



महाराष्ट्र विद्युत नियामक आयोग

Maharashtra Electricity Regulatory Commission



माहितीचा
अधिकार

MERC/ADM/RTI/036/2019/247



Dt. 09.05.2019

To,
Adv. Rahul Papaji Adagale,
UG 1, Lucky Plaza,
Z. P. Chouk, Sadarbazar,
Satara - 415001

To
Public Information Officer (RTI)
Maharashtra State Electricity Distribution Co. Ltd.
Plot No. G-9, Prakashgad,
Bandra (East),
Mumbai 400 051.

Subject : Your application dated 05.04.2019 submitted under RTI Act 2005.

The office of the Commission is in receipt of your application dated 11.04.2019 under section 6 (1) RTI Act 2005 seeking information by the PIO.

No	Information Sought	Information Provide
1.	Information relating to, how many times has the commission heard proposals to change banking in the last 10 years?	This information is available in public domain on the Commission's website in downloadable format on www.merc.gov.in and www.mercindia.org.in .
2	Information relating to, have the proposed changes originated at MERC or been proposed by Discoms? If Discom, which one(s)?	❖ Information asking in question format.
3	Information relating to, In the commissions latest Draft distribution open Access Regulations floated for public opinion it is mentioned that "1.1.2" Similarly, in order to address various issues highlighted under the consultation paper related to Open Access published by Ministry of Power certain changes are required in the present open access regulation. Please provide which regulations are required to be changed?	■ The Act does not permit raising imaginary questions and expecting the PIO to find answers for them. 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.
4	Information relating to, the petitions referred in 1.1.3 Draft Distribution Open Access Regulations.	This information is available in public domain on the Commission's website in downloadable format on www.merc.gov.in and www.mercindia.org.in .
5	Information relating to, which states what changes have been made to banking scheduling and forecasting that the commission is referencing in 1.1.4 of Draft Distribution Open Access.	❖ Information asking in question format.

6	Information relating to, As per Draft Distribution Open Access in 1.1.4 it is mentioned that "Certain amendments have been proposed:" Have the proposed changes originated at MERC or been proposed by Discoms? If Discom, which one(s)?	❖ Information asking in question format.
7	Information relating to, the data received from various distribution utilities as per 2.1.1 of Draft Distribution Open Access Regulation.	
8	Information relating to, as per Draft Distribution Open Access Regulations point 2.1.1 "Upon perusal of data obtained from various Distribution Utilities in the State on this issue, it is noticed that there are many such transactions and most STOA transactions were getting extended for a period of more than one year" We required the following details. a. Information relating to, data on how many STOAs are being extended for more than 1 year? b. Information relating to, data on how many MTOAs were filed, how many days it took from application to approval or rejection for each Discom?	➤ Data available
9	Commission has proposed increased charges for STOA fees in point 2.2.1 of Draft Distribution Open Access Regulation. We humbly request the following. a. Information relating to, data on how these charges were determined?	❖ Information asking in question format.
10	Commission has proposed increased Transmission charges as per point no. 3.2.1 a. Information relating to, how much revenue this will generate per Discom? b. Information relating to, how this "two times" number was arrived at? c. Information relating to, the origin of the "two times" number. Was this a number proposed by a Discom?	❖ Information asking in question format.
11	Information relating to, Commission has proposed revision of contract demand under point number 4.2 of Draft DOA regulation that the CD will be reduced to the extent of quantum of electricity sought to be transferred through Open Access after reducing the CD if the CD come less than 1 MVA will you disqualify the consumer?	❖ Information asking in question format. Didn't specify which information required. Request you to kindly ask specific information. We will provide relevant document/ information as per the RTI Act, 2005 under section 2(f).

12	<p>Information relating to, as per Draft DOA regulation point number 5.2 states that “Data was obtained from various distribution companies to assess the claim of loss of revenue due to banking facility to Distribution Licensee. Based on the furnished data, it was broadly estimated by Distribution Licensees that they were losing to the tune of Rs. 25 Crore to Rs 35 Crore per annum in terms of revenue loss (Loss worked out on ABR) due to Banking of power .” please provide the following details.</p> <p>a. Information relating to, data received from various discoms.</p> <p>b. Information relating to, total losses due to banking provisions for each Discom in Maharashtra over the same period.</p> <p>Further, upon analysis of the data for FY 2016-17 and FY 2017-18, it was noticed that banking of power mostly happens during the month of August to September.</p> <p>c. Information relating to this data.</p> <p>d. Information relating to data for power banked each and every month, by discom.</p>	<p>❖ Data available.</p> <p>* Point d. is related information pertaining to MSEDCL utility.</p>
13	<p>Information relating to, as per draft DOA regulation point number 6.7.2 states that “The commission has examined the data sought from the DISCOMs for the OA consumers having maximum demand less than 700 KVA for three consecutive times. It was, observed that, there were no large number of such instances.</p> <p>a. Information relating to, those instances of less than 700 KVA referred to?</p>	<p>❖ Data available.</p> <p>Point a. This information is not available with Commission’s office.</p>
14	<p>Information relating to the following details on banking.</p> <p>a. Information relating to, how much units (MU) banked during June 2018, July 2018, August 2018, September 2018, October 2018 by MSEDCL, TATA and Adani Power.</p> <p>b. Information relating to, how much units (MU) been with drawn during the month of December 2018, January 2019, February 2019, March 2018, January 2018 and February 2018.</p>	<p>❖ Data available</p> <p>*Point a. is related information pertaining to MSEDCL utility.</p>

- 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 10th 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.

- * In this regards the question no. RTI is 12.d and 14.b, is to be consumed to all the licensees for the information sought by the applicant. Since the requisite information pertains to your (MSEDCL) office, The above RTI application is being transferred under Section 6 (3) of RTI Act, 2005. It is requested to forward the requisite information/documents to applicant directly under intimation to this office.

- Data before publishing the draft is available in the office in soft copy as well as hard copy. If you required the relevant scan copies of the aforesaid documents in Digital format (CD). As per the RTI (Fees & Charges) Act 2005 you have to deposit **Rs. 150/-** [Rs. 50 CD + Rs. 100/- for postal charges].

Shri Anil Kumar Ukey, Deputy Director (Legal) 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

Yours faithfully,



(Pradeep Mohare)

Public Information Officer & Section Officer