



महाराष्ट्र विद्युत नियामक आयोग

Maharashtra Electricity Regulatory Commission

/FAA/2015/A-015 /Order /dated/11.08.2015/Mumbai/00505

1. No.

Date of RTI Application filed: 28.04.2015

Date of Reply of PIO : 28.05.2015

Date of receipt of First Appeal: 13.07.2015

Date of Decision of First Appeal: 11.08.2015

BEFORE THE APPELLATE AUTHORITY

(Under the Right to Information Act, 2005)

Maharashtra Electricity Regulatory Commission, Mumbai

Appeal No. 15 of 2015

Shri. Ashok Kumar Damani

..... 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 28.04.2015, under the Right to Information Act, 2005 (hereinafter referred to as "RTI Act"). The Respondent vide letter dated 28.05.2015 responded to the Appellant's Application. The Appellant has filed this Appeal on 13.07.2015 along with an Application for Condonation of delay against the said response.
2. Before passing an Order, the First Appellate Authority has given the Appellant an opportunity of personal hearing on 03.08.2015 by serving upon him a notice of hearing dated 27.07.2015. The representative Shri. Aditya Singh Bais was present in the hearing on behalf of the Appellant and he submitted authorization letter. Respondent PIO was also present in the hearing.
3. The Appellant along with this Appeal has also filed an Application for Condonation of delay. The First Appellate Authority heard this Application for Condonation of delay prior to decide the present Appeal.
4. I have carefully considered the application, the response and the Appeal along with an Application for Condonation of delay and find that the matter can be decided based on the material available on record.
5. The hearing conducted on Application of Condonation of delay, from the records and chronology of the dates it has been observed that the date of RTI Application is 28.04.2015, the reply of PIO is 28.05.2015, after the date of reply of the PIO the Appellant has required to file present Appeal within 30 days from the expiry of such period or from the receipt of such decision. Whereas, the Appellant has filed present Appeal on 13.07.2015 along with an Application of Condonation of delay. Thus, there is a delay of 16 days for filing the Appeal.

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6. During the course of hearing, the Appellant had deputed his representative, Shri. Aditya Singh Bais to appear on behalf of him. The representative has submitted letter of authorization in the hearing along with self attested copy of his PAN Card, on perusal of the authorization letter and Appeal filed by the Appellant, the signatures put on the Appeal and authorization letter are quite distinct. Hence, as the authorization letter is not properly executed, oral submissions made by Shri. Aditya Singh Bais is not taken into consideration.
7. The appellant has neither given proper explanation in his Application for Condonation of delay that he was prevented by sufficient cause from filing the Appeal in time, nor adduced any document on the record.
8. In view of the above facts and circumstances the First Appellate Authority is not inclined to grant the aforesaid Application and condone the delay prayed by the Appellant. The Appeal is here by dismissed without going in to the merits of the Appeal on the ground of delay in filing.

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

In view of the above, I find that there is no merit in the Application for Condonation of delay. Hence, Application of Condonation of delay is rejected.

Accordingly, the Appeal is dismissed without going into the merits of the Appeal.



(Anilkumar Ukey)

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

To
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Copy to:
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(Anilkumar Ukey)

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