



# महाराष्ट्र विद्युत नियामक आयोग Maharashtra Electricity Regulatory Commission



Order No. MERC/FAA/2021/APPEAL/ 04 of 2021/314

Date : 19<sup>th</sup> July, 2021

Date of RTI Application filed : 12.05.2021  
Date of Reply of PIO : Not given.  
Date of receipt of First Appeal : 21.06.2021  
Date of Order of First Appeal : 19.07.2021

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

**Appeal No. 04 of 2021**

Shri. Vaibhav Satam ..... **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 07.05.2021, under the Right to Information Act, 2005, (hereinafter referred to as "RTI Act"). The application received at Commission's Office on 12.05.2021.
- 2) Before passing an Order, the First Appellate Authority has given the Appellant an opportunity of personal hearing on 02.07.2021 by serving upon him a notice of hearing dated 22.06.2021. The Appellant were present and PIO was absent 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:**

- i. Copy of all the Orders/letters or communications, intimating the approval of the Maharashtra Electricity Regulatory Commission (MERC), to the Infrastructure Plan-I and Infrastructure Plan-II schemes of the Maharashtra State Electricity Distribution Company Ltd. (MSEDCL).
- ii. Copy of the letter from MSEDCL, seeking approval of MERC for the expenditure incurred on Infrastructure Plane-II.
- iii. Copy of the In-principle approval granted by MERC to MSEDCL on Infrastructure Plan-I and Infrastructure Plan-II.
- iv. The amount of total expenditure incurred by MSEDCL on Infrastructure Plan-I and Infrastructure Plan-II.
- v. Out of the total expenditure mentioned in above point no.4. How much amount of expenditure was allowed by MERC for recovery through tariff.

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

The information was not provided by the PIO.

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

The PIO was absent during the hearing, on the directions of the First Appellate Authority, he has submitted his written submission, is kept on record. As he stated, he was get fractured and due to the said incidence he was on leave therefore, he could not furnish the information to the Appellant.

It has been observed that the Appellant has filed this Appeal beyond the period of stipulated time period. However, the Appellant did not mentioned about the delay nor prayed to condone it.

Secondly, the Appellant stated to furnish the copies of the information free of cost to him. Whereas the Appellant is at fault for not filing the Appeal within prescribed time period, therefore, it has been observed that the PIO and Appellant are at default under the provisions of RTI Act. Therefore, copies cannot be provided free of cost.

In view of the above it is proper that Appellant will file a fresh Application under RTI Act, and PIO will provide response within time to the Appellant.

The First Appellant Authority is giving liberty to the Appellant with liberty to file a fresh Application without dismissing the Appeal on the ground of condonation of delay.

Accordingly, Appeal is disposed off.

- 7) 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**

Appellant may file fresh application. Appeal is disposed off.



(Anilkumar Ukey)

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

To  
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(Anilkumar Ukey)

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