



महाराष्ट्र विद्युत नियामक आयोग

Maharashtra Electricity Regulatory Commission

Ref. No. 01620/FAA/2016/A-04 /Decision/dated/04.03.2016/Mumbai

Date of RTI Application filed: 30.12.2015
Date of Reply of PIO : 01.02.2016
Date of receipt of First Appeal: 08.02.2016
Date of Decision of First Appeal: 29.02.2016

BEFORE THE APPELLATE AUTHORITY

(Under the Right to Information Act, 2005)

Maharashtra Electricity Regulatory Commission, Mumbai

Appeal No. 04 of 2016

Shri. Anil Agarwal

..... 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 30.12.2015, under the Right to Information Act, 2005, (hereinafter referred to as "RTI Act"). The Respondent vide letter dated 01.02.2016 responded to the Appellant's Application. The Appellant has filed this Appeal on 08.02.2016, against the said response.
- 2) Before passing a decision, the First Appellate Authority has given an opportunity of personal hearing to the Appellant on 24.02.2016, by serving upon him a notice of hearing dated 12.02.2016. The Appellant vide his email dated 16.02.2016, made his submission and remain absent in the hearing whereas, PIO attended the hearing and made his 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 Appellant has sought information obtaining certified copy of the order passed by MERC on his compliant dated 30.11.2015. The Respondent PIO has replied in response mentioning that 'your application dated 30.10.2015 is forwarded to Rinfra on 11.01.2016 for further necessary action.'
- 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 certified copy of the order passed by MERC on his compliant dated 30.11.2015. The Respondent provided the information available in the office of the Commission. The Appellant further mentioned in his Appeal that he has filed his application with the Respondent seeking information on action taken by the Commission on his compliant.
- 6) 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.*"
- 7) In the Appeal, it would appear that he has a grievance with the actions of the Commission. In this context, I note that the Hon'ble CIC in the matter of *Sh. Triveni Prasad Bahuguna vs. LIC of India, Lucknow (Decision dated September 6, 2012)*, had held that: "*The Appellant is informed that ... redressal of grievance does not fall within the ambit of the RTI Act ...*" Further, in *Mr. H. K. Bansal vs. CPIO & GM (OP), MTNL (Decision dated January 29, 2013)*, the Hon'ble CIC had held that: "*The RTI Act is not the proper law for redressal of grievances/disputes ...*" In view of the above findings, I find that if the Appellant has any grievance, the remedy for the same would not lie under the provisions of the RTI Act.
- 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, 13th 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

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