



माहितीचा  
अधिकार

# महाराष्ट्र विद्युत नियामक आयोग

## Maharashtra Electricity Regulatory Commission



NO.: MERC/ADM/RTI/030/2025/0212

Dt. 08.04.2025

To,  
Shri. Kamlakar Ratnakar Shenoy,  
B-903, Vaishali Apartment,  
Opp. MTNL Exchange,  
Sheth Motisha (love) Lane,  
Mazgaon, Mumbai – 400010.

Subject : Your application dated 21.03.2025 submitted under RTI Act 2005.

Sir,

The office of the Commission is in receipt of your application on dated 24.03.2025 under section 6 (1) RTI Act 2005 seeking information by the PIO. Applicant has sought the information as under:-

| No   | Information Sought   | Information Provided   |
|------|--|--|
| 1    | <b>Wheeling Charges to Retail ale Consumers -</b>  |  |
| i)   | Definition and purpose of wheeling charges as per Section 4(1) (b)(v) of the RTI Act.  | This Information is available in MERC (Multi Year tariff) Regulation, 2024. This Regulation is available on website of the Commission ( <a href="http://www.merc.gov.in">www.merc.gov.in</a> ) in downloadable format. |
| ii)  | Copies of studies conducted and published before granting permission to collect wheeling charges from retail sale consumers, as per Sections 4(1)(b)(v) and 4(1) (c)(d). | This information related to Case No. 207 of 2024 on the MYT petition filed by BEST.  |
| iii) | Section under the Electricity Act relied upon to levy wheeling charges to BEST retail sale electricity consumers as per Section 4(1) (b)(iii) of the RTI Act.            | The Commission is a quasi-judicial body and has followed due process in Case No. 207 of 2024, including the public consultation process and public hearing.  |
| iv)  | Copies of affidavits submitted by BEST Undertaking to MERC in support of levying wheeling charges on retail sale consumers.  | The Commission has issued the final Order in Case No. 207 of 2024 on 28 March, 2025 which is available on Commission's website in downloadable format.   |
| v)   | Copies of written submissions made by AHAR and other stakeholders opposing the collection and increase of wheeling charges from retail sale consumers.                   | The applicant can refer the Order for the information. The copy of summary of petition is also available on Commission's website.  |
| 2    | <b>Installation of Smart Meters -</b>  |  |
| i)   | Action taken against BEST Undertaking for illegally entering the consumers premises without consent and intimation to charge the meters.                                 | <i>The requisite information pertains to BEST Undertaking office. Since your</i>   |
| ii)  | Action taken against BEST Undertaking for not  |  |

| No   | Information Sought  | Information Provided   |
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|      | providing notice to each consumers for changing the electric meters.  | <i>application is being transferred under Section 6 (3) of RTI Act, 2005 to BEST Undertaking dated 27.03.2025.</i>   |
| iii) | Action taken for concealing true facts of that this smart meter shall facilitate the facility of Prepaid meter, TOD, surging charges.   |  |
| iv)  | Action taken for making false presentation in the notice that the smart meters are installed free of cost when in fact the cost shall be recovered through ARR in MYT petition submitted 207 of 2024. | <p>It is observed that the RTI applicant, vide his RTI application is seeking answers to his questions, which does not fall within the definition of 'information' as per Section 2(f) of the RTI Act. Kindly note that the definition of information cannot include within its fold answers to the question what Action taken which would be same thing as asking the reason for a justification for a particular thing. Which is expecting to communicate the reason why a certain thing was done or not done in the sense of a justification.</p> <p>In view of the above, it is observed that at the outset it is clarified that under the provisions of the RTI Act only such information as is available and existing and held by the public authority or is under control of the public authority can be provided. The PIO is not supposed to answer what action is taken for false presentation or create information that is not a part of the record and also not required to interpret information or provide clarification or furnish replies to hypothetical questions.</p> |
| v)   | Section and provision of law relied upon not to take action on false submission and not following due procedure of law.   |  |
| vi)  | Copies of the approval given by MERC for the installation of smart meters in Mumbai, along with the relevant sections in the Electricity Act.   | As per the office record in principle approval letter Smart Metering System information / documents are available with the office of the Commission. (The total number of pages 05) **   |
| vii) | Reasons for permitting BEST to install smart meters when transmission loss in Mumbai is around 3.5% which is much below the 12-15% target of the Central Government.                                  | <p>No such document with the Commission wherein Central Government has exempted Utility for not to install energy meters where transmission losses are less than 3.5% which is much below the 12-15% target of Central Government.</p> <p>It is observed that the RTI applicant, vide his RTI application, is seeking answers to his questions, which does not fall within the definition of 'information' as per Section 2(f) of the RTI Act. Kindly</p>  |



