

**GOA STATE INFORMATION COMMISSION
AT PANAJI**

CORAM: Shri M. S. Keny, State Chief Information Commissioner

Appeal No. 121/SCIC/2010

Harihar V. Chodankar,
Block A-1, Gr.floor,
Kamat Woods, Pedem,
Mapusa, Bardez –Goa.

... Appellant

V/s

- 1) The Public Information Officer,
The Administrator,
O/o Administrator of Comunidade of North Zone,
Nr. Court, Mapusa. ... Respondent No.1.
- 2) The First Appellate Authority,
The Addl. Collector-II,
Collectorate, North Goa,
Panaji –Goa. ... Respondent No.2.

Appellant absent.

Adv. K. H. Bhosale for Respondent No. 1.

Respondent No. 2 absent.

O R D E R
(04/10/2010)

1. The Appellant, Shri Harihar V. Chodanker, has preferred the present appeal praying that Public Information Officer the Administrator may be directed to provide the certified copies of the file of Smt. Mangala V. Salunke as said in his letter dated 25/02/10.

2. The brief facts leading to the present appeal are as under:-

That the Appellant, vide his application dated 02/12/2009 sought certain information under Right to Information Act 2005 ('RTI' Act for short) from the Public Information Officer ('PIO' for short) the Administrator office of the Administration of Comunidades of North Zone, Mapusa, Bardez Goa. That the Administrator vide his letter dated 15/12/2009 asked the Registrar/Attorney of Serula Comunidade to furnish the information within 7 days. That the Administrator by his letter dated 22/12/2009 informed the appellant to collect the part of the information. That the

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Administrator failed to provide the information of the file of Shri Sumiullah A. Belwadi at serial No. 3(i) and plot vacant certificate of Shri Zainue A.D. Abdulla at Sr. No. 3 v. Since information is not provided the Appellant preferred the First Appeal. It is the case of the Appellant that the Administrator vide letter dated 25/02/2010 informed the Appellant that the file of Shri Sumiullah A. Belwadi is not available in the office and the said plot, however, has been allotted to Smt. Mangala V. Salunke on the recommendation of Comunidade of Serula. However the Administrator failed to provide the information of the aforesaid file of Smt. Mangala Salulke. It is further the case of the Appellant that information at Sr. No. 3(i) is not provided and hence the present appeal seeking the above mentioned prayer.

3. The Respondents resist the application and reply of respondent No. 1 is on record. It is the case of the Respondent No. 1 that the Appellant made application dated 02/12/2009. That vide letter dated 15/12/2009 assistance under section 5(4) was sought of Registrar/Attorney Comunidade de Serula, with clear intention to provide the information to the Appellant. That by letter dated 22/12/2009 appellant was informed to collect the information by paying Rs. 72/-. That the information provided is in time. That the Respondent No. 1 has correctly informed that respective file was not in his possession at that time as it was under preliminary process for allotting the respective plots by the Government. That information has been provided. It is further the case of the Respondent No. 1 that the necessary copies of the file of Smt. Mangala V. Salunke has been made available to the Appellant vide letter ref. No.ACNZ/RTIA/114/09-10/36 dated 25/02/2010. According to Respondent No.1 appeal is liable to be dismissed.

4. This appeal came on board on 08/07/2010 However appellant was absent. Matter was posted on 27/07/2010 and then on 19/08/2010 but appellant remained absent. Notice was issued to the Appellant on 19/08/2010 and informed to remain present on 09/09/2010. On 09/09/2010 and 30/09/2010 Appellant remained absent. To-day also the Appellant is absent. Since the Appellant is absent I would like to proceed on the basis of records of the case.

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4. Heard Adv. Shri K. H. Bhosale for Respondent No. 1 and perused the records.

It is seen that the Appellant sought certain information from the Respondent No. 1 vide his letter dated 02/12/2009. By letter dated 15/12/2009 the respondent No. 1 sought assistance of Registrar/Attorney of Comunidade of Serula under section 5(4) of the Right to Information Act. By letter dated 22/12/2009 the Appellant was called to collect the information after paying the fees. It is seen that the Appellant preferred an appeal before the First Appellate Authority ('FAA' for short). The grievance of the Appellant was that information at point 3(i) is not provided and at Sr. No. 3 (v) is incomplete information. It is seen from the order of First Appellate Authority (mentioned in proceeding sheet) that information at Sr. No. 3 (i) is not available and the plot in question was allotted to Mangala V. Salunke. The First Appellate Authority directed to give inspection of both files and there after the Appellant if require seek information. It appears that the Respondent No. 1 has furnished the information to the Appellant.

6. It is to be noted here that in terms of provisions of Right to Information Act a citizen is entitled to seek disclosure of information that is available in a material form with the Public Authority, that is, information which is available in any file or document and the like. Non-existing information is not to be furnished.

7. The prayer in this appeal is to provide certified copies of the file of Smt. Mangala V. Saluake. This is not available in the application seeking information dated 02/12/2009. An appellant cannot seek fresh information at the appellate stage.

In any case this information is furnished to the Appellant.

It appears that information is furnished.

8. Coming to the aspect of delay. The original application is dated 02/12/2009. By letter dated 22/12/2009 the Appellant was called to collect the information on payment of required fees. Even information regarding file of Mangala Salunke is also furnished. In any case there is no delay as such.

9. Since information is furnished no intervention of this Commission is required.

Hence I pass the following order:-

O R D E R

No further intervention of this Commission is required. The appeal is disposed off.

The appeal is accordingly disposed off.

Pronounced in the Commission on this 4th day of October, 2010.

Sd/-
(M. S. Keny)
Chief Information Officer

