



# महाराष्ट्र विद्युत नियामक आयोग

## Maharashtra Electricity Regulatory Commission

Ref. No. /FAA/2017/A-05 /Decision/dated/03.07.2017/Mumbai /3859

Date of RTI Application filed: 10.04.2017

Date of Reply of PIO : 05.05.2017

Date of receipt of First Appeal: 06.06.2017

Date of Decision of First Appeal: 03.07.2017

### BEFORE THE APPELLATE AUTHORITY

(Under the Right to Information Act, 2005)

Maharashtra Electricity Regulatory Commission, Mumbai

#### Appeal No. 05 of 2017

Mr. Javed Ahmad Khan ..... 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 10.04.2017, under the Right to Information Act, 2005, (hereinafter referred to as "RTI Act"). The Respondent vide letter dated 05.05.2017 responded to the Appellant's Application. The Appellant has filed this Appeal on 06.06.2017 against the said response.
- 2) Before passing a decision, the First Appellate Authority has given an opportunity of personal hearing to the Appellant on 28.06.2017 by serving upon him a notice of hearing dated 15.06.2017. The Appellant and Respondent PIO made their oral submission in the hearing on 28.06.2017.
- 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 following queries: (i) Furnish me the details of how many meters cable wire lay down by RInfra- D in Financial Year, 2012-13, 2013-2014, 2014-15, 2015-16 & 2016-17. (ii) *Furnish me the cost per meter and investment made on cable wire lay down by RInfra- D in Financial Year 2012-13, 2013- 2014, 2014-15, 2015-16 & 2016-17, the information should be as per financial year in detail.* (iii) *Furnish me the details of amount recovered in wire business by Rinfra-D, in Financial Year 2012-13, 2013- 2014, 2014-15, 2015-16 & 2016-17 the information should be as per Financial Year in detail*
- 5) The Respondent PIO has replied in response to the above queries on 05.05.2017, stating that *"Relevant pages (pg.No.90, 165 & 166) of MERC- Mid Term Review Order for RInfra-D for FY 2012-13 to FY 2015-16 and (Pg.No.112 & 190) of MERC - Multi Year Tariff Order for Rinfra-D for FY 2016-17 to FY 2019-20 in Case No.34 of 2016, which are available in downloadable format on Commission's Websites [www.merc.gov.in](http://www.merc.gov.in) & [www.mercindia.org.in](http://www.mercindia.org.in). If you required relevant pages, the hard copies of the aforesaid document are available in office, you have to deposit Rs. 60/- by demand draft payable at Mumbai in favour of MERC or you have to personally visit to Commission's office to pay cash of Rs.10/- and collect the aforesaid copies of the documents.*
- 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 on the three queries. The PIO did not provide the factual information about the queries No. (i) & (ii) , neither stated in reply, whether it is available or not with the office of the Commission. It is further noted that the information sought by the Appellant do not fall within the ambit of Section 8 of RTI Act, 2005, for exemption from disclosure of information. The information provided by the PIO is irrelevant and did not reply to the Appellants queries as a whole.
- 7) In view of the above the PIO is directed to provide the information available in the office of the Commission and respond properly to the application of the Appellant. Hence, the information regarding the queries No. (i) & (ii) of the Appellant may be made available to the Appellant as per the Rules. If, information is not available in the office of the Commission, it has to be stated clearly while disposing of the Applications by the PIO. The Appellant has no grievances about query no. (i).

- 8) 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, 13<sup>th</sup> Floor, New Administrative Building, Madam Cama Road, Opposite Mantralaya, Mumbai- 400 032.

**Decision**

- i. The Appeal is allowed.
- ii. The information shall be made available to the Appellant free of cost regarding the queries of the Appellant No. (i) & (ii) as per the Rules. If, information is not available in the office of the Commission, it has to be stated clearly while disposing of the Application by the PIO.

The Appeal disposed off accordingly.


 3.7.17

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

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PIO, MERC, Mumbai.

 3.7.17

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