



महाराष्ट्र विद्युत नियामक आयोग

Maharashtra Electricity Regulatory Commission



माहितीचा
अधिकार

MERC/ADM/RTI/101/2023/ 0535



Dt. 19.10.2023

To,
Shri. Vikas Verma,
H. No. 1427,
Sector 15, Panchkula,
Haryana, Pincode- 134113

Subject :- Your application dated 13.09.2023 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 13th September, 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 through CERC dated 21.09.2023 under section 6 (1) RTI Act 2005 seeking information by the PIO as under:

No	Information Sought	Information Provide
1	Please let me know through hard copy that all State Electricity Regulatory Commission are under the purview of either State Government or Central Government, as their propriety audit and balance sheet audit is being conducted by the Comptroller Accountant General of India, which they are conducting of all Statutory bodies /Autonomous bodies of State Government despite that some of the State Regulatory Commission are fully independent in their nature due to creation of their own funds or it's fully controlled by State Government due to allocation of grant allotted by the State Government.	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. Further, related information is available in the Electricity Act, 2003, Section 102 to 106 which can be referred. The Electricity Act, 2003 is available in downloadable format on Commission's website www.merc.gov.in .**
2	Please also let me know through hard copy that the rules of regularization be framed according to the consultation of State Government according to Electricity Act or all Regulatory bodies of Electricity Commission are fully independent to fill up their own sanctioned posts according to the Electricity Act.	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. Further, Powers of Commission to make regulations are provided in Section 181 of Electricity Act, 2003.

		Further, related information available in MERC (Recruitment and Conditions of Service of Employees) Regulations, 2007 and MERC (Recruitment and Conditions of Service of Employees) (Amendment) Regulations, 2011. Copy of the same is available in downloadable format on Commission's website www.merc.gov.in . **
3	The information of all officers and officials of the State Electricity Regulatory Commission be hoisted on public domain according to the Section 4(1)(b)(ix) and 4(1)(b)(x) of Right to Information Act is mandatory or its purely dependent on the Secretary / Chairman of the Commission being Head of the Department. In other words, the directory of Gazetted and Non-Gazetted staff is mandatory for all State Electricity Regulatory Commissions to put their names alongwith salaries according to Right to Information Act or it's just optional / exempted. In case if it is exempted, kindly provide the rule of Right to Information Act (Existing / Amended) in hard copy.	<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>Further, Information related to staff of the Commission, is available in downloadable format on Commission's websites www.merc.gov.in (under RTI tab)**</p>
4	I would like to know through hard copy that the rules /circulars/ instructions/orders, so issued, by the State Government be mandatorily adopted by the State Regulatory Commissions or its just optional/ exempted being all Statutory bodies / Public Sector Undertakings/Autonomous bodies of State Government are nothing to concern with State Government due to creation of their own funds.	<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>
5	Please provide information through hard copy that Right to Information Act, 2005 and latest amendment of Right to Information Act, 2005 be adopted in mandatorily manner or it can be modified according to the Statutory bodies / Public Sector Undertakings / Autonomous bodies of the State Government	<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>The RTI Act and its amendments are being followed.</p>

	<p>Further, I would like to know through hard copy that in case if third Member of the State Electricity Regulatory Commission is not filled up, the Regulations so framed by them be applicable throughout the State according the latest Electricity Act or it should be treated as acceptance of the Member and Chairman being majority of the Commission especially its based on vote bank of the Commission.</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>Further, Powers of Commission to make regulations are provided in Section 181 of Electricity Act, 2003.</p> <p>Further, related information is available in Maharashtra Electricity Regulatory Commission (Transaction of Business and Fees & Charges) Regulation, 2022. Copy of the same is available in downloadable format on Commission's website www.merc.gov.in.**</p>
6	<p>Please also let me know through hard copy that head of the Commission is either Chairman, who is appointed by the Committee of State Government or Secretary, who is also appointed by the State Government according to the Electricity Act or Commission itself appoints Secretary of its own being Statutory body in nature i.e. quasi-judicial especially in power sector reforms.</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>Further, related information available in Section 84, 85, 91 of the Electricity Act, 2003. The Electricity Act, 2003 is available in downloadable format on Commission's website www.merc.gov.in.**</p>
7	<p>The fees of RTI has been returned back at my correspondence address mentioning that personal cheque was issued, as it is mentioned in your referenced letter. But as per the guidelines so issued by Reserve Bank of India, core banking systems was launched which means if cheque has been issued, it can be cleared from any nationalized bank. Moreover, if any change occurs on the issuance of cheque particularly in core banking system, please provide the rule in hard copy so that it can be strictly followed by the applicant for depositing RTI fees.</p>	<p>Such information is not pertaining to the Office of the Commission. .</p>


Ministry of Personnel, Public Grievances & Pensions Department of Personnel Training No. 11/2/2008-IR dated 10th July, 2008 mentioned that, "According to section 2(f) of the Act, 'information' means 'any material in any form'. A citizen, under the Act, has a right to get 'material' from a public authority which is held by or under the control of that public authority. The right includes inspection of work, documents, records; taking notes, extracts or certified copies of documents or records; taking certified samples of material; taking information in the form of diskettes, floppies, tapes video cassettes or in any other electronic mode or through printouts where such information is stored in a computer or in any other device. 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 Public Information Officer 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 the 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".

As per Ministry of Personnel, Public Grievances & Pensions Department of Personnel Training No. 1/7/2009-IR dated 1st June, 2009. "The definition of 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 because the citizen makes a requisition about information. Justification are matter within the domain of adjudicating authorities and cannot properly be classified as information."

** 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

Copy to:-

Shri Sachin Kumar,
CPIO, Central Electricity Regulatory Commission,
Ground Floor, Chanderlok Building,
36, Janpath, New Delhi - 110001.