

**GOA STATE INFORMATION COMMISSION**

**AT PANAJI**

**CORAM:** Shri M. S. Keny, State Chief Information Commissioner

**Appeal No. 130/SCIC/2010**

Shri Ulhas Pandurag Sinari,  
S/o Pandurang Sinari,  
R/o Betwalwado,  
Amona, Bicholim –Goa

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Appellant.

**V/s**

1) Public Information Officer,  
Dte. Of Animal Husbandry and Veterinary Services,  
Pashumvardhan Bhavan,  
Panaji –Goa.

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Respondent No. 1.

2) First Appellate Authority,  
Dte. Of Animal Husbandry and Veterinary Services,  
Pashumvardhan Bhavan,  
Patto, Panaji –Goa.

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Respondent No. 2.

Appellant in person.

Respondent No. 1 in person.

Respondent No. 2 absent.

**J U D G M E N T**  
**(16/12/2010)**

1. The Appellant Shri Ulhas Pandurang Sinari, has filed the present appeal praying that Respondent NO. 1 be directed to furnish information as requested by the Appellant and that penalty may be imposed on Respondent No. 1 for denying information to the Appellant.

2. The brief facts leading to the present appeal are as under:-

That the Appellant has filed an application dated 27/11/2009 seeking certain information under Right to Information Act (RTI' Act for short) from the Public Information Officer (PIO) Respondent NO. 1. That the Respondent No. 1 in his reply dated 28/02/2009 partly furnished the information. Being not satisfied Appellant preferred an appeal before First Appellate Authority/Respondent No. 2. By order dated 26/02/2010 the Respondent No. 2 was pleased to dismiss the appeal holding that necessary information available with the Respondent No. 1 was provided to the Appellant. Being aggrieved by the said order the Appellant preferred the appeal on the grounds as set out in the memo of appeal.

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3. The Respondent resists the appeal and the reply of Respondent No. 1 is on record. It is the case of the Respondent No. 1 that whatever information available in their office was provided to the Appellant. That the said information was furnished as per the information received from Asst. Director/APIO Government Veterinary Hospital, Curti, Ponda –Goa in whose area the misappropriation took place. In short it is the case of the Respondent No.1 that the available information was furnished and whatever was not available was not furnished.

4. Heard the argument. Appellant argued in person and Respondent No.1 also argued in person. Appellant also filed written arguments, which are on record.

5. I have carefully gone through the records of the case and also considered the arguments advanced by the parties. The point that arises for my consideration whether the relief prayed is to be granted or not.

It is seen that the Appellant, vide his application dated 27/11/2009 sought certain information from the Respondent No. 1. The information was in relation to M/s. Pragati Sahakari Dudh Vyavasahik Saunsta, Dhavali, Ponda –Goa. The information consists of 3 points/items. Point No. 1 related to details of payment done to the chairman from 2005-2008; actual quality and amount of milk supplied by Chairman and access amount paid. It is seen by reply dated 28/12/2009 the Respondent No.1 has furnished the information regarding point No. 1 Information furnished is up to December 2007. Regarding 2008 there was no mention regarding point No. 2 amount of Milk was furnished however actual quality was not mentioned. According to Respondent No. 1 whatever available information was furnished. However, the reply did not specify that particular information. PIO is not supposed to create the information but from the reply it cannot be said that information is not available. Of course in reply filed before this Commission Respondent No. 1 so far as quality of milk states that information was not available with the department. In any case Respondent has to state clearly whatever information is asked is not available which has not been done in the reply dated 28/12/2009.

In any case Respondent No. 1 to furnish the information regarding point No. 1 about the details of payment done to the chairman for the financial year 2008.

6. Appellant prays that penalty be imposed. It is seen that the request is dated 27/11/2009 information is furnished by reply dated 28/12/2009 there is almost one day delay. In any case the same is to be overlooked.

In view of all the above I pass the following order.

**O R D E R**

Appeal is allowed. The Respondent No. 1 is hereby directed to furnish information regarding point No. 1 i.e. details of payment done to the Chairman for the financial year 2008 within 20 days from the date of receipt of this order and report compliance.

Appeal is accordingly disposed off.

Pronounced in the Commission on this 16<sup>th</sup> day of December, 2010.

Sd/-  
(M. S. Keny)  
Chief Information Commissioner

