



महाराष्ट्र विद्युत नियामक आयोग

Maharashtra Electricity Regulatory Commission

Order No. MERC/FAA/2022/APPEAL/10 OF 2022/0522

Date: 07.11.2022

Date of RTI Application filed: 18.08.2022

Date of Reply of PIO: 15.09.2022

Date of receipt of First Appeal: 30.09.2022

Date of Order of First Appeal: 07.11.2022

BEFORE THE APPELLATE AUTHORITY

(Under the Right to Information Act, 2005)

Maharashtra Electricity Regulatory Commission, Mumbai

Appeal No. 10 of 2022/46 of 2022

Shri. Anilkumar Ukey

..... 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 has filed an application dated 17.08.2022, under the Right to Information Act, 2005, (hereinafter referred to as "RTI Act"). The application received at the Commission's Office on 18.08.2022.
- 2) Before passing an Order, the First Appellate Authority has given Appellant an opportunity of personal hearing on 10.10.2022 by serving upon him a notice of hearing dated 04.10.2022. The Appellant and PIO were present in the hearing. 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 inspection of office files and certified copies of the list of all Deputy Directors i.e. Technical, Legal and Admin & Finance in the establishment of the Commission.

- ii. Provide inspection of Office files and certified copies of the Office notes, drafts and all related documents while giving promotion to the Under Secretary, Assistant Director, Executive Director, Deputy Director, Section Officer and Librarian.
- iii. Provide inspection of Office files and certified copies regarding the representations made by the all Officers for their promotions.
- iv. Provide inspection of Office files and certified copies of the decisions, notes, drafts and all relevant documents while taking decisions for promotion to the post of all Deputy Directors i.e. Technical, Legal, Admin & Finance, Under Secretary, Assistant Director, Executive Director, Section Officer and Librarian.
- v. Provide inspection of Office files and certified copies and details as per Government of Maharashtra (GAD) Notification dated 16.02.2021 the decisions taken for the promotion and if according to said GR action is not taken by the concerned department, then what action has been taken against that Officer.
- vi. Provide inspection of Office files and certified copies of Anilkumar Ukey, Director Legal (I/C) personal file and office notes dated 16.04.2019, 17.02.2022 and decisions taken by the Commission and all drafts, and all related documents and copies of the representations and decisions taken on the same.

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

- i. Related to information covered under Section 8(1)(j) of the RTI Act,2005.

Further, it is mentioned that as the applicant is working as Deputy Director (Legal) in the office of the Commission, his office file has been given to him to inspect and during the inspection, he has not demanded any documents in xerox from his office file.

- ii. Related to information covered under Section 8(1)(j) of the RTI Act,2005
- iii. Related to information covered under Section 8(1)(j) of the RTI Act,2005.

Further, it is mentioned that as the applicant is working as Deputy Director (Legal) in the office of the Commission, his office file regarding the representations made for promotion by him has been given to inspect and during the inspection, he has demanded 08 numbers of pages. He has made same demand in relation to point no.vi below of this letter. Hence, number of pages has not been counted here.

- iv. Related to information covered under Section 8(1)(j) of the RTI Act,2005.
- v. This information is not available with this office.
- vi. It is mentioned that as the applicant is working as Director (Legal) (I/C) in the office of the Commission, his personal file and office notes dated 16.04.2019, 17.02.2022 and decisions taken by the Commission and all drafts, and all related documents and copies of the representations and decisions taken on the same has been given to him to inspect and during the inspection, he has demanded 63 number of pages. Same number of pages will be made available to him upon payment as per RTI (Fees & Charges) Act 2005.

6) Reason for filling an Appeal:

- i. The PIO without providing Inspections of the Official Files/ Records w.r.t. para (i) to (v) how the PIO inferred that the information sought by the Appellant is personal

information under section 8(1) (j) of the RTI Act, 2005. This is the roguish and frivolous and denied the information intentionally to the Appellant.

(ii) The Appellant had sought official Notes for promotions to the all officers and Representations made by the other Employees which having nexus of the Public Activity cannot be denied to the Appellant.

(iii) The PIO has denied information Blanketly to the Appellant.

(iv) The PIO has not applied his mind while passing the order dated 15.09.2022.

(v) The information sought in para (i) to (v) regarding official Notes and Promotions Representations etc. are not personal information.

(vi) Reply of PIO to Para (i) to (v) is incorrect, and his understanding is not clear. I have sought Official Notes which are related to the Public Activity.

(vii) The PIO failed to given reasoning and reasoned Order how the information sought by the Appellant is personal information.

(ix) The Appellant had not sought any personal information which includes as such the Medical Report of a person, Bank details, Marriage Certificate, Matrimonial issues, Payment details, Salary, PF details, Services Book, Assets & Liabilities, Leave Record, Passport, ITR details etc. Thus, the PIO has given frivolous information which is amount denial of information within the ambit of RTI Act.

7) **The Grounds of the Appeal:** Documents received partly

8) **Issues raised in the Appeal:** The PIO failed to give reasoning and reasoned order how the information sought by the Appellant is personal information

Observation: After hearing I had called all The files (which were asked by the appellant for inspection) and verified the data if it is personal in nature.

And come to the conclusion that PIO needs to confirm from the respective officers regarding files (file in the name of particular officer) if, we can allow appellant to inspect the data pertaining to their file as per RTI Act 2005 section 11.

9) **In view of above PIO is directed to act as per observation at 8 above.**

10) 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 October 2022.

11) 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, 13th Floor, New Administrative Building, Madam Cama Road, Opposite Mantralaya, Mumbai- 400 032.

Decision

PIO is directed for further action.



(Aarti Bodhare)

**First Appellate Authority & Deputy Director, (A&F)
Maharashtra Electricity Regulatory Commission**

To

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(Aarti Bodhare)

**First Appellate Authority & Deputy Director, (A&F)
Maharashtra Electricity Regulatory Commission**

CC:-

**PIO, MERC,
Mumbai**