



महाराष्ट्र विद्युत नियामक आयोग

Maharashtra Electricity Regulatory Commission

Ref. No. 01583 /FAA/2016/A-17 /Decision/dated/30.09.2016/Mumbai

Date of RTI Application filed: 04.01.2017
Date of Reply of PIO : 17.01.2017
Date of receipt of First Appeal: 20.01.2017
Date of Decision of First Appeal: 22.02.2017

BEFORE THE APPELLATE AUTHORITY

(Under the Right to Information Act, 2005)

Maharashtra Electricity Regulatory Commission, Mumbai

Appeal No. 01 of 2017

Mr. Godfrey W. Pimenta Appellant

- Vs -

PIO, MERC, Mumbai Respondent

In exercise of the power, conferred upon the Appellate Authority by Section 19 (6) of Right to Information Act, 2005, the Appellate Authority makes the following decision:

Facts of the Appeal

- 1) The Appellant had filed an application dated 04.01.2017, under the Right to Information Act, 2005, (hereinafter referred to as "RTI Act"). The Respondent vide letter dated 17.01.2017 responded to the Appellant's Application. The Appellant has filed this Appeal on 20.01.2017 against the said response.
- 2) Before passing a decision, the First Appellate Authority has given an opportunity of personal hearing to the Appellant on 06.02.2017, and 10.02.2017 by serving upon him a notice of hearing dated 23.01.2017 & 03.02.2017 respectively. The Appellant and Respondent PIO made their oral submission in the hearing on 10.02.2017.
- 3) I have carefully considered the application, the response and the Appeal and find that the matter can be decided based on the material available on record.
- 4) Upon perusal of the Appellant's request for information as made through his application, I find that Appellant has sought information with respect to (A) Details of the action taken on the attached email dated 20th December, 2016, timed 10.15.21 sent to mercindia@merc.gov.in.
- 5) The Respondent PIO has replied in response to the above query on 17.01.2017, stating that the information sought by applicant is of the action taken/ justification nature of information which is regarding the judicial proceedings of the Commission. The Public information Officer does not require to deduce any justification/ action taken from the judicial proceedings.

- 6) Without prejudice to the foregoing, upon a consideration of the Appellant's request for Information as contained in his application in light of his Appeal, it would appear that Appellant has sought action taken on his email, it means the prudent person will understand the action on his email after receipt by the competent officer/authority. The PIO did not provide the factual information which is available with the office of the Commission. It is further noted that the information sought by the Appellant do not fall within the ambit of Section 8 of RTI Act, 2005, for exemption from disclosure of information. The information / answer provided by the PIO are irrelevant. It has been observed that the Appellant did not ask any justification / explanation to the PIO.
- 7) In view of the above the PIO is directed to provide the information available in the office of the Commission and respond properly to the application of the Appellant. The Appeal is allowed. Hence, the said information may be made available to the Appellant as per the Rules.
- 8) In case, the Appellant is not satisfied with decision, he/she may prefer a Second Appeal under RTI Act, 2005, within 90 days from the issue of this decision before the State Information Commissioner, 13th Floor, New Administrative Building, Madam Cama Road, Opposite Mantralaya, Mumbai- 400 032.

Decision

- i. The Appeal is allowed.
- ii. The information shall be made available to the Appellant as per the Rules.

The Appeal disposed off accordingly.



(Anilkumar Ukey)
First Appellate Authority & Dy. Director (Legal)
Maharashtra Electricity Regulatory Commission

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