

Before the State Information Commission, Maharashtra-Appeal under Section 19(3) of RTI Act, 2005.

Appeal No.2009/2001/02

**Shri. Jaan Mohammad Gulam Mohammad Khan
C/o. Plot No. 27/A/46-47 (Road No. 2),
Shivaji Nagar, Gowandi,
Mumbai – 400 043.**

.... Appellant

V/s

**First Appellate Officer cum Jt. Municipal Commissioner (I),
(Sudhar) Municipal Corporation of Greater Mumbai,
Head Office, Ext. Bldg., 3rd Floor,
Mahapalika Marg, Fort,
Mumbai – 400 001.**

.... Respondent

**Public Information Officer cum
TAVO, Municipal Corporation of Greater Mumbai,
Room No.211, 2nd Floor, Ext. Bldg.,
Head Office, Fort,
Mumbai – 400 001.**

GROUNDS

This appeal has been filed under section 19 (3) of the Right to Information Act 2005. The appellant is one of the persons whose structures were affected because of training of Rafi Nagar Nulla. The appellant was offered a pitch but the same was encroached by another person. The MCGM allotted to him another plot. The appellant however, wanted a photo pass which was denied saying that while structure was protected, he is not entitled to have a photo pass. The appeal was heard on 2.3.2009. Appellant and respondent were present. The respondents have conducted an enquiry into the allegations made by the appellant. They have obtained Municipal Commissioner's order and the same has been communicated. A copy of the report was also furnished to him. The appellant is still not satisfied and fears that MCGM may remove him at will. He wants to be assured that his structure will remain protected. The formal allotment letter has been issued to him. He has also pointed that enquiry officer has remarked that his structure is illegal and should be removed.

I have gone through the entire file and also listened to parties. Since the appellant has been formally allotted pitch no.28, the question of his being illegally does not arise. The enquiry officer said that the remark was because of the fact that allotment letter was not shown to him. The remark thus becomes infructuous and invalid. Since it has

already been admitted that his structure is protected, I see no reason for him to worry. The officials present also assured him that he would get the same protection and treatment as other allottees. In the light the above discussion, the case is closed.

Order

The appeal is disposed off.

(Ramanand Tiwari)
State Information Commissioner, Mumbai

Place: Mumbai
Date: 08.04.2009.

Before the State Information Commission, Maharashtra-Appeal under Section 19(3) of RTI Act, 2005.

Appeal No.2009/2000/02

**Shri. Jaan Mohammad Gulam Mohammad Khan
C/o. Plot No. 27/A/46-47 (Road No. 2),
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V/s

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(Ramanand Tiwari)
State Information Commissioner, Mumbai

Place: Mumbai
Date: 08.04.2009.

Before the State Information Commission, Maharashtra-Appeal under Section 19(3) of RTI Act, 2005.

Appeal No.2009/2002/02

**Shri. Jaan Mohammad Gulam Mohammad Khan
C/o. Plot No. 27/A/46-47 (Road No. 2),
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Mumbai – 400 043.**

.... Appellant

V/s

**First Appellate Officer cum Jt. Municipal Commissioner (I),
(Sudhar) Municipal Corporation of Greater Mumbai,
Head Office, Ext. Bldg., 3rd Floor,
Mahapalika Marg, Fort,
Mumbai – 400 001.**

.... Respondent

**Public Information Officer cum
TAVO, Municipal Corporation of Greater Mumbai,
Room No.211, 2nd Floor, Ext. Bldg.,
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Mumbai – 400 001.**

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already been admitted that his structure is protected, I see no reason for him to worry. The officials present also assured him that he would get the same protection and treatment as other allottees. In the light the above discussion, the case is closed.

Order

The appeal is disposed off.

(Ramanand Tiwari)
State Information Commissioner, Mumbai

Place: Mumbai
Date: 08.04.2009.

Before the State Information Commission, Maharashtra-Appeal under Section 19(3) of RTI Act, 2005.

Appeal No.2009/2191/02

**Mr. Baljeet Singh Dogra
Jai Jawan Stall,
Bhel Plaza, Girgaon Chowpatty,
Mumbai.**

... Appellant

V/s

**First Appellate Officer cum Assist Commissioner
Municipal Corporation,
A-Ward, 134-E, Shahid Bhagat Singh Marg,
Fort, Mumbai – 400 001.**

... Respondent

**Public Information Officer cum Assist Engineer
Municipal Corporation,
A-Ward, 134-E, Shahid Bhagat Singh Marg,
Fort, Mumbai – 400 001.**

GROUND

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant had sought the information relating to the original size of the Jaijawan Stall allotted to Mr.Dandekar and popularly known as ‘Canon’ opposite Mumbai Mahanagar Palika Head Quarters.

Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant has filed this second appeal before the commission. The appeal was heard on 13.04.2009. Appellant and respondent were present.

The appellant has contended that he has not been given satisfactory reply.

The respondent’s contention is that the appellant is a stall holder at Chawpati. He has also been given a copy of the allotment letter issued to Mr. Dandekar. The available information has thus been furnished.

After going through the case papers and considering the arguments advanced by parties I have come to the conclusion that the reason for his stall being smaller than

Mr. Dandekar is the crucial point. Record reveals that there is no uniformity in the size of stalls. There has to be some guidelines for differentiation. The appellant is entitled know the reasons for his stall being smaller than others.

Order

The appeal is allowed. The PIO should furnish a copy of the guidelines relating to the size of Jai Jawan Stalls. The information to be given in 30 days.

(Ramanand Tiwari)
State Information Commissioner, Mumbai

Place: Mumbai
Date: 15.04.2009.

Before the State Information Commission, Maharashtra-Appeal under Section 19(3) of RTI Act, 2005.

Appeal No.2009/2192/02

**Mr. Venkateshwar Narsingh Pottabathini
90, Rahul Nagar, Near Tilak Nagar Police Station,
Chembur (W), Mumbai – 400 089.**

... Appellant

V/s

**First Appellate Officer cum Joint Project Director
MUTP-SCCR Project, MMRDA,
Bandra–Kurla, Bandra (E), Mumbai – 400 051.**

... Respondent

**Public Information Officer,
MUTP-SCCR Project, MMRDA,
Bandra–Kurla, Bandra (E), Mumbai – 400 051.**

GROUNDS

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant had sought the information relating to Santacruz Chembur Link Rd Project funded by the World Bank and implemented by MMRDA from 1994 to date. He has asked information on 27 points regarding Resettlement Policy, Baseline survey, Grievance redressal mechanism and Development control Regulations applied for resettlement of PAPs.

Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant has filed this second appeal before the commission. The appeal was heard on 13.04.2009. The appellant did not turn up but the respondent was present.

