

GOA STATE INFORMATION COMMISSION
'Kamat Towers' Seventh Floor, Patto, Panaji – Goa

Shri. Prashant S. P. Tendolkar ,
State Chief Information Commissioner

Appeal No.198/SCIC/2017

Shri Minguel Fernandes,
H. No.1524, Vassvaddo, Benaulim,
Salcete –Goa. Appellant.

V/s

- 1) Smt. Jyoti J. Sardesai,
Public Information Officer,
Directorate of Food and Drugs Administration,
Bambolim-Goa 403202.
2) Shri Salim A. Veljee,
First Appellate Authority,
Director of Food and Drugs Administration,
Bambolim-Goa. 403202. Respondents.

Filed on :22/11/2017

Disposed on:17/4/2018

1) FACTS IN BRIEF:

a) The appellant herein by his application, dated 2/6/2017, filed u/s 6(1) of The Right to Information Act 2005 (Act for short) sought certain information from the Respondent No.1, PIO under several points therein.

b) The said application was replied on 20/6/2017 calling upon the appellant to collect the information on payment of fees. The fees were accordingly paid and the appellant collected the information. However according to appellant the information as sought was not satisfactory with reference to points 2,3b,4,5a,5b,5c, and 6 and hence the appellant filed first appeal to the respondent No.2, being the First Appellate Authority (FAA).

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c) The FAA by order, dated 26/9/2017 dismissed the said appeal by upholding the order of the PIO.

d) The appellant has therefore landed before this commission in this second appeal u/s 19(3) of the act.

e) Notices were issued to the parties, pursuant to which they appeared. The PIO on 24/1/2018 filed reply to the appeal, copy of which was furnished to the appellant. Appellant thereafter remained absent continuously. The PIO submitted that the reply filed by him be considered as his arguments.

2.FINDINGS:

a) Perused the records, more particularly the application filed by appellant u/s 6(1) of the act. As per the appeal memo of the first appeal, the controversy herein is in respect of information sought at points 2,3b,4,5a,5b, 5c, and 6 and hence I restrict my findings to the said points.

b) At **point (a)** the appellant, by referring to his complaint regarding certain illegal business, submits that the same was inspected by the respondent authority and had expressed surprise that he had complained on 22/2/2017 but that its officers have inspected the same on 9/2/2017. Besides expressing surprise the appellant has not sought any information. Thus no information on this point can be dispensed.

c) At **point (3(b))** the appellant, by referring to same complaint regarding certain illegal business, submitted that copy of the reply given by all three premises to show cause notice served on 9/2/2017 and 9/3/17 as registered Ad. and Ad. card. The said point does not clarify whether the appellant wants the Ad cards to know whether the same are received. However the

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PIO has replied that such information was not available. In the absence of clarity in application nothing more can be ordered.

d) At **point (4)** the appellant, by referring to same complaint, has sought information regarding the quantum of penalty imposed and all the documents produced to apply for registration certificate. To this point the PIO has answered that no such information is available. To the second part PIO has furnished the copies of the documents submitted.

On going through the said requirement the appellant wanted to know the amount of penalty imposed. This could have been answered by stating the amount of penalty if imposed and if not then to inform accordingly that no penalty was imposed as recorded in the concerned file. The answer of PIO to the first part of point 4(b) is thus sketchy and vague though the copies of document submitted for registration are furnished. I therefore hold that first part of 4(a) is required to be furnished.

e) At **point (5)** the appellant has sought information viz. **(a)** how much penalty was imposed and **(b)** the receipt copy and **(c)** Reason if no penalty is imposed. The same is replied by PIO that no specific information is sought and that copy is not available in the records and that no information is available.

Under the act the PIO is required to respond the application of seeker based on the records. Thus in the present case it was necessary for PIO to answer firstly whether any penalty was imposed as per the available records and if yes the copies of the receipt as are in the records should have been furnished. If the records does not shown

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imposition of any penalty the same should have been accordingly informed and consequently the requirement of the receipt or the reason for non imposing would not have arisen.

f) At **point (6)** the appellant has sought some explanation and has wondered whether some of the acts of the department makes some sense. Thus the appellant has not sought any specific information. Thus the said point of application is accordingly answered.

g) Thus on going through the application and the response of the PIO, I find that though the PIO has dealt with the application some of the points, more particularly whether any penalty was imposed as per the records and if yes the amount of penalty and the copies of receipt/s could have been furnished as sought at points (4), (5a) and (5b). Regarding the rest of the application the application was appropriately dealt with.

h) Considering the above facts and the law, I find it appropriate to direct the PIO to furnish to the appellant, **based on the records/file**, the information viz. i) If penalty is imposed on M/S Furtado Bar & Restaurant and Rice & Floor Mills, for operating without registration certificate AND ii) If any penalty was imposed on M/S Venceslav Florianco Furtado and M/S Glomar General Stores, for operating any illegal business.

In the above circumstances I dispose the above appeal with the following:

ORDER

The appeal is partly allowed. The PIO is directed to furnish to the appellant based on the file/records available with it the information viz.

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i) If penalty was imposed on M/S Furtado Bar & Restaurant and Rice & Floor Mill for operating without registration certificate and if yes then to furnish copy of receipt towards payment of penalty AND

ii) If any penalty was imposed on M/S Venceslav Florianco Furtado M/S Glomar General Stores for operating any illegal business and if yes then to furnish copy of receipt towards payment of such penalty.

The information, so ordered, shall be furnished, free of cost, within Fifteen Days from the date of receipt of this order by PIO.

Parties be notified.

Proceedings closed.

Pronounced in the open proceedings.

Sd/-

(Mr. Prashant S. P. Tendolkar)

State Chief Information commissioner

Goa State Information Commission

Panaji-Goa