माहितीचा अधिकार

Order NO.-MERC/FAA/2024/Appeal/5 of 2024/0278 Date:29.04.2024

Date of RTI application filed: 26.02.2024
Date of reply of PIO: 26.03.2024
Date of receipt of first appeal: 05.04.2024
Date of order of first appeal: 29.04.2024

BEFORE THE APPELLATE AUTHORITY
(Under the Right to Information Act,2005)
Maharashtra Electricity Regulatory Commission, Mumbai
Appeal No. 05 of 2024

Shri. Vikas Shivaji Sonawane .....**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 makes the following decision.

Facts of the Appeal

1. The appellant had filed an application dated 26.02.2024 under the Right to Information Act, 2005 (hereinafter referred to as RTI Act). The application was received at the office of the Commission on 26.02.2024. The PIO/Respondent, vide letter dated 26.03.2024, provided the information to the Appellant. Accordingly, the Appellant filed the First appeal on 05.04.2024 (received at Office of the Commission on 05.04.2024).
2. The First Appellate Authority has given the opportunity of a personal hearing on 23.04.2024 by serving a notice of hearing upon Appellant dated 10.04.2024. The Appellant and PIO attended the hearing and made an oral submission on 23.04.2024.
3. Information sought by Appellant was as follows:
   a) *Provide certified copy of Rules/ Regulations / Law, permitting the Commission to spend public money to defend an Employee accused of any offence / crime.*
   b) *Provide details in respect of money / amount / fees spent by the Commission in defending Under Secretary who is accused of offence under SC/ST POA, Act.*

4. Reply by PIO was as follows:

   a) *All MERC Regulations are available on MERC website www.merc.gov.in.*

   b) *Commission has received letter from Cuffe Parade Police Station related to SC/ST POA Act. The Commission has taken the opinion from Senior Advocate for answering those queries only. No amount is directly spent by Commission in defending the Under Secretary who is accused of offence under SC/ST/POA Act.*

5. Reason for filling an Appeal:

   1) No specific Order passed or the information provided by the PIO as sought by Appellant.

   2) The PIO is silent on Rules/Law, which permitting the Commission to spend public money to defend an employee accused of any offence / crime under SC/ST POA Act. Only information regarding Regulations is available on the website.

   3) The PIO has given a vague information regarding the amount paid to Senior Advocate, which amounts expenditure or not. It is submitted that only amount spends for Legal Opinion/Trial/or any case it is expenditure incurred by the any office.

6. Upon perusal of the Appeal, it is understood that the Appellant putting his emphasis on the information regarding the amount spend for defending the employee of the Commission under SC/ST POA Act.

7. The PIO contended that the Commission has taken an opinion from Senior Advocate for answering the queries received from Cuffe Parade Police Station. No amount is directly spent by the Commission to defending an employee accused under SC/ST POA Act.

8. After hearing the arguments of Appellant and the PIO MERC it is to state that the regulations are available on MERC website. Further, the second point emphasizes the cause of the amount spent. The Appellant asked the information about the amount spend on defending the employee under SC/ST POA Act whereas, PIO highlighted the amount spend for legal opinion from Senior Advocate for answering queries received by the Commission from Cuffe Parade Police Station.

9. In line with the above, this Authority of the opinion that it is a fact that Regulations are available on MERC website and for the second point PIO conveyed the circumstances appropriately to the Appellant.

10. In view of the above, the Appeal is dismissed.

11. In case, the Appellant is not satisfied with decision, he may prefer Second Appeal under RTI Act, 2005, within 90 days from the issue of this decision before the State Information Commissioner, 13th Floor, New Administrative Building, Madam Cama Road, Opposite Mantralaya, Mumbai-400032.

Decision

The Appeal is dismissed and disposed of.

Abhijeet V. Chatuphale
Dy. Director (A&F) & First Appellate Authority
Maharashtra Electricity Regulatory Commission

To,

Shri. Vikas Shivaji Sonawane
MERC, 11th Floor,
World Trade Centre, Centre-1
Cuffe Parade, Mumbai-400005.

Abhijeet V. Chatuphale
Dy. Director (A&F) & First Appellate Authority
Maharashtra Electricity Regulatory Commission

Copy to PIO of MERC.