

GOA STATE INFORMATION COMMISSION

“Kamat Towers” 7th Floor, Patto Plaza, Panaji, Goa – 403 001

Tel: 0832 2437880 E-mail: spio-gsic.goa@nic.in Website: www.scic.goa.gov.in

Shri. Sanjay N. Dhavalikar, State Information Commissioner

Appeal No. 150/2023/SIC

Dr (Ms) Kalpana Kamat,
Caldeira Arcade, B-Block,
1st Floor, Bhute Bhat,
Vasco-Goa 403802

-----Appellant

v/s

1. Public Information Officer (Vinod K. Naik),
O/o Asst. Registrar of Co-op. Societies,
South Zone 'C' Type SIP Quarters,
C-2, (Ground Floor), PWD Complex,
Fatorda, Margao-Goa.

2. First Appellate Authority (Santosh Naik),
Asst. Registrar of Co-op. Societies,
South Zone 'C' Type SIP Quarters,
C-2, (First Floor), PWD Complex,
Fatorda, Margao-Goa.

-----Respondents

Relevant dates emerging from appeal:

RTI application filed on	: 01/02/2023
PIO replied on	: 13/02/2023
First appeal filed on	: 06/03/2023
First Appellate Authority order passed on	: Nil
Second appeal received on	: 03/05/2023
Decided on	: 25/09/2023

ORDER

1. The second appeal filed by the appellant under Section 19 (3) of the Right to Information Act, 2005 (hereinafter referred to as the 'Act'), against Respondent No. 1, Shri. Vinod K. Naik, Public Information Officer (PIO) and Respondent No. 2, First Appellate Authority (FAA), came before the Commission on 03/05/2023.
2. It is the contention of the appellant that, the PIO furnished incomplete and misleading information, and later no order was passed on her first appeal though hearing was conducted by the FAA. Appellant further contended that, during the proceeding of the first appeal PIO furnished some information, however, the same was false and misleading, hence, she prays for complete information and appropriate action against both the respondents.

3. Notice was issued to the concerned parties, pursuant to which Shri. Vinod K. Naik, PIO appeared in person and filed replies dated 19/06/2023 and 19/07/2023. Shri. Santosh P. Naik, FAA too appeared in person and filed reply on 20/06/2023. Appellant appeared and filed rejoinder dated 10/08/2023 to the reply of PIO and FAA and submissions dated 30/08/2023 and 14/09/2023. Further, PIO filed reply dated 30/08/2023 to the rejoinder of appellant and on 11/09/2023 filed compliance report.
4. PIO stated that subsequent to the application, the appellant was allowed inspection of the relevant records, since the information sought was not specific. PIO had requested the appellant to visit his office on 20/02/2023, however, the appellant without prior notice visited on 17/02/2023, therefore, inspection could not be provided. Later, during the present appeal proceeding, as directed by the Commission, PIO has provided another inspection on 14/08/2023 and furnished the documents identified by the appellant. Thus, the appellant has been provided entire information, as available in the office and no information has been denied with malafide intention.
5. FAA stated that, during the proceeding of the first appeal he had issued instructions to the PIO to provide inspection to the appellant, the said inspection was carried out by the appellant and documents identified by her were furnished by the PIO free of cost on 11/04/2023. Hence, the information as available in PIO's office and identified by the appellant was furnished and the said proceeding was recorded by him in the roznama.
6. Appellant submitted that, she has been visiting the office of the PIO in order to help the PIO to identify and get the information. However, the PIO has continuously furnished misleading information and it is found during the inspection that part information was not available and the same is not received by her. Appellant further submitted that, she is aggrieved by the said action of the PIO and also by the non-disposal of the first appeal by the FAA.
7. Upon perusal, it is seen that, the appellant vide application dated 01/02/2023 had requested for information on 12 points, pertaining to Caldeira Arcade Co-op. Housing Society, Vasco, of which appellant is resident. It is noted from the application that the information has been sought with respect to the affairs of the said society since 2010. The nature of the requested information includes Audit Reports of Balance sheets, Receipts and Payments, Liabilities and Assets, income and expenditure, water bills paid by the society etc. The appellant vide same application has also sought information such as

names of members of society and details of their vehicles, expenditure log book, correspondence between society and members on various topics, documents submitted by members to the society with respect to internal and external repairs/ changes to their respective flats, etc.

8. Considering the nature of the information sought by the appellant it was a correct decision of the PIO to request the appellant to undertake inspection of records. The information sought appears to be bulky, some part of the application is not specific and some part of the requested information does not come under the jurisdiction of the PIO. This being the case, PIO rightly requested the appellant for inspection.
9. During the proceeding, the Commission observes that the inspection was provided by the PIO on 20/02/2023, within the stipulated period, then again on 03/04/2023, during the proceeding of the first appeal. Later, during the present appeal proceeding the Commission directed the PIO to provide another inspection on 14/08/2023 and again on 01/09/2023, in order to ensure that the appellant gets sufficient opportunity to inspect the relevant records and identify the available information.
10. The Commission finds that, the PIO vide compliance report submitted on 11/09/2023 has stated that, as directed, inspection was provided and the appellant upon inspecting the records had identified some documents, copies of which are furnished to her and part of the information not found in the records during inspection has been acknowledged by the appellant and the appellant with her signature has stated that she is satisfied with verification of the available records.
11. The said exercise was undertaken by the PIO upon the direction of the Commission and the Commission finds that the PIO has complied with the said directions. As per the compliance report filed by the PIO, the appellant has expressed her satisfaction over the process of inspection and verification of the records. Similarly, the Commission endorses the stand of the PIO that part information such as correspondence between the society and members is not part of his records, thus, he cannot furnish that information which is not available in his custody.
12. The appellant, vide submission dated 14/09/2023 submitted that the audit report of the said society for 2020-21 was not found and submitted, though she has received audit report for 2021-22 and

2022-23. Similarly, the appellant has requested the Commission to direct the PIO to transfer her application to Public Works Department, with respect to the information pertaining to the said Department. The Commission finds that the PIO is required to furnish information regarding audit report for 2020-21 and if the same is not available, the PIO is required to state the same on affidavit. However, with respect to the request of the appellant to transfer the application to the Public Works Department, the appellant has not pointed out as to which part of the information she wants the PIO to transfer the application to the Public Works Department. Hence, the said request cannot be allowed.

13. In the light of above discussion the present appeal is disposed with the following order:-

- a) The appeal is partly allowed.
- b) The present PIO is directed to furnish the audit report of Caldeira Arcade Co-op. Housing Society for the year 2020-21, as sought by the appellant vide application dated 01/02/2023 within 10 days from receipt of this order, free of cost.
- c) The PIO is directed to file an affidavit, before the Commission in case the said information is not available in his records, stating the reasons as to why the said information is not available and send a copy of the said affidavit to the appellant, by Registered AD Post within 30 days from receipt of this order.
- d) 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.

