

GOA STATE INFORMATION COMMISSION
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Shri. Atmaram R. Barve

State Information Commissioner

Appeal No. 160/2024/SIC

Mr. Luis Manual D'Souza,
R/o. H. No. 40, Talwada, Querim,
Pernem-Goa

.....Appellant

V/s

1. The Public Information Officer (PIO),
Office of Village Panchayat of Querim Terekhol,
Pernem-Goa
2. The First Appellate Authority (FAA),
The Block Development Officer of Pernem,
Office of the B. D. O. Pernem,
Office of the B.D.O. Pernem,
Pernem-Goa

....Respondents

Filed on: 25/07/2024

Decided on: 5/03/2025

ORDER

1. The present second Appeal arises out of the Right to Information (RTI) application dated: 22/03/2024 filed by Shri. Luis Manual D'Souza addressed to the Public Information Officer (PIO), Village Panchayat Terekhol.
2. In response to the said the PIO Shri. Avinash Palni issued a reply dated 18/04/2024 providing documents pertaining to point No. 1, 2 and 3 of the RTI application and clarification pertaining to point No. 4 of the said application.
3. Aggrieved by the said reply the Appellant herein preferred the first appeal dated 17/05/2024 citing the grounds that

information pertaining to point No. 3 of his RTI Application have not been furnished by the Respondent PIO.

4. The First Appellate Authority upon considering contentions of both the parties dismissed the first appeal vide order dated 07/06/2024.
5. Aggrieved by this order the Appellant herein preferred this second appeal dated 25/07/2024.
6. This appeal came to be filed at a time when the former State Information Commissioner had demitted office and thereafter upon resumption of regular proceedings notices were issued and matter was taken up for hearing from 23/01/2025 onwards.
7. The Respondent PIO filed his reply and stated that information which is not available in the records cannot be created and provided to the information seeker.
8. The PIO further added that the application of the information seeker being in question form cannot be answered in terms of the RTI Act.
9. Both the parties argued the matter, and proceedings are concluded.
10. Upon perusal of the Appeal memo and other material on record this Commission is of the considered opinion as under.

- a) The Public Information Officer (PIO), Shri. Avinash Palni ought to have exercised his reasoning and should have examined the RTI application as to whether the application should be affirmatively responded or not.
- b) Although the PIO appears to have acted in good faith in responding to the pointwise queries of the information seeker, his stand before both the Appellate authorities is inconsistent and questionable.
- c) The first Appellate Authority (FAA) has rightly pointed out the relevant position of law and has dismissed the first Appeal.
- d) Although the inconsistency in the stand taken by the PIO ends up misleading the information seeker, this Commission cannot endorse the nature of the RTI application and cannot direct the PIO to create a particular information. However, the PIO deserves a word of question from this Commission in so far as dealing with such application in the future is concerned.

11. Therefore in the light of the above the present second appeal is dismissed. No order as to cost.

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/-

(Atmaram R. Barve)

State Information Commissioner