| No    | Information Sought   | Information Provided  |
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|       |  | <p>note that the definition of information cannot include within its fold answers to the question.</p> <p>Such as reasons for permitting BEST to install smart meters when transmission loss in Mumbai is around 3.5%, which is much below the 12-15% target of Central Government, which would be same thing as asking the reason for a justification for a particular thing. Which is expecting to communicate the reason why a certain thing was done or not done in the sense of a justification.</p> <p>In view of the above, it is observed that at the outset it is clarified that under the provisions of the RTI Act only such information as is available and existing and held by the public authority or is under control of the public authority can be provided. The PIO is not supposed to answer what are the Reasons for installation of meters or create information that is not a part of the record and also not required to interpret information or provide clarification or furnish replies to hypothetical questions.</p> |
| viii) | Copies of all correspondence between MERC and BEST regarding the approval, including any studies or reports relied upon to install smart meters. | As per the office record all correspondence after submission of DPR information / documents are available with the office of the Commission. (The total number of pages- 508)**   |
| ix)   | Details of reduction in loss which will be enjoyed by BEST in rupees and number of units after installation of smart meters.                     | <p>It is observed that the RTI applicant, vide his RTI application, is seeking answers to his questions, which does not fall within the definition of 'information' as per Section 2(f) of the RTI Act. Kindly note that the definition of information cannot include within its fold answers to the question such as reduction in loss which will be enjoyed by BEST in rupees, which would be same thing as asking the reason for a justification for a particular thing. Which is expecting to communicate the reason why a certain thing was done or not done in the sense of a justification.</p> <p>In view of the above, it is observed that</p>   |

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|      |  | at the outset it is clarified that under the provisions of the RTI Act only such information as is available and existing and held by the public authority or is under control of the public authority can be provided. The PIO is not supposed to answer how much is saving after installation of meters or create information that is not a part of the record and also not required to interpret information or provide clarification or furnish replies to hypothetical questions.   |
| x)   | Copy of the certificate issued by Metrology department.  | <i>The requisite information pertains to BEST Undertaking office. Since your application is being transferred under Section 6 (3) of RTI Act, 2005 to BEST Undertaking dated 27.03.2025.</i>   |
| xi)  | Clarification on whether MERC considered Case No. 203 of 2022, Paragraph 12, which mandates consumer choice in selecting electric meters.  | It is observed that the RTI applicant, vide his RTI application, is seeking answers to his questions, which does not fall within the definition of 'information' as per Section 2(f) of the RTI Act. Kindly note that the definition of information cannot include within its fold answers to the question such as whether the Commission has considered Case No. 203 of 2022 while approving, which would be same thing as asking the reason for a justification for a particular thing. Which is expecting to communicate the reason why a certain thing was done or not done in the sense of a justification.<br><br>In view of the above, it is observed that at the outset it is clarified that under the provisions of the RTI Act only such information as is available and existing and held by the public authority or is under control of the public authority can be provided. The PIO is not supposed to answer whether statement was informed create information that is not a part of the record and also not required to interpret information or provide clarification or furnish replies to hypothetical questions. |
| xii) | Affidavit confirming whether MERC was informed about the Power Minister's statement in the Maharashtra Assembly that smart meters shall be installed only in feeders, substations, and government offices. |  |
| 3    | <b>Capital Investment Approval for BEST -</b>  |  |
| i)   | Copies of the in-principle approval granted by MERC to BEST for the capital investment related to the  | As per the office record in principle approval letter Smart Metering System  |



