Appeal No.2008/4/02

M/s. Oman International Bank S.A.O.G 201, Raheja Centre Nariman Point, Mumbai 400 021.

... Appellant

V/s

The Supt. of Stamps Appellate Authority & Town Hall, Fort, Mumbai – 400 001.

. Respondent

GROUNDS

This appeal has been filed under section 19(3) of the Right to Information Act, 2005. Hearing took place today and appellant as well as respondent were present. The case in briefs as follows.

The Appellant is a Bank carrying on the business activities of Banking they had sanctioned loan to M/s Majestic Furnishing Co. Ltd and the said Company in turn executed loan documents in favor of the Appellant. Because of the failure of the company to repay the loan the Appellant filed on Original Application being O. A. No. 1004 of 2001 before Debt Recovery Tribunal No. 2 (DRT) Mumbai. As few documents were insufficiently stamped, to ensure that these documents were duly marked and exhibited in evidence, on 17th May, 2005 the Appellant submitted eight documents to responding office for adjudication under Section 31 of Bombay Stamp Act, 1958. Subsequently the Appellant received notice from Stamp office being demand notice. No. IMP/1490/2005 dated 1st July, 2005 with a specific direction to deposit a sum of Rs.5,27,470/- and in case if the payment is made up to the end of immediate following month, to pay additional sum of 7,773/- aggregating to Rs.5,35,243/-. As the Original Application filed before DRT was ripe for hearing, on 26/28th September, 2005 the appellant paid a sum of Rs.5,35,243/- with liberty to file an appeal against adjudication and got back the documents. As the Appellant felt that the amount charged by the Stamp office was exorbitant and without valid justification the Appellant on 25th October, 2005 applied for a certified copy of the calculation of stamp duty paid.

It appears from the record that the required information has been furnished to the appellant though late. The appellant is not happy and feel that he has been charged more than is due to him. This is something which Commission cannot adjudicate. The calculation sheet has been provided to the appellant and the requirement of the RTI Act has been fulfilled. The appellant has been advised to approach Inspector General Registration and Controller of Stamp New Administrative Building Ground floor, Opposite Council hall, Pune – 411 001. I have came to the conclusion that the relevant information stands furnished.

<u>Order</u>

Appeal is disposed off.

(Ramanand Tiwari) State Information Commissioner, Mumbai

Place: Mumbai

Date: 16.04.2008

Appeal No.2008/13829/25/02

Mr.Merwyn Richard Viegas A/4, Silver Bell Bamanpuri, J.B. NAgar, Shri Niwas Bagarka Marg, Andheri (E), Mumbai – 400 059.

... Appellant

V/s

First Appellate Officer, Maharashtra Electricity Regulatory Commission, 13th Floor, Centre No 1 World Trade Centre, Cuffe Parade, Mumbai – 400 005.

Respondent

GROUNDS

This appeal has been filed under section 19(3) of the Right to Information Act, 2005. The Appeal was heard today. Appellant as well as respondents present. The appellant had sought information regarding order date 09.03.2007 and supplementary order date 26.09.2006 in the matter of determination of Annual Revenue requirement and tariff 2004-2005, 2005-2006 for Best undertaking. The appellate authority ordered that information should be furnished on payment of Rs.70 & Rs.74 for order and supplementary order. The appellants Contends that he should be given the information free of cost in view of the delay. I have gone through the papers and also considered the pleadings. It is a fact that this information has been delayed and the appellant is justified in asking the information free of cost. I order that the information be given free of cost. Since the respondents have a copy ready with them, it has been handed over to the appellant.

Order

Appeal is disposed off.

(Ramanand Tiwari) State Information Commissioner, Mumbai

Place : Mumbai

Date: 22.04.2008

Section 19(3) of RTI Act, 2005.

Appeal No.2008/4220/20/02

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Mr.Arjunlal M. Chabaria Bell Vista, Flat No. 15,

3rd Floor, Opp.Lake & LIC Officer,

S.V.Road, Bandra, Mumbai - 400 050.

V/s

First Appellate Officer or Deputy Municipal

Commissioner Zone III. K/West,

Ward Office Bldg. 3rd Floor, Paliram Path,

Andheri (West), Mumbai – 400 058.