The appellant has contended that no communication was received from the Public Information Officer and the First Appellate Authority refused to accept his first appeal.

The respondent's contention is that information has been furnished by Estate Manager's letter dated January 30, 2009. Information has been provided on 4 points and

the appellant was advised to visit the official web site of MMRDA for the remaining information.

After going through the case papers and considering the arguments advanced by parties I have come to the conclusion that information has been furnished. In fact RTI Act requires Public Authority to put their information web site so that people can access it without approaching the PIO or the First Appellate Authority. Since the appellant has remained absent, I am constrained to close the case.

Order

Appeal is disposed off.

(Ramanand Tiwari)
State Information Commissioner, Mumbai

Place: Mumbai
Date: 13.04.2009.

Before the State Information Commission, Maharashtra-Appeal under Section 19(3) of RTI Act, 2005.

Appeal No.2009/2193/02

**Mr. Venkateshwar Narsingh Pottabathini
90, Rahul Nagar, Near Tilak Nagar Police Station,
Chembur (W), Mumbai – 400 089.**

... Appellant

V/s

**First Appellate Officer cum Joint Project Director
MUTP-SCCR Project, MMRDA,
Bandra–Kurla, Bandra (E), Mumbai – 400 051.**

... Respondent

**Public Information Officer,
MUTP-SCCR Project, MMRDA,
Bandra–Kurla, Bandra (E), Mumbai – 400 051.**

GROUNDS

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant had sought the information relating to Demolition of structures of residents of Rahul Nagar affected by SCLR without providing alternate accommodation and without informing about their eviction.

Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant has filed this second appeal before the commission. The appeal was heard on 13.04.2009. The appellant did not turn up but the respondent was present.

The appellant has contended that no communication was received from the Public Information Officer and the First Appellate Authority refused to accept his first appeal.

The respondent's contention is that they have forward appellants application dated 14.01.2009 to Maharashtra State Roads Development Corporation and the appellant has been informed accordingly. The MSRDC wrote to the appellant to deposit Rs.2025/- and obtain copies of the required documents.

After going through the case papers and considering the arguments advanced by parties it is revealed that the PIO has forwarded appellant's application to the MSRDC and informed him accordingly. The MSRDC also wrote to the appellant to deposit Rs.2025/- for xeroxing and collect the information on point no. G to V. It is however seen that the remaining information has to be furnished by the PIO, MMRDA. I therefore pass the following order.

Order

The appeal is partially allowed. Information on points No A to E and W to be furnished by PIO MMRDA within 30 days.

(Ramanand Tiwari)
State Information Commissioner, Mumbai

Place: Mumbai
Date: 13.04.2009.

Before the State Information Commission, Maharashtra-Appeal under Section 19(3) of RTI Act, 2005.

Appeal No.2009/2190/02

**Mr. Laxman Maruti Mokal
Shop No.13, Ratna Store,
Near Municipal Hospital,
Building No. 21, Sardar Nagar-4
Saion Koliwada, Mumbai – 400 037.**

... Appellant

V/s

**First Appellate Officer,
SRA, 5th Floor, MHADA,
Bandra (E), Mumbai – 400 051.**

... Respondent

**Public Information Officer,
SRA, 5th Floor, MHADA,
Bandra (E), Mumbai – 400 051.**

GROUND

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant had sought the information relating to Adrash Gharkool Society, Sardarnagar No.4, Rawali camp, Sion Koliwada, Mumbai. The appellant has sought copies of Annual General Body meeting, allotment of tenements by lots, allotment letters issued to members and information in respect of Balwadi and Society office in all the three buildings.

Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant has filed this second appeal before the commission. The appeal was heard on 13.04.2009. Appellant and respondents were present.

The appellant has contended that he has not been furnished the required information.

The respondent's contention is that since appellant has given more than one application, the information furnished overlaps leading to dissatisfaction of the appellant.

After going through the case papers and considering the arguments advanced by parties I have come to the conclusion that multiple applications could be the reason for

dissatisfactory information A copy of the appellant's application dated 28.02.2008 was handed over to the respondent. He should furnish the information and allow inspection if desired by the appellant.

Order

The appeal is allowed. Information to be furnished by PIO within 30 days.

(Ramanand Tiwari)
State Information Commissioner, Mumbai

Place: Mumbai
Date: 13.04.2009.

Before the State Information Commission, Maharashtra-Appeal under Section 19(3) of RTI Act, 2005.

Appeal No.2009/1533/02

**Mr. Dondiram Dasa Jadhav
Room No.349, Rahul Nagar,
Nagwadi, P.L.lokhande Marg,
Chembur, Mumabi – 400 089.**

... **Appellant**

V/s

**First Appellate Officer cum Assist Commissioner
Municipal Corporation,
H/West Ward, Sent Martin Rd,
Bandra (W), Mumbai – 400 050.**

... **Respondent**

**Public Information Officer cum Assist Engineer
Municipal Corporation,
H/West Ward, Sent Martin Rd,
Bandra (W), Mumbai – 400 050.**

GROUND

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant had sought copies of jobs slip issued by Khar (West) repair chawky, copy of the last page of attendance register relating to July 2007 in respect of Mukadames Khar (West) stores and a copy of the daily schedule dated 28.07.2007 issued to Mr. Anant Sawant. Not satisfied with responses from the PIO and the First Appellate Authority he has come in second appeal before the commission. The appeal was heard on 03.03.2009. The appellant was present but the respondents did not turn.

After going through the case papers and considering the argument but forth by the appellant I have come to the conclusion that the required information has been furnished. The PIO by his letter dated 05.01.2008 and 03.03.2008 has given pointwise information. The appellant has however pointed out that the information is not correct. It is however seen that he has been given RTI Act ensures furnishing of the available information on record. The same has been done. I decide to close the case.

Order

The appeal is disposed off.

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

Place: Mumbai
Date: 13.04.2009.

Before the State Information Commission, Maharashtra-Appeal under Section 19(3) of RTI Act, 2005.

Appeal No.2009/1990/02

**Mr. Mofid Ahamd Khon
Room No.1, Dedia Niwas,
Rafi Ahamad Kidvai Rd,
Wadala, Mumbai – 400 031.**

... Appellant

V/s

**First Appellate Officer,
Rationing Office, No.31 E,
Matunga, King Circle,
Mumbai – 400 004.**

... Respondent

**Public Information Officer,
Rationing Office, No.31 E,
Matunga, King Circle,
Mumbai – 400 004.**

GROUNDS

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant had sought copies of entries of ration card holders in prabuddha Nagar zopadpatti since 1994.

Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant has filed this second appeal before the commission. The appeal was heard on 02.03.2009. Appellant and respondents were present.

The appellant has contended that he has not been given correct information and his first appeal was not heard.

