



महाराष्ट्र विद्युत नियामक आयोग

Maharashtra Electricity Regulatory Commission



MERC/ADM/RTI/067/2022/0515

Dt. 03.11.2022

To,
Smt. Neetam Vivek Tiwari,
Bldg. No. 6, Flat No. 604,
Indraprath Co-Op. Soci.,
Near Chatrapati Shivaji Raje Complex,
Kandivali (West), Pin – 400067

Subject : Your application dated 15.10.2022 submitted under RTI Act 2005.

Sir,

Your application has been transfer from CERC vide its letter No. ADMIN-11037/1/2019-RTI CELL/CERC, Dated 18th October, 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 through CERC by email dated 19.10.2022 under section 6 (1) RTI Act 2005 seeking information by the PIO as under:

No	Information Sought	Information Provide
	<p>My husband owns Room No. A7, Panchganga Society, Dahanukarwadi, Kandivali (West), Datta Mandir, Cross Road, Mumbai-400067. I will annexed the documents in the name of my husband. On 5.10.2022 while I was making online payment of electricity bill of Adani Electricity bill of Adani Electricity as usual, I was shocked to see that the name of mu husband i.e. Vivek Anilkumar Tiwari was changed to my Mother-in-law i.e. Geeta Anilkumar Tiwari. I went to the Adani Electricity customer case centre where I came to know that by fraudly making gift deed they transferred the flat rights from Vivek Anilkumar Tiwari to Geeta Anilkumar Tiwari.</p> <p>Please answer to this questions-</p>	
1	Is it so easy to make forged Gift deed and registering it?	Information asking in question format. The Act does not permit raising imaginary questions and expecting the PIO to find answers for them.
2	How come the Electricity authority change the name of the owner without his presence and signature?	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.
3	There is no reply from Adani Electricity customer and no documents have been provided to us, tell us how to proceed with the case?	However, according to point no. 2 information sought seems to be related to Maharashtra Electricity Regulatory Commission (Electricity Supply Code and Standards of Performance for Distribution Licensees, including Power Quality) Regulations, 2021 The above Regulations are available in downloadable format on Commission's websites www.merc.gov.in

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.

The requisite information pertains to other utility of Adani Electricity Mumbai Limited (formally known as Reliance Electric Generation and Supply Limited). Adani Electricity Mumbai Ltd. was informed that The Hon'ble Bombay High Court has by its order dated 13.10.2011, interalia stayed the Maharashtra State Information Commission's order dated 14.03.2011 they are not a 'public Authority' as defined under the provisions of Section 2 (h) of the Right to Information Act, 2005 and hence the provisions of the said RTI Act (Attached Order copy). Hence, the PIO cannot transfer your application under Section 6 (3) of RTI Act, 2005 to Adani Electricity Mumbai Ltd.

If you have personal complaints, the Commission has set up a Consumer Grievance Redressal Forum system. Consumer can approach to this system for their grievance. Address: Consumer Grievance Redressal Forum, Adani Electricity Mumbai Ltd., 1st Floor, Adani Electricity Office, Devidas Lane, S. V. Road, Near Devidas Lane Telephone Exchange Office, Borivali (W), Mumbai - 400103.

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.

Yours faithfully,


(Arun Walunj)

Public Information Officer & Under Secretary

Copy to:-

Shri Sachin Kumar,
Assistant Secretary (P&A), Nodal Officer (RTI),
Central Electricity Regulatory Commission,
Ground Floor, Chanderlok Building,
36, Janpath, New Delhi - 110001.