Respondent

Appellant

GROUNDS

This an appeal under Section 19(3) of the RTI Act, 2005. The appellant had

sought information which has been furnished. He has however appealed to the First

Appellate Authority who rejected the appeal saying that the information asked for in the

appeal before the First Appellate Authority is different from the information sought from

the Public Information Officer. Appellant as well as respondents absent. This is noting to

convince me to interfere in the First Appellant Authority's appeal order.

Order

Appeal is disposed off.

(Ramanand Tiwari) **State Information Commissioner, Mumbai**

Place: Mumbai

Date: 25.04.2008

Appeal No.2008/13830/27/02

Mr.Merwyn Richard Viegas A/4, Silver Bell Bamanpuri, J.B. NAgar, Shri Niwas Bagarka Marg, Andheri (E), Mumbai – 400 059.

... Appellant

V/s

First Appellate Officer or Assistant Commissioner, K (East) Ward, Bruhanmumbai Municipal Corporation, Aazad Road, Gundeevali, Andheri (E), Mumbai – 400 059.

Respondent

GROUNDS

This appeal has been filed Under Section 19(3) of the RTI Act, 2005. The appellant has sought information regarding permission to use terrace of the buildings or kitchen & residential purpose. He also wanted to know if permission has been granted and if not whether notice Under Section 351 of the BMC Act has been issued to him and a copy be given to the appellant. The appeal was heard today Broth appellant and respondent an present. Papers on record shows that the First Appellant Authority has passed his order on 16.11.2006 but the appellant is not satisfied and hence this Second Appeal.

I have gone through the papers and also heard parties. The appellant has sought simple, pointed and straight forward question whether permission to use the trace has been given or not. I feel that he must be given this information without making him run from Pillar to Post

Order

The appeal is allowed and the First Appellate Authority is directed to arrange to furnish the required information within one month and report Compliance

(Ramanand Tiwari) State Information Commissioner, Mumbai

Place : Mumbai

Date: 25.04.2008

Appeal No.2008/13808/24/02

Mr.Rajan Alimchandani, 47/3, Venus Co-op Hsg. Society, Dr.R.G.Thadani Marg, Mumbai – 400 018.

... Appellant

V/s

First Appellate Officer or Dy.Dist. Registrar Of Societies, Mumbai (1) City Malhotra House, 6th Floor, Opposite J.P.O, Fort Mumbai – 400 001.

.. Respondent

GROUNDS

This appeal has been filed Under Section 19(3) of the RTI Act, 2005. The appellant has sought information regarding Managing Committee of "Venus CHS, Worli." He has contended that member of the Managing Committee are required to furnish Indemnity Bonds within 15 days of their election / cooption / nomination. He has sought information whether member of this committee have filed Indemnity Bonds in time or if not whether they have signed are official papers in view of the fact that failure has led to their disqualification.

It seems that the public information officer was hesitant in furnishing the information but appellants persistence yielded result. The appellant on the date of hearing has in his possession all the information which he wanted. His main grievance / demand now is that these members who did not execute indemnity bonds in time should be proceeded again. He has been able to show that some members have executed the bond after 400 days or even more than that.

After going through the papers I am of the view that there is hardly anything which the Commission can do The RTI Act empowers citizens to seek information which they can use for correcting if something has gone wrong which RTI itself cannot

correct those wrongs. The information has to be used by citizens in the appropriate

forum. The Commission in my view has no jurisdiction way to disqualify the members

of the Managing Committee. I would however, expect that the District Deputy registrar

should act in according with law.

Order

The appeal is disposed off.

(Ramanand Tiwari) State Information Commissioner, Mumbai

Place: Mumbai

Date: 25.04.2008

Section 19(3) of RTI Act, 2005.

Appeal No.2008/11756/2253/02

Mr.Janadan Mitharam Jangle, Ganga, 53 b 26, Teacher Colony,

Kurla (w), Mumbai – 400 070.

.. Appellant

V/s

First Appellate Officer or Deputy Secretary

Education Department,

Mantralaya, Mumbai – 400 032.