The respondent's contention is that required information running in to 221 pages has been furnished.

After going through the case papers and considering the arguments advanced by parties I have come to the conclusion that although information has been furnished the appellant is not satisfied with the quality of information also the fact that the First Appellate Authority did not hear his appeal. I therefore pass the following order.

Order

The appeal is allowed. The First Appellate Authority to hear and decide the appeal within 45 days.

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

Place: Mumbai
Date: 09.04.2009.

Before the State Information Commission, Maharashtra-Appeal under Section 19(3) of RTI Act, 2005.

Appeal No.2009/1754/02

**Mr. Jaideep Subhash Dharadhar
602/A, Greenfields,
lokhandwala Complex,
Andheri (W), Mumbai – 400 053.**

... Appellant

V/s

**First Appellate Officer,
The Superintended of Land Records,
Bandra (E), Mumbai.**

... Respondent

**Public Information Officer,
The City Survey Officer,
Oshiwara, Andheri (W),
Mumbai – 400 053.**

GROUNDS

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant had sought the information regarding area of CTS 1/69 from the City Survey Officer, Oshiwara, Andheri (West) Mumbai. He obtained a copy of the documents and filed an appeal before the First Appellate Authority saying that the area shown was not correct.

Not satisfied with response from the First Appellate Authority the appellant has filed this second appeal before the commission. The appeal was heard on 28.01.2009. Appellant and respondents were present.

The appellant has contended that the information furnished was not correct. The respondent has stated that the information furnished was as per the record and in case the appellant applies to the Collector, Mumbai suburban district who will order remeasurement, necessary correction can be done after the remeasurement.

I have gone through the case papers and also considered the arguments advanced by parties. It is revealed from the written submission made by the respondent that the land stands in the name of Oshiwara Land Development Corporation. The remeasurement work can be taken up only at his request or any person authorized by him. The appellant thus has no locus standee to seek remeasurement. The commission however feels that the issue has very wide reaching implications. The area of a city survey no in Mumbai is directly related to the available floor space index. There have been cases where discrepancies in the area has led to a claim of higher FSI. The interested person would never get it remeasured because it may not suit him. Under such circumstances the public authority alone can project the larger public interest I would

therefore direct the collector to get the issue examined and take steps to ensure that appellant's doubts are cleared. As far as RTI is concerned, the information stands furnished.

Order

The appeal is disposed off.

(Ramanand Tiwari)
State Information Commissioner, Mumbai

Place: Mumbai
Date: 09.04.2009.

Before the State Information Commission, Maharashtra-Appeal under Section 19(3) of RTI Act, 2005.

Appeal No.2009/1991/02

**Mr. Pradeep S. Thakur
Lalji Chawl, Khotwadi, P.M.Rd,
Santacruz (W), Mumbai – 400 054.**

... Appellant

V/s

**First Appellate Officer cum Assist Commissioner,
Municipal Corporation,
H/West Ward Office,
Sent martin Rd, Bandra (W),
Mumbai – 400 050.**

... Respondent

**Public Information Officer cum Colony Officer,
Municipal Corporation,
H/West Ward Office,
Sent martin Rd, Bandra (W),
Mumbai – 400 050.**

GROUND

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant has sought the information as to whether final plot no 106 TPS VI, Khotwadi, Santacruz, Mumbai was declared as 'slum' or has been 'censused'. The appellant has pointed out that the scheme under slum rehabilitation can be taken up only if the plot is declared a 'slum' or has been censused. He has also wanted to know that if the plot was not declared slum or censused, than how the scheme has been approved, annexure II prepared and letter of intent issued. Not satisfied with responses from the PIO and the First Appellate Authority, the appellant has come in second appeal before the commission.

The appeal was heard on 02.03.2009. Appellant and respondent were present. The appellant has reiterated his demand for a copy of the declaration of slum. The respondent has stated that available papers show that the area was a slum.

I have gone through the case papers and also considered the arguments advanced by parties. It reveals conflicting facts. The PIO in the office of the Additional Collector Encroachment Removal by his letter dated 05.03.2008 informs the appellant that the area did not seem to have been declared a slum. He however adds that the same could be

confirmed from the office of the Dy Collector encroachment removal. Similarly there is a copy of the minuetts of the meeting dated 16.03.1994 and subject is 'Declaration of slum Khotawadi, Gododia Estate, Santacruz.' The note reveals that it was decided to declare the area as slum. There is noting to show what happened that. The idea behind this discussion is to bring home the point that the commission is not mandated to declare a verdict in such cases. The information available has been furnished and the appellat can draw his own inference and approach appropriate authority for remedial measures. As far as RTI Act is concerned the available information has been furnished. It is therefore decided to close the case.

Order

The appeal is disposed off.

(Ramanand Tiwari)
State Information Commissioner, Mumbai

Place: Mumbai
Date: 09.04.2009.

Before the State Information Commission, Maharashtra-Appeal under Section 19(3) of RTI Act, 2005.

Appeal No.2009/2016/02

**Mr. Leslie Almeida,
"Casa Almeida, Flat-103,
1, St. Joseph Rd, Off St Paul Rd,
Bandra (W), Mumbai – 400 050.**

... Appellant

V/s

**First Appellate Officer,
Divisional District Registrar of Cooperatives,
Grihanirman Bhavan, (MHADA Bldg)
Ground Floor, Room No.69, Bandra (E),
Mumbai – 400 051.**

... Respondent

**Public Information Officer,
The Dy Registrar of Cooperative Societies,
11/W ward Sahakar Bazaar Bldg,
4th Floor, Bandra (W), Mumbai – 400 050.**

GROUNDS

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant had sought information regarding case file Leslie Almeida Applicant V/s Salsette Catholic Cooperative Society delay in discharge official duty and no action on 3 letters to Dy Registrar by DDR (3) dated 13.03.2008. The PIO did not furnish the information and the appellant preferred the first appeal under section 19(1) of the RTI Act. The First Appellate Authority by his order dated 18.09.2008 directed the PIO to furnish the information but the same has not been done. Hence this appeal.

The appeal was heard on 04.03.2009. Appellant and respondent were present. The appellant has stated that since information was not furnished in time, the PIO should be penalized. The respondent had no credible answer. After going through the case papers and considering the arguments, I pass the following order.

Order

The appeal is allowed. Information to be furnished within 15 days. PIO to show cause why action under section 20 of the RTI should not be taken against him. His explanation to reach in 3 weeks.

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

Place: Mumbai
Date: 09.04.2009.

Before the State Information Commission, Maharashtra-Appeal under Section 19(3) of RTI Act, 2005.

