



महाराष्ट्र विद्युत नियामक आयोग

Maharashtra Electricity Regulatory Commission

Ref. No.FAA/2018/A-02 /Decision/dt.06.03.2018/0314

Date of RTI Application filed: 28.12.2017
Date of Reply of PIO : 29.01.2018
Date of receipt of First Appeal: 05.02.2018
Date of Decision of First Appeal: 06.03.2018

BEFORE THE APPELLATE AUTHORITY

(Under the Right to Information Act, 2005)

Maharashtra Electricity Regulatory Commission, Mumbai

Appeal No. 02 of 2018

Mr. Rustom D Irani 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 28.12.2017, under the Right to Information Act, 2005, (hereinafter referred to as "RTI Act"). The Respondent vide letter dated 29.01.2018 responded to the Appellant's Application. The Appellant has filed this Appeal on 05.02.2018 against the said response.
- 2) Before passing a decision, the First Appellate Authority has given an opportunity of personal hearing to the Appellant on 21.02.2018 by serving upon him a notice of hearing dated 06.02.2018. The Appellant was present during the hearing held on 21.02.2018, and Respondent PIO had submitted oral submission during 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 has sought information with respect to following queries: (a) Details of Transmission power lines including its towers that run alongside Gavanpada Gaothan in revenue village Mahul supplying electricity to HPCL; (b) Transmission capacity and rating details of electricity supplied through these Transmission towers; (c) License or permission details for erecting maintenance and use of the above referred transmission line under diverse statutes, rules and notifications; (d) Inspection of files and papers.
- 5) The Respondent PIO has replied in response to the above (a) to (d) queries on 29.01.2018 are as follows:

Reply to the query (a) & (b): The information sought under RTI.

"Details of electricity Transmission power lines running along Gavanpada Gaothan in M/East ward at Revenue village Mahul in Mumbai Suburban District."

There are multiple Transmission and Distribution Licensees in Maharashtra including Mumbai. The Applicant, in its application has not mentioned the name of specific Licensee i.e. Transmission or Distribution. Also, information asked by the Applicant is not Specific and not available in Commission's office, except copy of License issued by the Commission to the Tata power Co. Ltd. Transmission Business on 14.08.2014 (Available on Commission's website also). If you required the hard copies of the aforesaid documents are available in office, you have to deposit Rs.72/- [16 pages x Rs. 2 per page + Rs. 40/- for postal charges] by demand draft payable at Mumbai in favour of Maharashtra Electricity Regulatory Commission OR you have to personally visit to Commission's office to pay cash of Rs. 32/- and collect the aforesaid copies of documents.

Reply to the query (c): Transmission License Copies are available in downloadable format on Commission's websites www.merc.gov.in and www.mercindia.org.in.

Reply to the query (d): No information is available in the Commission's office for inspection of related 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 had sought above (a) to (d) queries.
- 7) It has been observed that the PIO did not provide the factual information about the all queries, as it is not available in the office of the Commission.
- 8) Upon perusal of the Appellant's request for information as made through his application, I, find that the information is related transmission lines, its capacity and rating details of electricity supplied through these Transmission towers and License or permission details for erecting, maintenance and use of the above referred transmission line under diverse statutes, rules and notifications. Hence, during the hearing held on 21.02.2018, an opportunity of inspection of the documents were given to the Appellant in the interest of justice, and to make available an

information required by him, as it could be severed from the documents available with the office of the Commission.

- 9) The Appellant has inspected the documents in this Office on 05.03.2018, and the certified documents/information which were requiring to him as per his RTI application given to him by PIO / Respondent free of cost , as the Application was disposed of the after the stipulated time period.
- 10) The Appellant has endorsed his remarked in this appeal, after obtaining the information / documents that he has obtained the information/documents and further, Appellant has no grievances in this Appeal. Accordingly, the Appeal disposed off.
- 11) In case, the Appellant is not satisfied with decision, he/she may prefer a Second Appeal under RTI Act, 2005, within 90 days after the receipt 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

To
Shri Rustom D. Irani,
10/13, Tata Building,
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Copy to:

1. Mr. Pradeep Mohare
PIO, MERC, Mumbai.



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