.. Respondent

GROUNDS

This appeal has been filed Under Section 19(3) of the RTI Act, 2005. The

appellant has sought information from the Public Information Officer but did not get

reply. He preferred the first appeal before the First Appellate Authority. In the meantime

he received a letter from the under secretary, Govt. of Maharashtra advising him to get in

touch with different Public Information Officers in the Department of Education.

It is also revealed from record that Maharashtra Prathamik Shikshan Parishad has

informed the applicant that some part of the information sought has been collected by the

Parishad and the appellant should collect it after paying Rs.131. There is noting on record

to show that appellant has paid the amount case papers also do not reveal whether the

appellant has followed up the remaining PIOs to whom his application has been sent

Intervention by the Commission has no meaning when information on has already been

offered.

Order

The appeal is disposed off.

(Ramanand Tiwari) State Information Commissioner, Mumbai

Place: Mumbai

Date: 30.04.2008

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Section 19(3) of RTI Act, 2005.

Appeal No.2008/8199/2104/02

Mr.Babasaheb Basvant Kamble, 30/80, BDD-Chawl, N.M.Joshi Marg,

Dilail road, Mumbai – 400 013.

Appellant

V/s

First Appellate Officer or Divisional Social Welfare Officer

Mumbai Division, Chembur,

Mumbai- 400 071

... Respondent

GROUNDS

This appeal has been filed Under Section 19(3) of the RTI Act, 2005. The

appellant has sought information regarding his admission in the hostel, reasons for refusal

and a lot of others related questions. The authority refused admission on the ground of his

conduct. He has been disputing those grounds. The appeal was fixed for hearing on

11.04.2008. Appellants as well on responding are present I have gone through the papers.

Papers on record reveal the PIO has furnished the required information. The First

Appellate Authority has dismissed his appeal. The main contention of the appellant is that

the departments conclusion about him are wrong. I do not think commission can arbitrate

between him and the department. Since the information has been furnished.

<u>Order</u>

The appeal is disposed off.

(Ramanand Tiwari) State Information Commissioner, Mumbai

Place: Mumbai

Section 19(3) of RTI Act, 2005.

Appeal No.2008/8197/2105/02

Mr.Babasaheb Basvant Kamble, 30/80, BDD-Chaw, N.M. Joshi Marg,

Dilail road, Mumbai – 400 013.

Appellant

V/s

First Appellate Officer or Divisional Social Welfare Officer

Mumbai Division, Mumbai.

Respondent

GROUNDS

This appeal has been filed Under Section 19(3) of the RTI Act, 2005. The

appellant has sought information whether a warden can keep an application submitted

before the prescribed date and whether a student can get admission in hostel after a break

in his studies. It is revealed from papers that the PIO has given him the information and

the First Appellant Authority has dismissed his appeal. The appellate is not satisfied with

the information and has raised a large no of supplementaries. The First Appellate

Authority has in his detailed order dealt with all the points. After going through the

papers and hearing theirs pleading I am of the view that the information has been

furnished.

Order

The appeal is disposed off.

(Ramanand Tiwari) **State Information Commissioner, Mumbai**

Place: Mumbai

Date: 30.04.2008

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Section 19(3) of RTI Act, 2005.

Appeal No.2008/7721/2014/02

Mr.Babasaheb Basvant Kamble, 30/80, BDD-Chawl, N.M.Joshi Marg,

Dilail road, Mumbai – 400 013.

Appellant

V/s

First Appellate Officer or Divisional Social Welfare Officer

Mumbai Division Office, Konkan Bhavan,

C.B.D. Belapur, Navi Mumbai.

Respondent

GROUNDS

This appeal has been filed Under Section 19(3) of the RTI Act, 2005. The

appellant has sought information regarding his application for admission and reasons for

refusal. The PIO has by his communication dated 22.05.2006 furnished the information

where in he has given the date on which his application was accepted and reasons for

denying the admission to the hostel. The First Appellate Authority has passed a detailed

order and dismissed the appeal.

The appeal was fixed for hearing on 11.04.2008. Both are present. The appellants

main contention is that he has been discriminated. He has been denied admission on

grounds which are not valid. He has also brought to my notice that other student who was

also doing his Mphil was given admission in the hostel. Incidentally the appellant has

also been admitted.

