



महाराष्ट्र विद्युत नियामक आयोग

Maharashtra Electricity Regulatory Commission



Order No. MERC/FAA/2019-20/APPEAL/ 03 of 2020/302

Date : 30th July, 2020

Date of RTI Application filed : 03.02.2020
Date of Reply of PIO : 20.02.2020
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. 03 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 20.02.2020 responded to the Appellant's Application. The Appeal has been transferred to PIO, Electricity Ombudsman, Mumbai. 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. Dilip Dumbre (Secretary) of Office of the electricity Ombudsman, Mumbai 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:**

The observation of this authority is that the Appeal has been transferred to PIO, Electricity Ombudsman, Mumbai vide letter dated 20.02.2020 to provide information asked by Appellant directly to him.

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/012/2020/0162 dated 20.02.2020 to PIO (RTI) of Electricity Ombudsman, Bandra (East) to provide me the relevant information asked by me directly to me. But one month's have been passed and no information has been received by me till date.

7) It is submitted that, the PIO had transfer application under RTI to the PIO, Ombudsman to provide the information to the Appellant. It is observed from the record the PIO, Ombudsman vide letter dated 04.03.2020 has provided the requisite information to the Appellant. If any grievance with respect to response of the PIO, Ombudsman, the Appeal shall lies to the First Appellate Authority of Ombudsman. In view of the above the undersigned authority has become "*functus officio*" and this Appeal has become infructuous. Due to 'Pandemic Covid-19' the reply had been delayed.

8) 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, 13th Floor, New Administrative Building, Madam Cama Road, Opposite Mantralaya, Mumbai- 400 032.

Decision

Appeal has become infructuous.



(Anilkumar Ukey)

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

To
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Opp. Bandra Talao, Bandra (West),
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(Anilkumar Ukey)

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