Appeal No.2009/2180/02

**Mr. Arun Thakaji Rokade
Sathaye College, Dikshit Rd,
Vileparle (E), Mumbai – 400 057.**

... Appellant

V/s

**First Appellate Officer cum Principal
Sathaye College, Dikshit Rd,
Vileparle (E), Mumbai – 400 057.**

... Respondent

**Public Information Officer cum Dy Principal
Sathaye College, Dikshit Rd,
Vileparle (E), Mumbai – 400 057.**

GROUNDS

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant had sought the information relating to appointment of the Principal Sathaye College, Mumbai appointment of Shri V.N Mallaya as enquiry officer the Joint Director's approval to persons mentioned in his application.

Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant has filed this second appeal before the commission. The appeal was heard on 13.04.2009. Appellant and respondents were present.

The appellant has contended that he has not been furnished the information.

The respondent's contention is that the appellant was called to receive the information but refused to accept it and has recorded his refusal without seeing the information.

After going through the case papers and considering the arguments advanced by parties I have come to the conclusion that appellant's approach has not been consistent. His refusal to accept the information on the ground that it was incomplete and defective is difficult to understand. He has also been asking different information in his application, the first appeal and the second appeal. Taking into account the spirit of the RTI Act. I am however of the view that he should be furnished the information sought by

him. I therefore order that information on points 1, 2, 3 & 4 should be furnished. Point no 5 is likely to take a lot of time and therefore need not be responded to. The information on points 1, 2, 3 & 4 should be sent free of cost by registered AD.

Order

The appeal is partially allowed. Information to be furnished by PIO within 15 days.

(Ramanand Tiwari)
State Information Commissioner, Mumbai

Place: Mumbai
Date: 13.04.2009.

Before the State Information Commission, Maharashtra-Appeal under Section 19(3) of RTI Act, 2005.

Appeal No.2009/1999/02

**Mr. Subhash A. Pawar
Sir J.J. Institute Arts College,
Dr. D.N. Rd, Fort, Mumbai – 400 001.**

... Appellant

V/s

**First Appellate Officer cum I/c Dean, Sir
Sir J.J. Institute Arts College,
Dr. D.N. Rd, Fort, Mumbai – 400 001.**

... Respondent

**Public Information Officer,
Sir J.J. Institute Arts College,
Dr. D.N. Rd, Fort, Mumbai – 400 001.**

GROUNDS

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant had sought the information relating to Sir J.J Institute of Applied Arts Mumbai. The appellant has sought information regarding no of students who wrote exam from 1998 to 2007 II year, final year & MFA part I & II names of chief conductors of exam year wise and expenses incurred by the institute.

Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant has filed this second appeal before the commission. The appeal was heard on 03.3.2009. Appellant and respondents were present.

The appellant has contended that the information furnished was incomplete and misleading and not in time. He was not satisfied with the information furnished.

The respondent's contention is that available information has been furnished. Since the information had to be compiled, it took some time. They have denied any attempt to conceal the information.

After going through the case papers and considering the arguments advanced by parties I have come to the conclusion that available information has been furnished. the appellant has stated that names of chief conductors have not been given, the record however shows that the same has been communicated. Taking into account the range of

information I accept the respondent's plea that the delay was not deliberate. I would however like to caution the PIO to be more careful for future. I pass the following order.

Order

The appeal is disposed off.

(Ramanand Tiwari)
State Information Commissioner, Mumbai

Place: Mumbai
Date: 09.04.2009.

Before the State Information Commission, Maharashtra-Appeal under Section 19(3) of RTI Act, 2005.

Appeal No.2009/1997/02

**Mr. B.S. Sardar
B/2 Anant Anand CHS, Nimkar Society,
Hindustan Chowk, Mulund Colony,
Mulund (W), Mumbai – 400 082.**

... **Appellant**

V/s

**First Appellate Officer,
M.H. & A.D. Board,
Grihanirman Bhavan, Kala Nagar,
Bandra (E), Mumbai – 400 051.**

... **Respondent**

**Public Information Officer,
M.H. & A.D. Board,
Grihanirman Bhavan, Kala Nagar,
Bandra (E), Mumbai – 400 051.**

GROUND

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant had sought the information relating to the Slum Rehabilitation Scheme in respect of plot bearing CTS No 791 A (part). Behind Jain Mandir, Bazar Rd, Bandra (W), Mumbai. He has asked for copies of letter no SRA/Sec/Annex II/126/08/6116 dated 30.07.2008 and letter no SRA/Sec/Annex II/126/08/6117 dated 30.03.2007 issued by the Secretary SRA to Chief Officer MH & Ad Board.

Not satisfied with responses from the PIO and the First Appellate Authority the appellant has filed this appeal before the commission. The appeal was heard on 03.03.2009. Appellant and respondent were present. It is obvious that the required information has not been furnished. The respondent has no credible answer. I therefore order that the information must be provided.

Order

The appeal is allowed. Information to be furnished within 15 days. The PIO to show cause why action under section 20 should not be initiated against

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

Place: Mumbai
Date: 09.04.2009.

Before the State Information Commission, Maharashtra-Appeal under Section 19(3) of RTI Act, 2005.

Appeal No.2009/2004/02

**Mrs. Smita Ramesh Chodankar
E-102, New Panorama CHS, Ltd,
Shiv Vallabh Rd, Opp. Omkar Hotel,
Ashokvan, Dahisar (E), Mumbai – 400 068.**

... **Appellant**

V/s

**First Appellate Officer cum Dy Registrar
Cooperative Board, R Division,
Mumbai Malhotra House, 6th Floor,
Opp.G.P.O, Fort, Mumbai – 400 001.**

... **Respondent**

**Public Information Officer cum Secretary/ Chairman/ treasurer
Panorama Chs Ltd. Omkar Hotel,
Ashokvan, Dahisar (E), Mumbai – 400 068.**

GROUND

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant had sought the following information: -

1. Expenses Voucher and Bills, Ledger, Cash Book, Petty Cash, Pass Book for the period Apr-06 to Mar-07 and Apr-07 to Mar-08.
2. Copy of Name and designation of Managing Committee.
3. Copy of the expenditure Vouchers incurred on Registration of Society.
4. Resolutions authorizing the various amounts billed to members.
5. Copy of Resolution of Bank Account Operation.
6. Copy of Indemnity band duly submitted in Registrar Office.
7. My Share Certificate.
8. Other relevant Documents.

Not satisfied with responses from the PIO and the First Appellate Authority she has preferred this appeal before the commission. The appeal was heard on 04.03.2009. Appellant and respondent were present. The appellant has reiterated her stand that she has not got the information she had asked for. The respondent has stated that the information sought is available at the society's level and the same can be got from there.

