



महाराष्ट्र विद्युत नियामक आयोग

Maharashtra Electricity Regulatory Commission

Order No. MERC/FAA/2019/APPEAL/01 OF 2019/336

Date : 05 April, 2019

Date of RTI Application filed : 14.01.2019
Date of Reply of PIO : 21.01.2019
Date of receipt of First Appeal : 28.02.2019
Date of Order of First Appeal : 05.04.2019

BEFORE THE APPELLATE AUTHORITY
(Under the Right to Information Act, 2005)
Maharashtra Electricity Regulatory Commission, Mumbai

Appeal No. 01 of 2019

Shri Alok Tholiya **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 14.01.2019, under the Right to Information Act, 2005, (hereinafter referred to as "RTI Act"). The Respondent vide letter dated 21.01.2019 responded to the Appellant's Application. The Appellant has filed this Appeal on 28.02.2019, against the said response.
- 2) Before passing an Order, the First Appellate Authority has given the Appellant an opportunity of personal hearing on 15.03.2019 by serving upon him a notice of hearing dated 01.03.2019. The Appellant was absent and PIO were present 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 requested i) Please provide the certified photocopy of Electricity bill for account nos. 101147204 and 101147225 for any month prior to 1st April, 2010. ii) What is official contact no. and email id of information officer should we require to talk to him in further for official purpose.

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5) **The Grounds of the Appeal:**

PIO has declined my request for information, in violation of the definition of section 2(f) read in the Authoritative ratio and binding precedent laid down in the said Hon'ble Supreme Court's decision.

- 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, which is related with the other utility/public authority i.e. Adani Electricity Mumbai Ltd.
- 7) It has been observed from the record that, the PIO has been transferred Appellant's Application u/s 6 (3) to the PIO of Adani Electricity Mumbai Ltd. on 21.11.2019, and Respondent herein sent the copy of the said transfer application to the Appellant herein.
- 8) The Adani Electricity Mumbai Ltd. vide its response dated 14th February, 2019 made available information to the Appellant and sent the copy of the same to the Respondent PIO herein, which has been placed on the record.
- 9) It has been observed from the response of Adani Electricity Mumbai Ltd. that they are not a public authority under the provisions of section on 2(h) of the RTI Act, 2005 and hence, the provisions of the said RTI Act are not applicable to them.
- 10) It is further noted that, the response given by Adani Electricity Mumbai Ltd. in its para no.2 is a self explanatory.
- 11) However, without prejudice to their right and contentions in the pending Writ Petition before the High Court, they have made available the information to the Appellant in their response at para no. 3 & 4, and these Paras are self explanatory.
- 12) As the matter is subjudice before the High Court and as per their Contention in Writ Petition and submission/response given by their letter dated 14.02.2019, it seems Applicability of RTI Act,2005 to the Adani Electricity Mumbai Ltd. yet not concluded.
- 13) However, the information sought by the Appellant has been made available to the Appellant in the response of Adani Electricity Mumbai Ltd. in Paras 4 & 5 making it clear how to duplicate bills can

be obtained. In view of the above nothing survives in the present Appeal. Accordingly on the reasons and rationale stated herein the Appeal is dismissed.

- 14) The First Appellate Authority & Dy. Director (Legal) was out of Mumbai head Office for Court matters at Delhi and Nagpur. Therefore, decision in this Appeal could not be passed within stipulated time period of 30 days, and it has been passed within 45 days.
- 15) 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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Copy to:
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