



महाराष्ट्र विद्युत नियामक आयोग

Maharashtra Electricity Regulatory Commission



माहितीचा
अधिकार



एक कदम स्वच्छता की ओर
Dt. 09.02.2024

No.: MERC/ADM/RTI/004/2024/0106

To,
Adv. Manik Jagorao Sahare,
Retired Dy. Chief Ac courts officers M.S.E.B.,
R/O 89, Dnyaneshwar Nagar,
(Old) Manewada Road, Nagpur – 27.

Subject : Your application dated 18.01.2024 submitted under RTI Act 2005.

Sir,

The office of the Commission is in receipt of your application on dated 25.01.2024 under section 6 (1) RTI Act 2005 seeking information by the PIO. Applicant has sought the information as under:-

No	Information Sought	Information Provide
I	Fixed Charges	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.*
i)	How the fixed charges are calculated and under which provision of the electricity Act, 2003.	
ii)	From which year it is to be increased the fixed charges and which basis, where it is not a variable charges.	
II	Wheeling Charges	This information pertains to MSEDCL. Hence, Your application is being transferred under Section 6 (3) of RTI Act, 2005 to the MSEDCL, Prakashgad, Bandra (E), Mumbai letter no. MERC/ADM/RTI/004/2024/0080, Dt. 30.01.2024. (attach copy)
i)	How wheeling charges are Ascertain or to be levied, if there is any provision please informed.	
ii)	From which year wheeling charges are levied.	
	iii)	How much amount is recovered till date in excess.
III	Electricity Duty	This information pertains to MSEDCL. Hence, Your application is being transferred under Section 6 (3) of RTI Act, 2005 to the MSEDCL, Prakashgad, Bandra (E), Mumbai letter no. MERC/ADM/RTI/004/2024/0080, Dt. 30.01.2024. (attach copy)
i)	Electricity duty should be recovered on electricity charges as per circular No. 273 of M.S.E.D.C.L. and 273 of Govt. of Maha. and not on fixed charges, fuel cost Adjustment, Wheeling charges.	
ii)	From which year it is recovered on fixed charges, F.C.A. Wheeling charges till today.	
	iii)	How much amount is recovered on fixed charges F.C.A. and wheeling charges till today.
IV	Sale of Electricity -	This information pertains to MSEDCL. Hence, Your application is being transferred under Section 6 (3) of RTI Act, 2005 to the MSEDCL, Prakashgad, Bandra (E), Mumbai letter no. MERC/ADM/RTI/004/2024/0080, Dt. 30.01.2024. (attach copy)
i)	How sale of electricity charges are calculated and under which provision from commercial consumer.	
iii)	From which year the sale of electricity charges are levied in L.T side.	
	iv)	How much amount is recovered from commercial consumer till date in L. T. side.

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

13th Floor, Centre No. 1, World Trade Centre, Cuffe Parade, Mumbai - 400 005.

Tel.: 022-2216 3964 / 2216 3965 / 2216 3969

E-mail : mercindia@merc.gov.in Website : www.merc.gov.in

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".

Ministry of Personnel, Public Grievances & Pensions Department of Personnel Training No. 1/7/2009-IR dated 1st June, 2009 mentioned that, "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."

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



महाराष्ट्र विद्युत नियामक आयोग

Maharashtra Electricity Regulatory Commission



माहितीचा
अधिकार



Date: 30.01.2024

NO.: MERC/ADM/RTI/004/2024/0080

To,
Public Information Officer (RTI)
Maharashtra State Electricity Distribution Co. Ltd.,
Plot No. G-9, Prakashgad,
Bandra (East), Mumbai - 400 051.

Subject : Transfer of RTI application Adv. Manik Jagorao Sahare in terms of section 6 (3) of the RTI, Act, 2005- reg.

Sir,


Kindly find enclosed a copy of RTI application dated 18/01/2024 of Adv. Manik Jagorao Sahare, has been received to the office of the Commission on dated 25/01/2024. Since the requisite information of **point no. 3 & 4** pertains to your office. The above RTI application is being transferred under Section 6 (3) of RTI Act, 2005.

It is requested to forward the requisite information/documents to applicant directly under intimation to this office.

The applicant has already deposited requisite Court Fee of Rs. 10/-.

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

Enclosed: Application copy

Copy to:

Adv. Manik Jagorao Sahare,
Retired Dy. Chief Ac courts officers M.S.E.B.,
R/O 89, Dnyaneshwar Nagar,
(Old) Manewada Road, Nagpur – 27.