

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

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**CORAM: Shri Juino De Souza: State Information Commissioner**

**Appeal No.22/2019/SIC-II**

Shri Jawaharlal T. Shetye  
H/No. 35/A, Ward No. II,  
Khorlim – Mapusa – Goa. 403 507

**..... Appellant**

**v/s**

1. Public Information Officer,  
The Dy. Registrar of Coop. Societies (Tech),  
O/o Registrar of Coop. Societies,  
Sahakar Sankul, Patto,  
Panaji Goa.

2. First Appellate Authority,  
Registrar of Coop. Societies,  
Govt. of Goa, Sahakar Sankul,  
Patto Plaza, Panaji Goa.

**..... Respondents**

**Relevant emerging dates:**

**Date of Hearing: 22-10-2019**

**Date of Decision: 22-10-2019**

**ORDER**

1. **Brief facts of the case** are that the Appellant vide an RTI application dated 22/10/2018 sought certain information under section 6(1) of the RTI Act from the Office of Registrar of Co-operative Societies, Patto Plaza Panaji-Goa. The Appellant has enclosed photo copy of a representation dated 23/06/2018 with regard to the "Grievance against the Society the Jana Utkarsh Urban Co-operative Society Ltd. and has sought information at five points.
  
2. The Appellant *inter alia* is seeking information regarding Certified copy of a letter received by the Society from the employees stating that their signatures have been forged on alleged representation dated 10/04/2017 and according to them as mentioned in the letter dated 15/05/2018 and enquiry report prepared by the Assistant Registrar North Zone Mapusa and submitted by Assistant Registrar Mapusa and latest leave and licence agreement for.....

.....11 months signed between the owner of the building where the Head office of the Jana Utkarsh Urban Co-operative Credit Society Lted is functioning at Khorlim-Mapusa and the management of the said Society after verifying the tax assessment made by the Mapusa Municipality paying monthly rent to the owner of the building and the name of the landlord of Prabhavati Karekar Building\_Khorlim Mapusa Goa and Trade Establishment licence obtained from the Mapusa Municipal Council by the Jana Utkarsh Society

3. It is seen that the PIO vide reply No.42-3-2007/TS/RCS(Part II)/3186 dated 12/11/2018 transferred the RTI application under section 6(3) to the Assistant Registrar of Co-operative Societies, North Zone Mapusa Goa while marking a copy to the Appellant. It is further seen that the PIO, Assistant Registrar of Co-operative societies, North Zone Mapusa vide reply No.AR/NZ/GEN/RTI/52/2012/Vol-I/2016/1327 dated 27/11/2018 informed the Appellant to visit the office and inspect the file to locate the documents during working hours.
4. Not satisfied with the reply of the PIO the Appellant filed a First Appeal on 28/12/2018 and the First Appellate Authority (FAA) vide an Order dated 15/01/2019 has disposed off the First Appeal by holding that under RTI the PIO is bound to give document which are available in his custody and he is not required to create document. Since the document is not available nothing lies in the Appeal.
5. Being aggrieved with the Order of the First Appellate Authority (FAA) the Appellant thereafter filed a Second Appeal registered before the Commission on 06/02/2019 and has prayed quash and set aside the impugned Order dated 15/01/2019 and to direct the Respondent PIO to furnish requested information .
6. **HEARING:** This matter has come up before the Commission on four previous occasion and thus taken up for final disposal. During the hearing the Appellant is absent. Shri. Dhiraj Pendnekar, Audit Assistant, O/o RCS Panaji is present on behalf of PIO and FAA. ..3

7. **SUBMISSION:** Shri. Dhiraj Pednekar submits that the RTI application was transferred under Section 6(3) to the PIO, Asstt. Registrar North Zone, Mapusa vide letter dated 12/11/2019 and the PIO, Assistant Registrar of Co-operative societies, North Zone Mapusa vide reply No.AR/NZ/GEN/RTI/52/2012/Vol-I/2016/1327 dated 27/11/2018 informed the Appellant to visit the office and to inspect the concerned file to locate the documents during working hours.
8. It is also submitted that the information is not available and that the Appellant had filed a First Appeal and First Appellate Authority (FAA) vide an Order dated 15/01/2019 disposed off the First Appeal by stating that the information was not found in the records and under the RTI the PIO is bound to give documents which are available in his custody and is not required to create document since the document is not available. Shri Dhiraj Pednekar files a statement that the PIO has transferred the RTI application under section 6(3) to the PIO, Asstt. Registrar of co-operative Societies (North) Zone Mapusa on 12/11/2018 and the information is not available.
9. **FINDINGS:** As stipulated in the RTI Act, the role of the PIO is to provide information as is available in the records. The PIO is not called upon to create information so as to satisfy the whims and fancies of the Appellant. The very fact that the PIO has furnished a reply calling the Appellant to locate the file is sufficient to prove the bonafide that there are no malafide intentions on part of the PIO to either deny or conceal information. As the information was not available, the same could not be furnished.

**Nothing survives in the Appeal case which accordingly stands disposed. 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**

