

GOA STATE INFORMATION COMMISSION

Kamat Towers, seventh Floor, Patto, Panaji, Goa

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

Appeal No.156/2018/CIC

Shri. Sushant P. Narvenkar,
HNo.C-312,Fondvem,
Ribandar-Goa, 403006.

....Appellant

V/s

- 1) Public Information Officer,
Registrar of Co-op Societies, Central Zone,
Opp. Municipal Market,
Panaji-Goa
- 2) First Appellate Authority,
Office of Registrar of Co-op. Societies, Central Zone,
Opp. Municipal Market,
Panaji-Goa.

....Respondents

Filed On: 28/06/2018

Disposed On: 06/03/2019

1) FACTS IN BRIEF:

- a) The appellant herein by his application, dated 27/03/2018 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 24/04/2018 informing appellant that information at point (4) is available and that information at points (1), (2), (3), (5) and (6) is not available with the respondent authority. However according to appellant the information as sought was not furnished, he filed first appeal to the respondent No.2, being the First Appellate Authority (FAA). In spite of the said first appeal no order is passed thereon.
- c) The appellant has therefore landed before this commission in this appeal u/s 19(3) of the act.

Sd/-

...2/-

- d) Notices were issued to the parties, pursuant to which they appeared. The PIO on 19/09/2018 filed a reply to the appeal, wherein he gave reply to the appellant's application u/s 6(1). Vide said reply the PIO has submitted that information at points (1) to (3) , (5) and (6) are stated to be not available. However information to point (4) is said to be available.
- e) The said reply was further countered by appellant stating that information at points (1) (2) and (3) is required to be generated and maintained by the Authority. That information at point (5) is Communication generated by public Authority and that at point (6) is the case file of quasijudicial process.
- f) As the information was not furnished in view of non availability, PIO was directed to file affidavit in support of such non availability. Accordingly PIO Shri Ghaisas filed the affidavit. Vide said affidavit it is his contention that information at points (1), (2) and (3) i.e. list of members is required to be maintained at level of societies in terms of section 73 of The Goa Co-operative Societies Act 2001 and is not mandatory for the respondent authority hence not maintained.

Regarding information at point (4) the same is available and must have been provided.

Regarding points (5) and (6) the same is not available with his office. According to him all the files pertaining to Arbitrations/Executions have been transferred to the office of Asst. Registrar of Co-operative Societies, North Goa District after its creation.

Sd/-

...3/-

- g) The then PIO Pratima J. Braganza, also filed affidavit wherein it is submitted that information at point (4) is already submitted.
- h) The appellant has also filed his Counter to the said affidavits and insisted for a fresh affidavit.

2) FINDINGS:

- a) Perused the records and considered the rival contentions. In the present proceedings the information at point (4) is furnished. Regarding points (1) to (3), according to PIO the information relating to said subject is not required to be maintained by public Authority u/s 73 of the Goa Co-operative Societies Act 2001 hence the said information does not exist. Being so such information cannot be held to be a disseminable information under the act.
- b) Regarding the information at points (5) and (6) it is the contention of PIO that the same is transferred to the office of the Assistant Registrar of Co-operative Societies (ABN/EXE) North Goa District, consequent upon its creation. Being so it was incumbent upon the PIO to transfer the request pertaining to said points to said authority as required u/s 6 (3) of the act.
- c) Considering the above circumstances I find that the information at points (1) to (3) cannot be furnished, the request in respect of points (5) and (6) is required to be transferred to the PIO Asst Registrar of Co-operative Societies (ABN/EXE) North Goa District for further action.

Sd/-

...4/-

In view of the above, the present appeal is disposed with the following:

O R D E R

The appeal is partly allowed. The PIO herein is hereby directed to transfer the request at points (5) and (6) of the appellant's application, dated 27/03/2018, filed u/s 6(1) of the Act to PIO, Asst. Registrar of co-operative Societies (ABN/EXE) North Goa, within five (5) days from the date of receipt of this order.

Rest of the prayers are dismissed.

Notify parties.

Proceedings closed.

Pronounced in open hearing.

Sd/-
(Shri. P. S.P. Tendolkar)
Chief Information Commissioner
Goa State Information Commission
Panaji -Goa