I have gone through the case papers and also considered the arguments advanced by parties. It appears from the record that the appellant has already approached the society more than once. She has taken recon rise to the RTI after failing to receive the information from the society. Section 32 of the Maharashtra Cooperative Society Act 1960 requires the society to furnish information contained in that section. As far as RTI is concerned the information available at the PIO's level can only be ordered to be provided. The Dy Registrar however has enough powers under the MSCS Act to assist the appellant. It is not enough to say that the appellant should approach the society. The Dy Registrar should proceed further if the information sought under section 32 of the MSCS Act is not furnished. I would therefore direct that the Dy Registrar should proceed against the society if they are not cooperating with the appellant. As far as RTI Act is concerned. I am constrained to close the case.

Order

The appeal is disposed off.

(Ramanand Tiwari)
State Information Commissioner, Mumbai

Place: Mumbai
Date: 09.04.2009.

Before the State Information Commission, Maharashtra-Appeal under Section 19(3) of RTI Act, 2005.

Appeal No.2009/2184/02

**Mr. Venkat Ganu Kamble
Pratik-A/8, Tambe Nagar,
S.N.Rd, Mulund (W), Mumbai – 400 080.**

... Appellant

V/s

**First Appellate Officer cum District Dy Registrar
Cooperative Board (2), Kokan Bhavan, 2nd Floor,
Navi Mumbai – 400 614.**

... Respondent

**Public Information Officer cum Dy Registrar
Cooperative Board, T Division
Mulund.**

GROUNDS

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant had sought the information relating to Prashant Cooperative Housing Society Ltd Mulund. The appellant has sought copies of the letter appointing administrator, copy of the letter taking possess on of document by the Administrator and list of documents / books which the administrator has taken over from the Secretary / Chairman.

Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant has filed this second appeal before the commission. The appeal was heard on 13.04.2009. The appellant did not turn up.

The appellant has contended that information furnished was incomplete and misleading.

The respondent's contention is that administrator has been appointed and he has taken over. It was also stated by him that the appellant has been given the share certificate which was the bore of contention.

After going through the case papers and considering the arguments advanced by parties I have come to the conclusion that information should be furnished. it is true that administrator has been appointed and he has taken over also. The appellant however has

sought copies of documents. Since the society is under an administrator, it should not be difficult for the PIO the PIO to arrange to furnish the desired information. I therefore pass the following order.

Order

The appeal is allowed. Information to be furnished by PIO within 30 days.

(Ramanand Tiwari)
State Information Commissioner, Mumbai

Place: Mumbai
Date: 13.04.2009.

Before the State Information Commission, Maharashtra-Appeal under Section 19(3) of RTI Act, 2005.

Appeal No.2009/1837/02

**Mr. Chandrakant Vishram Banda
4 A /14, Bhudargad, Near RTO
Four Bungalows, Andheri (W),
Mumbai – 400 053.**

... **Appellant**

V/s

**First Appellate Officer,
Maharashtra Maritime Board,
Indian Mercantile Chamber,
3rd Floor, Ramajibahi Kamani Marg,
Ballard Estate, Mumbai – 400 001.**

... **Respondent**

**Public Information Officer,
Maharashtra Maritime Board,
Indian Mercantile Chamber,
3rd Floor, Ramajibahi Kamani Marg,
Ballard Estate, Mumbai – 400 001.**

GROUND

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant had sought the information relating to different aspects of the working of the Maharashtra Maritime Board, Mumbai.

Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant has filed this second appeal before the commission. The appeal was heard on 16.04.2009. Appellant and respondent were present.

The appellant has contended that the required information has not been furnished to him. The respondent has submitted that frequent transfer of Board's CEO was responsible for the appeal not being heard. It has also been stated by him that information has been furnished by the PIO but the appellant was not satisfied with some of the replies.

I have gone through the case papers and considered the arguments advanced by parties. I also discussed the contents of the appellant's application. The information sought by the appellant is very comprehensive. In many cases he has asked for justification, reasons for a particular decision. Since he is being furnished copies of the documents which formed the basis for a particular decision, no reasons or justification need to be given beyond what is recorded on the file. I therefore order that information should be furnished on points 1, 2, 5, 7, 8, 9, 10 and 13. Since the information was not furnished in time it should be sent to him by post and free of cost.

Order

The appeal is allowed. Information to be furnished by PIO within 30 days.

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

Place: Mumbai
Date: 16.04.2009.

Before the State Information Commission, Maharashtra-Appeal under Section 19(3) of RTI Act, 2005.

Appeal No.2009/2069/02

**Smt. Meena Bhimanand Sonawane
401, Garden CHS, Greet Complex,
Opp. Indian Oil Nagar, Govandi,
Mumbai – 400 043.**

... **Appellant**

V/s

**First Appellate Officer cum Dy Secretary
Medical Education & Drugs Deptt.
Administrative Building, 6th Floor,
Mantralaya, Mumbai – 400 032.**

... **Respondent**

**Public Information Officer cum Desk Officer
Medical Education & Drugs Deptt.
Administrative Building, 6th Floor,
Mantralaya, Mumbai – 400 032.**

GROUND

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant by her application dated 05.07.2008 had sought the following information: -

- 1) Whether Mrs. Swati Kambli and Mrs. Reshma Desai were selected for the post of lecture by the Promotion Committee in its meeting in 2002, 2003, 2004 & 2006.
- 2) Copy of the remarks from the GAD Desk 12 and BC cell Desk 16 B.
- 3) Whether the Department Promotion Committee had held its meeting on 29.09.2007 for the posts of lecture.
- 4) And Professor in accordance with the decision of the Maharashtra Administrative Tribunal. A copy to be furnished.
- 5) Whether GAD & BC cells comments were on the decision. A copy there of .

The Public Information Officer by his letter dated 18.08.2008 informed the appellant that since the matter was Sub Judice it was not possible to furnish the information.

Not satisfied the reply from the Public Information Officer the appellant filed the first appeal under section 19(1) of the RTI Act. The First Appellate Authority by his orders dated 17.11.2008 informed the appellant she should collect information after depositing Rs.66/- on point no AB. Information on Point No.C would be given after the action is completed.

The appellant was not satisfied hence this appeal. The appeal was heard on 16.03.2009. Appellant and respondents were present.

The appellant has contended that she has been given incomplete information and they have deliberately avoided furnishing the information.

The respondent's contention is that available information has been furnished and since the case was pending before the Maharashtra Administrative Tribunal the remarks of GAD and BC cell were not communicated to the appellant.

After going through the case papers and considering the arguments advanced by parties I have come to the conclusion that information should be furnished. the appellant wanted remarks / opinion of the GAD & BC cell which have been recorded on her file. They do constitute information and the appellant is entitled to have a copy of it. If it is being denied so that the appellant does not take advantage of it, it is unfair. I therefore pass the following order.

Order

The appeal is allowed. Information to be furnished by PIO within 30 days.

