



# महाराष्ट्र विद्युत नियामक आयोग

## Maharashtra Electricity Regulatory Commission



माहितीचा  
अधिकार



Dt.22.07.2022

MERC/ADM/RTI/038/2022/0341

To,  
Shri. Vilas T. Bhoskar,  
Advocate and (Vice President, Akhil Bhartiya Grahak Panchayat,  
Vidarbha Prant, Nagpur),  
C - 1, Kartik Apts., 40 - A, Pande Layout, Khamla Road,  
Nagpur - 440025.

Subject : Your application dated 03.06.2022 submitted under RTI Act 2005.

Your application has been transfer from Energy, Industry & Labour Dept., Mantralaya vide its letter No. माअअ-२०२२/प्र.क्र.१०७/ऊर्जा-२, Dated 08<sup>th</sup> June, 2022 under section 6 (3) RTI Act 2005 to the Public Information Officer, Maharashtra Electricity Regulatory Commission, Mumbai. The office of the Commission is in receipt of your application dated 08.07.2022 under section 6 (1) RTI Act 2005 seeking information by the PIO as under:

No	Information Sought	Information Provided
1	Please provide information about name and educational qualification of persons appointed as Chairperson of MERC and Chairperson of State Electricity Grievance Redressal Committee from year 2017 to 2022.	<ul style="list-style-type: none"><li>Name of Chairperson, MERC from 2017 to 2022 – 1) Shri Anand Kulkarni (Retd. IAS) 2) Shri Sanjay Kumar (Retd. IAS)</li><li>The process of appointment of Chairperson, MERC is made by Industries, Energy and Labour Department, Government of Maharashtra. Hence, requisite information is may be obtained from Industries, Energy and Labour Department, Government of Maharashtra.</li><li>There is no any State Electricity Grievance Redressal Committee but there is Consumer Grievance Redressal Forum.</li><li>The MERC (Consumer Grievance Redressal Forum &amp; Electricity Ombudsman) Regulations, 2006, provided that the appointment of the Chairperson shall be done by the Distribution Licensee. Further the Commission on 21 September, 2020 notified the MERC (Consumer Grievance Redressal Forum &amp; Electricity Ombudsman) Regulations, 2020 provides that, the Commission shall nominate the Chairperson.</li><li>Therefore, the information regarding name and educational qualification of persons appointed as Chairperson of Consumer Grievance Redressal Forum from 2017 to 2020 may be obtained from respective Distribution Licensee.</li><li>The information regarding name of persons appointed as Chairperson of Consumer Grievance</li></ul>

		<p>Redressal Forum from 2020 to 2022 is available on MERC website <a href="http://www.merc.gov.in">www.merc.gov.in</a>.</p> <ul style="list-style-type: none"> <li>• Educational qualification of persons appointed as Chairperson of Consumer Grievance Redressal Forum from 2020 to 2022 relates to personal information covered under Section 8(1)(j) of the Act.</li> </ul>
2	<p>Whether the persons appointed as Chairperson of MERC and Chairperson of State Electricity Grievance Redressal Committee from the year 2017 to 2022 are Judicial Officers as contemplated under Electricity Act, 2003?</p>	<p>Information asked in question format. The Act does not permit raising imaginary questions and expecting the PIO to find answers for them.</p> <p>A Public Information Officer (PIO) is not expected to provide intangible such as interpretations, opinions, advices, explanations, reasons as they cannot be said to be included in the definition of information in Section 2(f) of the RTI Act, 2005.</p>

According to section 2(f) of the 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 from 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. The Act, however, does not require the PIO to deduce some conclusion from the 'material' and supply the 'conclusion' so deduced to the applicant. The PIO is required to supply the 'material, in form as held by the public authority and is not required to do research on behalf of the citizen to deduce anything from the material and then supply it to him.

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, Director (Legal) In-charge is the first Appellate Authority for the purpose of Appeal under Sub- Section (1) of section 19 of the Right Information Act, 2005. Address: Maharashtra Electricity Regulatory Commission, World Trade Centre, Centre No.1, 13th Floor, Cuffe Parade, Mumbai – 400005 Tel. No. 022-22163964/65/69. Email: [anilkumar.ukey@merc.gov.in](mailto:anilkumar.ukey@merc.gov.in).

Yours faithfully,



(Arun Walunj)

Public Information Officer & Under Secretary

**Copy to:-**

Smt. Sushama Kambali, Under Secretary & PIO, Energy, Industry & Labour Dept., Mantralaya (Main Building), 3<sup>rd</sup> Floor, Madam Kama Marg, Hutatma Rajguru Chouk, Mumbai – 400032.