



# महाराष्ट्र विद्युत नियामक आयोग

## Maharashtra Electricity Regulatory Commission



MERC/ADM/RTI/029/2022/0233



Dt. 25.05.2022

To,  
Shri. Nitish Mehta,  
5, Surya Mahal Building,  
Burjorji Bharucha Marg,  
Fort, Mumbai – 400001.  
Email:- [mumbai.info.18@gmail.com](mailto:mumbai.info.18@gmail.com)

Subject : Your application dated 17.05.2022 submitted under RTI Act 2005.

Sir,

The office of the Commission is in receipt of your application dated 19.05.2022 under section 6 (1) RTI Act 2005 seeking information by the PIO as under.

No	Information Sought	Information Provide
	Would you please guide us on few queries we have about Generators in Maharashtra state which is under Maharashtra Power Policy? The queries are as follows -	
1	Kindly let me know applicable charges for group Captive project.	
4	If a single company is consuming all units generated by the OA project, will F&S (QCA and DSM) still be applicable?	Information asking in question format. The Act does not permit raising imaginary questions and expecting the PIO to find answers for them.
5	Are there any specific infrastructure requirements at customer and producer end for group captive project?	A Public Information Officer (PIO) is not expected to provide intangible such as interpretations, opinions, advices, explanations, reasons as they cannot be said to be included in the definition of information in Section 2(f) of the RTI Act, 2005.
10	Can solar be installed in the land on which wind turbine is installed and can it supply power to the consumer along with the wind? a) Is it possible to classify this as a Hybrid project in Maharashtra? b) What would be the approvals required to classify this as a hybrid project? c) Is there a Hybrid policy in Maharashtra?	


2	What would be the banking period and how would the settlement for banked units take place?	<p>Related information is available in the (i) MERC (Distribution Open Access) Regulations, 2016, (ii) MERC (Transmission Open Access) Regulations, 2016, (iii) MERC Distribution Open Access (First Amendment) Regulations, 2019 &amp; (iv) MERC Transmission Open Access (First Amendment) Regulations, 2019.</p> <p>The above Regulations are available in downloadable format on Commission's websites <a href="http://www.merc.gov.in">www.merc.gov.in</a> **</p>
3	How will the consumer get credit for the units generated?	
6	What are the meter specifications required at customer end and producer end?	
7	Who will be responsible for JMR?	
8	Can RECs be claimed for the unit generated and who can claim them?	
9	What are the timelines for the various steps?	

According to section 2(f) of the Act 'Information' means 'any material in any form'. Ministry of Personnel, Public Grievances & Pensions Department of Personnel Training No. 11/2/2008-IR dated 10<sup>th</sup> July, 2008. Careful reading of the definition of 'Information' and 'right to information' makes it clear that a citizen has a right to get the material, inspect the material, take notes from the material, take extracts or certified copies of the material, take samples of the material, take the material in the form of diskettes etc. The PIO is required to supply such material to the citizen who seeks it. The Act, however, does not require the PIO to deduce some conclusion from the 'material' and supply the 'conclusion' so deduced to the applicant. The PIO is required to supply the 'material, in form as held by the public authority and is not required to do research on behalf of the citizen to deduce anything from the material and then supply it to him.

Ministry of Personnel, Public Grievances & Pensions Department of Personnel Training No. 1/7/2009-IR dated 1st June, 2009. Information cannot include within its fold answers to the question "Why" which would be same thing as asking the reason for a justification for a particular thing. The PIO cannot expect to communicate to the citizen the reason why a certain thing was done or not done in the sense of a justification are matter within the domain of adjudication authorities and cannot properly be classified as information." This is not come under RTI.

Shri Anil Kumar Ukey, Director (Legal) In-charge is the first Appellate Authority for the purpose of Appeal under Sub- Section (1) of section 19 of the Right Information Act, 2005. Address: Maharashtra Electricity Regulatory Commission, World Trade Centre, Centre No.1, 13th Floor, Cuffe Parade, Mumbai – 400005 Tel. No. 022-22163964/65/69. Email: [anilkumar.ukey@merc.gov.in](mailto:anilkumar.ukey@merc.gov.in).

Yours faithfully,

  
(Arun Walunj)

Public Information Officer & Under Secretary