(Ramanand Tiwari)
State Information Commissioner, Mumbai

Place: Mumbai
Date: 16.04.2009.

Before the State Information Commission, Maharashtra-Appeal under Section 19(3) of RTI Act, 2005.

Appeal No.2009/2116/02

**Mr. N. S. Thakur
Maharashtra Adi-Thakur Jamat Seva Board,
Nashik, Flat No.28, Ambad Police Station,
Cidco, Nashik – 422 009.**

... Appellant

V/s

**First Appellate Officer,
Tribal Development Department
Mantralaya, Mumbai – 400 032.**

... Respondent

**Public Information Officer,
Tribal Development Department
Mantralaya, Mumbai – 400 032.**

GROUND

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant had sought the information relating to a statement reported to have been made by the Hon Minister Tribal welfare, govt. of Maharashtra. The Hon Minister had stated that 200 persons with surnames like Thakur, Thakur and Thakur were found to be bogus and hence rejected.

Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant has filed this second appeal before the commission. The appeal was heard on 23.03.2009. The appellant did not turn up but the respondent was present. The appellant has however informed the commission that he was not in position to attend because he was not well.

The respondent's contention is that no such information was available on record with them and therefore it was not possible to furnish the same.

After going through the case papers and considering the arguments advanced by parties I have come to the conclusion that since the available records did not have names of those whose applications were rejected, the PIO was correct in not furnishing the non-existent information.

Order

The appeal is disposed off.

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

Place: Mumbai
Date: 09.04.2009.

Before the State Information Commission, Maharashtra-Appeal under Section 19(3) of RTI Act, 2005.

Appeal No.2009/2098/02

**Mr. Ashokkumar Maruti Sinde,
Avanti Amber Building
Cidco, Nashik – 422 009.**

... Appellant

V/s

**First Appellate Officer cum Superintendent,
25 Marzban Rd, Fort, Mumbai – 400 001.**

... Respondent

**Public Information Officer cum Executive Engineer
Worli, Mumbai Savali Building, Ground Floor,
Ganpat Jadhav Marg, Mumbai – 400 018.**

GROUNDS

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant had sought the information on a points contained in his application dated 05.07.2008.

Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant has filed this second appeal before the commission. The appeal was heard on 09.03.2009. Appellant and respondents were present.

The appellant has contended that he has been furnished incomplete information. Information has not yet been furnished on points 2, 4 and 6.

The respondent's contention is that the available information has been furnished and balance will be furnished soon.

After going through the case papers and considering the arguments advanced by parties I have come to the conclusion that the appellant has been furnished incomplete information. The PIO is hereby warned to ensure that applicants get full and complete information.

Order

The appeal is allowed. Information to be furnished by PIO within 15 days failing which action under section 20 of the RTI will be taken against the PIO

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

Place: Mumbai
Date: 09.04.2009.

Before the State Information Commission, Maharashtra-Appeal under Section 19(3) of RTI Act, 2005.

Appeal No.2009/2156/02

**Mr.Ravji Datram Jadhav
Out House Room No.1,
Ground Floor, Wilson College,
Girgaon, Mumbai – 400 007.**

... Appellant

V/s

**First Appellate Officer cum Dy Chief Engineer
Electric Supply & Transport Board,
2nd Floor, Shahid Baghat Sing Marg, Kulaba,
Mumbai – 400 001.**

... Respondent

**Public Information Officer cum Divisional Engineer
3rd Floor, Tardeo Bus Stop, R.S. Nimkar Marg,
Tardeo, Mumbai – 400 008.**

GROUNDS

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant had sought the information as to how meter has been fixed in his room without following the formalities like inspection, test, report etc.

Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant has filed this second appeal before the commission. The appeal was heard on 30.03.2009. Appellant and respondents were present.

The appellant has contended that he has been given wrong information.

The respondent's contention is that information has been furnished based their office record. The respondent has stated that the meter has been installed as requested by John Wilson Education Society. The society had a combined meter and they applied for separate meters for separate rooms / common rooms etc. Ownership dispute between the appellant and the society is going on regarding ownership / tenancy. They stated that information furnished is based on facts.

After going through the case papers and considering the arguments advanced by parties I have come to the conclusion that the required information has been furnished.

Order

The appeal is disposed off.

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

Place: Mumbai
Date: 09.04.2009.

Before the State Information Commission, Maharashtra-Complaint under Section 18 of RTI Act, 2005.

Complaint No.2008/201/02

Mr. Leslie Almeida
“Case Almeida”
1, St. Joseph Rd,
Off St Paul Rd, Bandra (W),
Mumbai – 400 050.

... **Appellant**

V/s

Public Information Officer cum Dy. Registrar
Co-op Housing Society, H/West Division, Sahakar Bazar,
4th Floor, Bandra (W), Mumbai – 400 050.

... **Respondent**

GROUND

This complaint has been filed under section 18 of the Right to Information Act 2005. The appellant had filed the following appeals under section 19(3) of the RTI Act and orders were passed on dates shown against the them.

	Appeal No.	Date on which order passed
1.	2008/965/02	10.10.2008
2.	2008/998/02	17.10.2008
3.	2008/1025/02	31.10.2008
4.	2008/969/02 & 970/02	10.10.2008

Directions were issued to the PIO to furnish information within the period prescribed in the orders. The complainant has approached commission alleging that either information has not been furnished or he has been made to pay for the information he had never asked for.

The complaint was heard on 17.04.2009. The complainant was present. The defendant was also present. The complainant presented case wise details, information sought and information furnished. The defendant had nothing to say except that information has been furnished. He did not have casewise details. He seemed completely lost despite the fact that he was notified about the hearing in advance. This has to be taken seriously. The defendant gave no credible answer. He was not in a

position to explain what information has been furnished. Appeal wise finding with reference to the complaint is as follows.

1. Appeal no 2008/965/02. The PIO was asked to furnish copies of bonds executed by members who were in the office during 2004 – 2005. The period given was 30 days. The appellant has alleged that information has been furnished in respect of 6 members where as he had sought in respect of 13 members. It is to be noted that these bonds have to be given to the society and copies sent to the Deputy Registrar. In this case the information seems to have been collected from the society. It is possible that whatever has been received from the society has been given to the complainant. The defendant has initiated action against the society for various omissions and commission. I see no malefide on the defendant's part. He should collect the bond's in respect of remaining members and the same may be furnished to the complainant free of cost. The complaint in respect of this appeal is disposed off.

2. Appeal no 2008/998/02. In this case the First Appellate Authority had directed the PIO to furnish certain documents required by the complainant. The commission confirmed the order and directed the PIO to furnish the information within 30 days. The complaint is that no information has been furnished. The defendant had no clue and he looked blank. He has not given any justification for not furnishing information. I therefore hold that information has been denied without any reasonable cause. I impose a penalty of RS.5000/- to be recovered from his salary in 5 equal instalment beginning from June, 2009.

