



महाराष्ट्र विद्युत नियामक आयोग

Maharashtra Electricity Regulatory Commission

Ref. No. 366 /FAA/2016/A-13 /Order /dated/02.07.2016/Mumbai

Date of RTI Application filed: 05.04.2016
Date of Reply of PIO : 02.05.2016
Date of receipt of First Appeal: 06.06.2016
Date of Order of First Appeal: 04.07.2016

BEFORE THE APPELLATE AUTHORITY (Under the Right to Information Act, 2005)

Maharashtra Electricity Regulatory Commission, Mumbai

Appeal No. 13 of 2016

Shri Mohammed N. J. Patel

- Vs -

..... Appellant

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 05.04.2016, under the Right to Information Act, 2005, (hereinafter referred to as "RTI Act"). The Respondent vide letter dated 02.05.2016 responded to the Appellant's Application. The Appellant has filed this Appeal on 06.06.2016, against the said response.
- 2) Before passing an Order, the First Appellate Authority has given the Appellant an opportunity of personal hearing on 22.06.2016 by serving upon him a notice of hearing dated 08.06.2016. The Appellant's representative Shri. Tekchand Khanchandani attended the hearing and made his oral submission and filed copy of ruling of Central Information Commission No. F. No. CIC / AT / A / 2008/01083, in RTI Second Appeal Shri. Bhoj Raj Sahu v/s. SEBI. The PIO also 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 (i) Appellant sought information with respect to 'Copy of Surrender application of consumer No. K00333191 and application with documents for Supply of energy of consumers Nos. 15117442 & 151175686 with consumption detail available with Central Division of Reliance Infrastructure Ltd.'

- 5) The Appellant has sought information related with the Reliance Infrastructure Ltd., a Public Authority. The Respondent PIO has replied in response mentioning that *'the information is not related to the MERC and the 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 are related with the other public authority, Reliance Infrastructure Ltd. During the hearing all these factual position narrated to the Appellant and the information is available with the Commission is provided to the Appellant.
- 7) The information is sought 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 the RTI Act,2005. Whereas, the Respondent has stated in his response that the information is not related to the MERC and, the same is not available in the office of the Commission. However, in this context, 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 vis à vis 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."
- 8) The Appellant had submitted ruling in Case of *Shri. Bhoj Raj Sahu v/s. SEBI*, passed by the Central Information Commission, the ratio decidendi of the said Order is not applicable in the instant matter. The CIC had directed in the matter in para 'b' of its Order are as under:

*"A grievance settlement mechanism shall be put in place if not already in place and if it is already in place to ensure that it is so compliant with the provisions of the RTI Act that a **petitioner is not required to approach the RTI regime for information aimed at his grievance settlement by using the provision of section 2(f) of the RTI Act.** Like it is in the RTI Act, SEBI's grievance settlement mechanism should be entirely predictable and should provide to the petitioner **time-bound relief/information.**"*

However, the Commission has already established a grievance settlement mechanism under the Maharashtra Electricity Regulatory Commission (Consumer Grievance Redressal Forum & Electricity Ombudsman) Regulations, 2006. if, the Appellant has a grievances, The Appellant has to approach to the grievance redressal form under the provisions of Maharashtra Electricity Regulatory Commission (Consumer Grievance Redressal Forum & Electricity Ombudsman) Regulations, 2006.

- 9) It is prima facie observed that, the Appeal is devoid of any merit and hence, dismissed.

- 10) 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**

To
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(Anilkumar Ukey)

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