



# महाराष्ट्र विद्युत नियामक आयोग

## Maharashtra Electricity Regulatory Commission



एक कदम स्वच्छता की ओर  
Dt. 15.11.2022

MERC/ADM/RTI/075/2022/0562

To

Shri. Soumya Deep Das,  
National Institute of Advanced Studies (NIAS), Bengaluru,  
Indian Institute of Science (IISc) Campus, Karnataka, India,  
Pin-560012.

Subject : Your application dated 02.11.2022 submitted under RTI Act 2005.

Sir,

The office of the Commission is in receipt of your application dated 07.11.2022 under section 6 (1) RTI Act 2005 seeking information by the PIO.

Applicant has sought the information as under:-

No.	Information Sought	Information Provided
i	In FY 2021-22 or in the past financial years, is there any evidence of <b>'Gold Plating'</b> (i.e. unnecessary or excess expenditure to increase profit margin) by any of the regulated utilities in Maharashtra? If yes, please kindly provide the details?	Information asked in question format. The Act does not permit raising imaginary questions and expecting the PIO to find answers for them.
ii	In FY 2021-22 or in the past financial years, is there any evidence of <b>'Cost Padding'</b> (i. e. falsify costs to increase cost reimbursement from regulator) by any of the regulated utilities in Maharashtra? If yes, please kindly provide the details?	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.
iii	In FY 2021-22 or in the past financial years, is there any evidence of <b>office memorandum or notifications or policy directives being issued by the State Government towards MERC on matters related to retail tariff?</b> If yes, please kindly provide the details?	
iv	When was the last time did MERC <b>revised the retail tariff</b> in Maharashtra? Please kindly provide the details of tariff revision?	

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