3. Appeal no 2008/1025/02. The complainant had sought information relating to election to the society. The First Appellate Authority directed that information should be furnished. The commission confirmed the first appellant's order and directed to comply within a week. The PIO was asked to explain why the order of the First Appellate Authority was not complied. He has not submitted his explanation. He is therefore held

guilty of not furnishing the information as well as his own explanation. He has given no justification for his conduct. He is therefore fined Rs.5000/- under section 20 of the RTI Act 2009. The Amount to be recovered in five equal instalment beginning from June, 2009.

4. Appeal No. 2008/969/02 and 2008/970/02. The complainant had sought information in respect of his society on 9 points. The commission ordered that information should be furnished on point no (a) and (i) and remaining should be obtained from the society. The time allotted was 30 days. The complainant has alleged that no information has been furnished. The defendant has no justification and was not in a position to show any reasonable cause for not furnishing the information. He is therefore fined Rs.5000/-. This amount should be recovered in five equal instalments beginning from June, 2009.

Order

The complaint is partially allowed. Defendant to pay Rs.5000 each for his conduct in implementation of commissions order in appeal no 2008/998/02, 2008/1005/02 and 2008/969/970/02

(Ramanand Tiwari)
State Information Commissioner, Mumbai

Place: Mumbai
Date: 17.04.2009

Before the State Information Commission, Maharashtra-Complaint under Section 18 of RTI Act, 2005.

Complaint No.2008/215/02

**Mr. M.B.Lal
Flat No.64, Sixth Floor,
Anand Sagar Society,
Bldg. No. 24, Bandra Reclamation (W),
Mumbai – 400 050.**

... **Appellant**

V/s

**Public Information Officer cum Cooperative Officer Registrar,
Cooperative Board, Mumbai Division, Fort,
Mumbai – 400 001.**

... **Respondent**

GROUND

This complaint has been filed under section 18 of the Right to Information Act 2005. The complainant had filed an appeal before the commission seeking information relating to Bandra H/G Anandnagar Cooperative Housing Society Ltd, Mumbai. The Information sought in brief were – whether the society has adopted Model bye laws, whether Managing Committee had furnished bonds and whether levy of penal interest was authorized by the general body. The commission ordered that the information should be furnished within 30 days. Since information has not been received, the complaint filed this complaint. It was heard on 17.04.2009. The complainant has admitted that he has received copies of the bond furnished by the Managing Committee Members. He has however not received the remaining information. Since the respondent was not present, it could not be verified. The information remains unfurnished. I therefore pass the following order.

Order

The complaint is allowed. The PIO is fined Rs.5000/- as per section 20 of the RTI Act. This should be recovered in five equal instalment's from his salary from June, 2009.

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

Place: Mumbai
Date: 17.04.2009.

Before the State Information Commission, Maharashtra-Appeal under Section 19(3) of RTI Act, 2005.

Appeal No.2009/2291/02

**Mr.Sujeer Kulu Shetti
Flat No. 25/M/95/222,
Sunder das Compound,
Dr. Anandrao Nair Marg,
Mumbai – 400 011.**

... Appellant

V/s

**First Appellate Officer cum Assist Commissioner
Municipal Corporation,
E-Ward, 10 Shaik Hafizudin Marg,
Byculla (W), Mumbai – 400 008.**

... Respondent

**Public Information Officer cum Colony Officer
Municipal Corporation,
E-Ward, 10 Shaik Hafizudin Marg,
Byculla (W), Mumbai – 400 008.**

GROUND

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant had sought the information relating to Topaz Co-operative Housing Society, Anandrao Nair Road, Mumbai. The appellant has not been accommodated because his name was not in annexure II.

Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant has filed this second appeal before the commission. The appeal was heard on 18.04.2009. The appellant did not turn up but the respondent was present.

The appellant has contended that he has not yet been accommodated in the redeveloped premises.

The respondent's contention is that the annexure II has been ordered to be revised and if found eligible his name will be included in annexure II.

After going through the case papers and considering the arguments advanced by parties I have come to the conclusion that the main contention of the appellant is that he should be given accommodation in the redeveloped premises. It appears that his representation is under consideration. Record's shows that the Asstt. Commissioner, E Ward had held a hearing where in appellant's case was also discussed and some information has been called. In the light of this I pass the following order.

Order

The appeal is allowed. Information to be furnished by PIO within 30 days. The ward officer to give him the latest information in respect of his request for inclusion of his name in annexure II.

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

Place: Mumbai
Date: 18.04.2009.

Before the State Information Commission, Maharashtra-Appeal under Section 19(3) of RTI Act, 2005.

Appeal No.2009/2209/02

**Mr.Suresh Bhiva Gawade
Building No.54, Room No.2501,
Gandhi Nagar, Bandra (E),
Mumbai – 400 051.**

... **Appellant**

V/s

**First Appellate Officer cum Commissioner
Office of the Charity Commissioner,
Worli, Mumbai – 400 018.**

... **Respondent**

**Public Information Officer cum Dy. Commissioner
Office of the Charity Commissioner,
Worli, Mumbai – 400 018.**

GROUND

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant had sought the information relating to “Ganeshotsva Mandal” Gandhinagar, Bandra (E), Mumbai. The appellant has asked information regarding meetings held by the Executive Committee, general body meeting audited accounts, donations collected and deposited in banks.

Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant has filed this second appeal before the commission. The appeal was heard on 15.04.2009. Appellant and respondent were present.

The appellant has contended that the information has not been furnished. The first appeal was also not heard and no order was passed.

The respondent’s contention is that the information sought was not available.

After going through the case papers and considering the arguments advanced by parties I have come to the conclusion that the required information must be furnished. In case the same was not available with the PIO, the same should be obtained from the trust and furnished to the appellant. It is not enough to say that documents are not available. The primary concern under the RTI Act ensures that the appellant gets the information. I pass the following order.

Order

The appeal is allowed. Information to be furnished by PIO within 30 days.

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

Place: Mumbai
Date: 17.04.2009.

Before the State Information Commission, Maharashtra-Appeal under Section 19(3) of RTI Act, 2005.

