



01/L

# महाराष्ट्र विद्युत नियामक आयोग

## Maharashtra Electricity Regulatory Commission

Ref. No. 1448/FAA/2016/A-01 /Order /dated/02.02.2016/Mumbai

Date of RTI Application filed : 20.11.2015  
Date of Reply of PIO : 21.12.2015  
Date of receipt of First Appeal: 05.01.2015  
Date of Order of First Appeal : 02.02.2016

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

Appeal No. 01 of 2016

Shri. Kamlakar Ratnakar Shenoy ..... 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 20.11.2015, under the Right to Information Act, 2005, (hereinafter referred to as "RTI Act"). The Respondent vide letter dated 21.12.2015 responded to the Appellant's Application. The Appellant has filed this Appeal on 05.01.2016, against the said response.
- 2) Before passing an Order, the First Appellate Authority has given the Appellant an opportunity of personal hearing on 28.01.2016 by serving upon him a notice of hearing dated 13.01.2016. The Appellant and PIO attended the hearing and made their oral submission.
- 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, I find that (i) Appellant sought information in the form of various queries (ii) The Appellant sought information with the action taken by MERC (iii) The Appellant has sought information related with the BEST a Public Authority. The Respondent PIO has replied in response mentioning that the information to point No.1 to 2 is not available and for point No.3 to 7 is not applicable.
- 5) 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 on 1-7 points are related with the other public authority, like Metrology department and BEST. During the hearing all these factual position narrated to the Appellant and the information is available with the Commission is provided to the Appellant. Where ever, if Appellant needs more information or particular documents, Appellant may inspect the record of the Commission as per the provisions of the RTI Act, 2005.
- 6) The information is sought in point No.1, 2 & 7 are related with the other public authority, the Respondent has to transfer the application of the Appellant according to the provisions of 6 (3) of

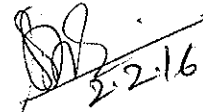
Page 1 of 2

the RTI Act,2005. Whereas, the Respondent has provided the information is not available and not applicable respectively. However, in the context, with the information being sought by the Appellant is related to other public authority, in this regard, the Hon'ble CIC in the matter of *Shri Rakesh Agarwal vs. Shri. Nandan Singh (Decision dated 13.01.2014)* held that, "The application under Section 6(3) of RTI Act can only be transferred if it has been made to a proper public authority under Section 6(1). When a petitioner is aware of the location of a given information visàvis a Public Authority, it is not open to him to file his RTI application before any Public Authority in the expectation that this latter Public Authority would act under Section 6(3) to transfer his application to where the information was known to be held."

- 7) In context, with the information being sought by the Appellant is in the nature of action taken in this regard, the Hon'ble CIC in the matter of *Shri Madan Lal Aswal and Dal Chand Vs. CPIO Municipal Corporation Delhi (Decision dated 05.11.2008)* held that "The respondent has replied to the query about the ownership of the land and the responsibility of maintenance ..... The appellant now wants to know why action of demolition has not been taken, before allotment which according to him was precondition. Though the respondents are well intentioned, reasons for actions or inaction of public authorities cannot be obtained unless they have been recorded by the public authority. The PIO cannot be expected to provide reasons unless they are recorded."
- 8) It is prima facie observed that, the Appeal is devoid of any merit and hence, dismissed.
- 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, 13<sup>th</sup> Floor, New Administrative Building, Madam Cama Road, Opposite Mantralaya, Mumbai- 400 032.

**Decision**

The Appeal is dismissed accordingly.

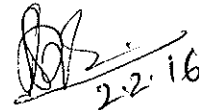


(Anilkumar Ukey)

**First Appellate Authority & Dy. Director (Legal)  
Maharashtra Electricity Regulatory Commission**

To  
Shri. Kamlakar Ratnakar Shenoy  
2/7, Kishor Kunj CHS, Opp. Kalverts Co.,  
Shanti Path Marg, Mazgaon,  
Mumbai-400 010.

Copy to:  
PIO, MERC, Mumbai.




(Anilkumar Ukey)

**First Appellate Authority & Dy. Director (Legal)  
Maharashtra Electricity Regulatory Commission**

TRANSCRIPT

RTI Appeal No. 1 of 2016

In RTI Application No.109 of 2015

Sr.No.	DATE	Applicant/Appellant	Particulars	Signature
1	28.01.2016	Shri. Kamlakar Shenoy	Hearing of Appeal under RTI held on 28.01.2016	

  
PIO  
Sign & date

  
28.1.16  
First Appellate Authority  
Sign & date



महाराष्ट्र विद्युत नियामक आयोग  
Maharashtra Electricity Regulatory Commission

क्र.मविनिआ/विधी-III/माअअ/अपील/-०१/२०१६/ ०१२८६

दिनांक- १३.०१.२०१६

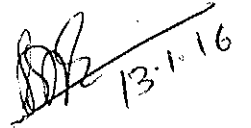
प्रति,

श्री. कमलाकर रत्नाकर शेर्नाय  
२/७, किशोर कुंज सोसायटी,  
कलार्वट कं. चा बाजुस,  
शांती पेठ मार्ग,  
मांझगांव मुंबई - ४०० ०१०.

विषय- माहिती अधिकार अधिनियमांतर्गत दिनांक ०५.१.२०१६ च्या अपील अर्जावर सुनावणीबाबत.

संदर्भ- आपला दि. ०५.१.२०१६ चा अपील अर्ज.

आपण दाखल केलेल्या दिनांक ०५.१.२०१६ च्या अपील अर्जावर दि.२८.१.२०१६ रोजी ०४.०० वाजता उपसंचालक (विधी) तथा प्रथम अपीलीय अधिकारी यांच्या दालनात, महाराष्ट्र विद्युत नियामक आयोगाचे कार्यालय, ११ वा मजला, सेंटर नं. १, जागतिक व्यापार केंद्र, मुंबई-५, येथे सुनावणी ठेवली असून आपण स्वतः अथवा आपल्या प्रतिनिधीमार्फत सुनावणीसाठी उपस्थित रहावे अन्यथा अपील निकालात काढले जाईल.

  
13.1.16

(अनिलकुमार उके)  
उपसंचालक (विधी)  
तथा प्रथम अपीलीय अधिकारी

प्रत- जनमाहिती अधिकारी, महाराष्ट्र विद्युत नियामक आयोग यांना सुनावणीसाठी उपस्थित रहावे या माहितीस्तव.