

# GOA STATE INFORMATION COMMISSION

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**Shri. Sanjay N. Dhavalikar**, State Information Commissioner

## **Appeal No. 264/2021/SIC**

Dr. K.K. Nadkarni,  
House No. 84 Bendwada,  
Sanguem – Goa 403704.

-----Appellant

**V/s**

The Public Information Officer (PIO),  
Goa Tourism Development Corporation Ltd. (GTDC),  
3<sup>rd</sup> Floor, Paryatan Bhavan,  
Patto, Panaji-Goa 403001.

-----Respondent

Filed on : 12/10/2021

Decided on : 17/06/2022

### **Relevant dates emerging from appeal:**

RTI application filed on	: 09/07/2021
PIO replied on	: 25/10/2021
First appeal filed on	: 15/08/2021
FAA order passed on	: Nil
Second appeal received on	: 12/10/2021

## **ORDER**

1. The brief facts of this appeal are that the appellant vide application dated 09/07/2021 sought certain information under section 6(1) of the Right to Information Act, 2005 (hereinafter referred to as the 'Act') from respondent Public Information Officer (PIO). Upon not receiving information within the stipulated period, he filed appeal dated 15/08/2021 before the First Appellate Authority (FAA). However the FAA did not pass any order on the appeal, hence appellant filed second appeal before the Commission.
2. The notice was issued to the concerned parties, pursuant to which appellant as well as PIO appeared in person. Appellant filed

submissions dated 30/11/2021, 06/12/2021, 23/12/2021, 25/01/2022, 28/03/2022, 01/04/2022, 08/04/2022, 19/04/2022, 21/04/2022 and 25/04/2022. PIO filed reply dated 17/03/2022 and 29/04/2022.

3. It is the contention of the appellant that he is aggrieved because the PIO did not furnish the information within the stipulated period. PIO, later furnished the information, however the same is incomplete and misleading. Whatever information provided by the PIO is insufficient and after much delay, hence the same is clear indication of malafide intentions on the part of the PIO. Appellant further stated that the PIO did not provide the relevant and correct records during the inspection undertaken by the appellant.
4. PIO stated that the information requested by the appellant has been furnished vide letter dated 25/10/2021. The said information could not be furnished within the stipulated period since the application was transferred to General Manager (Admin). Further, the first appeal was not heard by the FAA, hence the PIO did not get opportunity to explain the delay. PIO further stated that he provided the inspection of the records since the appellant was not satisfied with the information furnished. PIO has furnished the information as available in his records and the appellant cannot force the PIO to create any information which is not available.
5. The Commission has carefully perused the submissions and heard the arguments of both the sides. It is seen that the PIO, initially did not furnish the information and he did not get opportunity to explain the reasons for not furnishing the information since the FAA did not hear the first appeal. In the meanwhile, the PIO gathered the available information from different sections of his office and furnished the same to the appellant vide letter dated 25/10/2021.

The Commission, after noting that the appellant is not satisfied with the information provided, directed PIO to provide for the inspection of the records, which was complied by the PIO on 14/12/2021.

6. However, the Commission observed that the appellant is aggrieved even after the inspection of the records and is insisting on more files to be provided for the inspection, and according to PIO, there are no more files available, pertaining to the request of the appellant. It is pertinent to note that the Act guarantees maximum disclosure of the information and minimum exemption, nevertheless, under the provision of the Act only such information as is available and existing and held by the public authority or is under the control of the public authority can be furnished. The PIO is not required to create the information which is not part of the records. Similarly, PIO is not required to furnish reply to hypothetical questions or give his opinion or advice to the appellant.
7. The Commission notes that vide letter dated 25/10/2021, PIO has furnished the information as available, on Point No. 1 to 3, and on Point No. 4 stated that "as payment details are with Account Section may be answered by Account Section of SPV, GTDC." The Commission is of the opinion that the PIO had not transferred the application under section 6(3) of the Act to the said section, hence he himself is required to gather the information sought under point 4 of the application and furnish the same to the appellant.
8. Thus the Commission concludes that the PIO has furnished the information as available on point No. 1 to 3 and he is required to furnish the information on Point No. 4 of application dated 09/07/2021. In the light of above discussion, the present appeal is disposed with the following order:-

a) PIO is directed to furnish information requested by the appellant under Point No. 4 of his application dated 09/07/2021, within 30 days from the receipt of this order, free of cost.

b) All other prayers are rejected.

Proceeding stands closed.

Pronounced in the open court.

Notify the parties.

Authenticated copies of the order should be given to the parties free of cost.

Aggrieved party if any, may move against this order by way of a Writ Petition, as no further appeal is provided against this order under the Right to Information Act 2005

Sd/-

**(Sanjay N. Dhavalikar)**

State Information Commissioner  
Goa State Information Commission,  
Panaji-Goa