| No   | Information Sought  | Information Provided   |
|------|---|--|
|      | installation of smart meters under the RDSS Scheme.   | information / documents are available with the office of the Commission. (The total number of pages- 05)**   |
| ii)  | Details of the scrutiny process followed by MERC under Section 5.6, Appendix 2 of the Capital Investment Regulation, including compliance with guidelines for procurement of materials through competitive bidding. | <p>The scrutiny process followed by the Commission is as per the, Maharashtra Electricity Regulatory Commission (Approval of Capital Investment Schemes) Regulations, 2022 which involves a detailed evaluation of the capex Scheme for in-principle approval of Capital Investment against DPR Schemes.</p> <p>It is observed that the RTI applicant, vide his RTI application, is seeking answers to his questions, which does not fall within the definition of 'information' as per Section 2(f) of the RTI Act. Kindly note that the definition of information cannot include within its fold answers to the question such process followed for approving, which would be same thing as asking the reason for a justification for a particular thing. Which is expecting to communicate the reason why a certain thing was done or not done in the sense of a justification.</p> <p>In view of the above, it is observed that at the outset it is clarified that under the provisions of the RTI Act only such information as is available and existing and held by the public authority or is under control of the public authority can be provided. The PIO is not supposed to answer which process is followed and also not required to interpret information or provide clarification or furnish replies to hypothetical questions.</p> |
| iii) | Documents verifying whether MERC scrutinized the financials of BEST before approving their capital investment proposal.   | The Commission scrutinizes the financials submitted in the Capex Scheme through a detailed Prudence Check process. This process involves evaluating several financial parameters, procurement methodology, etc. as per Maharashtra Electricity Regulatory Commission (Approval of Capital  |

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|-----|--|--|
|     |  | <p>Investment Schemes) Regulations, 2022.</p> <p>It is observed that the RTI applicant, vide his RTI application, is seeking answers to his questions, which does not fall within the definition of 'information' as per Section 2(f) of the RTI Act. Kindly note that the definition of information cannot include within its fold answers to the question such as whether MERC scrutinized the financials before approving the scheme, which would be same thing as asking the reason for a justification for a particular thing. Which is expecting to communicate the reason why a certain thing was done or not done in the sense of a justification.</p> <p>In view of the above, it is observed that at the outset it is clarified that under the provisions of the RTI Act only such information as is available and existing and held by the public authority or is under control of the public authority can be provided. The PIO is not supposed to answer whether MERC scrutinized the financials of BEST before approving the DPR and also not required to interpret information or provide clarification or furnish replies to hypothetical questions.</p> |
| iv) | <p>Explanation of how MERC justified approving an increased cost of Rs. 1,720.14 crores for smart meters when the RDSS Monitoring Committee had estimated the project cost at Rs. 645.53 crores.</p> | <p>It is observed that the RTI applicant, vide his RTI application, is seeking answers to his questions, which does not fall within the definition of 'information' as per Section 2(f) of the RTI Act. Kindly note that the definition of information cannot include within its fold answers to the question such as explanation of how MERC justified approving an increased cost, which would be same thing as asking the reason for a justification for a particular thing. Which is expecting to communicate the reason why a certain thing was done or not done in the sense of a justification.</p> <p>In view of the above, it is observed that at the outset it is clarified that under the provisions of the RTI Act only such information as is available and existing and held by the public authority or is under control of the public authority can</p>   |



