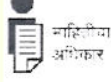




# महाराष्ट्र विद्युत नियामक आयोग

## Maharashtra Electricity Regulatory Commission



MERC/ADM/RTI/78/2017/ 4408

23<sup>rd</sup> October 2017

To,  
Shri Shailesh Naik,  
C/10 Lourdes Housing Society,  
Mohilli Village, Kherani Road,  
Sakinaka, Andheri East,  
Mumbai – 400072.

Subject : Your application dated 23.09.2017 submitted under RTI Act 2005.

The office of the Commission is in receipt of your application dated 25.09.2017 under section 6 (1) RTI Act 2005 seeking information by the PIO.

No	Information Sought	Information Provide
1.	The date on which the Transformer at Jose Nagar.....	This type of information not available with the Commission's office.
2.	The Copy of the NOC issued to the Bombay Suburban Electric Supply.....	
3.	The copy of the renewal application.....	
4.	The Copy of the NOC issued or the Local.....	
5.	If BSES and Reliance Energy pays any rent for the installation	

I, find that the 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 mentioned 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, interalia 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