



महाराष्ट्र विद्युत नियामक आयोग

Maharashtra Electricity Regulatory Commission

Ref. No. 01333 /FAA/2016/A-19 /Decision/dated/09.01.2017/Mumbai

Date of RTI Application filed: 13.10.2016
Date of Reply of PIO : 08.11.2016
Date of receipt of First Appeal: 13.12.2016
Date of Decision of First Appeal: 09.01.2017

BEFORE THE APPELLATE AUTHORITY

(Under the Right to Information Act, 2005)

Maharashtra Electricity Regulatory Commission, Mumbai

Appeal No. 19 of 2016

Shri. Deepak Sethi

..... 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 13.10.2016, under the Right to Information Act, 2005, (hereinafter referred to as "RTI Act"). The Respondent vide letter dated 08.11.2016 responded to the Appellant's Application. The Appellant has filed this Appeal on 13.12.2016 against the said response.
- 2) Before passing a decision, the First Appellate Authority has given an opportunity of personal hearing to the Appellant on 21.12.2016, by serving upon him a notice of hearing dated 14.12.2016. The Appellant was absent during the hearing. The Respondent PIO made his oral submission in the hearing on 21.12.2016.
- 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) Please Provide numbers of consumers who have complained to MERC from 2013 to 2016 about uninterrupted power supply in their respective areas. Please provide statistics year wise. (b) What was the duration and frequency of the interruption of power supply as contained in the consumers complaint. (c) Please provide the

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number of times MERC has invoked section 24 of the Electricity Act, 2003 from 2003 till today. Please provide the name of the distribution licensee, the dates for which the licence has been suspended and the period of suspension. Please provide the information year wise. (d) How many complaints of uninterrupted power supply has MERC received from Consumers with regards to : Maharashtra State Electricity Distribution Company Ltd (ii) Tata Power (iii) Reliance Power Please provide information company wise, year wise for the period 2013 to 2016.

- 5) The Respondent PIO has replied in response to the above queries on 08.11.2016, stating that with respect to queries (a) & (b) this type of information is not available in Commission's office. As per the decision taken by Central Information Commission in Appeal No.114/ICPB/2006 in the matter of *Shri H.K. Bansal Vs. Mahanagar Telephone Nigam Ltd., New Delhi dated 25th September, 2006*, the PIO cannot expect to communicate to the citizen the interrogatory information with the prefix why, what or how. The information sought does not come under RTI. (c) The Commission has not invoked Section 24 of Electricity Act, 2003 till today. (d) This type of information is not available in Commission's office. As per the decision taken by Central Information Commission in Appeal No.114/ICPB/2006 in the matter of *Shri H.K. Bansal Vs. Mahanagar Telephone Nigam Ltd., New Delhi dated 25th September, 2006*, the PIO cannot expect to communicate to the citizen the interrogatory information with the prefix why, what or how. The information sought does not come under RTI.
- 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 as stated in queries (a), (b) (c) & (d). The main contention of the Appellant is that the Respondent has responded his application misinterpreting the word "information" to suit his own convenient. Under no circumstances does my RTI Application of 10.10.2016 use the words why, how etc. The applicant in only asking for information which comes under the purview of MERC for the State of Maharashtra as define under the EA, 2003 and also under the Electricity Regulatory Commission Act, 1998 Chapter V Section 22 clause 2 (e,g,h) where the mandatory function of the SERC are clearly defined.
- 7) The Respondent PIO has provided the information regarding queries of the Appellant, stating in queries (a) & (b) 'this type of information is not available in Commission office'. However, quoting of *H. K. Bansal Case* is irrelevant in the present Case. The Respondent also had given the information with respect to Applicants query (c). It is reiterated by the Respondent for the query

No. (d), as in queries (a) & (b). However, The Respondent PIO has stated that this type of information is not available in Commissions office.

- 8) In view of the above, there is no need to interfere with the Order passed by Respondent PIO. However, it is further directed to the PIO to use application of mind and pass the appropriate Order. While passing any Order, it should be kept in mind to quote the proper ruling to avoid the misinterpretation, resulting in the filing of an Appeal before the First Appellate Authority (FAA). In the application, there is no 'wh' question or interrogatory observed by the FAA. However, the information which is available is provided to the Appellant with respect to Appellant's queries (a) to (d), stating as the information is not available about the quarries 'a, b & d'. With respect to query 'c', the information is provided by the PIO is that, the Commission has not invoked Section 24 of the Electricity Act, 2003 till date. In view of the above, the Appeal is disposed off with the directions to the Respondent PIO that in furtherance to pass appropriate Order and quote proper rulings while passing the Order under RTI Act.
- 9) In case, the Appellant is not satisfied with decision, he/she may prefer a 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 disposed off accordingly.

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

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