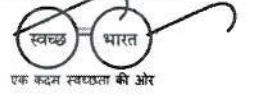




महाराष्ट्र विद्युत नियामक आयोग

Maharashtra Electricity Regulatory Commission



Order No. MERC/FAA/2022/APPEAL/ 12 of 2022/0631

Date : 08.12.2022

Date of RTI Application filed : 23.09.2022
Date of Reply of PIO : 04.10.2022
Date of receipt of First Appeal : 09.11.2022
Date of Order of First Appeal : 08.12.2022

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

Appeal No. 12 of 2022

Mr. Ramzan Shaikh

..... **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 22.09.2022, under the Right to Information Act, 2005, (hereinafter referred to as "RTI Act"). The application received at the Commission's Office on 23.09.2022. The Respondent/PIO provided the information to the Appellant vide letter dated 04.10.2022. Accordingly, the Appellant filed the First Appeal on 04.11.2022 (First Appeal received to the Commission's Office on 09.12.2022).
- 2) Before passing an Order, the First Appellate Authority has given Appellant an opportunity of personal hearing on 24.11.2022 by serving upon him a notice of hearing dated 10.11.2022. The Appellant and PIO were present in the hearing and presented oral 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:**

Please provide me action taken report on my letter dated 23.07.2022.

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

Vide this office letter dated 12.08.2022 your application dated 23.07.2022 was forwarded to The Chief Executive Officer, Adani Electricity Mumbai Ltd., Borivali (W), Mumbai – 400092.

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

PIO by purposely refusing to give me reply for my RTI dated 22.09.2022, hence the Appeal.

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

The relevant information required from you not given, hence the Appeal.

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

The Appellant has asked the information regarding what action taken report on his letter dated 23.07.2022.

It is clear as per the CIC Order that-

CIC Judgement:-

The Hon'ble CIC in the matter of Shri Madan lal Aswal and Dal Chand Vs. CPIO Municipal Corporation Delhi (Decision dated 05.11.2008) held that "The respondent has replied to the query about the ownership of the land and the responsibility of maintenanceThe appellant now wants to know why action of demolition has not been taken, before allotment which according to him was precondition. Though the respondents are well intentioned, reasons for actions or inaction of public authorities cannot be obtained unless they have been recorded by the public authority. The PIO cannot be expected to provide reasons unless they are recorded."

Hence, the Appeal is devoid of merit and dismissed.

- 9) In view of the above observations the Appeal is dismissed.
- 10) 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

The Appeal is dismissed.



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

To
Mr. Ramzan Shaikh,
Room No. 125, Ahilyabai Holkar Chawl,
Annabhau Sathe Nagar, Opp. PMGP Colony,
Mumbai – 400 043.
Mob.No.9892185445



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