



# महाराष्ट्र विद्युत नियामक आयोग

## Maharashtra Electricity Regulatory Commission



Order NO.-MERC/FAA/2025/Appeal/4 of 2025/0330

Date: 28.05.2025

Date of RTI application filed: 20.02.2025

Date of reply of PIO: 18.03.2025

Date of receipt of first appeal: 24.03.2025

Date of order of first appeal: 28.05.2025

**BEFORE THE APPELLATE AUTHORITY**  
**(Under the Right to Information Act, 2005)**  
**Maharashtra Electricity Regulatory Commission, Mumbai**  
**Appeal No. 04 of 2025**

Shri. Kamlakar Ratnakar Shenoy

.....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 18.02.2025 under the Right to Information Act, 2005 (hereinafter referred to as RTI Act). The application was received at the office of the Commission on 20.02.2025. The PIO/Respondent, vide letter dated 18.03.2025 provided the reply to the Appellant. Accordingly, the Appellant filed the First appeal on 21.03.2025 (received at Office of the Commission on 24.03.2025).
2. The First Appellate Authority has given the opportunity of a personal hearing on 22.04.2025 by serving a notice of hearing upon Appellant dated 09.04.2025. However, the Appellant informed his unavailability due to judicial work on the same date. Therefore, the hearing was rescheduled to the mutually decided date of 06.05.2025. The Appellant and PIO attended the hearing on 06.05.2025. During the hearing the Appellant insisted on video

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

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recording the appeal proceedings and also requested the training related information of PIO and FAA. Considering the circumstances, the hearing was again rescheduled on 21.05.2025. The Appellant and PIO attended the hearing on 21.05.2025 and made the oral submission.

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

Hearing on 17.02.2025 at 10.30 am before Hon. MERC in MYT Petition submitted by BEST Undertaking.

- a) Live streaming done of the proceeding (it is integral part of the proceeding and a public document).
- b) Action taken on my letter Dt. 17.02.2025 emailed on 18.02.2025 objecting to certain way of the proceeding being conducted.

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

- a) The Commission has published Practice Direction on operational procedure and protocol to be followed for e-filing and e-hearing of the petition before the Commission on the Commission's website on 14.11.2022. Also Annexed the detailed procedure for e-hearing.

In the said Annexure, it is stated that the audio/ video / recording of e-hearing shall not be made available to the Advocates / parties in person or public.

Above mentioned documents are available on website of the Commission ([www.merc.gov.in](http://www.merc.gov.in)) in downloadable format.

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. Exemption from disclosure of information – (1) Notwithstanding anything contained in this Act, there shall be no obligation to give any citizen.. (b) information which has been expressly forbidden to be published by any court of law or tribunal of the disclosure of which may constitute contempt of court”

In view of above, it is noted that as per the Practice Direction on operational procedure and protocol to be followed for e-filing and e-hearing of the petition before the Commission and Annexed the detailed procedure for e-hearing, the



sharing of audio / video / recording of e-hearing shall not be made available to the Advocates / parties in person or public.

- b) The information in Case No. 207 of 2024 in the matter of MYT petition of BEST Undertaking. The Commission is quasi-judicial body and the matter in Case no. 207 of 2024 is ongoing before the Commission. The Case No. 207 of 2024 is Sub-judice before the Commission.

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

Information not provided.

- 6. Accordingly, final in-person hearing scheduled on 21.05.2025 in combination with two other appeals of the similar subject of the appellant. The Appellant and Respondent argued orally, and no written submission was received during the hearing.

- 7. The Respondent PIO relied upon the provision of section no. 8(1)(b) of the RTI Act, 2005 in consonance with the Practice Direction on operational procedure and protocol to be followed for e-filing and e-hearing of the petition before the Commission and Annexed the detailed procedure for e-hearing.

It is learnt that as per clause no. 3.7 of detailed procedure of E-hearing under practice directions, the Commission expressly prohibited the recording of e-hearing disseminated for publication or reproduction to the media or any other person.

For point no. b), the final order passed by the Commission in the case no. 207 of 2024.

**8. Decision:**

- a) After contemplating both side arguments, this authority deduced that for point no. a), the PIO rightly pointed out that the information falls under the ambit of section 8(1)(b) of the RTI Act, 2005. Therefore, no intervention is required on behalf of FAA on this point.
- b) In respect to point no. b) since the final order of case no. 207 of 2024 is passed by the Commission, this Authority is directed to the PIO to provide the copy of the final order of the case no. 207 of 2024 to the Appellant free of cost within 20 days from the date of this order.

c) Since the Appellant is senior citizen, the PIO is directed to provide the documents with proper Index.

9. The appeal is being disposed of with the above decision.

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,

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

Copy to PIO of MERC for necessary action.