

GOA STATE INFORMATION COMMISSION
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Appeal No.242/2025/SIC

Hema Sharad Wagh,
H. No. 540/7, Teen Maad,
Maina, Near Ramdas Temple,
Siolim, Bardez-Goa.

..... **Appellant**

V/s

The Public Information Officer (PIO),
Mamlatdar of Bardez,
Mapusa, Bardez-Goa.

.....**Respondent**

Shri. Atmaram R. Barve

State Information Commissioner

Filed on: 17/10/2025
Disposed on: 19/01/2026

ORDER

1. The present second appeal arises out of the Right to Information (RTI) application dated 03/03/2025 made by the Appellant herein, Mrs. Hema Sharad Wagh and addressed to the Public Information Officer (PIO) at Mamlatdar of Bardez Taluka, Mapusa, Bardez- Goa wherein the Appellant herein sought the certified copies of the suit filed under the relevant provisions of the Goa, Daman & Diu Agricultural Tenancy Act, 1964.
2. There was no response from the PIO within the stipulated time period of 30 days and thereby compelling the Appellant herein to prefer the First Appeal before Competent Authority vide Appeal memo dated 30/05/2025.

3. Vide Order dated 30/07/2025 the FAA directed the PIO to furnish the relevant information to the Appellant herein within 30 days from the said order.
4. Thereafter citing the grounds that information has not been provided inspite orders of the FAA, the Appellant herein preferred Second Appeal before this Commission vide Appeal memo dated 17/10/2025.
5. Notices were issued and the matter came up to be heard from 08/12/2025 onwards.
6. The PIO Shri. Anant Malik filed his reply and contended that the records sought being very old are not traceable.
7. On the present day both parties argued the matter. Adv. for Appellant relied on the order dated 17/01/2018 passed by the Central Information Commission in Sehzaad Singh vs Department of Posts wherein the Central Information Commission has dealt with the aspect of the claim of information not traceable used by the PIOs in their defence.
8. Adv. for Appellant also contended that the documents sought are not ordinary administration documents but rather pertain to Judicial proceedings in the terms of the Agricultural Tenancy Act, 1964 in Goa.
9. Upon perusal of appeal memo, reply of the PIO as well as arguments led by both parties this Commission is of considered opinion as under:-
 - a. The PIO Shri. Anant Malik has not been able to produce anything on record to even remotely suggest that efforts were made to firstly provide a reply to RTI application and secondly to comply with orders passed by the FAA thereby

making him liable for refusal of information in terms of Section 7(2) of the RTI Act.

- b. The inaction on the part of the PIO gains more importance due to the fact that the documentary information sought pertains to Judicial proceedings and therefore necessary efforts ought to have been made to reconstruct of same file and such an action of reconstruction cannot be construed to creation of information defined as per Section 2(f) of the RTI Act, 2005.
- c. Non-existence of a document in the custody of the PIO and non traceability of same as the case may be should never be a blanket approach of the PIOs to evade their responsibility and the PIOs also should not conveniently ignore their obligations laid down under Section 4 of RTI Act in details.
- d. Even if the information was not traceable, that does not stop the PIO from issuing a response to the information seeker within stipulated time frame.
- e. Furthermore mere filing of an FIR towards the missing file would not serve any purpose as it would not provide any remedy to the information seeker.

10. Therefore in view of above the present Second Appeal is disposed with following Orders:-

- a. The present Second Appeal is allowed.
- b. The PIO Shri. Anant Malik is hereby directed to initiate steps to reconstruct the appeal pertaining to the subject matter of the Appellant RTI application dated 03/03/2025 and the said exercise shall be completed on or before

16/02/2026 and the Appellant shall be provided certified true copies of the same after physical inspection of the documents free of cost on 18/02/2026 during office hours.

- c. The relevant PIO in case of transfer shall make himself available at Mamlatdar Bardez Taluka on prescribed date and shall take the assistance of the present PIO if any and record the minutes of proceedings and upon completion of proceedings shall inscribe his name and signature and also take name and signature on acknowledgement receipt from Appellant herein or any Authorised Representative as the case may be.
- d. The Registry is to issue Show Cause Notice to Shri. Anant Malik seeking clarification as to why action should not be initiated against him in terms of Sections 20(1) and Section 20(2) for non-compliance with the orders of this Commission.
- e. The Respondent PIO, Shri. Anant Malik, shall remain present in person along with a reply to the Show Cause Notice and a complete report of the aforementioned direction on 23/02/2026 at 11.00 a.m., failing which necessary penalties and proceedings shall be initiated.
- f. The Secretary, Department of Revenue, Government of Goa, is hereby directed to issue necessary directions to all PIOs under the ambit of Department of Revenue, Government of Goa, to initiate steps for the implementation of Section 4 of RTI Act by also mentioning a time frame to complete and conclude the said exercise. The said directions shall be communicated to this Commission through any Authorised Representative on 23/02/2026.

- No order as to cost.
- Parties to be provided authenticated copies of this order separately under each appeal number.
- 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