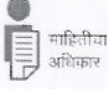




महाराष्ट्र विद्युत नियामक आयोग

Maharashtra Electricity Regulatory Commission



माहितीचा
अधिकार



एक कदम स्वच्छता की ओर

31st January, 2018

MERC/ADM/RTI/108/2017/ 0157

To,
Shri Rajendra Shekokar ,
Room No.29, Manohar Fate Chowl,
Anand Nagar, Marol Pipe Line,
Andheri (East), Mumbai- 400 059.

- Subject** : Your application dated 28.12.2017 submitted under RTI Act 2005
- Ref** : 1. MERC letter No.MERC/ADM/RTI/108/2017/5099, dated 05.01.18.
2. BEST letter No. CECC/RTI/16/2018, dated 15.01.2018.

The office of the Commission is in receipt of your application dated 28.12.2017 under section 6 (1) RTI Act 2005 seeking information sought by the PIO. Accordingly, RTI application has been transferred to BEST on above reference no.1.

BEST has replied to MERC vide its letter as mentioned in reference no.2 (Copy Attached). From the application, it is clear that you are asking about some information from BSES, which is now known as Reliance Energy Ltd. Since the information sought by you is of premises, it does not fall in the vicinity of BEST Undertaking.

I would like to inform you that, the information being sought relates to other public authority (Reliance Energy Ltd.). In this regard, you may kindly refer to the Hon'ble CIC in the matter of **Shri Rakesh Agarwal vs. Shri Nandan Singh** (Decision dated 13.01.2014) held that:

RTI Section 6(3) of RTI Act reads as under:

"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 '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'.

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



महाराष्ट्र विद्युत नियामक आयोग Maharashtra Electricity Regulatory Commission



माहितीचा
अधिकार

MERC/ADM/RTI/108/2017/5099



5th January, 2018

To,
Public Information Officer (RTI)
B.E.S.T. Undertaking,
BEST Bhavan, BEST Marg,
Colaba, Mumbai- 400 001.

Subject : Transfer of RTI application Shri Rajendra Shekokar in terms of section 6 (3) of the RTI, Act, 2005- reg.

Sir,

Kindly find enclosed a copy of RTI application dated 28/12/2017 of Shri Rajendra Shekokar, has been received to the office of the Commission on 28/12/2017. Since the requisite information pertains to your office, The above RTI application is being transferred under Section 6 (3) of RTI Act, 2005.

It is requested to forward the requisite information/documents to applicant directly under intimation to this office.

The applicant has already deposited requisite Court Fee of Rs. 10/-.

Shri Anil Kumar Ukey, Deputy Director (Legal) is the First Appellate Authority for the purpose of Appeal under Sub- Section (1) of section 19 of the Right Information Act, 2005.

Yours faithfully,



(Pradeep Mohare)

Public Information Officer & Section Officer

Copy to:

Shri Rajendra Shekokar ,
Room No.29, Manohar Fate Chowl,
Anand Nagar, Marol Pipe Line,
Andheri-E, Mumbai- 400 059