The RTI Act provides on instrument in the hands of citizens and they can use it

for correcting any wrong done to them. The RTI itself can not correct the wrong. In this

case required information has been furnished.

Order

The appeal is disposed off.

(Ramanand Tiwari)

State Information Commissioner, Mumbai

Place: Mumbai

Section 19(3) of RTI Act, 2005.

Appeal No.2008/11351/46/02

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Mr.Datatrava Haribhau Joshi,

B-4/5, Satoor Co-op Hsg. Society. Ltd.,

Mumbai – 400 057.

1st Floor, 34 M. G. Road, Vile Parle,

V/s

First Appellate Officer or Dist. Dy. Registrar,

Co-Operative Societies (3), Western Suburbs Mumbai,

Room No.69, 'Grihanirman Bhavan' \

GR. Floor, Bandra (E), Mumbai – 400 051.

Respondent

Appellant

GROUNDS

This appeal has been filed Under Section 19(3) of the RTI Act, 2005. The

appellant by his letters dated 27.08.2004 and 28.02.2005 had requested the authorities to

order an inspection of the Santoor CHS Ltd. 34, M.G. Road, Virle Parle (E) and if some

action has been initiated the appellant requested for information. The PIO by his letters

dated 18.08.2006 has informed the appellant the action initiated by him. The appellant

was not satisfied with his reply and filed appeals before the First Appellate Authority.

The First Appellate Authority after hearing the party has ordered that PIO must furnish

the information sought by the appellant. There in nothing on record to show the PIO has

complied with the direction.

I therefore allow the appeal. PIO is given one months time to furnished the

information failing which action against him will be initiated by the commission.

Order

The appeal is disposed off.

(Ramanand Tiwari)

State Information Commissioner, Mumbai

Place: Mumbai Date: 30.04.2008

Section 19(3) of RTI Act, 2005.

Appeal No.2008//2090//02

Mr.Lawrence Gomes L/10/75, Tilak Nagar,

Mumbai – 400 089.

Appellant

V/s

First Appellate Officer or Chief Officer,

MAHADA, Bandra,

Mumbai – 400 051.

Respondent

GROUNDS

This appeal has been filed Under Section 19(3) of the RTI Act, 2005. seeking

information regarding valuation of certain lands. The PIO under his letter dated

07.10.2006 has informed him that the information sought by him is available with the

Executive Engineer, Ghatkopar Division of MAHADA. His application was duly

forwarded and the appellant informed according to the provisions of the RTI Act. The

appellant instead of approaching the Executive Engineer, Ghatkopar Division preferred

appeal under section 19(1) and 19(3). His main contention is that he does not want to

waste his time and energy in approaching the Executive Engineer, Ghatkopar Division

and the PIO Should furnish the information. He has also pleaded for condonation of delay

because he had gone to Dubai and could not file appeal in time.

After going through the papers on record, I have come to the conduction that the

PIO has followed the RTI Act by forwarding his papers to an authority having the

relevant information under intimation to the appellant. I do not accept the appellant's

argument that he does not want to waste his time and energy in approaching the

Executive Engineer, Ghatkopar Division.

Order

The appeal is disposed off.

(Ramanand Tiwari)

State Information Commissioner, Mumbai

Place: Mumbai

Section 19(3) of RTI Act, 2005.

Appeal No.2008//21//02

Mr.Deepak Gapal Sawant Deepak General Stores, Warli,

B.D.D. Chawl No. 20.,

Dr.G.M.Bhosle Marg,

Mumbai – 400 018.

.. Appellant

V/s

First Appellate Officer or Director, Development Department (Chawl),

B.D.D.Chawl, Mumbai – 400 018.

... Respondent

GROUNDS

This appeal has been filed Under Section 19(3) of the RTI Act, 2005. The

appellant has sought information regarding action taken on his application dated

15.01.2003, 26.02.2004, 02.02.2005 and 25.02.2005 against alleged illegal construction

of a stall. These is nothing on record to show any response or action. The information

sought is simple and pointed. The PIO must furnish the information within a reason able

time.

Order

The PIO to furnish information to the appellant within two weeks and report

compliance.

