



# महाराष्ट्र विद्युत नियामक आयोग

## Maharashtra Electricity Regulatory Commission



Order No. MERC/FAA/2023/APPEAL/ 06 of 2023/0281

Date : 14.06.2023

Date of RTI Application filed : 08.05.2023  
Date of Reply of PIO : 19.05.2023  
Date of receipt of First Appeal : 25.05.2023  
Date of Order of First Appeal : 14.06.2023

**BEFORE THE APPELLATE AUTHORITY**  
**(Under the Right to Information Act, 2005)**  
**Maharashtra Electricity Regulatory Commission, Mumbai**

### Appeal No. 06 of 2023

Mr. Vijay Raghunath Gharge

..... **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 makes the following decision:

### Facts of the Appeal

- 1) The Appellant had filed an application dated 08.05.2023, under the Right to Information Act, 2005, (hereinafter referred to as "RTI Act"). The application received at the Commission's Office on 10.05.2023. The Respondent/PIO provided the information to the Appellant vide letter dated 19.05.2023. Accordingly, the Appellant filed the First Appeal on 22.05.2023 (First Appeal received to the Commission's Office on 25.05.2023).
- 2) Before passing an Order, the First Appellate Authority has given Appellant an opportunity of personal hearing on 13.06.2023 by serving upon him a notice of hearing dated 31.05.2023. The Appellant was present in the hearing and the PIO was on duty for outdoor works, conducted hearing in consultation with him.

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:**

*Complaint against Mahavitaran Kadegaon, Sangli as per E.A. 2003 Section 142 to MERC (समुचित आयोग) Section 76(1) of E.A. 2003.*

*Disconnection without notice with Feb. 2022 Energy Bill in February, 2022.*

*Already complaint to MERC (समुचित आयोग) as per E.A. 2003 Section 76(1) on 04.05.2022 reminder on 18.06.2022.*

*Kindly reply my letter dated 04.05.2022 and 18.06.2022 reminder with authentic documents.*

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

*Vide this office letter dated 12.08.2022 your application dated 04.05.2022 and 18.06.2022 was forwarded to The Director (Operation, MSEDCL, Prakashgad, Bandra (E), Mumbai – 400051.*

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

Information not provided. MERC/ADM/RTI/060/2023/0236 dated 19/05/2023.

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

*My complaint to MERC (समुचित आयोग) as per E.A. 2003 Section 76(1) against SDO Satara city on no correspondence by MERC.*

*MERC (समुचित आयोग) action against SDO Satara with penalty as per E.A. 2003 Section 142 as per letter dated (RTI) 8/5/2023. Also regarding Monthly Billing.*

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

The Respondent PIO has already provided the information available in the Office of the Commission and clearly stated that vide this Office Letter dated 12.08.2022, your application dated 04.05.2022 and 18.06.2022 have been forwarded to the Director (Operation), MSEDCL, Mumbai.

It is further necessary to make it clear that as per the MERC (Transaction Business and Fees & Charges) Regulations, 2022, Regulation 18 (e) states that –

*“(e) On receiving any application or complaint other than the Petition or Interlocutory Applications, the Commission may at its sole discretion only forward such application/complaint received to concerned utility for appropriate action at their level. No other action will be taken by the Commission on these communications.”*

In spite of the Appellant has approached the Commission, and made his written complaint to the Commission, the Appellant neither has challenged any Orders and file any Petition before the Commission following the due process of law and deposit requisite fee as per MERC (Transaction Business and Fees & Charges) Regulations, 2022.

- 9) In the light of the above reasoning the Appeal filed by the Appellant is devoid of merit and accordingly dismissed.
- 10) In case, the Appellant is not satisfied with decision, he 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- 400 032.

**Decision**

The Appeal is dismissed.

**(Anilkumar Ukey)**  
**First Appellate Authority & Director, Legal (I/c)**  
**Maharashtra Electricity Regulatory Commission**

To  
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**(Anilkumar Ukey)**  
**First Appellate Authority & Director, Legal (I/c)**  
**Maharashtra Electricity Regulatory Commission**