

withheld the information. Hence the present complaint praying the above mentioned reliefs.

3. The case of the opponent is fully set out in the reply which is on record. It is the case of the opponent that the information sought by the complainant related to the Comunidade of Pomburpa and Comunidade of Olaulim and as such sought assistance of the Registrar/Attorney of the respective Comunidade with sole intentions and interest to provide the necessary information in good faith to the applicant. That the A.P.I.O. under advise of P.I.O. wrote a letter dated 3/2/2011 to Registrar/Attorney of the concerned Comunidades in seeking their assistance under Sec.5(4) towards furnishing necessary information to the applicant. That whatever information received from said Comunidade on 18-20/2/2011 regarding point No.1, 2 and 3 of the application forwarded to the applicant vide letter dated 24/2/2011. That the information in respect of Point No.3,4, 5, 6 and 7 not available with the said Comunidades as much by going through the details, the same may be available with various former Committees within the areas under the control of talathis and Mamlatdars. That the information provided by the P.I.O. is in good faith and with clear cut intentions and interest and as such opponent comes under the cover of Sec.21 Protection of action taken in good faith.

4. It is seen from the record that on 6/7/2011, 2/8/2011, 16/9/2011, 20/10/2011 and 31/10/2011 the complainant remained absent. His representative also remained absent. In any case, I am proceeding on the basis of record.

5. Heard Adv. K. H. Bhosale for opponent and perused the records of the case.

It is seen that the complainant sought information vide application dated 8/12/2010. According to Adv. Shri Bhosale information in respect of point No.1, 2 and 8 is sent by letter 24/2/2011 to the applicant. The information in respect of point No.3, 4, 5, 6 & 7 is not available with the said Comunidade. Under R.T.I. Act information as available is to be furnished. Non existing information cannot be furnished. It appears that there is no grievance from the Complainant since he has not appeared before the Commission nor sent any communication to that

effect. Therefore it is to be presumed that he is satisfied with the said reply.

6. Coming to the aspect of delay. No doubt there is delay. However, it is a fact that information was not with the P.I.O. The same was with two Comunidades. The same was to be procured/obtained from the said Comunidade. In the process there was delay. Since information is obtained and furnished the available information, it could not be proper to penalise the P.I.O. In any case in the factual backdrop, the delay is to be condoned.

7. In view of the above, since available information is furnished, no intervention of this commission is required. Hence I pass the following order.

ORDER

No intervention of this Commission is required as information is furnished. The complaint is disposed off.

The Complaint is accordingly disposed off.

Pronounced in the Commission on this 31st day of October, 2011.

Sd/-
(M. S. Keny)
State Chief Information
Commissioner