



महाराष्ट्र विद्युत नियामक आयोग

Maharashtra Electricity Regulatory Commission

Ref. No. 184 /FAA/2016/A-09 /Decision/dated/04.05.2016/Mumbai

Date of RTI Application filed: 15.02.2016
Date of Reply of PIO : 03.03.2016
Date of receipt of First Appeal: 05.04.2016
Date of Decision of First Appeal: 04.05.2016

BEFORE THE APPELLATE AUTHORITY

(Under the Right to Information Act, 2005)

Maharashtra Electricity Regulatory Commission, Mumbai

Appeal No. 09 of 2016

Shri. Mohammed N.J.Patel 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 15.02.2016, under the Right to Information Act, 2005, (hereinafter referred to as "RTI Act"). The Respondent vide letter dated 03.03.2016 responded to the Appellant's Application. The Appellant has filed this Appeal on 05.04.2016 against the said response.
- 2) Before passing a decision, the First Appellate Authority has given an opportunity of personal hearing to the Appellant on 27.04.2016, by serving upon him a notice of hearing dated 05.04.2016. The Respondent PIO made his oral submission in the hearing. The Appellant remain 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, I, find that Appellant has sought information with respect to (a) surrender application of consumer No.K00333191 and application with documents for supply of energy of consumers

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Nos.15117442 & 151175686 with consumption detail available with Central Division of Reliance Infrastructure Ltd.

- 5) The Respondent PIO has replied in response to the above query on 03.03.2016 stating that (a) this information is not related to the MERC and same is not available in the office of the Commission.
- 6) 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 pertaining to the third public utility. The Respondent has provided the information is available in the office of the Commission.
- 9.) Upon perusal of the Appellant's request for information as made through his application, I, find that the information is related with the Reliance infrastructure Ltd. in this regard, I would like to note that, 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."*
- 10.) However, it is appropriate to mentioned that a decision passed in RTI Appeal No.20 of 2015, the *'Reliance Infrastructure Limited, vide its letter No. ED/RTI/512/2015 dated 07.08.2015 replied to the Appellant Shri. Mithun Kath, that they are of the earnest belief that they are not a "Public Authority" as defined under the RTI Act, and hence, the provisions of the RTI Act, 2005, are not applicable to them. They further, inform to Appellant that the Hon'ble Bombay High Court has stayed the Maharashtra State Information Commission's Order dated 19.07.2011, interalia holding that R-Infra's Electricity Distribution Business is falling within the definition "Public Authority" as defined under the RTI Act, further, they have stated that in view of the above, they have not yet designated or appointed any Public Information Officer Or Appellate Authority for providing and / or dealing with request for information under RTI Act.'*
- 11.) In view of the foregoing, it is not possible to invoke Section 6 (3) of the RTI Act, and transfer of the application of the Appellant to the Reliance infrastructure. The Respondent has provided the information which is available in the office.
- 12) In view of the above facts and circumstances, there is no need to interfere with the Order of the Respondent. The Appeal is dismissed accordingly.

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 dismissed accordingly.



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

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