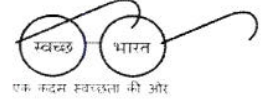




# महाराष्ट्र विद्युत नियामक आयोग

## Maharashtra Electricity Regulatory Commission



MERC/ADM/RTI/87/2018/391

Date: 24.12.2018

To,  
Mrs. Abeda Habibkhan Naru,  
Flat No. 3, Geeta Ashram Building,  
Shivaji Chowk, Dafftary Road,  
Malad(E), Mumbai – 400097.

Subject : Your RTI application dated 22.11.2018 under RTI Act 2005.

Sir,

The office of the Commission is in receipt of your application dated 26.11.2018 under section 6 (1) RTI Act 2005 seeking information by the PIO.

Applicant has sought the information as under:-

No	Information Sought	Information Provide
1	<p>The Certified copy of Application form alongwith the attachment, annexure, exhibit submitted by the applicant for obtaining the New Electricity Connection for the following and also provide the date of connection:</p> <ol style="list-style-type: none"><li>1. Sabir Fajlu Khan, Venu Bai Tambe, Verma Wadi, Dafftary Road, Malad East, Naturecure Hospital Compound, Mumbai – 400097 Meter No. LF2, Consumer No./Account No. 150309507</li><li>2. Fazlu R. H. Khan 1A Venubhai Tambe Chawl, Vermawadi, Khandwala Lane, D Rd., Malad East, NR Bank of Maharashtra, Mumbai – 400097</li><li>3. Salma Begum Habib Khan, Naturecure Hospital Compound, Verma Wadi, Dafftary Road, Malad(E), Mumbai – 97 Meter No. LF2 – 1558275 Consumer No/Account No. K03060003</li></ol>	<p>These types of information are not available with Commission Office.</p> <p>PIO is not supposed to answer the justification / clarification office of the Commission.</p> <p>The requisite information pertains to other utility of Adani Electricity Mumbai Limited (formally known as Reliance Electric Generation and Supply Limited).</p> <p>Adani Electricity Mumbai Ltd. has informed vide its letter dated 20.10.2018 under Section 6 (3) of RTI Act, 2005 (Copy Attached). The Hon'ble Bombay High Court has by its order dated 13.10.2011, interalia stayed the Maharashtra State Information Commission's order dated 14.03.2011 they are not a 'public Authority' as defined under the provisions of Section 2 (h) of the Right to Information Act, 2005 and hence the provisions of the said RTI Act.</p> <p>Hence, the PIO cannot transfer your application under Section 6 (3) of RTI Act, 2005 to Adani Electricity Mmbai Ltd.</p>
2	<p>The Certified copy of Application form alongwith the attachment, annexure, exhibit submitted by the applicant for alteration or modification in respect of name of consumer, address and such other changes for the above, if any along with effective date.</p>	

3	The Certified copy of Application form alongwith the attachment, annexure, exhibit submitted by the applicant for disconnection of Electricity supply for the above, if any along with effective dates.	
4	Provide of Disconnection date and reasons if the Reliance Company as disconnected the electricity supply.	

According to section 2(f) of the RTI Act 'Information' means 'any material in any form'. Ministry of Personnel, Public Grievances & Pensions Department of Personnel Training No. 11/2/2008-IR dated 10<sup>th</sup> 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 form 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.

Ministry of Personnel, Public Grievances & Pensions Department of Personnel Training No. 1/7/2009-IR dated 1<sup>st</sup> June, 2009. Information cannot include within its fold answers to the question "Why" which would be same thing as asking the reason for a justification for a particular thing. The PIO cannot expect to communicate to the citizen the reason why a certain thing was done or not done in the sense of a justification are matter within the domain of adjudication authorities and cannot properly be classified as information." This is not come under RTI.

Shri Anilkumar 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

Enclose:

- Adani Electricity Mumbai Ltd., letter dated 20.10.2018.