



महाराष्ट्र विद्युत नियामक आयोग

Maharashtra Electricity Regulatory Commission



MERC/ADM/RTI/0107/2023/0689

एक कदम स्वच्छता की ओर
Dt. 15.12.2023

To,
Shri. Amit Kumar,
Ground Floor, B-41,
Soami Nagar South,
New Delhi – 110017.

Subject : Your application dated 11.11.2023 submitted under RTI Act 2005.

Sir,

The office of the Commission is in receipt of your application on dated 17.11.2023 under section 6 (1) RTI Act 2005 seeking information by the PIO. Applicant has sought the information as under:-

No	Information Sought	Information Provide
1	Copies of all quarterly reports submitted by State Nodal Agency to the Commission in respect of compliance of RPOs by the Obligated Entities for the financial years 2017-18, 2018-19, 2019-20, 2020-21, 2021-22, 2022-23.	As per Regulation 13 of 'Maharashtra Electricity Regulatory Commission (Renewable Purchase Obligation, its Compliance and Implementation of Renewable Energy Certificate Framework) Regulations, 2019' MEDA has developed web portal for compliance monitoring & reporting. Reports submitted by MEDA are part of Case files which are mentioned below in reply to Sr. No. 3 to 5. The same are available for inspection **
2	How many Obligated Entities are registered in the State of Maharashtra? Please provide particulars of all Obligated Entities.	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 cannot be said to be included in the definition of information in Section 2(f) of the RTI Act, 2005.*
3	Details of Obligated Entities who have complied with their respective RPO for the financial years 2017-18, 2018-19, 2019-20, 2020-21, 2021-22, 2022-23 Please provide break up of RPO non-compliance separately for solar RPO, Non Solar RPO, Wind RPO, Hydro RPO, Biomass RPO for OEs as applicable.	MERC has carried out RPO verification for Distribution Licensee in State of Maharashtra for FY 2017-18, FY 2018-19, FY 2019-20 vide following Orders. The Orders mentioned below are available in downloadable form in website of the Commission***
4	Details of Obligated Entities who have not complied with their respective RPO for the financial years 2017-18, 2018-19, 2019-20, 2020-21, 2021-22, 2022-23 Please	

FY		MSEDCL	RInfra-D / ADANI	BEST	TPC-D
FY2017-18	Case No.	36 of 2019	39 of 2019	37 of 2019	38 of 2019
	Order Dated	27.05.2019	04.04.2019	02.04.2019	02.04.2019
FY2018-19	Case No.	49 of 2021	51 of 2021	50 of 2021	52 of 2021
	Order Dated	07.09.2021	07.09.2021	07.09.2021	07.09.2021
FY2019-20	Case No.	49 of 2021	51 of 2021	50 of 2021	52 of 2021
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5	Steps/measures if any taken by Commission against Obligated Entities who failed to comply with RPO targets for the financial years 2017-18, 2018-19, 2019-20, 2020-21, 2021-22, 2022-23.	<p>For FY2020-21 & FY 2021-22, the RPO verification for Distribution Licensees exercise has been carried out in respective MTR Orders. Details of the MTR Orders as below:</p> <table border="1"> <thead> <tr> <th></th> <th>MSEDCL</th> <th>ADANI</th> <th>BEST</th> <th>TPC-D</th> <th>GEPL</th> <th>MBPPL</th> <th>KRC</th> </tr> </thead> <tbody> <tr> <td>MTR Order</td> <td>226 of 2022</td> <td>231 of 2022</td> <td>212 of 2022</td> <td>225 of 2022</td> <td>215 of 2022</td> <td>216 of 2022</td> <td>214 of 2022</td> </tr> <tr> <td>Order Dated</td> <td colspan="7">31.03.2023</td> </tr> </tbody> </table> <p>Break-up of the RPO Compliance can be perused from the above Orders.</p> <p>For CPP & OA Consumers the Commission is in process of verification of RPO compliance.</p>		MSEDCL	ADANI	BEST	TPC-D	GEPL	MBPPL	KRC	MTR Order	226 of 2022	231 of 2022	212 of 2022	225 of 2022	215 of 2022	216 of 2022	214 of 2022	Order Dated	31.03.2023																												
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6	Whether Commission has imposed penalty (including under section 142 of Electricity Act, 2003) on Obligated Entities which have not complied with their respective RPOs for the financial years 2017-18, 2018-19, 2019-20, 2020-21, 2021-22, 2022-23? If so, please provide the details of action taken.	<p>Information asked in question format. The Act does not permit raising imaginary questions and expecting the PIO to find answers for them.</p> <p>A Public Information Officer (PIO) is not expected to provide intangible such 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.*</p>																																														
7	Whether Commission has directed OEs to deposit RPO charges / penalties /amounts in a separate fund in case of RPO non-compliance? If so, please provide details of OEs which have been directed to deposit such amounts.																																															

*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".

** Accordingly, the seeking inspection of records, the procedure laid down as per provision mention in Maharashtra Right to Information (2nd Amendment) Rules, 2012 dated 31.01.2012 as below:

"3B. Procedure for seeking inspects of Records :- If after having consider the application filed by the applicants for seeking inspection of records under sub section (1) of section 6 the Public Information Officer find it appropriate, the applicant may be granted permission to inspect the records and if he grants such permission the Public Information Officer shall requisition the record desired by the applicant for perusal, from the concerned section of the department and shall give the same to the applicant for inspection in his presence or in the presence of his authorized representative, during office hours. While inspecting such records, the applicant shall be allowed to use pencil only and the information desired by the applicant shall be noted by him by pencil only and if the applicant bring any writing instruments other than a pencil, he shall deposit the same with the Public Information Officer and thereafter, he shall be allowed to inspect the record. The applicant shall not make any marking on the record by the pencil he is allowed to use during inspection."

After the inspection of record, if you have required the relevant copies of the aforesaid documents, except the noting part, as per the Right To Information Act, 2005. Kindly confirm the date and time before visit to the Office of the Commission by letter **OR** telephone No. 022-22163964.

*** 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 appelliant 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