

No.CE/1-38-/2016-17/App/02/25/2
Government of Goa,
Office of the Commissioner
of Excise,
Panaji Goa.

**BEFORE THE COMMISSIONER OF EXCISE,
GOVERNMENT OF GOA, PANAJI – GOA**

This Order shall dispose the Appeal Notice No. CE/1-38/2016-17/App/02/5410 dated 25/01/2017, issued to Shri Uday R. Pokle, R/o Appa Commercial & Residential Complex, Valpoi, Sattari – Goa.

The Brief facts of the case are as under:

1. Appellant hereinabove had made an application on 23/11/2016 to the Public Information Officer, Office of the Commissioner of Excise, Panaji - Goa., seeking information as follows:-
 - (1) Certified “approval copy” of Excise liquor license bearing No. 09, IMFL/CL/9 of original licensee late Shri. Harichandra P. Katkar of Sattari.
 - (2) The number of applications for transfer of Excise Liquor license from financial year 2009-2010 to 2016-2017 **in cases of liquor licensees are not the owner of the premises in** South Goa & North Goa and Constituency wise.
 - (3) The number of applications for transfer of Excise liquor license from financial year 2009-2010 to 2016-2017 in cases applications/transferee’s are widowed of liquor deceased licensee where in case both applicants/ transferee and deceased liquor licenses are not the legal owner of the premises in South Goa & North Goa and Constituency wise.
 - (4) The certified copies of the Roznama Copies in the matter of Sulakshana Katkar and Uday R. Pokle for transfer of liquor No. 09.
2. The Appellant has filed this Appeal on 20/01/2017 before this Authority, stating that he is not satisfied by the information furnished to him by the PIO.

3. Notices dated 25/01/2017 were issued to the Appellant and the Respondent for hearing the appeal before this Authority.
 4. The respondent PIO, Asst. Commissioner of Excise-I has submitted his reply dated 20/02/2017 to the Appeal filed by the Appellant. In his reply the respondent PIO has submitted that :-
 - (1) As per the record PIO/ Custodian records this point has been transferred to Excise Station Sattari Taluka.
 - (2) As per the records PIO/Custodian records no such data is maintained.
 - (3) As per the records PIO/Custodian records no such data is maintained.
 - (4) As per the records PIO/Custodian records copies of the same has been issued.
 5. I have perused the appeal dated 20/01/2017, filed by the Appellant and also the reply filed by the Respondent dated 20/02/2017. I have also perused the submissions made by both the parties. The Respondent PIO in his reply dated 20/02/2017, to the application has submitted that no such data is maintained. He has further submitted that the RTI Act envisages that all information as available with the Department is to be furnished to the applicant on "as is where is basis" and the PIO is not required to interpret the laws or furnish certified copies of Act and Rules which are already available to the public and as such the query sought does not come under the purview of the RTI Act. The PIO also submitted that the RTI Act does not envisage giving reasons for any decision and information as available if to be provided to the querist.
- I am in agreement with the reply given by the Respondent PIO which is in accordance with the provisions of the RTI Act. The PIO is not bound to furnish information which is not available with him, and as such the

grievances raised by the Appellant are not tenable. In view of the above, I pass the following Order:

ORDER

I, Shri Menino D'Souza, Commissioner of Excise do hereby dismiss of the Appeal dated 20/01/2017 filed by Shri Uday R. Pokle.

Panaji Goa.

Date:- 04/07/2017



(Menino D'Souza)

Commissioner of Excise

To
Shri Uday R. Pokle,
R/o Appa Commercial & Residential Complex,
Valpoi, Sattari – Goa.

To
The Public Information Officer,
Office of the Commissioner of Excise,
Panaji – Goa.