



महाराष्ट्र विद्युत नियामक आयोग

Maharashtra Electricity Regulatory Commission



माहितीचा
अधिकार

MERC/ADM/RTI/075/2023/0294



एक कदम स्वच्छता की ओर

Dt. 22.06.2023

To,

Shri. Vijay Hiremath,
Rashmi PINK City, 002,
Don Bosco Road, Naigaon,
Palghar, Pin – 401208.

Subject : Your application dated 08.06.2023 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 12th June, 2023 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 by email dated 12.06.2023 under section 6 (1) RTI Act 2005 seeking information by the PIO as under:-

No.	Information Sought	Information Provided
1	Reference to email dated 10 May, 2023 same I have enclosed as attachment from Adani, I need to know the circular which states that recovery of arrears will be made from the customer imposing the rate of interest effective from the date of arrear was generated by service provider. Reference given of Order dated 5 th April, 2020, 325 of 2019 (Note-Relevant details in attachment are highlighted in yellow color)	The Commission in its MYT Order in Case No. 325 of 2019 dated 30 th March, 2020 of AEML-D & MTR Order in Case No. 231 of 2022 dated 31 st March, 2021 has ruled regarding recovery of arrears from change over and migrated consumers.
2	I am not able to download the circular available on the website of MERC as enclosed for order dated 25 th April, 2020, 325 of 2019.	Both Orders are available in downloadable form on Commission website www.merc.gov.in
4	I want to get the information that, Is Adani or Reliance authorized to get their arrears settled even after 9 years of delay in informing the same to the customer that this is what arrear is against your account, in my case they have raised their arrears after 9 years of delay with adding up accumulated interest?	
3	I will require the minutes of discussion of meeting held for finalizing this order of given order dared 25 th April, 2020, 325 of 2019.	This information is not available with the Office of the Commission.
5	I must say they have purposely done this to accumulate interest to impose on me on arrears they say is outstanding?	Information asked in question format. The Act does not permit raising imaginary questions and expecting the PIO to find answers for them. A Public Information Officer (PIO) is not expected to provide intangible such

१३वा मजला, केंद्र क्र. १, जागतिक व्यापार केंद्र, कफ परेड, मुंबई - ४०० ००५.

13th Floor, Centre No. 1, World Trade Centre, Cuffe Parade, Mumbai - 400 005.

Tel.: 022-2216 3964 / 2216 3965 / 2216 3969 Fax : 022-2216 3976

E-mail : mercindia@merc.gov.in Website : www.merc.gov.in

		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.
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As per the Hon'ble CIC decision No. CIC/YA/A/2014/000379/SB Dated 19.09.2016 in the matter of Shri. K. Lall Vs M. K. Bagri, Assistant Registrar of Companies and CPIO, Appeal No. CIC/AT/A/2007/00112, dated 12.04.2007, since the same is available in public domain, the PIO is not obliged to provide the same to the appellant under the RTI Act.

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.

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.