माहितीचा अधिकार

स्वच्छ भारत
एक कदम स्वच्छता की ओर

Order No. MERC/FAA/2021/APPEAL/ 08 of 2021/403 **Date : 09th September, 2021**

Date of RTI Application filed : 03.05.2021
Date of Reply of PIO : 09.07.2021
Date of receipt of First Appeal : 09.08.2021
Date of Order of First Appeal : 09.09.2021

BEFORE THE APPELLLATE AUTHORIY
(Under the Right to Information Act, 2005)
Maharashtra Electricity Regulatory Commission, Mumbai

Appeal No. 08 of 2021

Shri. Padamjit Singh ..... **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 04.08.2021, under the Right to Information Act, 2005, (hereinafter referred to as "RTI Act"). The application received at Commission's Office on 09.08.2021. The Appellant while making the Appeal did not furnish the requisite fee along with the Appeal hence, it has been instructed vide email dated 06.08.2021 to furnish the requisite fee. Accordingly, the Appellant deposited requisite fee by way of sending IPO on 09.08.2021. And finally, the Appeal scheduled for hearing.

2) Before passing an Order, the First Appellate Authority has given the Appellant an opportunity of personal hearing on 23.08.2021 by serving upon him a notice of hearing

dated 13.08.2021. 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:**

i. Please inform the period for which Prayas Energy Group functioned as Institutional Consumer Representative as per Regulation 8.5 of MERC Regulations Dt. 08 June, 2012.

ii. Please supply copy of MERC order /letter by which the period of Institutional CR of Prayas Energy Group for Western Maharashtra was ceased / discontinued.

iii. Please supply copy of criteria fixed by MERC under Regulation 8.6 for cessation of terms of office and date from which these criteria became effective and date from which the criteria became applicable to Prayas Energy Group.

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

Information has sought, as per your queries you may kindly refer MERC (Authorised Consumer Representative) Regulations, 2012 which is available in downloadable format on Commission's websites www.merc.gov.in.

6) **Reason for filing an Appeal:-**

The information requested for has not been supplied.

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

The PIO in his response did not provide the copies which has been sought by the Appellant with respect to information required as per sub-para-(ii) & (iii) of the para-4 above or PIO failed to provide the factual position regarding availability/non-availability of the documents in the Office of the Commission. The response given by the PIO is nothing but mechanical answer stating to refer the Regulations available on the website of the Commission, which does not serve the purpose of the RTI Act, 2005.

It is further observed that, with respect to sub-para-(i) of the para-4 above the extract of the said Regulations has not furnished the Appellant by asking requisite fee for the same.

Thus, the PIO has erred while disposing the RTI Application of the Appellant, therefore, this is the clear Case to intervene in the Order/Response passed by the PIO.

In the light of the above observations the PIO directed to provide the available information/supply the copy of the documents which has been sought by the Appellant or incase if the documents are not available in the Office of the Commission then, the PIO has to answer the same to the Appellant.

8) In view of the above the Appeal is allowed partly. The PIO/Respondent further directed to make available requisite information to the Appellant within 15 days from the date of this decision.

9) 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 is partly allowed. The PIO/Respondent directed to make available requisite information to the Appellant within 15 days from the date of this decision as observation made by this authority in para-7 supra.

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

To
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(Anilkumar Ukey)
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