



# महाराष्ट्र विद्युत नियामक आयोग

## Maharashtra Electricity Regulatory Commission

Order No. MERC/FAA/2019/APPEAL/05 of 2019/166

Date : 20<sup>th</sup> June, 2019

Date of RTI Application filed : 08.04.2019  
Date of Reply of PIO : 08.05.2019  
Date of receipt of First Appeal : 13.05.2019  
Date of Order of First Appeal : 20.06.2019

BEFORE THE APPELLATE AUTHORITY  
(Under the Right to Information Act, 2005)

Maharashtra Electricity Regulatory Commission, Mumbai

### Appeal No. 05 of 2019

Shri Mohammed Sajid Qureshi

..... 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 08.04.2019, under the Right to Information Act, 2005, (hereinafter referred to as "RTI Act"). The Respondent vide letter dated 08.05.2019 responded to the Appellant's Application. The Appellant has filed this Appeal on 13.05.2019, against the said response.
- 2) Before passing an Order, the First Appellate Authority has given the Appellant an opportunity of personal hearing on 19.06.2019 by serving upon him a notice of hearing dated 14.06.2019 and on his request subsequently on 19.06.2019. 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, was as follows:

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- 1) *I would like to know under which ground the flat owners of illegal flats constructed above PARKING & REFUGE FLOORS of AAFIYAH HEIGHT has approached your MERC for getting electric meters for their illegal flats, while GENERAL MANAGER, BES&T UNDERTAKING has refused to grant permission for installation of 56 meters for illegal flats.*
- 2) *Kindly provide the bye laws of your MERC for granting electric meters at the illegal flats.*
- 3) *I am ready to pay necessary charges for the said RTI.*

5) **The response provided by PIO to the above queries are as follows:**

- i) The Petitioner Shri Shafique Siddiqui has approached the Commission under section 142 and 146 of the Electricity Act, 2003 for execution of Electricity Ombudsman, Mumbai Order dated 6 February, 2019 in case no. 267 of 2018.
- ii) Please read the Electricity section 142 and section 146 of the Electricity Act, 2003 and read with the MERC CGRF and EO regulation, 2006. This information is available in public domain on the Commission's website in downloadable format on [www.merc.gov.in](http://www.merc.gov.in) and [www.mercindia.org.in](http://www.mercindia.org.in).


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

- Appellant is not satisfied of reply given by the PIO.
- 7) 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 construction in AAFIYAH HEIGHT Building and their owners approached for connection of electric meters.
  - 8) At this juncture it would be appropriate to state that the information sought by the appellant is related with the providing of electric meters, for this purpose a separate authority has been continued under the Electricity Act, 2003. The Commission is concerned with the Regulatory and adjudicatory process. It appears from the official record that an Application filed by Mr. Shafique Siddiqui is pending for adjudication before the Commission.
  - 9) Since, the respondent PIO has provided information to this limited extent furnishing the case details and availability of documents in public domain to the Appellant.
  - 10) Therefore, the Appellant does not made out any case on merits, the Order passed by the PIO need not be interfere by this First Appellate Authority.
  - 11) Hence considering the facts and circumstances of this Appeal, is devoid of merits and dismissed accordingly.

- 12) This Order passed by the First Appellate Authority providing the one more opportunity of hearing to the Appellant therefore, it has been passed in 45 days within the ambit of the provisions of RTI Act, 2005.
- 13) 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, 13<sup>th</sup> Floor, New Administrative Building, Madam Cama Road, Opposite Mantralaya, Mumbai- 400 032.

**Decision**

The Appeal is dismissed accordingly.



20.06.19

(Anilkumar Ukey)

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

To  
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Gate No.335, Room No. 33,  
Byculla, Mumbai- 400 008.

Copy to:  
PIO, MERC, Mumbai.



20.06.19

(Anilkumar Ukey)

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