(Ramanand Tiwari) State Information Commissioner, Mumbai

Place : Mumbai

Section 19(3) of RTI Act, 2005.

Appeal No.2008/2281/02

Mr.Ramshankar Avodhyaprasad Saroj Dhanshyamdas Chawl, Room No. 2,

Sant Rohidas Marg,

Kala Killa, Dharavi, Mumbai – 400 017.

Appellant •••

V/s

First Appellate Officer or Assistant Commissioner

Greater Mumbai Municipal Corporation,

G/North Division Office, Harishchandra Yelave Marg,

Dadar (E), Mumbai – 400 028.

Respondent

GROUNDS

This appeal has been filed Under Section 19(3) of the RTI Act, 2005. The

appellant has sought certified copies of slum table Survey Plan for years 1985-90-95 of

Society in Dharavi. The PIO has replied that these are not available and therefore cannot

be furnished. The First Appellant Authority to whom the First Appeal has been filed has

not decided. Hence this appeal since the survey plans are not available the PIO could not

furnish. Nothing can be done.

Order

The appeal is disposed off.

(Ramanand Tiwari) **State Information Commissioner, Mumbai**

Place: Mumbai

Section 19(3) of RTI Act, 2005.

Appeal No.2008/2282/02

Mr.Ramshankar Ayodhyaprasad Saroj Dhanshyamdas Chawl, Room No. 2,

Sant Rohidas Marg,

Kala Killa, Dharavi, Mumbai – 400 017.

... Appellant

V/s

First Appellate Officer or Assistant Commissioner

Greater Mumbai Municipal Corporation,

G/North Division Office, Harishchandra Yelave Marg,

Dadar (E), Mumbai – 400 028.

Respondent

GROUNDS

This appeal has been filed Under Section 19(3) of the RTI Act, 2005. The

appellant has sought certified copies of Annexure II & Slum table Survey Plan of

Sankalapana CHS Society Shankar nagar. The appeal was fixed on 14.04.2008 and both

the plaints are present. The appellant has informed us that he has received the

information.

Order

The appeal is disposed off.

(Ramanand Tiwari) State Information Commissioner, Mumbai

Place : Mumbai

Section 19(3) of RTI Act, 2005.

Appeal No.2008/7/02

Mr.Suhas Prabhakar Warekar

8/303 Millennium Park, 3rd Floor, Hari Om Nagar,

Mulund (E), Mumnai

... Appellant

V/s

First Appellate Officer or Assistant Commissioner

Greater Mumbai Municipal Corporation,

G/North Division Office, Harishchandra Yelave Marg,

Dadar (E), Mumbai – 400 028.

.. Respondent

GROUNDS

This appeal has been filed Under Section 19(3) of the RTI Act, 2005. The

appellant has sought information about the illegality of the constriction of mezzanine

floor and lowering of plinth level of the ground floor premiers at Ganga Niwas, Ranade

Road, Dadar (w), Mumbai. The PIO gave replies which did not satisfy the appellant.

These is nothing on record to show that the first appeal was ever heard. Hence this

Second appeal.

The information sought is straight forward and pointed. The reply furnished by

the PIO is vague and evasive. The First Appellant Authority has not discharged his

responsibilities.

Order

The appeal is allowed and the First Appellant Authority is directed to arrange to

furnish the required information within one month and compliance.

(Ramanand Tiwari) State Information Commissioner, Mumbai

Place : Mumbai

Section 19(3) of RTI Act, 2005.

Appeal No.2008/47/02

Mr. Santosh Vinayak Khajane

161/4996, Kannamvar – 1,

Vikhroli (E), Mumbai – 400 083.

.. Appellant

V/s

First Appellate Officer or Additional Collectore,

(Ench./Rem.), Mumbai

Suburban District, Eastern suburb. Industrial Insurance

Bldg., Churchgate, Mumbai – 400 032.

Respondent

GROUNDS

This appeal has been filed against the order of the First Appellate Authority dated

nil August 2006. The appellant has sought information regarding slum rehabilitation

scheme on plot bearing CTS No. 260, 261 (1 to 51) Vikroli East, Mumbai – 400 083.

known as Vikroli Shivai CHS.

