



# महाराष्ट्र विद्युत नियामक आयोग

## Maharashtra Electricity Regulatory Commission



Order No. MERC/FAA/2019-20/APPEAL/ 02 of 2020/301

Date : 30<sup>th</sup> July, 2020

Date of RTI Application filed : 03.02.2020  
Date of Reply of PIO : 03.03.2020  
Date of receipt of First Appeal : 12.03.2020  
Date of Order of First Appeal : 30.07.2020

**BEFORE THE APPELLATE AUTHORITY  
(Under the Right to Information Act, 2005)  
Maharashtra Electricity Regulatory Commission, Mumbai**

**Appeal No. 02 of 2020**

Shri. Ramzan Abdul Sattar Shaikh

..... **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 03.02.2020, under the Right to Information Act, 2005, (hereinafter referred to as "RTI Act"). The Respondent vide letter dated 03.03.2020 responded to the Appellant's Application. The Appellant has filed this Appeal on 12.03.2020, against the said response.
- 2) Before passing an Order, the First Appellate Authority has given the Appellant an opportunity of personal hearing on 17.07.2020 by serving upon him a notice of hearing dated 03.07.2020. The Appellant was absent and PIO were present in the hearing.

- 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, was as follows:

*Kindly provide me the information about Mr. Deepak Lad (Ombudsman) regarding his date of joining, qualification and department which is earlier served by him.*

5) **The response provided by PIO to the above queries are as follows:**

- i. As per the office record his joining date is 24.03.2019.
- ii. According to section 2 (n) of the RTI Act, 2005, 'third party' means a person other than the citizen making a request for information and includes a 'public authority'. However, it is not the information bearer (third party) who holds the key to disclosure. आपण मागितलेली माहिती हि त्रयस्थ पक्षाशी संबंधित असल्याने सदर अर्ज माहितीचा अधिकार अधिनियम २००५ मधील कायद्याच्या कलम ७(७) व कलम ११ अन्वये निर्धारित केल्यानुसार त्रयस्थ पक्षांकडे पाठवण्यात येत आहे.

6) **The Grounds of the Appeal:**

The Appellant stated that, I had asked under RTI dated 03.02.2020 and PIO Mr. Pradeep Mohare had sent letter No.MERC/ADM/RTI/011/2020/0228 dated 03.03.2020 along with attachment for asking information from Mr. Deepak Lad vide letter No.MERC/ADM/RTI/011/2020/0229 dated 03.02.2020 within 10 days time to reply him whether information to be provide to third party. But it is almost one month have been passed and he is misguiding me to reply within 10 days time, how this will possible. There is no such provision in RTI Act. According to RTI Act when the application is received by your Office, you should inform Mr. Deepak Lad within a 5 days' time, whether the personal information is provided to the third party or not and this has been done by Pradeep Mohare.

- 7) 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 information, which is related to personal information of Shri.

- Deepak Lad, Ombudsman of his i) Date of joining, ii) His qualification, iii) The department which is earlier served by him.
- 8) The PIO, had sought information from the Ombudsman Office vide dated 03.02.2020 and the said information has been furnished by the Office of Ombudsman to the PIO, on 06.03.2020. However, it has been *prima facie* observed that the PIO has not provided information to the Appellant. In view of the above, the appeal made by the Appellant is allowed and the Annexure 'A' is information sought by the Appellant is attached herewith.
- 9) After receipt of the information from the Office of the Ombudsman the PIO has failed to provide the information to the Appellant within stipulated time period, therefore the PIO is admonished for such lackadaisical approach and here by further directed to respond to the application within prescribed time period by the RTI Act.
- 10) In case, the appellant is not satisfied with decision, he may prefer Second Appeal under RTI Act, 2005, within 90 days from the issue of this decision before the State Information Commissioner, 13<sup>th</sup> Floor, New Administrative Building, Madam Cama Road, Opposite Mantralaya, Mumbai- 400 032.

**Decision**

Appeal is allowed.



(Anilkumar Ukey)

**First Appellate Authority & Director, Legal (I/c)  
Maharashtra Electricity Regulatory Commission**

▪ **Attached Annexure "A"**

To  
Shri. Ramzan Abdul Sattar Shaikh,  
Flat No. 5, 2<sup>nd</sup> Floor,  
Chapra Building, Guru Nanak Road,  
Opp. Bandra Talao,  
Bandra (West), Mumbai – 400 050.  
Mob.No.9892185445 / 7666634370.



(Anilkumar Ukey)

**First Appellate Authority & Director, Legal (I/c)  
Maharashtra Electricity Regulatory Commission**

## विद्युत लोकपाल, (मुंबई)

६०६, केराना, वांद्रे-कुर्ला संकुल, वांद्रे (पूर्व), मुंबई-४०० ०५१

दूरध्वनी: ०२२ २६५९२९६५/२६५९०३३९/३०६८०५२८, फॅक्स ०२२-२६५९२९६५

वेबसाईट : [उबल्यु.उबल्यु.उबल्यु.एमईआरटीओम्बूडसमन.कॉम](http://उबल्यु.उबल्यु.उबल्यु.एमईआरटीओम्बूडसमन.कॉम), ई-मेल :- [ईलेक्ट्रीसिटीओम्बूडसमनमुंबई@जीमेल.कॉम](mailto:ईलेक्ट्रीसिटीओम्बूडसमनमुंबई@जीमेल.कॉम)

क्र.-विलो(मुंबई)/माहिती अधिकार/२०२०/८४८

दिनांक:- ४ मार्च २०२०

प्रती

श्री प्रदीप मोहरे,

जन माहिती अधिकारी तथा कक्ष अधिकारी  
१३वा मजला, केंद्र क्र.-१, जागतिक व्यापार केंद्र,  
कफ परेड, कुलाबा, मुंबई-५



विषय : श्री. रमझान अब्दुल सत्तार शेख यांच्या दिनांक ०३.०२.२०२० रोजीच्या  
माहिती अधिकार २००५ चे कलम ६(१) प्रमाणे केलेला अर्ज.  
संदर्भ : MERC/ADM/RTI/011/2020/229 dated 03.02.2020

महोदय,

सदर माहिती वैयक्तिक स्वरूपाची असल्यामुळे ती अर्जदारास पुरविण्यात येऊ नये, शिवाय  
ही माहिती Public Domain मध्ये उपलब्ध आहे. असे आपणास कळविण्याचे आदेश मला प्राप्त  
झाले आहेत.

आपल्या माहितीकरीता.

कळाये,

आपला विश्वासू

  
(भा. पां. पाटील)

लेखा व प्रशासन अधिकारी  
तथा माहिती अधिकारी