



महाराष्ट्र विद्युत नियामक आयोग

Maharashtra Electricity Regulatory Commission



MERC/ADM/RTI/91/2018/0383

Date: 19.12.2018

To,
Shri Dayanand K. Shetty,
3rd Floor, Terrace Premises,
11 Arsiwalla Mansion,
Byculla (E), Mumbai-400027.

Subject : Your RTI application dated 7.12.2018 under RTI Act 2005.

Sir,

The office of the Commission is in receipt of your application dated 07.12.2018 under section 6 (1) RTI Act 2005 seeking information by the PIO.

Applicant has sought the information as under:-

No	Information Sought	Information Provided
1	Wheeling Charges item no. 4 in BEST bill for it consumers what section of E.A. 2003 allows MERC to let BEST collect the said wheeling charge from all its consumers.	As per Section 62 of Electricity Act 2003 (Determination of Tariff)
2	Why is Wheeling charges not collected from all its consumers by TPC-D, Adani or MSEDCL	Wheeling charges are levied in their respective Tariff Orders.
3	What is the rationale for BEST consumers of less than 300 units per month paying higher wheeling charges	In MTR Order in Case No. 203 of 2017 dated 12 th September, 2018 (page no 262 To page no. 265) describes rationale behind wheeling charges.

All Regulation and Tariff Orders are available in a downloadable format on the website of the Commission www.merc.gov.in and www.mercindia.org.in.

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 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 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.

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

13th Floor, Centre No. 1, World Trade Centre, Cuffe Parade, Mumbai - 400 005.


Tel.: 022-2216 3964 / 2216 3965 / 2216 3969 Fax : 022-2216 3976

E-mail : mercindia@merc.gov.in / mercindia@mercindia.org.in Website : www.merc.gov.in / www.mercindia.org.in

Ministry of Personnel, Public Grievances & Pensions Department of Personnel Training No. 1/7/2009-IR dated 1st 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 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