## GOA STATE INFORMATION COMMISSION AT PANAJI

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

Complaint No. 03/SCIC/2012

Dileep Premnath Kamat, H. No. 123, Mardicatta, Cuncolim, Salcete – Goa

ete – Goa .... Complainant

V/s.

Chief Officer, Cuncolim Municipality, Cuncolim, Salcete – Goa

.... Opponent.

Complainant in person. Opponent in person.

## ORDER (23.04.2012)

1. This is a Complaint filed by Dileep Premnath Kamat, praying that information be furnished to him.

It is the case of the Complainant that vide letter dated 19.02.2010 he sought certain information under Right to Information Act, 2005 ('R.T.I. Act' for short) from the Public Information Officer (P.I.O.)/Opponent herein. Again on 23.11.2011 the Complainant filed another application. That on 30.12.2011 on enquiring in the office of Cuncolim Municipality he was informed that the said information was not available. Hence, the present Complaint.

2. In pursuance of the notice the Opponent remained present. He did not file any reply as such. However, he advanced arguments.

Heard the Complainant as well as the Opponent and also perused the records. It is seen that the Complainant sought certain information vide application dated 19.02.2010 and 23.11.2011. It is seen that Opponent informed the Complainant that the information sought for is not available in their records. To a specific query from the Commission the Opponent informed that the records pertain to the erstwhile Panchayat. The Municipality does not have those earlier records. In short according to the Opponent the information sought is not available on the record.

3. It is to be noted here that under RTI only available information or information which is held by the Public Authority is to be furnished. RTI Act can be invoked only to access permissible information. In the present case information is not available. Since information is not available there is no disclosure obligation on the part of the Opponent.

The Complainant was offered inspection to ascertain if whatever Opponent stated was correct or not to which Complainant stated that there was no need of inspection.

4. Since information is not available the same cannot be furnished and hence I pass the following Order:-

## ORDER

No intervention of this Commission is required as information is not available. The Complaint is disposed off.

The Complaint is according disposed off.

Pronounced in the Commission on this 23<sup>rd</sup> day of April, 2012.

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