

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

CORAM: Shri Juino De Souza: State Information Commissioner

Appeal No.70/2018/SIC-II

Mr. Bharat L. Candolkar,
Vady, Candolim,
Bardez, Goa.

..... Appellant

v/s

1. The Public Information Officer,
Mr. Sanjeev Joglekar,
Goa Coastal Zone Management Authority,
GCZMA, Porvorim,
Bardez – Goa.

2. The First Appellate Authority,
Member Secretary,
Goa Coastal Zone Management Authority,
GCZMA, Porvorim, Bardez–Goa.

..... Respondents

Relevant emerging dates:

Date of Hearing : 28-03-2019

Date of Decision : 28-03-2019

ORDER

1. **Brief facts of the case** are that the Appellant vide an RTI application dated 21/12/2017 sought certain information under Section 6(1) of the RTI Act, 2005 from Respondent PIO, O/o Goa Coastal Zone Management Authority GCZMA Porvorim, Bardez – Goa by referring to W.P. No.281 of 2016 Shri Pradip Sangodkar V/s State of Goa.
2. The Appellant is seeking in points 1. & 2. Certified copy of the list of cases decided/orders passed and list of cases not decided/orders not passed by the Inquiry Committee after hearing the final argument within 3 months days as per the above reference from 1/01/2016 till date along with notings or minutes of meetings if any and Proceeding sheets/Roznama copies. In points 3. & 4. Certified copy of the list of cases decided/orders passed and list of cases not decided and not passed by the Member Secretary after receiving Inquiry Committee Report from 01/01/2016 till date along with notings or minutes of meetings if any and Proceeding sheets/Roznama copies. 5) Inspection of all concern subject files/dairy and registers.

..2

3. It is seen that the PIO as per 7(1) vide reply under ref. No.GCZMA/RTI/17-18/1543 dated 22/01/2018 has furnished the information in tabulation form. In point No.1 the PIO has stated that the inquiry Committee of GCZMA does not pass orders in Court Cases and as such information is not available. In point nos 2 ,3 ,4, the PIO stated that such specific query wise details are not maintained by the office, however a database of application/ Complaints maintained by the office may be collected
4. Not satisfied with the reply, the Appellant filed a first Appeal on 23/01/2018 and the First Appellate Authority (FAA) vide an Order dated 16/02/2018 directed the Respondent PIO to furnish information as per reply dated 22/01/2018.
5. It is seen that pursuant to the direction of FAA, the PIO has furnished additional information vide letter no GCZMA/RTI/17-18/1829 dated 05/03/2019 in tabulation form wherein information at points 2, 3 & 4 of the list of cases referred to the inquiry committee of GCZMA indicting their status was enclosed. It is seen 81 such cases of North Files before the inquiry committee were furnished and further 23 cases of South files before the inquiry committee were furnished.
6. Being aggrieved that the PIO has furnished incomplete and incorrect information in his reply no GCZMA/RTI/17-18/1829 dated 05/03/2019, the Appellant filed a Second Appeal registered with the Commission on 29/03/2018 and has prayed to direct the Appellant to provide correct information and for inspection of records and for penalty and other reliefs. The Appellant has also sought that directions should be issued to the public authority to comply section 4(1)(a) and 4(1)(b).
7. **HEARING:** This matter has come up for hearing before the Commission on several previous occasions and hence taken up for final disposal. During hearing the Appellant is absent. The APIO, Bhaskar Shinde, Office Assistant is present in person. Advocate Venefreda Gracias is also present on behalf of both the PIO and FAA.

8. **SUBMISSION**: At the outset the APIO, Shri Bhaskar Shinde submits that during the hearing held on 20/11/2018, the Commission had directed the Appellant to inspect the file and that pursuant to the directions the Appellant alongwith his Adv. Atish Mandrekar was present in the Office of GCZMA on 30/11/2018 and have taken inspection of the files and after taking inspection the Appellant has sought a reply on the status of the case in particular, and accordingly the Appellant was informed and that the case is under inquiry and will be placed in the next meeting of the GCZMA.
9. It is further submitted that some more information was furnished to the Appellant again in Tabulation form vide reply no. GCZMA/RTI/17-18/1080 dated 21/09/2018, wherein in point No.2 it was informed that the details of the file No. GCZMA/N/ILLE-COMPL/16-17/100 pertains to the Bharat Candolkar in Sy. No./Village 128/2 Candolim and that the Status report submitted by Inquiry Committee is dated 21/02/2018. It is finally submitted that all information as was available has been furnished to the Appellant. The APIO refers to a reply filed by the PIO dated 17/01/2019 explaining the facts and which is already on record in the Commission.
10. **FINDINGS**: The Commission on scrutiny of the file and after hearing the submission of the APIO finds that on receipt of the RTI application dated 21/12/2017, the PIO had furnished information vide letter No.GCZMA/RTI/17-18/1543 dated 22/01/2018 in tabulation form. The Commission also finds that pursuant to the direction of FAA vide his Order dated 16/02/2018, the Respondent PIO has furnished additional information by letter no. GCZMA/RTI/17-18/1829 dated 05/03/2019 in tabulation form by enclosing information documents in points 2, 3 & 4. The Commission further finds that the Appellant alongwith Adv. Atish Mandrekar have inspected the files on 30/11/2018 and information on the status of the file No. GCZMA/N/ILLE-COMPL/16-17/100 of Bharat Candolkar of Sy. No. Village 128/2 Candolim status has been provided.

11. **CONCLUSION**: As stipulated in the RTI Act, the role of the PIO is to provide information as is available, how is available, what is available and if available from the records. The PIO is not called upon to research or to analyze the information or to create information to satisfy the whims and fancies of the Appellant.
12. The very fact that the PIO has furnished information on three occasions i.e 22/01/2018, 05/03/2019 and 21/09/2018 proves the bonafide that there is no malafide intention on the part of the PIO to deny or delay the information. Therefore the PIO cannot be faulted in anyway.
13. Also it is a fact that the Appellant and his advocate have inspected the files which is presumed to be to their satisfaction. **Since the information as is available has been furnished nothing survives in the Appeal which accordingly stands disposed.**

The prayer of the Appellant that directions should be issued to the public authority to comply section 4(1)(a) and 4(1)(b) is granted. The Public Authority- GCZMA is directed to take steps for implementation of section 4(1)(a) and 4(1)(b) as soon as possible.

With these directions all proceedings in Appeal case stands closed. 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