



महाराष्ट्र विद्युत नियामक आयोग

Maharashtra Electricity Regulatory Commission

Ref. No. MERC/FAA/2017/A-20 /Decision /dated/23.01.2017/Mumbai/ 01407

Date of RTI Application filed : 16.11.2016
Date of Reply of PIO : 15.12.2016
Date of receipt of First Appeal: 21.12.2016
Date of Order of First Appeal : 23.01.2017

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

Appeal No. 20 of 2016

Shri. Sharad Pathak 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 16.11.2016, under the Right to Information Act, 2005 (hereinafter referred to as "RTI Act"). The Respondent vide letter dated 15.12.2016 responded to the Appellant's Application. The Appellant has filed this Appeal on 21.12.2016, against the said response.
- 2) Before passing an Order, the First Appellate Authority has given the Appellant an opportunity of personal hearing on 11.01.2017 by serving upon him a notice of hearing dated 27.12.2016 & 05.01.2017. The Appellant vide letter dated 16.01.2017 informed his inability to remain present for hearing. The PIO attended the hearing and 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 requested provide the following information: - (i) Details of guidelines stipulated and issued by MERC to Licensee with respect to procedure to be followed and documents to be demanded from consumer while accepting and processing the application/request received from consumer for effecting the change of name in electricity monthly bills issued by Licensee. In this respect please provide certified photocopy of guidelines stipulated & issued by MERC to Licensee. (ii) Any approval issued by MERC to MSEDCL and MSEDCL is authorised by MERC to demand the documents (as per list enclosed) from consumer as per list of documents demanded by MSEDCL, before processing consumer's request for change of Name, Please provide certified photocopy of Approval issued by MERC to MSEDCL.
- 5) The Respondent PIO has replied in response to the above queries on 15.12.2016, stating that with respect to queries (a) & (b) that information sought is nature of justification/explanation the PIO is not supposed to answer the justification/explanation. However, for your queries you may refer MERC (Supply Code) Regulations, 2005, which are available in downloadable format on Commission's websites www.merc.gov.in and www.mercindia.org.in.

- 6) Form the perusal of the above it has been noted that the Appellant has sought the photocopy of the guidelines stipulated and issued by MERC to the licensee as well as a copy of any approval issued by MERC to MSEDCL. The Respondent PIO could provide the extract of the Regulation pertaining to the change of name in electricity bills to the Appellant as there are Regulations framed by the Commission namely MERC (Supply Code) Regulations, 2005, by severing the information as per the Section 10 of the RTI Act, 2005. With respect to any approval issued by MERC to MSEDCL, the information sought for approval of MERC the relevant information ought to be provided to the Appellant or has to be inform about its non availability in the office of the Commission. The PIO did not provide the factual information which is available 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 discloser of information. The information / answer provided by the PIO is irrelevant and vague. It has been observed that the Appellant did not ask any justification / explanation to the PIO.
- 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. The Appeal is allowed. However, the Appellant did not paid the requisite fees in the Appeal. Hence, the said information may be made available to the Appellant after paying fees for Appeal and copies / information to be provided to the Appellant as per the Rules.
- 8) 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 allowed.

The PIO is directed to provide the information available in the office of the Commission and respond properly to the application of the Appellant. The Appeal is allowed. However, the Appellant did not paid the requisite fees in the Appeal. Hence, the said information may be made available to the Appellant after paying fees for Appeal and copies / information to be provided to the Appellant as per the Rules.


(Anilkumar Ukey)

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

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(Anilkumar Ukey)

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