



# महाराष्ट्र विद्युत नियामक आयोग

## Maharashtra Electricity Regulatory Commission

Order NO. – MERC/FAA/2023/Appeal/08 of 2023/0407

Date:- 02-08-2023

Date of RTI application filed:- 07-06-2023

Date of Reply of PIO:- 21-06-2023

Date of receipt of first appeal:- 11-07-2023

Date of order of first appeal:- 02-08-2023

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

Mr. Ramjan Shaikh

..... Appellant

V/s

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 07-06-2023 under the Right to Information Act, 2005 (hereinafter referred to as RTI Act). The application was received at the office of the Commission on 08-06-2023. The PIO/Respondent, vide letter dated 21-06-2023, provided the information to the Appellant. Accordingly, the Appellant filed the First appeal on 10-07-2023 (received at Office of the Commission on 11-07-2023).
- 2) First Appellate Authority has given the opportunity of personal hearing on 31-07-2023 by serving a notice of hearing upon Appellant dated 20-07-2023. The Appellant and PIO attended the hearing and made oral submission.
- 3) Information sought by Appellant was as follows:-  
*"Please provide me information about since how long Mr. Anilkumar Uikey, is appointed as Appellate Authority of MERC?" (from date of appointment as Appellate Authority to till date)*

4) Reply by PIO was as follows:-

*"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 as interpretations, opinions, advices, explanations, reasons as they can not be said to be included in the definition of information in Section 2(f) of the RTI Act, 2005."*

- 5) Upon perusal of the Application, Response and Appeal, I am of the opinion that documents such as order of appointment of Mr Anilkumar Ukey as Appellate Authority under RTI Act in the office of the Commission and subsequent change in the order, replacing Mr. Anilkumar Ukey, can be provided to the Appellant.
- 6) In case, the Appellant is not satisfied with the 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**

PIO / Respondent is directed to provide appointment and replacement order of Mr Anilkumar Ukey as Appellate Authority under RTI Act, in the office of the Commission, to the Appellant.



Vishwanath Kulkarni  
First Appellate Authority & Director (A & F)  
Maharashtra Electricity Regulatory Commission

To,  
Mr. Ramjan Shaikh,  
Room no. 125, Ahilyabai Holkar Chawl,  
Annabhau Sathe Nagar, Opposite PMGP Colony,  
Mumbai – 400 043.



Vishwanath Kulkarni  
First Appellate Authority & Director (A & F)  
Maharashtra Electricity Regulatory Commission

Copy to :- PIO, MERC.