

GOA STATE INFORMATION COMMISSION

Kamat Tower, Seventh Floor, Patto Panaji-Goa

**CORAM: Smt. Pratima K. Vernekar,
State Information Commissioner.**

Appeal No.58/SIC/2014

Mr. Pradip R. Shirodkar,
H. No. 323/2, Pushpak Colony,
Nr. Dr. Vinod Verekar Residence,
Carribhat Carambolim, Tiswadi-Goa

.....**Appellant.**

V/s.

1. The Public Information Officer (PIO),
Goa Antibiotics and Pharmaceuticals
Ltd.,
Near Tuem Industrial Estate,Appellant
Pernem-Goa
2. First Appellate Authority (FAA),
Goa Antibiotics and Pharmaceuticals Ltd,
Near Tuem Industrial Estate, Pernem-Respondent
Goa

**Appeal filed on: 3/06/2014
Decided on: 30/01/2017**

ORDER

1. The Appellant Shri Pradip R. Shirodkar , has filed this appeal against the order dated 29/03/2014 passed by the Respondent First Appellate Authority (FAA) thereby praying to call for records and proceedings of the FAA and for setting aside the impugned order dated 29/03/2014 passed by FAA on the grounds as mentioned therein the memo of appeal.
2. The brief facts leading to present appeal are as under the appellant vide his application dated 28/12/2013 sought information from PIO, Goa Antibiotic and Pharmaceutical Ltd.

Near Tuem Industrial Estate, Pernem on 10 points as stated therein in the said application.

3. The said application was replied by the PIO of Goa Antibiotics Ltd. On 25/01/2014 thereby informing the Appellant that as per the records the documents are not available.
4. Appellant being not satisfied with the reply of the PIO of Goa Antibiotics Company, preferred the first appeal before the Respondent FAA on 7/01/2014 and the Respondent FAA passed an order on 29/03/2014 directing the PIO of Goa antibiotics to furnish him the information at sr. no. 1 and 3 of his application dated 28/12/2013 within 10 days from the date of order.
5. In pursuant to the order of Respondent FAA dated 29/03/2014 the PIO of Goa Antibiotics Ltd. furnished the information to the Appellant vide their letter dated 4/04/2014.
6. The appellant being aggrieved by the said impugned order passed by Respondent FAA, approached this commission by way of 2nd Appeal under section 19(3) of the RTI Act interalia challenging the order on the ground that the Respondent FAA has failed to appreciate the material on record in correct perspective and has consequently arrived at incorrect findings.
7. It is also the case of the Appellant that the unreasonable, erroneous order have been passed and the reasoning given by the Respondent FAA are not supported by or based on material on record. It is also the case of the Appellant that the Respondent PIO has deliberately concealed in providing the information.
8. After notifying the parties matter was listed on board and was taken up for hearing. Despite of due service the appellant

opted to remain absent. During initial hearing which took place on 17/08/2016 Respondent FAA was represented by Bramanand Porob and there after they opted to remain absent nor filed their reply despite of giving several opportunity.

9. On account continues absence of appellant as well as Respondent FAA, this Commission had no other option then to decide the matter based on the record available in the file.

10. I have scrutinized the entire records. It is seen from the records that the appellant has not made PIO as party in present appeal and has filed appeal only as against First Appellate Authority (FAA) .

11. The order passed by the FAA is well reasoned order. Respondent FAA vide their order has held that there was no convincing reason to withheld the information sought by the appellant at pt 1 and 3 and as such had directed to provide information available with company. With regard to other point FAA have come to the findings that other information is not possible to be provided as the same is not available with the Company. This commission also acquiesces with the reasoning given by the FAA that whatever documents are available could be furnished. And PIO cannot be expected to create the information just to suit requirements of the information seeker. As the prayer is not as against PIO for furnishing the information the commission will not go in to the aspect whether information as sought by could be furnish to him or not.

12. Since the appellant challenged the impugned order of FAA it was for him to substantiate his case. It appears that he is not interested in present proceedings and as such not made

available himself before this Commission to agitate his grounds.

13. As per records the FAA has directed PIO to furnish information at points 1 and 3 of the application under section 6(1), pursuant to said Order, PIO has furnished the information vide letter dated 04/04/2014, in the circumstances the present appeal viza-viz has become in fructuous.

More over the Appellant has remained absent continuously and consequently has failed to substantiate any grounds for the purpose of entitlement of information under the remaining prayers and also has not joined PIO as a party as such no directions can be issued to PIO.

In the circumstances, no case is made out by the Appellant for grant of relief as prayed and hence I find no merits in the appeal. The same is disposed with following.

ORDER

The appeal stand disposed as dismissed as not pressed.

Notify the parties.

Authenticated copies of the Order should be given to the parties free of cost.

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.

Pronounced in the open court.

Sd/-

(Ms. Pratima K. Vernekar)
State Information Commissioner
Goa State Information Commission,
Panaji-Goa

