

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

CORAM: Shri Juino De Souza: State Information Commissioner

Appeal No.70/2019/SIC-II

Shri Sebastian Cardoso,
Red Room Apartments, 2nd floor,
H. NO. 429, Hotel Silver Sands,
Colva, Salcete Goa.

..... Appellant

v/s

1. Public Information Officer,
Food & Drugs Administration,
Dhanwantari Bldg.,
Bambolim – Goa.
2. First Appellate Authority,
Food & Drugs Administration,
Dhanwantari Bldg.,
Bambolim – Goa.

..... Respondents

Relevant emerging dates:

Date of Hearing : 02-07-2019

Date of Decision: 02-07-2019

ORDER

1. **Brief facts of the case** are that the Appellant has filed a total of seven RTI applications one after another dated 06/08/2018, 23/08/2018 (two applications), 13/09/2018, 24/09/2018, 28/09/2018 and 31/12/2018. It is seen that each and every of the RTI application has been replied by the PIO. It is also seen that the Appellant has paid the necessary fees and obtained the information.
2. The Appellant specifically was however was not satisfied with the reply provided by the PIO with respect to RTI application dated 24/09/2018 seeking all copies of letters for the entire year 2012 which contains the letter head of M/s Bencomar Hotels Goa Pvt. Ltd and wherein the PIO vide reply dated 10/10/2018 informed the Appellant that there are no documents related to M/s Bencomar Hotels (Goa) Pvt. Ltd.

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3. The appellant filed a First Appeal on 24/11/2018 and the First Appellate Authority (FAA) after issuing notice fixed the matter on 13/12/2018 and finding that the Appellant has not appeared further adjourned the matter on 21/12/2018 and then passed an Order dated 24/12/2018.
4. The FAA in the Order has observed that the Appellant failed to appear for two hearings and that the Appellant has file multiple RTI application on the subject of Silver sands Hotel and it appear there is some confusion in the mind of the Appellant regarding the response submitted by the PIO and upheld the reply of the PIO and disposed off the First Appeal by stating that there is no substance made by the Appellant and the reply furnished by the PIO is as per information available in office record.
5. It is further the case that the Appellant after receiving the said order approached the FAA for a personal hearing vide his letter dated 02/01/2019 and the FAA granted a personal hearing which was fixed on 10/01/2019. The First Appellate Authority (FAA) after hearing both the Appellant and the Respondent passed a second Order dated 11/01/2019 directing the Respondent PIO to furnish some more information as desired by the Appellant which may available in the Compliant file maintained by the Department free of cost.
6. It is seen that pursuant to the Second Order passed by the FAA the Respondent PIO vide reply dated 17/01/2019 has furnished some more information of five pages from food section Compliant file free of cost.
7. Being aggrieved with the information furnished by the PIO, the Appellant subsequently filed before the Commission a Second Appeal registered on 15/03/2019 and has prayed to allow the Appeal and to direct the Respondent No1 to furnish information as sought in the Application and for penalty and other such reliefs.

8. **HEARING**: During the hearing the Appellant is absent. The Respondent PIO, Smt. Medha Dessai is present in person and submits that information has been already furnished and requests the Commission to hear the matter even in the absence of Appellant more so in view that as per the RTI Act rules and Appellant can opt to remain absent. The Commission proceeds with hearing.
9. **SUBMISSION**: At the outset Smt. Medha Dessai submits that the Appellant has repeatedly filed seven RTI application one after another in utter abuse of the RTI process and although information was furnished with respect to each and every RTI application, the Appellant was not satisfied with the same and kept on further filing more RTI applications.
10. It is submitted that the RTI application dated 06/08/2018 was replied on 06/09/2018. Two RTI applications both dated 23/08/2018 were replied by two separate letters both dated 20/09/2018, RTI application dated 24/09/2018 was replied on 10/10/2018. It is also submitted that the Appellant has paid the necessary fees and collected the information.
11. Smt. Medha Dessai finally submits that the Appellant had filed a First Appeal on 24/11/2018 and never remained present at the hearing as a result the FAA passed ex-parte Order dated 24/12/2018 and after receipt of the said Order, the Appellant requested for a personal hearing and which request was granted and after hearing both appellant and the Respondent PIO, the FAA passed a Second Order on 11/01/2019 directing the PIO to furnish some more information documents which may be available in the Complaint file maintained by the public authority and which has been complied with.
12. Smt. M. Dessai states that some more information documents bearing the letter head of M/S Bencomar Hotels Pvt. Ltd were furnished free of cost. The Respondent PIO files a reply dated 02/07/2019 confirming the facts which is taken on record.

13. **FINDING:** The Commission after hearing the Respondent PIO and perusing the material on record indeed finds that pursuant to the direction issued by the FAA in the second order dated 11/01/2019, the PIO has after verifying the Complaint file furnished some additional information of 05 pages of letters on the letter head of M/s Bencomar Goa Pvt. Ltd vide reply dated 17/01/2019
14. **DECISION:** As stipulated in the RTI Act, the role of the PIO is to provide information as available in the records. The PIO is not called upon to create some information or do calculation or research or to analyze information so as to satisfy the whims and fancies of the Appellant. The Very fact that the PIO has furnished information within the mandated 30 days period on all RTI applications and has also furnished some additional information of 05 pages of documents bearing the letter head of M/s Bencomar Goa Pvt. Ltd vide reply dated 17/01/2019 proves the bonafide that there is no malafide intention on the on the part of the PIO to either conceal or deny information which is mandate of the RTI Act.

As all information has been furnished, nothing survives in Appeal case which is devoid of merit and stands dismissed.

15. Before parting, the Commission finds that the act of the Appellant in filing seven RTI applications on the same matter is utter abuse of the RTI Act and has caused a drain on the public exchequer. If the Appellant was not satisfied with the information furnished in the first RTI application, than he should have filed a First Appeal and if aggrieved with the order of the FAA, then could have filed a Second Appeal and which has not been done. The appellant is instructed to be cautious in future and follow the procedure as per the RTI act.

Pronounced before the parties who are present at the conclusion of the hearing. Notify the parties concerned. Authenticated copies of the order be given free of cost.

Sd/-

(Juino De Souza)
State Information Commissioner

