



# महाराष्ट्र विद्युत नियामक आयोग

## Maharashtra Electricity Regulatory Commission



माहितीचा  
अधिकार

Order NO.-MERC/FAA/2025/Appeal/3 of 2025/ 0211

Date: 08.04.2025

Date of RTI application filed: 17.01.2025

Date of reply of PIO: 12.02.2025

Date of receipt of first appeal: 11.03.2025

Date of order of first appeal: 08.04.2025

**BEFORE THE APPELLATE AUTHORITY**  
**(Under the Right to Information Act, 2005)**  
**Maharashtra Electricity Regulatory Commission, Mumbai**  
**Appeal No. 03 of 2025**

Shri. Anilkumar Rupchand Ukey

.....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 17.01.2025 under the Right to Information Act, 2005 (hereinafter referred to as RTI Act). The application was received at the office of the Commission on 17.01.2025. The PIO/Respondent, vide letter dated 12.02.2025, provided the information to the Appellant. Accordingly, the Appellant filed the First appeal on 11.03.2025 (received at Office of the Commission on 11.03.2025).
2. The First Appellate Authority has given the opportunity of a personal hearing on 27.03.2025 by serving a notice of hearing upon Appellant dated 19.03.2025. The Appellant and PIO attended the hearing and made an oral submission on 27.03.2025.

**3. The information sought by Appellant was as follows:**

- a) *Inspection of the Bakshi Committee Report.*
- b) *Subsequently an attested copy of the Bakshi Committee Report.*
- c) *The total fees/payment made to the Bakshi Committee for rendering administrative services for finalization of the Bakshi Committee Report from the public money/public exchequer.*

**4. The reply by PIO was as follows:**

- *The PIO notes that the RTI applicant has sought information for inspection of Bakshi Committee Report and attested copy of the Report. It is observed that the Commission in its Statement of Reason (SoR) for MERC (Recruitment and Conditions of Service of Employees) Regulations, 2024 published on the Commission's website and has categorically held that said report has confidential information about its employee and hence has restricted to be made public.*

*Further the RTI Act, 2005 amended from time to time has exempted PIO to give restricted information. Relevant extract of the Section of RTI Act, 2005 is reproduced below-*

*"8. (1) Notwithstanding anything contained in this Act, there shall be no obligation to give any citizen -*

- *information, disclosure of which would prejudicially affect the sovereignty and integrity of India, the security, strategic, scientific or economic interests of the State, relation with foreign State or lead to incitement of an offence;*
- *information which has been expressly forbidden to be published by any court of law or tribunal or the disclosure of which may constitute contempt of court;*

*In view of the above, it is noted that as per the SoR of MERC (Recruitment and Conditions of Service of Employees) Regulations, 2024, the sharing of Committee Report is restricted due to the inclusion of personal and confidential details of employees.*

- *As per the definition of information in Section 2(f) of the RTI Act, 2005, the PIO is not supposed to provide intangible interpretations such as opinions, advices, explanations, reasons as they can not be part of term definition.*



**5. Reason for filling an Appeal:**

Aggrieved with the reply of PIO, the Appellant has filed first appeal and stated that;

- i. I state that the PIO misinterpreted the provisions of RTI Act, 2005.
- ii. The PIO rationale for the Section of 8 (1) (j) of the RTI Act, 2005 is not correct.
- iii. The PIO failed to provide any such document by which it will be evident that by Order/directions Commission held “Bakshi Committee” is confidential and restrictions of this information made to Public.
- iv. If PIO says in his Order that “Bakshi Committee” Report/information is confidential then why it has been made Public and Copy of such report given to the Industries, Energy and Labor Department of Mantralaya, Mumbai. So the PIO action bias or malafide intentions. The information of ‘Bakshi Committee’ denied to the Appellant. There is violation of Article 14 of the Constitution qua equality before law and equal protection of law.
- v. The Appellant denied that he has asked intangible information, or interpretation, explanation only asked to fee paid to ‘Bakshi Committee’. Earlier the same PIO has given information about the ‘Tripathi Committee’ about the fee.
- vi. PIO did not sought such information from concerned Account Department and failed to provide such information own his whims and capris. Therefore, Appellant is entitled to get information free of cost.

