



# महाराष्ट्र विद्युत नियामक आयोग

## Maharashtra Electricity Regulatory Commission

Ref. No.00704 /FAA/2016/A-15 /Order /dated/08.09.2016/Mumbai

Date of RTI Application filed: 01.06.2016  
Date of Reply of PIO : 02.07.2016  
Date of receipt of First Appeal: 09.08.2016  
Date of Order of First Appeal: 08.09.2016

### BEFORE THE APPELLATE AUTHORITY

(Under the Right to Information Act, 2005)

Maharashtra Electricity Regulatory Commission, Mumbai

### Appeal No. 15 of 2016

Shri Siddharth Murarka

- 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 01.06.2016, under the Right to Information Act, 2005, (hereinafter referred to as "RTI Act"). The Respondent vide letter dated 02.07.2016 responded to the Appellant's Application. The Appellant has filed this Appeal on 09.08.2016, against the said response.
2. Before passing an Order, the First Appellate Authority has given the Appellant an opportunity of personal hearing on 24.08.2016, by serving upon him a notice of hearing dated 10.08.2016. The Appellant's representative Shri. Shammi Bhatia attended the hearing and made his oral submission and later on filed copies of rulings of High Court which are taken on record. 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 the Appellant sought information with respect to queries (a) *Please provide details of approval done by each house of the state assembly approving various rules framed by the Maharashtra Electricity Regulatory Commission.* (b) *Please provide details of the compliance of sec. 4(1) (b)(iv), 4(1)(b)(vii), 4(1)(b)(xi), 4(1)(b)(xiii) of RTI Act, 2005.* (c) *Please provide details of the reason for imposing Rs.500000/- (Five Lacs) as fee for purpose of adjudication of dispute u/s 86(1)(f) of Electricity Act,2003 in compliance of sec.4(1)(b) and 4(1)(d) of RTI Act, 2005.* (d) *Please provide details of grants and loan received from the state government as per sec.102 of Electricity Act, 2003.* (e) *Please provide copy of the Audited accounts and Audit report as done by the Comptroller general of India in compliance of Sec.104 (2) of Electricity Act, 2003.* (f) *Please provide copy of the budgets as mandatory u/s 106 of the Electricity Act, 2003/r/w 4(1) (xi) of the RTI Act, 2003.*
- 5 The Appellant has sought information related to function of MERC. The Respondent PIO has replied in response to the queries (a) & (b) of the application, and the Respondent further mentioned with respect to queries (c) ,(d) , (e) & (f) that '*the information sought as per the State Govt. of Maharashtra, GAD, Mantralaya Notification (अधिसूचना) dated १६ January २०१२, नुसार ३ क. एक विनंती अर्ज केवल एकाच विषयाशी संबंधित असणे. अधिनियमाच्या कलम ६ अन्वये माहिती मिळण्यासाठीचा लेखी विनंती अर्ज एकाच विषयाशी संबंधित असावा आणि त्यात सर्वसाधारणपणे दीडशेपेक्षा अधिक शब्द नसावेत. अर्जदाराला एकापेक्षा अधिक विषयांची माहिती हवी असेल तर तो त्याकरिता स्वतंत्र अर्ज करील*':
- 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 function of the MERC.
- 7 With respect to information sought about queries (a) & (b) the Respondent has provided information to the Appellant, with respect to query (c) the Respondent is not duty bound to provide this information with reasoning to the Appellant. The information being sought by the Appellant in the form of queries, qua reasoning.The Hon'ble CIC in the matter of *Shri.P.Shivkumarn and Shri.K.Vijayakumaran Vs. CPIO, Baharat Sanchar Nigam Ltd. (Decision dated 13.06.2007)*, held that: "*information seeker should asked for information, which may be available 'in any material form' as per section (2) of the Act. A CPIO is not expected to formulate his response to various forms of queries and express his views on the issues raised by appellants. The information should be provided in the form in which it exists with the public authority.*"
- 8 However, Respondent on the pretext of notification and in relation to different subject matter, if the information is available, it cannot be denied to the Appellant within the arena of the provision of Right to Information 2005. The Respondent is hereby

directed to provide the information to the Appellant with respect to queries (d), (e) & (f) within the 30 days from the date of this decision to the Appellant free of cost.

- 9 The Appeal is partly allowed.
- 10 In case, the Appellant is not satisfied with decision, he/she 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 Respondent is hereby directed to provide the information to the Appellant with respect to queries (d), (e) & (f) within 30 days from the date of this decision free of cost.



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

To  
Shri Siddharth Murarka,  
2/4, 1<sup>st</sup> Cross, Old Hanuman lane,  
3<sup>rd</sup> Floor, Kalbadevi Road,  
Mumbai- 400002.

Copy to:  
PIO, MERC, Mumbai.



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