



# महाराष्ट्र विद्युत नियामक आयोग

## Maharashtra Electricity Regulatory Commission



MERC/ADM/RTI/067/2023/0265

Dt. 08.06.2023

To,

Shri. Prabhat,  
LIG 212, E 7 Arera Colony,  
Near Union Bank,  
Bhopal, MP, Pin: 462016.

Subject : Your application dated 29.05.2023 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 30<sup>th</sup> May, 2023 under section 6 (3) RTI Act 2005 to the Public Information Officer, Maharashtra Electricity Regulatory Commission, Mumbai. The office of the Commission received the application by email dated 05.06.2023 under section 6 (1) RTI Act 2005 seeking information by the PIO as under:-

No.	Information Sought	Information Provided
	Kindly share the information about the IBC 2016 & its superseding provisions.	
1	The IBC 2016 provisions are superseding in nature over Electricity Supply Code 2016?	Information asked in question format. The Act does not permit raising imaginary questions and expecting the PIO to find answers for them.
2	The IBC 2016 prescribes the claim form submission by all creditors and Electricity Distribution Company is responsible for submission of claim form to liquidator?	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	The Electricity Supply Code 2021, shall not stand against the provisions of the IBC 2016?	
4	Any judgement from the Hon. SC on the applicability of supply code provisions over the IBC 2016.	This information is not available with the Office of the Commission.
5	The recovery steps to be taken by the distribution company for the Company in liquidation under the IBC 2016.	

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:-**

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