## GOA STATE INFORMATION COMMISSION AT PANAJI

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

## Complaint No. 14/SCIC/2011

Shri Ajit Porob, "Shashi Sadan" H. No.133/3, Palmar, Pomburpa, Goa

... Complainant

V/s

State Public Information Officer,
The Administrator,
O/o. the Administrator of Communidades,
North Zone, Mapusa-Goa ... Opponent

Complainant absent.
Opponent absent.
Adv. K.H. Bhosale for opponent present.

## ORDER (31/10/2011)

- 1. The Complainant, Shri Ajit S. Porob, has filed present complaint praying that the records and proceedings before the opponent be called; that the opponent be directed to furnish the information sought by this Complainant in accordance with his application dated 8/12/2011 which should be free of charge in terms of Sec.7(6) since the opponent failed to provide information within the stipulated period; that the disciplinary action be initiated and that penalty be imposed.
- 2. The case of the complainant is that the complainant, vide his application dated 08/12/2010 sought certain information under Right to Information Act, 2005 ('R.T.I.' Act for short) from the Public Information Officer (P.I.O.)/opponent. That the opponent till date has not furnished the information nor had bothered to intimate to the complainant about the status of his application in violation of Sec.7(1). That the opponent has failed to exercise his jurisdiction and perform his duties and illegally

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

- The case of the opponent is fully set out in the reply which is on 3. record. It is the case of the opponent that the information sought by the complainant related to the Communidade of Pomburpa and Communidade of Olaulim and as such sought assistance of the Registrar/Attorney of the respective Communidade 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 Communidades in seeking their assistance under Sec.5(4) towards furnishing necessary information to the applicant. That whatever information received from said Communidade 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 Communidades 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 Communidade. 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 Communidades. The same was to be procured/obtained from the

said Communidade. 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

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