



# महाराष्ट्र विद्युत नियामक आयोग

## Maharashtra Electricity Regulatory Commission



माहितीचा  
अधिकार



एक कदम स्वच्छता की ओर

Dt. 19.10.2023

MERC/ADM/RTI/100/2023/0536

To,  
Shri. Hemant V. Hatkar,  
05, Krishna Chandra CHS Ltd.,  
Phadke Road, Brahmin Society,  
Thane (W), Pincode – 400602.

Subject : Your application dated 21.09.2023 submitted under RTI Act 2005.

Sir,

The office of the Commission is in receipt of your application on dated 26.09.2023 under section 6 (1) RTI Act 2005 seeking information by the PIO. Applicant has sought the information as under :-

No	Information Sought	Information Provide
A	The Appeal registered with the Forum is to be disposed off within 60 day's only by default as per the Provisions of 5.2 of the Regulation. But the Reason recorded in ORDER shows" due to Heavy pendency of other cases, delay occurs". The reason is seems to be incorrect. Even Kalyan Forum & Electricity Ombudsman pass Appeal Order as per provision of 5.2 follow strictly. Please elebotate the role of Chief Engineer, Bhandup Zone, & M.E.R.C. office in this regard. Provide copy of action taken report as per Quarterly Statements (submitted the by Forum) showing status of delay and so on.	Information asked is in question format. The Act does not expect the PIO to find answers for raised question.  A Public Information Officer (PIO) is not expected to provide intangible such as interpretations, opinions, advices, explanations, reasons as they are not included in the definition of information in Section 2(f) of the RTI Act, 2005.  Copy of Action Taken Report is not available in downloadable format on Commission website. (www.merc.gov.in)**
B	The Schedule "A" authorised appointment of Consumer Representative to act in Appeal proceeding. Hawever, Reason for Insisting the Forum to appear Applicant in person. (But In Selective case) Even Court is not insting for appear in applicant in person. It, is learnt that Secretary of Forum I enquire the Relationship of the Applicant & Representative and Fees charged. Please clerefy Forum is really authorised to act as per the existing law is in force.	Information asked is in question format. The Act does not expect the PIO to find answers for raised question.  A Public Information Officer (PIO) is not expected to provide intangible such as interpretations, opinions, advices, explanations, reasons as they are not included in the definition of information in Section 2(f) of the RTI Act, 2005.

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

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C	<p>The Case No.120 /22-23 Dr. Mrs. Tanuja R. Gokhale registered on 29.10.22 (314 days elapsed) but no Order received till date. It appears that principle of "Delayed Justice Is Denied Justice" has been adopted to RESOLVED Grievances. Copy of my email in this regard is attached herewith for your perusal. No Reply.</p>	<p>This information is not available with the Office of the Commission.</p>
D	<p>The Appeal Hearing Notice of the Forum clearly mentioned, if Applicant Not attended in Person on Scheduled Date, Exparty Order will be PASSED. Reason for offering further more &amp; more chances though Respondent failed to attend nor Submitting his Say well in time as per Forum Notice. (VIOLATION) Hence delay occurs. Even Hon. Electricity Ombudsman is not giving SECOND chance to Applicant Consumer but passed the Order as per best of judgement &amp; follow the provisions u/s 5.2 of Regulation for the quick disposal. Please explain in detail.</p>	<p>Information asked is in question format. The Act does not expect the PIO to find answers for raised question.</p> <p>A Public Information Officer (PIO) is not expected to provide intangible such as interpretations, opinions, advices, explanations, reasons as they are not included in the definition of information in Section 2(f) of the RTI Act, 2005.</p>
E	<p>The Forum Constituted Chairman, Secretary, Member as a Bench &amp; decision of Chairman is Final. But in absence of Chairman, orders passed by Two Member can be proved to be legal or bad in law. Please explain in detail &amp; Provide copy of Order if issued to Bhandup Forum (or by the Competent Authority) for Conducting Hearing by Other members excluding Chairman for passing such order's.</p>	<p>Information asked is in question format. The Act does not expect the PIO to find answers for raised question.</p> <p>A Public Information Officer (PIO) is not expected to provide intangible such as interpretations, opinions, advices, explanations, reasons as they are not included in the definition of information in Section 2(f) of the RTI Act, 2005.</p> <p>Copy of order is not available in the Office of the Commission.</p>
F	<p>The Appeal Orders passed by the Forum in past period consisting Full Corum become a Precedence and binding for future period also Consisting Corum Secretary &amp; Other Member only. However the said principle has been Overruled in Case No.143 of 2022 - 2023 Shri. Anni C. Shetti &amp; other cases by (forcefully) adding provision 6.6 of the Regulation. Copy is</p>	<p>Information asked is in question format. The Act does not expect the PIO to find answers for raised question.</p> <p>A Public Information Officer (PIO) is not expected to provide intangible such as interpretations, opinions, advices, explanations,</p>

	enclosed for your perusal. Hence the right of Consumer is thrown away. Please elaborate the provisions of existing law in force.	reasons as they are not included in the definition of information in Section 2(f) of the RTI Act, 2005.
G	The Forum stop practice of sending Hard copy of appeal order to Applicant Consumer. The Reason is not known. Forum on the other hand insisting for application from Consumer for the same. Even Electricity Ombudsman is Serving Hard Copy of Order to the Applicant Consumer by default as per provision of the Act. In Order to prefer SECOND Appeal Copy is mandatory & compulsory. Please elaborate the Reason in detail as act of Secretary is lawful. Or your office has directed Forum Bhandup to stop old Practice of sending appeal order in Hard copy to the applicant consumer.	Information asked is in question format. The Act does not expect the PIO to find answers for raised question.  A Public Information Officer (PIO) is not expected to provide intangible such as interpretations, opinions, advices, explanations, reasons as they are not included in the definition of information in Section 2(f) of the RTI Act, 2005.
H	The duration of Secretary of the Forum from date of appointment. Long stay may be permitted by your office accordingly or not.	Information asked is in question format. The Act does not expect the PIO to find answers for raised question.  A Public Information Officer (PIO) is not expected to provide intangible such as interpretations, opinions, advices, explanations, reasons as they are not included in the definition of information in Section 2(f) of the RTI Act, 2005.
I	The Ombudsman office insisting the Applicant to submit his Say in words format instead of PDF file but by filtering reproduced in body of order. Even some grievance are deleted. Court is not adopt such practice by recording as it is in body of Order. The act of Ombudsman office to filter Original grievance is correct or not as per law. By adopting such practice the Respondent get the real benefit instead of Consumer & consumer is suffer a lot. (deprived of his right, humulation)	Information asked in question format. The Act does not expect the PIO to find answers for raised question.  A Public Information Officer (PIO) is not expected to provide intangible such as interpretations, opinions, advices, explanations, reasons as they are not included in the definition of information in Section 2(f) of the RTI Act, 2005.

\*\*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.

Shri. Abhijeet Chatuphale, Deputy Director (Admin & Finance) 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: abhijeet.chatuphale@merc.gov.in.

Yours faithfully,



(Arun Walunj)

Public Information Officer & Under Secretary