



# महाराष्ट्र विद्युत नियामक आयोग

## Maharashtra Electricity Regulatory Commission

Order No. MERC/FAA/2023/APPEAL/ 1 of 2023/ 0210

Date: 2 May, 2023

Date of RTI Application filed: 5 January, 2023

Date of Reply of PIO: 13 January, 2023

Date of receipt of first Appeal: 13 February, 2023

Date of hearing on the first Appeal: 12 April, 2023

Date of Order of the first Appeal: 2 May, 2023

### BEFORE THE APPELLATE AUTHORITY

(Under the Right to Information Act, 2005)

Maharashtra Electricity Regulatory Commission, Mumbai

### Appeal No. 1 of 2023

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 make the following decision:

### Facts of the Appeal:

- 1) The Appellant had filed an application dated 5 January, 2023, under the Right to Information Act, 2005 (hereinafter referred to as "RTI Act"). The application received at the Commission's Office on 5 January, 2023. The Respondent/ PIO provided the information to the Appellant vide letter dated 13 January, 2023. However, the Appellant

did not receive the Reply on its postal address. Accordingly, the Appellant filed the First Appeal on 13 February, 2023.

- 2) Before passing an Order, the First Appellate Authority has given Appellant an opportunity of personal hearing on 12 April, 2023 by serving upon him a notice of hearing dated 5 April, 2023. The Appellant and PIO were present in the hearing and presented oral submissions.
- 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 full information about Mr. Anilkumar Ukey, Director -Legal Department (I/C), i.e., date of joining of your department. His earlier position before joining MERC and since how long he is serving MERC?*

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

*The information regarding date of joining and how long he is serving MERC is available in downloadable format on Commission's website [www.merc.gov.in](http://www.merc.gov.in)*

*The information regarding his earlier position before joining MERC is covered under Section 8 (1)(j) of the RTI Act, 2005.*

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

*No reply received, hence the Appeal.*

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

*The information sought is not given.*

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

The Appellant had asked information to PIO vide its application dated 5 January, 2023. It was requested to provide the full information about Mr. Anilkumar Ukey, Director - Legal Department (I/C), i.e., date of joining of your department. His earlier position before joining MERC and since how long he is serving MERC?

The PIO sent the reply to the Applicant on its postal address with registered AD post providing the information vide its letter dated 13 January, 2023. The reply of the PIO was also uploaded on Commission's website under the RTI Replies head.

The Appellant has contended that that he has not received the reply.

**9) The Appellate Authority has gone through the documents provided by Appellant as well as the PIO and observed as under:**

- a) The PIO has replied the Appellant vide letter No. MERC/ ADM/ RTI/ 04/ 2023/ 28 dated 13 January, 2023 vide registered AD post.
- b) The address mentioned in the application by applicant and on the envelope of the registered AD post written by PIO was found same.
- c) The Registered AD postage acknowledgement No. EM114272620IN dated 13.01.2023 at 15:54 hrs are provided by PIO.
- d) The PIO submitted the Indian post registered AD tracking report for the consignment No. EM114272620IN wherein the complete tracking record is available. The Postman has visited the premises on 14 January, 2023 and found the door locked. The Door lock intimation was served, and the consignment was kept on hold till 20 January, 2023 by the Shivaji Nagar post office.
- e) The Shivaji Nagar post office has returned the letter on 20 January, 2023 as unclaimed and same was returned on 23 January, 2023 to MERC Office.

10) The Appellate Authority notes that the Applicant has sought the information through the Registered AD and no other means of communication was specified in the RTI application dated 5 January, 2023.

11) Furthermore, the Appellate Authority notes that the same reply is also uploaded on MERC website.

12) Therefore, the Appellate Authority satisfied that the PIO has made every effort to reply to the Applicant. The Appellate Authority does not find any reason to accept the contentions of Applicant for non-receipt of the reply.

13) No reason was submitted or stated by the Applicant during the person hearing as to why the consignment was not claimed by the Applicant when the Shivaji Nagar Post Office has intimated and kept the consignment on hold for almost a week (during 14 January, 2023 to 20 January, 2023) before returning it to MERC Office.


Hence the Appeal is devoid of merits and dismissed.

14) It is also needed to mention that the information was sought about Mr. Anilkumar Ukey who is the Regular Appellate Authority in MERC. However, after receiving the Appeal he has remarked as "NOT BEFORE ME" to ensure fair and transparent process of justice.

- 15) Thereafter the MERC Office has referred the matter to the undersigned as an Appellate Authority for this particular matter on 29 March, 2023. Thereafter the personal hearing was conducted on 12 April, 2023. Therefore, there is delay in passing the Order.
- 16) In view of the above, the Appeal is found devoid of merits and hence dismissed. However, as a matter of courtesy, the applicant may collect the hard copy from PIO by visiting the Office of the Commission during the working hours within a week if he wishes to do so.
- 17) In case, the Appellant is not satisfied with the decision, the applicant may prefer Second Appeal under RTI Act, 2005 within 90 days from the issue of this decision before the State Information Commissioner, 13<sup>th</sup> Floor, New Administrative Building, Madam Cama Road, Opposite Mantralaya, Mumbai-400032.


**Decision:**

The Appeal is dismissed.

  
2/5/2023  
(Siddharth Rokade)

First Appellate Authority & Deputy Director (Technical)  
Maharashtra Electricity Regulatory Commission

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2/5/2023  
(Siddharth Rokade)

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