



महाराष्ट्र विद्युत नियामक आयोग

Maharashtra Electricity Regulatory Commission



MERC/ADM/RTI/051/2021/0494



Dt. 09.11.2021

To,
Shri. Naresh Kumar Aggarwal,
House No. 36, Road No. 7,
2nd Floor, East Punjabi Bagh,
Delhi – 110026
Email:- nareshk9310@gmail.com

Subject : Your application dated 11.10.2021 submitted under RTI Act 2005.

Your application has been transfer from FOR, CERC vide its letter No. 3/9/2019-RTI/FOR/CERC, Dated 28th October, 2021 under section 6 (3) RTI Act 2005 to the Public Information Officer, Maharashtra Electricity Regulatory Commission, Mumbai. The office of the Commission is in receipt of your application dated 28.10.2021 under section 6 (1) RTI Act 2005 seeking information by the PIO as under:

No	Information Sought	Information Provide
1	<p>How many states buy electricity from state government or central government?</p> <p>- Please provide information – Is the private companies buy electricity from state government or central government? And is there any rate variation in all states or 7 Union territories?</p> <p>- Who is the competent authority to decide the electricity rate – State / Central government or Private Companies.</p> <p>- GST or service tax levied on electricity is the same or different in all states? And what is the slab rate of GST or service tax, whether it is same or different?</p> <p>- In how many states there is not a 100% supply of electricity?</p> <p>- Is there any proposal or programme made by state government to supply electricity through the private companies to people?</p> <p>- How many states who are supplying electricity are in profit or in loss.</p> <p>-Is the State government is in profit or loss if supplying electricity by private companies?</p>	<p>Information asking in question format. The Act does not permit raising imaginary questions and expecting the PIO to find answers for them.</p> <p>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.</p> <p>Didn't specify which information required. Request you to ask specific information. We will provide relevant document/ information as per the RTI Act, 2005 under section 2(f).</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.

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.

Yours faithfully,



(Pradeep Mohare)

Public Information Officer & Section Officer

Copy to:-

Shri Rajiv Kumar, Assistant Secretary (FOR),
FOR, CERC, First Floor,
Chandralok Bldg., 36, Janpath,
New Delhi - 110001.