

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

CORAM: Shri Juino De Souza: State Information Commissioner

Appeal No. 05/2019/SIC-II

Shri Joao C. Pereira,
H. No. 40, Acsona,
Utorda, Majorda, Salcete - Goa.

..... Appellant

v/s

1. Public Information Officer,
Office of Goa Investment Promotion
& Facilitation Board,
1st floor, Spaces, EDC Patto Plaza,
Panaji – Goa. 403001.

2. First Appellate Authority,
Secretary for Industries,
Secretariat, Porvorim Goa.

..... Respondents

Relevant emerging dates:

Date of Hearing : 21-08-2019

Date of Decision : 21-08-2019

ORDER

1. **Brief facts of the case** are that the Appellant vide an RTI application dated 23/11/2018, sought certain information under Section 6(1) of the RTI Act. 2005 from the Respondent PIO, office of Goa Investment Promotion & Facilitation Board, Panaji-Goa.
2. The Appellant is seeking information at three points. (1) Give me the names of the persons along with their Designation who attended the Goa Investment Promotion and Facilitation Board meeting held on 17th October 2018. (2) Give me certified copy of the minutes recorded of the Goa Investment Promotion and Facilitation Board meeting held on 17th October 2018. (3) Give me Video Conference footage in a compact Disk (CK) of the Chairman Hon Chief Minister officiating the Goa Investment promotion & facilitation Board Meeting held on 17th October 2018.
3. The PIO vide reply No.11/2015/Goa-IPB/RTI/334 dated 21/11/2018 informed the Appellant that the meeting of the Goa Investment Promotion and Facilitation 22nd Board was held on 17th October 2018 and then continued on 30th October 2018 and the minutes of the meeting shall be made available in due course. ...2

4. Thereafter it is seen that the PIO vide another letter No.11/2015/Goa-IPB/RTI/348 dated 28/11/2018 informed the Appellant that the information sought is ready and informed to collect the same during office hours. It is further seen that vide another letter reply dated 28/11/2018, the PIO has furnished information in tabulation form and the Annexure 1 contains 09 pages of information documents of the minutes of the 22nd meeting of the Goa Investment promotion & Facilitation Board by indicating the names of the members /invitees who were present, Agenda and decision taken.
5. Not satisfied with the reply and information furnished by the PIO, the Appellant filed a First Appeal on 05/12/2018 and it is the case of the Appellant that no Order was passed by the First Appellate Authority (FAA) as the Appellant had informed the First Appellate Authority (FAA) that as a Second Appeal has been filed and the same is being heard by the Commission, the FAA was constrained not to pass any order.
6. It is seen that the First Appellate Authority (FAA) in his Order dated 22/01/2019 has stated in last paragraph that since the matter is seized off by the Goa State information Commission, the necessary redressal/disposal of the appeal can be done by the Commission only and this Forum cannot entertain the Appeal now and hence, the said appeal stands rejected/disposed off in view of the stated reason.
7. The Second Appeal filed by the Appellant is registered on 08/01/2019 by the Commission and the Appellant in his appeal memo has prayed to quash and set aside the reply of the PIO, Respondent NoO.1 and to direct the Respondent No.1 PIO to furnish correct information at point 1 & 3 free of cost and to initiate action as deemed fit.
8. **HEARING:** This matter has come up before the Commission on four previous occasions and hence taken up for final disposal. During the hearing The Appellant Shri. Joao C. Pereira is present in person. The Respondent PIO, Vishal Prakash, Chief Executive Officer, Goa Investment Promotion & Facilitation Board is present in person. ...3

9. **SUBMISSIONS:** At the outset the PIO submits that pursuant to the receipt of the RTI application all information as was available in the records have been furnished in a time bound manner. It is submitted that on 21/11/2018 a reply was sent to the Appellant stating that the minutes of the meeting have not been signed and the minutes would be furnished in due course. The PIO submits that vide another letter dated 28/11/2018 the information was furnished in Annexure 1 which contained 9 pages of information document of the minutes of the Board that took place on the 17th October 2018 and 30th October 2018.
10. The PIO also submitted that the Appellant had filed a First Appeal and notice of the hearing was issued and instead of waiting for the outcome of the First Appeal, the Appellant rushed and filed Second Appeal immediately on mere completion of 30 days and during the hearing of the First Appeal objected to passing any order by the First Appellate Authority on the flimsy ground that a Second Appeal was filed and hearing underway resulting in the First Appeal being dismissed.
11. The PIO finally submits that by a detailed reply dated 10/04/2019 was given to the Appellant and information at all three points were furnished in Annexure 1 and pursuant to oral directions of the Commission, another confirmation letter dated 24/07/2019 was sent to the Appellant again confirming the facts that information as was available in the office with regard to the concerned RTI application dated 23/11/2018 has been furnished and that there is no other information available. The PIO accordingly requests the Commission to dispose off the matter.
12. The Appellant submits that the replies dated 10/04/2019 & 24/07/2019 are incorrect and minutes are fabricated and do not reflect the discussion that took place in the conference hall, 3rd floor, ITHUB, Althinho, Panaji, in the presence of the Chief Minister through video conference as reported by the media and also the meeting was not chaired by the Chairman but by the PIO himself and Information at point No. 3 of the Video conference has not been provided. ..4

13. **FINDINGS:** The Commission has perused the material on record and heard the submission of the respective parties and finds that pursuant to the receipt of the RTI application dated 23/11/2018, the PIO has furnish all information as was available in the records in Tabulation form. There are three letters / replies by the PIO on record of the file viz: No.11/2015/Goa-IPB/RTI/334 dated 21/11/2018, No.11/2015/Goa-IPB/RTI/348 dated 28/11/2018, reply dated 10/04/2019 and another confirmation letter dated 24/07/2019 which go to prove beyond doubt that the PIO has furnished all information as was available.
14. The Commission further finds that although the Appellant has filed a First Appeal and had received notice and having attended the hearing should have waited for the outcome of the First appeal instead of objecting on the ground that as a Second Appeal has been filed and is being heard by the Commission, the FAA should not pass any order and which led to the FAA to reject and dispose the appeal without a speaking order.
15. **DECISION:** As stipulated in the RTI Act, the role of the PIO is to provide information as is available and what is available and if available from in the records of the public authority. The PIO is not called upon to analyze the information or to create information or deduce some conclusion so as to satisfy the whims and fancies of the Appellant. The Appellant argues that he had sought extract of the information and has been given a typed information. The PIO stated that the minutes are stored on the Computer and verbatim copy of the printout has been furnished to Appellant

As information as was available has been furnished, nothing further survives in the appeal case which stands disposed.

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

