on the ground that as per office records, the said file is taken over by the staff of Dy. Collector & SDO-II, in the year 2018.

On the same day, vide letter dated 06/02/2025, Dy. Collector and SDO-I, Salcette called for the photocopies of the entire file in demarcation of Assolna-Cavelossim Ferry Road from the O/o. Executive Engineer, Works Division VI(Roads), PWD, Fatorda, to furnish the Appellant.

12. Matter was taken up for hearing on 24/01/2025 and 20/02/2025.
13. Respondent PIO filed written submission dated 01/04/2025 stating as under:
 - i. *As per the direction of the Commission dated 18/12/2024, Dy. Collector and SDO-I, Salcette intimated Dy. Collector and SDO-II to trace the concerned file which was taken over by the staff of the O/o Dy. Collector and SDO-II in 2018. Besides this, Executive Engineer, Works Div, VI(Roads), Fatorda, Goa was directed to submit photocopies of demarcation file.*
 - ii. *Despite several attempts, said file could not be located but scrutiny of the charge list handed over to then Awal Karkun to whom it was handed over in 2018, revealed that the said file LRC/DEM/GOVT/29/2014-I was in the list wherein clarification was sought from the Executive Engineer, Works Div, VI(Roads), Fatorda, Goa.*
 - iii. *Office of the Executive Engineer, Works Div, VI(Roads), PWD, Fatorda vide letter dated 19/02/2025 informed that file No. LRC/DEM/GOVT/29/2014-1 is not traceable in their office records.*
 - iv. *Concerned file LRC/DEM/GOVT/29/2014-I has not followed up by the O/o Executive Engineer, Works Div, VI(Roads), PWD as such file remained in the clarification list of the Dy. Collector and SDO-II.*
 - v. *The said file cannot be reopened by the O/o. Executive Engineer, Works Div, VI(Roads), PWD, Fatorda as the demarcation subject has been transferred to the office of the Inspector of Survey and Land Records since the year 2021.*
 - vi. *Reply dated 19/02/2025 from the O/o Executive Engineer, Works Division, VI (Roads), PWD, Fatorda, the File No. LRC/DEM/GOVT/29/2014-I is*

treated as non-traceable and non-complied and further, cannot be reopened.

- vii. *As the file is question, LRC/DEM/GOVT/29/2014-I, is not processed by the O/o Dy. Collector and SDO-II, Salcette, Goa and the same is filed wherein it cannot be further processed by the O/o Dy. Collector and SDO-II, Salcette, the present appeal please be decided and disposed off accordingly.*

14. When the matter called for final hearing today i.e. 19/05/2025, Appellant filed written submission dated 19/05/2025 requesting to close the present Appeal No.59/2024/SCIC on the following ground:

- i. *Respondent PIO submitted that the concerned File No. LRC/DEM/GOVT/29/2014-I was for clarification from the Applicant, Executive Engineer, Works Div. VI (Roads),PWD, Fatorda, Salcette.*
- ii. *Thereafter, the said file is not processed.*
- iii. *The said File No. LRC/DEM/GOVT/29/2014-I is not traceable in the offices of Dy. Collector and SDO-II, Salcette-Goa and Executive Engineer, Works Div, VI (Roads),PWD, Fatorda, Margao.*
- iv. *The said file LRC/DEM/GOVT/29/2014-I cannot be processed now in the office of the Dy. Collector and SDO-II, Salcette-Goa.*

Commission's Observation

- i. **Based on the direction of the Commission, all concerned including Respondent PIO and FAA (Dy. Collector and SDO) made serious and sincere effort to trace the File No. LRC/DEM/GOVT/29/2014-I, the subject matter in the Appellant's RTI application dated 17.07.2023.**
- ii. **It is confirmed from the submission made by the Respondent PIO, the said file is untraceable and cannot be processed now as the authority for the demarcation has been transferred from Engineer, Works Div, VI (Roads),PWD, Fatorda to the ISLR since 2021.**
- iii. **File No. LRC/DEM/GOVT/29/2014-I cannot be processed now by the O/o. Dy. Collector and SDO-II, Salcette-Goa.**

DECISION

Based on the facts and circumstances, Commission's observations, submissions placed before the Commission by the parties to the present appeal and the written submission filed by the Appellant today(19.05.2025) requesting to close the matter on the ground that the file in question is untraceable and further process on the said file cannot be done at this juncture by the Dy. Collector and SDO-II, Salcette, Margao, South Goa, Commission is of the opinion that further proceedings in the present appeal is unwarranted and disposed off the Appeal No.59/2024/SCIC today i.e. 19/05/2025.

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.

- Proceeding stands closed.
- Pronounced in open Court.
- Notify the parties.

Sd/-

(ARAVINDKUMAR H. NAIR)

State Chief Information Commissioner, GSIC