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|          |  | be provided. The PIO is not supposed to answer explain how MERC justified approving increased cost and also not required to interpret information or provide clarification or furnish replies to hypothetical questions.  |
| v)       | Specifically, I seek   |   |
|          | a) The date of approval by MERC for the procurement of smart meters.   | The Commission had accorded in principle approval for Capex scheme Submitted by BEST for implementation of smart Metering System for FY 2023-24 to FY 2024-25 on 22 November, 2023.<br><br><i>The requisite information pertains to BEST Undertaking office. Since your application is being transferred under Section 6 (3) of RTI Act, 2005 to BEST Undertaking dated 27.03.2025.</i> |
|          | b) The date on which the order was placed by BEST.   |   |
|          | c) The name and designation of the person who placed the order.  |   |
|          | d) The name and designation of the competent authority who, as per law, is authorized to place such an order.  |   |
| vi)      | Copies of any orders or approvals passed regarding   |   |
|          | a) The difference in cost between the order placed by an incompetent person and the cost mentioned by RDSS.    |   |
|          | b) The cost comparison with MSEDCL.  |   |
| <b>4</b> | <b>Procurement Details of Smart Meters by BEST -</b>   |   |
| i)       | Date of approval by MERC for the procurement of smart meters.  |   |
| ii)      | Date on which the order for smart meters was placed by BEST  |   |
| iii)     | Date of the approval received from RDSS.   |   |
| iv)      | Name and designation of the persons of RDSS who granted approval to include BEST in RDSS scheme.               |   |
| v)       | Name and designation of the competent authority who is authorized to include BEST in RDSS scheme as per law.   |   |
| vi)      | Name and designation of the person who placed the order for smart meters.                                      |   |
| vii)     | Name and designation of the Competent authority who as per law is authorized to place such an order.           |   |
| <b>5</b> | <b>Miscellaneous Information -</b>   |   |
| i)       | Certified copies of all meeting minutes, decisions and resolutions passed by MERC related to the above issues. | This information related to Case No. 207 of 2024 on the MYT petition filed by BEST.   |
| ii)      | Copies of any consumer objections received regarding the imposition of wheeling charges and smart meter        | The Commission is a quasi-judicial body and has followed due process in Case  |

| No  | Information Sought   | Information Provided   |
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|     | installations and the responses provided by MERC.  | <p>No. 207 of 2024, including the public consultation process and public hearing.</p> <p>The Commission has issued the final order in Case No. 207 of 2024 on 28 March, 2025 which is available on Commission's website in downloadable format.</p> <p>The applicant can refer the order for the information. The copy of summary of petition is also available on Commission's website.</p> |
| 6   | <b>Video Recording and Live Streaming of MERC Hearings -</b>   |  |
| i)  | Sections of the RTI Act relied upon by MERC to deny video recording to the public affected persons, consumers and those who appeared in person.  | Information asked in question format. The Act does not expect the PIO to find answers for raised question.   |
| ii) | Section 7(8)(i) and 19(5) RTI Act: Justification for how providing live streaming would affect the transparency and accountability of MERC members and how it would be against the larger public interest. | A Public Information Officer (PIO) is not expected to provide intangible information, 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.*   |

\* 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 RTI (Fees & Charges) Act 2005 the relevant hard copies of the aforesaid documents, you have to deposit Rs. 1136/- [518 pages x Rs. 2 per page + Rs. 100/- for postal charges] by demand draft payable at Mumbai in favour of Maharashtra Electricity Regulatory Commission OR through any other Digital Mode. Bank details are as under:**

Account Name : Maharashtra Electricity Regulatory Commission  
Bank Name : State Bank of India  
Account No. : 30192810455  
Branch : Cuffe Parade, Mumbai – 400 005.  
IFSC Code : SBIN0005345

**OR** you have to personally visit to Commission's office to pay cash of Rs. 1036/- and collect the aforesaid copies of documents.

Shri Abhijeet Chatuphale, Joint 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](mailto:abhijeet.chatuphale@merc.gov.in).

Yours faithfully,



(Arun Walunj)

Public Information Officer & Joint Director (Adm.& Fin.)