The appeal was fixed for hearing today. Appellants and respondents are absent. I

have scrutinized the papers on record. I find that the information required by the

appellant has been furnished. The appellant wants the PIO to be fined. I have not come

across any instance on the part of the PIO to delay or conceal or distort the information I

do not think it necessary to intervene.

Order

The appeal is disposed off.

(Ramanand Tiwari) State Information Commissioner, Mumbai

Place: Mumbai

Appeal No.2008/2068/02

Mr. Prakash Gopal Birwatkar Birwatkar Chawl, Near Mahakali Temple, Bhatwadi, Ghatkopar (W), Mumnai – 400 084.

Appellant

V/s

First Appellate Officer or Asst. Commissioner 'N' Ward, Mumbai Municipal Corporation on, Jawahar Rd. Ghatkopar (E), Mumbai – 400 077.

Respondent

GROUNDS

This appeal has been filed Under Section 19(3) of the RTI Act, 2005. The appellant has sought information regarding construction of mezzanine floor by Shri. Umajee Natha Davkhar. The PIO by his letter dated 02.11.2005 informed the appellant that a notice under 351 of the BMC Act has been served to Shri. Umajee Natha Davkhar and action would be taken in accordance with the BMC Act. The PIO under his letter dated 11.07.2006 informed the appellant that the papers submitted by Shri Davkhar in response to the notice under 351 were examined and it was found that the structure was illegal. Shri Davkhar was asked to remove the structure which he did. The PIO has thus closed the case. The appellant filed appeal before the First Appellate Authority. The main contention of the appellant is that whether an illegal structure is legal when it is demolished. There is nothing on record to show that his appeal has been decided. Hence this Second appeal.

I have gone through the paper and pleadings by parties. The appellant according to me has achieved his purpose – getting an illegal structure demolished through the instrument of RTI Act, his question whether demolition of an illegal structure becomes legal is not relevant since the structure itself is gone the question of its being illegal or legal does not arise.

Order

The appeal is disposed off.

(Ramanand Tiwari) State Information Commissioner, Mumbai

Place: Mumbai Date: 30.04.2008

Section 19(3) of RTI Act, 2005.

Appeal No.2008/43/02

Mr. Jadish K. Gianchandani

Flat No. 33/1, New Sarvodaya C.H.S. Ltd., R.C. Road, Chembur, Mumbai 400 071.

Appellant

V/s

First Appellate Officer or Joint Secretary, UD – 21

Urban Development Dept.,

Mantralaya, Mumbai.

Respondent

GROUNDS

This appeal has been filed Under Section 19(3) of the RTI Act, 2005. The

appellant has sought a copy of the Bombay Municipal Servants Act, 1890 as amended

from time to time. The appellant is not satisfied with replies of PIO and the First

Appellate Authority. Hence this appeal. The appeal was fixed today. The appellant is

absent. The PIO is present. The PIO has given his submission in writing. It appears that a

copy of the Act was not available in the department but the same has been obtained from

Law and Judiciary and furnished to the appellant. The PIO has given to the appellant

whatever was available. I pass the following.

<u>Order</u>

The appeal is disposed off.

(Ramanand Tiwari) **State Information Commissioner, Mumbai**

Place: Mumbai

Section 19(3) of RTI Act, 2005.

Appeal No.2008/14/02

Mr. Ahmed Taj Khan

Shiv-Sai Nagar, Room No. 20, Near Charlie D'souza Chawl,

Behind Sindhi Colony, ST.Franlis Road,

Vile-Parle (w), Mumbai 400 056.

... Appellant

V/s

First Appellate Officer or Additional

Metropolitan Commissioner, M.M.R.D,

Bandra, Mumbai.

.. Respondent

GROUNDS

This appeal has been filed Under Section 19(3) of the RTI Act, 2005. The

appellant has sought information on 21 points as mentioned in the appeal memo. The

appeal was fixed on 21.04.2008. The Appellant is absent. The respondent says that he has

furnished the information. In view of the fact that the appellant is absent and respondent

has given in writing that the information has been furnished, I pass the following order.

Order

The appeal is disposed off.

(Ramanand Tiwari) State Information Commissioner, Mumbai

Place: Mumbai Date: 30.04.2008