6. Accordingly, in-person hearing scheduled on 27.03.2025, both the parties argued orally and no written submission was received. During the hearing it is observed that the Respondent PIO placed his reliance on point no. 2.1 ‘Sharing of Committee Report’ under Statement of Reasons of MERC (Recruitment and Conditions of Service of Employees) Regulations, 2024 in which the analysis and Commission’s ruling says,

*“Bakshi Committee has given its Report to the Commission which has summarised details of each employee, their grievances and has provided recommendations on organisational changes to address the grievances of the employees as well as meet functional requirement of the Commission. As the said Report includes personal and confidential details of the employees, same cannot be made Public.*

*Further, although Report of the Bakshi Committee recommending organisational changes is a recent one, the Commission, while framing the Draft Regulations, have considered all previous available Reports and documents before it. Such Reports of Experts are only recommendatory in nature, whereas Employees will be governed by the service conditions stipulated in the Regulations which were made available for comments and stakeholders have already filed their comments on the same. Hence the Commission has not considered the request for making such Report public and thereafter extending date for filing the comments."* The PIO submitted that since it is clearly mentioned in the 2.1 of the Statement of Reason of MERC (Recruitment and Conditions of Service of Employees) Regulations, 2024 that the report contains personal and confidential details of the employees of the Commission therefore, it cannot be made public.

7. On the other side, the Appellant questioning the status of Statement of Reason (SoR) and its legal position. He emphasizes that Statement of Reason (SoR) cannot be considered as Regulation. He also illustrated with Regulation 79 under MERC (Conduct of Business) Regulations, 2004 where in point no. C) the it is clearly mentioned that, *"The Commission may, by order, direct that any information, documents and papers / materials maintained by the Commission, shall be confidential or privileged and shall not be available for inspection or supply of certified copies, and the Commission may also direct that such document, papers, or materials shall not be used in any manner except as specifically authorized by the Commission."*

The Appellant highlighted that in case of MERC (Recruitment and Conditions of Service of Employees) Regulations, 2024, it is nowhere mentioned that the Commission order/direct that the Bakshi Committee Report shall be kept confidential and shall not be available for inspection/public.

Moreover, the Appellant accentuated that when the Bakshi Committee Report can be sent to Industries, Energy and Labor Department of Mantralaya, Mumbai then why should it not be made public.

#### **8. Decision:**

- a) As informed, the Statement of Reasons (SoR) is approved by the Commission. Therefore, it is deduce that the Commission accorded an approval/direction to restrain the Bakshi Committee Report to be made public.



- b) According to the submission of PIO it is learned that, the Bakshi Committee Report contains information related to employees' personal details like date of birth, educational qualification, experience, designation, etc. Such information is in the nature of personal information and cannot be supplied in the absence of any larger public interest.
- c) Secondly, as per section 2(f) of the RTI Act, 2005 the PIO is not supposed to create or collate information that is not part of the record.

Hence, no intervention is required on behalf of the FAA in this matter.

9. The appeal is being disposed of accordingly.

10. In case the Appellant is not satisfied with the decision, he may prefer the second appeal within 90 days before the State Information Commissioner, 13<sup>th</sup> Floor, New Administrative Building, Madam Cama Road, Opposite Mantralaya, Mumbai-400032.



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

To,

Shri. Anilkumar Rupchand Ukey  
Shantivan CHS, Bldg. No.9 Flat No.301  
3<sup>rd</sup> Floor, Sector-7, Sanpada,  
Navi Mumbai, Dist – Thane - 400705.



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

Copy to PIO of MERC for information.