



महाराष्ट्र विद्युत नियामक आयोग

Maharashtra Electricity Regulatory Commission

Order No. MERC/FAA/2019/APPEAL/04 of 2019/517

Date : 23 May, 2019

Date of RTI Application filed : 18.04.2019
Date of Reply of PIO : 23.04.2019
Date of receipt of First Appeal : 03.05.2019
Date of Order of First Appeal : 23.05.2019

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

Appeal No. 04 of 2019

Shri Ashok B. Shah **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 18.04.2019, under the Right to Information Act, 2005, (hereinafter referred to as "RTI Act"). The Respondent vide letter dated 23.04.2019 responded to the Appellant's Application. The Appellant has filed this Appeal on 03.05.2019, against the said response.
- 2) Before passing an Order, the First Appellate Authority has given the Appellant an opportunity of personal hearing on 20.05.2019 by serving upon him a notice of hearing dated 07.05.2019. The Appellant 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, was as follows:

" When the P.W.D. Govt. of Maharashtra have not cancelled the electrical contractor's licence. The distribution licensee company have the right to ban the entry of the licence holder in entering the premises of the distribution licensee company and non acceptance (rejection) of test report issued by the licence holder. "

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

Application was transferred to Public Information Officer (RTI) MSEDCL Prakashgad, Plot No. G-9, Bandra (East), Mumbai 400051, although the PIO MERC is liable to give the information asked by me.

- 6) It has been observed from the record that, the PIO had transferred Appellants application on 23.04.2019 under section 6(3) of the RTI Act, 2005 to the PIO, MSEDCL, Plot No. G-9, Prakashgad, Bandra (E), Mumbai-400 051.
- 7) It is further observed that the concerned PIO of MSEDCL vide letter bearing No. CE(Dist)/D-III/RTI/2019/31-801/012116 dated 10 May, 2019 has responded to the Appellant here in (Original Applicant) and a copy of said response forwarded to the PIO/Section Officer MERC, 13th floor, WTC, Cuffe Parade, Mumbai-400 005.
- 8) While passing the Order the PIO, MSEDCL informed to the Appellant that if Applicant /Appellant is not satisfied with the information provided can file First Appeal application under Right to Information Act, 2005 before the First Appellate Authority of MSEDCL Shri. P.N. Vadnere, Superintending Engineer(Distribution)/First Appellate Authority.
- 9) In view of the above facts and circumstance, this First Appellate Authority has become '*functus officio*' and the instant Appeal has become infructus.
- 10) The Appellant hereby advise to take further steps of its own as per the provisions of the RTI, Act.
- 11) The copy of response of PIO, MSEDCL is attached herewith for ready reference of the Appellant herein.


(Anilkumar Ukey)

**First Appellate Authority & Director, Legal (I/c)
Maharashtra Electricity Regulatory Commission**

To
Shri. Ashok B. Shah,
403, 4th Floor, Ratnadeep,
Daulat Nagar, 5th Road,
Borivali (E), Mumbai- 400 066.

Copy to:
PIO, MERC, Mumbai.


(Anilkumar Ukey)

**First Appellate Authority & Director, Legal (I/c)
Maharashtra Electricity Regulatory Commission**



(A Govt. of Maharashtra Undertaking)
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PLOT No.G-9, PRAKASHGAD
Prof. ANANT KANEKAR MARG
BANDRA (E), MUMBAI -400 051

CE(Dist)/D-III/RTI/2019/31-801/

012116

Date : 10 MAY 2019

To,
Shri. Ashok B. Shah,
403, 4th floor, Ratnadeep,
Daulat Nagar, 5th Road, Borivali (E) – 400 066.

MERC
Date 16/05/19
No. 1981

Sub: Information against Right to Information Act 2005.

**Ref: Public Information Officer & Section Officer, Maharashtra Electricity Regulatory Commission letter no. MERC/ADM/RTI/38/2019/218 dtd. 23.04.2019.
(Received on dtd. 03.05.2019)**

Respected Sir,

With reference to above, your application dtd. 16.04.2019 addressed to Maharashtra Electricity Regulatory Commission is received by this section vide letter under reference on dtd. 03.05.2019.


The information requested in the application is not clear, the entry into Distribution Licensees which premises and for what purpose is not mentioned. The acceptance of test report in relation to what is also not mentioned in the application.

Accordingly, your application is rejected.

If you are not satisfied with the information provided can file First Appeal application under Right to Information Act, 2005.

The name and address of First Appellate Authority is as below :-

Shri. P.N. Vadnere,
Superintending Engineer (Distribution)/ First Appellate Authority,
MSEDCL, Distribution Section, Prakashgad, Fifth Floor,
Bandra (E), Mumbai - 400 051.


Shri. Dilip Shetty
(I/C) Public Information Officer /
(I/C) Executive Engineer (Dist.-III)

Copy s.w.rs. to :

1. Chief Engineer, MSEDCL, Distribution Section, Prakashgad, Mumbai.
2. Superintending Engineer (Distribution)/ First Appellate Authority, MSEDCL, Distribution Section, Prakashgad, Mumbai.
- 3. Public Information Officer / Section Officer, Maharashtra Electricity Regulatory Commission, 13th floor, Centre no. 1, World Trade Centre, Cuffe Parede, Mumbai – 400 005. ✓