

GOA STATE INFORMATION COMMISSION

'Kamat Towers', Seventh Floor, Patto, Panaji –Goa

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Appeal No. 29/2023/SCIC

Ravindra P. Kamat,
1/F9, Shantaban Co-operative Housing Society Limited,
Chimbel Road, Mercedes, Tiswadi-Goa.Appellant

V/S

1. Public Information Officer,
Co-operative Officer/ Special Auditor,
Office of the Assistant Registrar Co-operative Societies,
Central Zone, Panaji-Goa,

2. First Appellate Authority,
The Asst. Registrar of Co-operative Societies,
Central Zone, Panaji-Goa.Respondents

Shri. Vishwas R. Satarkar State Chief Information Commissioner

Filed on: 24/01/2023

Decided on: 23/10/2023

ORDER

1. The Appellant, Shri. Ravindra P. Kamat, r/o. 1/F9, Shantaban Co-operative Housing Society Limited, Chimbel Road, Mercedes, Tiswadi-Goa vide his application dated 28/08/2022 filed under Section 6(1) of the Right to Information Act, 2005 (hereinafter to be referred as 'Act') sought following information from the Public Information Officer (PIO), the Assistant Registrar of Co-operative Societies, Central Zone, Panaji-Goa:-

"Be pleased to furnish the following information under R.T.I. Act, 2005.

- 1) *Furnish the copy of the action taken report against the Board of Directors for illegally functioning inspite of the fact that their term got over in the year 2019.*
- 2) *Furnish a copy of the order if any appointing administrator on the said society.*

- 3) *Furnish certified copies of Audited Balance sheet of the said society for the last 5 years.*
- 4) *Furnish the copy of the letter from the Board of Directors informing you about the expiry of their term.*
- 5) *Furnish copy of the Circular/order/provision of law if any under which Board of Directors are permitted to function without holding elections as per their whims and fancies.*
- 6) *Certified copies of General Body Meeting and meetings held by the Board of Directors for the last 5 years.*
- 7) *Certified copy of fresh notice if any issued, to hold elections.*
- 8) *If the accounts of the society are audited please furnish certified copies of Audit inspection reports.*

2. The said application was responded by the PIO on 21/09/2022 in the following manner:-

" I am to refer to your application dated 28/08/2022 on the subject cited above.

In this context, information sought by you is not specific hence you are requested to visit this office, on any working day during office hour in order to furnish desired information at the earliest."

3. Being aggrieved and not satisfied with the reply of the PIO, the Appellant filed first appeal before the Assistant Registrar of Co-operative Societies, Central Zone, Panaji-Goa on 10/10/2022, being the First Appellate Authority (FAA).
4. The FAA vide its order dated 12/12/2022 allowed the first appeal and directed the PIO to provide the information free of cost to the Appellant within the period of seven days.

5. Upon receipt of the order of the FAA dated 12/12/2022, the PIO informed the Appellant that, no information is available on records of the public authority.
6. Since the PIO failed and neglected to comply with the order of the FAA dated 12/12/2022, the Appellant landed before the Commission by this second appeal under Section 19(3) of the Act, with the prayer to direct the PIO to provide the information and to impose penalty/ compensation on the PIO for not providing the information.
7. Notices were issued to the parties, pursuant to which, the Appellant appeared alongwith his representative Adv. Avinash V. Nasnodkar, the PIO Shri. Devdatta Naik appeared and filed his reply alongwith bunch of documents in the matter on 22/06/2023. The FAA duly served opted not to appear in the matter.
8. Through his reply dated 15/06/2023 filed on 22/06/2023 the PIO contended that, upon the oral direction of the Commission he addressed a letter to the Chairman/ Secretary, Shantaban Co-operative Housing Society Limited, Merces, Chimbhel Goa on 20/03/2023 and accordingly, he received reply from Shri. Mahesh Kamat, the Secretary of Shantaban Co-operative Housing Society Ltd. on 30/03/2023 informing that, information sought was not specific. Further according to the PIO, he addressed additional letter to the Secretary of the said Society and that he received pointwise reply from the chairman of the society on 05/06/2023.
9. In the course of arguments on 10/08/2022, the representative of the PIO, Shri. Amar Pednekar appeared and placed on record the corrected copy of the reply.
10. In the course of arguments, the PIO Shri. Devdatta Naik appeared and submitted that he has furnished all the available

information to the Appellant. He also submitted that upon calling the records from the Shantaban Co-operative Housing Society Ltd., the public authority realised that the Managing Committee of the said society has violated the provisions of the law and did not follow the provision of the Act and failed to conduct its General Body Meeting over the period of 5 years, therefore the office of Registrar of Co-operative Society Central Zone upon following legal process has appointed the Administrator for the Management of Shantaban Co-operative Housing Society Ltd., Merces.

11. Adv. A.V. Nasnodkar admitted that he received the information from the PIO, however, he prayed that the PIO may be penalised and Appellant may be compensated for delay caused in providing the information.
12. On going through the pleadings of the Appellant, he did not make out any specific plea for amount of loss incurred or shown actual quantum of damage caused to him. Such a relief cannot be granted to the Appellant being irrational and unfounded. The Hon'ble High Court of Bombay, Goa Bench in recent judgement in the case **Santana Nazareth v/s State of Goa & Ors. (2022 (6) ALL MR 102)** has held as under:-

"4..... compensation as in Section 19(8)(b) is intended to be provided to the information seeker by the public authority on proof of loss or sufferance of detriment by the former because of negligence, carelessness or recalcitrance of the later. Merely because the petitioner was found to have suffered hardship did not entitle her to payment of compensation unless a case of loss or sufferance of detriment was specifically set up in the appeal."

13. Considering the facts and circumstances hereinabove and since all the available information has been furnished to the Appellant by the PIO, I hold that nothing survives in the appeal. Accordingly the matter is disposed off.

- Proceeding closed.
- Pronounced in the open court.
- Notify the parties.

Sd/-

(Vishwas R. Satarkar)

State Chief Information Commissioner