

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

This Order shall dispose the Appeal Notice No. CE/1-37/2016-17/App/01/5411 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 the following information :-
 - (1) To state the provision of law of Goa Excise Duty Act & Rules 1964 or Specific Provision of law of Goa Excise Duty Act & Rules 1964 for the following.
 - a) Renewal of liquor license No. IMFL/CL/9 of Valpoi, Sattari from the Financial Year 2009-10 to the year 2015-16.
 - b) Collecting of License Fee as Government due to Liquor License No. IMFL/CL/9 of Valpoi, Sattari from the Financial Year 2009-10 to the year 2015-16.
 2. The Application in respect of query at point No.01 was transferred to the Excise Inspector, Sattari vide Memorandum No. CE/1-3/2016/RTI/4289 dated 01/12/2016, by the PIO of the Excise Department.
 3. The Appellant has filed this Appeal on 20/01/2017 before this Authority, as according to him the information as sought by him under Right to Information, Act, has not been furnished to him.
 4. Notices dated 25/01/2017 were issued to the Appellant and the Respondent for hearing the appeal before this Authority.
 5. The Respondent PIO in his reply dated 09/03/2017, to the application has submitted that the queries raised by the Appellant do not fall within the purview of RTI Act. 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 is to be provided to the querist.

6. I have perused the appeal dated 20/01/2017, filed by the Appellant herein. I have also perused the reply filed by the Respondent dated 09/03/2017 and the submissions made by both the parties. It is seen that the Appellant has sought to know the provisions of law under which the license was being issued in the deceased licensee's name and the license fees being collected for the same.

7. The Appellant has sought the information pursuant to the information provided to him that there is no specific provisions for renewal of liquor license in case of death of a licensee. The information was provided to him and the reply to the subsequent queries raised by him have also been replied by the PIO that the queries do not come under the purview of the RTI Act.

8. Considering the facts of this case and the submissions made by the parties, I tend to agree with the reply given by the Respondent PIO which is in accordance with the provisions of the RTI Act and as such the grievance raised by the Appellant is not tenable. The PIO is not bound to furnish information which is not available with him. As such, I pass the following


Order:

ORDER

I, Shri Menino D'Souza, Commissioner of Excise do hereby dismiss 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.

To
The Public Information Officer,
Excise, Station Sattari, Sattari - Goa