



# महाराष्ट्र विद्युत नियामक आयोग

## Maharashtra Electricity Regulatory Commission



Order No. MERC/FAA/2022/APPEAL/ 07 of 2022/0385

Date : 18<sup>th</sup> August, 2022

Date of RTI Application filed : 06.06.2022  
Date of Reply of PIO : 04.07.2022  
Date of receipt of First Appeal : 11.07.2022  
Date of Order of First Appeal : 18.08.2022

**BEFORE THE APPELLATE AUTHORITY**  
**(Under the Right to Information Act, 2005)**  
**Maharashtra Electricity Regulatory Commission, Mumbai**

### Appeal No. 07 of 2022

Shri. Ashish Subhash Chandarana

..... **Appellant**

**Vs.**

PIO, MERC, Mumbai

..... **Respondent**

In exercise of the power, conferred upon the Appellate Authority by Section 19 (6) of Right to Information Act, 2005, the Appellate Authority makes the following decision:

### Facts of the Appeal

- 1) The Appellant had filed an application dated 05.07.2022, under the Right to Information Act, 2005, (hereinafter referred to as "RTI Act"). The application received at the Commission's Office on 11.07.2022.
- 2) Before passing an Order, the First Appellate Authority has given Appellant an opportunity of personal hearing on 26.07.2022 by serving upon him a notice of hearing dated 21.07.2022. The Appellant vide an email dated 25.07.2022 requested to the FAA for grant to access the hearing through Video Conference. On the request of the Appellant a link for hearing through Video Conference has been provided. The Appellant and PIO were present in the hearing through Video Conference. In the hearing Appellant presented oral and written submission.

- 3) I have carefully considered the application, the response and the Appeal and find that the matter can be decided based on the material available on record.
- 4) **Upon perusal of the Appellant's request for information as made through his application, was as follows:**
- i. Provide the copy of Inspection report on the reinjection audit of the MERC for the Year 2019-20 and 2020-21.
  - ii. Please provide the detailed item wise reply furnished by MERC to the CAG for the FY 2019-20 and 2020-21.
  - iii. Provide the copy of Resolution/ Minutes of the meeting at MERC giving rise to Letter seeking appointment of Mr. Abhijit Deshpande as a Secretary, MERC. (Precisely Applicant seeks the documents related to decision making process by which MERC come to the conclusion that only Mr. Abhijit Deshpande is fit to appointment as Secretary, MERC)
  - iv. Letter written by MERC to Energy Secretary seeking Mr. Abhijit Deshpande as a Secretary, MERC.
  - v. Letter / communication / correspondence with all the authorities seeking original appointment and extension to appointment of Secretary, MERC Mr. Abhijit Deshpande.

5) **The response provided by PIO to the above queries are as follows:**

To the Point No. i & ii above the PIO responded that-

CAG Report can be given only if the same is placed before the State Legislature.

Accordingly, this Office has requested CAG to provide the information.

To the Point No. iii to v above the PIO responded that-

Relates to personal information covered under Section 8(1) (j) of the Act.

6) **Reason for filing an Appeal:-**

No information provided / no reply provided.

7) **The Grounds of the Appeal:**

Non receipt of information within time frame, Appeal is made.

8) **Issues raised in the Appeal:**

It is submitted that during the Video Conference hearing the Appellant has raised the issues orally and also submitted his written note of argument dated 26.07.2022 issues are involved in the Appeal as under:

- (a) The information relates to the personal information u/s 8 (1) (j) of the RTI Act.
  - (b) The CAG Report/Inspection Report can be given only same is placed before the State Legislature.
- 9) The PIO during the Video Conference hearing submitted that he has referred a Judgement of Supreme Court of India in Civil Appeal No. 22 of 2009, SLP (C) No. 27734 of 2012 and a CIC Order No. CIC/SM/A/2 in Case of Mr. Pradeep Gupta Vs. CAG, dated 20.03.2014 and accordingly, he has passed the Order and furnished the information to the Appellant. The PIO by providing rationale for not providing CAG Report and not furnishing information justified. Since information not provided to the Appellant.
- 10) In spite of the above issues an issue was raised and come to the consideration of this authority regarding not furnishing of information within stipulated time period by the Respondent PIO.

This issue was discussed in Video Conference hearing and it has been stated by the PIO that even though the Application received through an email on 01.06.2022, however, the hard copy of the Application has been received by the PIO on 06.06.2022 and accordingly, he has passed the Order within the stipulated time period.

In prima facie in my observation this particular issue is not material as the fee were not paid by the Appellant through online payment and PIO was not in receipt of that fee and PIO has ensured the required fee on receipt of the hard copy of the Application. Therefore, this issue has not been dealt and concluded in the primary stage.

The Respondent PIO not provided the information to the point no. 3, 4 & 5 of the RTI Application as it relates to the personal information covered u/s 8 (1) (j) of the RTI Act.

The Section runs as follows:

*“ 8 (1) (j) information which relates to personal information the disclosure of which has no relationship to any public activity or interest, or which would cause unwarranted invasion of the privacy of the individual unless the Central Public Information Officer or the State Public Information Officer or the appellate authority, as the case may be, is satisfied that the larger public interest justifies the disclosure of such information:*


*Provided that the information which cannot be denied to the Parliament or a State Legislature shall not be denied to any person.”*

It is submitted that the Respondent PIO has justified that there is no public interest as the Appellant has sought the information.

- 11) In view of the above observations the Appeal is dismissed.
- 12) This Appeal has been disposed of within 45 days of extended time period as per section 19 (6) due to workload and consecutive holidays in the month of August 2022.
- 13) In case, the Appellant is not satisfied with decision, he may prefer Second Appeal under RTI Act, 2005, within 90 days from the issue of this decision before the State Information Commissioner, 13<sup>th</sup> Floor, New Administrative Building, Madam Cama Road, Opposite Mantralaya, Mumbai- 400 032.

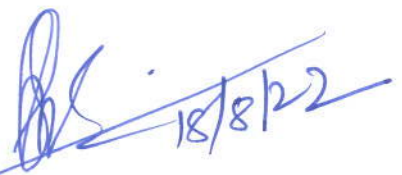
**Decision**

Appeal is dismissed.

  
18/08/22

**(Anilkumar Ukey)**  
**First Appellate Authority & Director, Legal (I/c)**  
**Maharashtra Electricity Regulatory Commission**

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18/8/22

**(Anilkumar Ukey)**  
**First Appellate Authority & Director, Legal (I/c)**  
**Maharashtra Electricity Regulatory Commission**