



महाराष्ट्र विद्युत नियामक आयोग

Maharashtra Electricity Regulatory Commission



MERC/ADM/RTI/09/2018/ 0234

14th February, 2018

To,
Shri Mahesh Chudhary
D/602, Madhuvihar, MGX Road No.4,
Kandivali (West),
Mumbai- 400 067.

Subject : Your application dated 17.01.2018 under RTI Act 2005.

The office of the Commission is in receipt of your application dated 18.01.2018 under section 6 (1) RTI Act 2005 seeking information by the PIO.

The information sought under RTI Act in your application at Para No. A to F is not relevant and not available with this office.

However upon perusal of the Applicants request for information is related with the Reliance Infrastructure Ltd. in this regard, I would like to note that, the information being sought by the Applicant is related to other public authority, in this regard, the Hon'ble CIC in the matter of **Shri Rakesh Agarwal vs. Shri Nandan Singh** (Decision dated 13.01.2014) held that:

"The application under Section 6(3) of RTI Act can only be transferred if it has been made to a proper public authority under Section 6(1). When a petitioner is aware of the location of a given information vis-à-vis a public Authority, it is not open to him to file his RTI application before any Public Authority in the expectation that this latter Public authority would act under Section 6(3) to transfer his application to where the information was known to be held".

However, it is appropriate to mention that a decision passed in RTI Appeal No.20 of 2015, by this appellate authority it has been observed that the 'Reliance Infrastructure Ltd., vide its letter No. ED/RTI/512/2015 dated 07.08.2015 replied to the Appellant Shri. Mithun Kath, that they are of the earnest belief that they are not a "Public Authority" as defined under the RTI Act, and hence, the provisions of the RTI Act, 2005, are not applicable to them. They further, inform to Appellant that the Hon'ble Bombay High Court has stayed the Maharashtra State Information Commission's Order dated 19.07.2011, inter alia holding that R-Infra's Electricity Distribution Business is falling within the definition "Public Authority" as defined under the RTI Act, further, they have stated that in view of the above, they have not yet designated or appointed any public Information Officer or Appellate Authority for providing and / or dealing with request for information under RTI Act'.

१३वा मजला, केंद्र क्र. १, जागतिक व्यापार केंद्र, कफ परेड, कुलाबा, मुंबई - ४०० ००५.

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According to section 2(f) of the Act 'Information' means 'any material in any form'. Ministry of Personnel, Public Grievances & Pensions Department of Personnel Training No. 11/2/2008-IR dated 10th July, 2008. Careful reading of the definition of 'Information' and 'right to information' makes it clear that a citizen has a right to get the material, inspect the material, take notes from the material, take extracts or certified copies of the material, take samples of the material, take the material in the form of diskettes etc. The PIO is required to supply such material to the citizen who seeks it. The Act, however, does not require the PIO to deduce some conclusion from the 'material' and supply the 'conclusion' so deduced to the applicant. The PIO is required to supply the 'material, in form as held by the public authority and is not required to do research on behalf of the citizen to deduce anything from the material and then supply it to him.

In case, if you are not satisfied with our reply, you may approach to Shri Anilkumar Ukey (Dy. Director-Legal), who is Appellate Authority, within thirty days from the receipt of the information as provided under section 19(1) of RTI Act 2005.

Yours faithfully,



(Pradeep Mohare)

Public Information Officer & Section Officer