Appeal No.2009/2285/02

**Mr.Pradeep M Sonthalia
10, Swadhin Sadan, C' Rd,
Marine Drive, Church Gate,
Mumbai – 400 020.**

... **Appellant**

V/s

**First Appellate Officer cum Dy. Police Commissioner
Crime Divisional, Shtrapati Shivaji Mandai,
3rd Floor, M.R.A. Marg, Mumbai.**

... **Respondent**

**Public Information Officer cum Assit Police Commissioner
(Crime), Office of the Police Commissioner,
Brihanmumbai, Shtrapati Shivaji Mandai,
3rd Floor, M.R.A. Marg, Mumbai.**

GROUND

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant had sought information relating to the no of computers, printer, scanners, laptops and software used by the social service branch at Crawford Market. He also wanted names of company, model no, feature of the machine, photocopy of licences of software used by the social service branch at Crawford Market, Mumbai.

Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant has filed this second appeal before the commission. The appeal was heard on 18.04.2009. Appellant and respondent were present.

The appellant has contended that he has not been given the complete information required by him.

The respondent's contention is that whatever information was available has been furnished. They have also stated that supplies to their office is made by the HQ and they inter into dead stock register.

After going through the case papers and considering the arguments advanced by parties I have come to the conclusion that although available information has been furnished the appellant is not satisfied. It was therefore decided by mutual consent that he will inspect the dead stock and select the documents. The PIO will furnish copies of selected documents.

Order

The appeal is allowed. Information to be furnished by PIO within 15 days.

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

Place: Mumbai
Date: 18.04.2009.

Before the State Information Commission, Maharashtra-Appeal under Section 19(3) of RTI Act, 2005.

Appeal No.2009/2200/02

**Shri. Macchindra N. Karalkar
Hazarabhai House, Room No.5,
Irla Soc. Road, Vile Parle (W),
Mumbai – 400 056.**

... **Appellant**

V/s

**First Appellate Officer cum Asstt. Commissioner,
K/West Ward, Municipal Office,
Andheri (W), Mumbai – 400 058.**

... **Respondent**

**Public Information Officer cum Asstt. Engineer,
K/West Ward, Municipal Office,
Andheri (W), Mumbai – 400 058.**

GROUND

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant had sought information relating to illegal extension, construction, amalgamation alterations, construction and changes made without obtaining change of user, constructions made in the compulsory spaces of buildings on Irla society Road by all types of commercial establishments.

Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant has filed this second appeal before the commission. The appeal was heard on 15.04.2009. The appellant did not turn up but the respondent was present.

The appellant has contended that the information has not been furnished. The respondent has submitted that no specific information has been asked and no information could be furnished.

I have gone through the file. This is one of many applications filed by the appellant against structures on Irla Society Road. I agree with the PIO that since no specific information has been asked it was not possible to furnish any information. The case closed.

Order

Appeal is disposed off.

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

Place: Mumbai
Date: 16.04.2009.

Before the State Information Commission, Maharashtra-Appeal under Section 19(3) of RTI Act, 2005.

Appeal No.2009/2187/02

Mr. Chandrakant Amrutlal Marchant
G.M.Rane Building & Khambata Pathan Chawl,
E. Moses Rd, Worli, Mumbai – 400 018.

... **Appellant**

V/s

First Appellate Officer cum Vice President
Office of the MHADA Vice President,
Grihanirman Bhavan, 4th Floor,
Bandra (E), Mumbai – 400 051.

... **Respondent**

Public Information Officer cum Desk Officer
Office of the MHADA Vice President,
Grihanirman Bhavan, 4th Floor,
Bandra (E), Mumbai – 400 051.

GROUNDS

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant had sought information relating to redevelopment of amalgated property bearing Cs No 112 & 113 Moses Road, Worli, Mumbai – 18. The appellant had complained that development permission has been obtained by giving incorrect information. He had asked for an enquiry by the vigilance Deptt.

Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant has filed this second appeal before the commission. The appeal was heard on 13.04.2009. Appellant and respondents were present.

The appellant has contended that he has not been furnished the required information. The respondent has stated that a show cause notice has issued to Khyber Properties Private Ltd and Vigilance enquiry has also been ordered. The appellant has been informed that he would be informed as soon as the enquiry report was received. In the light of the above, I pass the following order.

Order

Appeal is allowed. The appellant to be given a copy of the report after the same has been received by the respondent.

(Ramanand Tiwari)
State Information Commissioner, Mumbai

Place: Mumbai
Date: 16.04.2009.

Before the State Information Commission, Maharashtra-Appeal under Section 19(3) of RTI Act, 2005.

Appeal No.2009/2188/02

Mr. Chandrakant Amrutlal Marchant
G.M.Rane Building & Khambata Pathan Chawl,
E. Moses Rd, Worli, Mumbai – 400 018.

... **Appellant**

V/s

First Appellate Officer cum Vice President
Office of the MHADA Vice President,
Grihanirman Bhavan, 4th Floor,
Bandra (E), Mumbai – 400 051.

... **Respondent**

Public Information Officer cum Desk Officer
Office of the MHADA Vice President,
Grihanirman Bhavan, 4th Floor,
Bandra (E), Mumbai – 400 051.

GROUNDS

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant had sought information relating to redevelopment of amalgated property bearing Cs No 112 & 113 Moses Road, Worli, Mumbai – 18. The appellant had complained that development permission has been obtained by giving incorrect information. He had asked for an enquiry by the vigilance Deptt.

Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant has filed this second appeal before the commission. The appeal was heard on 13.04.2009. Appellant and respondents were present.

The appellant has contended that he has not been furnished the required information. The respondent has stated that a show cause notice has issued to Khyber Properties Private Ltd and Vigilance enquiry has also been ordered. The appellant has been informed that he would be informed as soon as the enquiry report was received. In the light of the above, I pass the following order.

Order

Appeal is allowed. The appellant to be given a copy of the report after the same has been received by the respondent.

(Ramanand Tiwari)
State Information Commissioner, Mumbai

Place: Mumbai
Date: 16.04.2009.

Before the State Information Commission, Maharashtra-Appeal under Section 19(3) of RTI Act, 2005.

Appeal No.2009/2195/02

Mr. Chandrakant Amrutlal Marchant
G.M.Rane Building & Khambata Pathan Chawl,
E. Moses Rd, Worli, Mumbai – 400 018.

... **Appellant**

V/s

First Appellate Officer cum Vice President
Office of the MHADA Vice President,
Grihanirman Bhavan, 4th Floor,
Bandra (E), Mumbai – 400 051.

... **Respondent**

Public Information Officer cum Desk Officer
Office of the MHADA Vice President,
Grihanirman Bhavan, 4th Floor,
Bandra (E), Mumbai – 400 051.

GROUNDS

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant had sought information relating to grant of final NOC by MHADA to Khyber Properties Private Ltd in connection with redevelopment of the property bearing CS No.112, 113 Plot No. 153 and file no 864. The appellant wanted to inspect the file and have copies of selected documents.

Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant has filed this second appeal before the commission. The appeal was heard on 13.04.2009. Appellant and respondents were present.

The appellant has contended that he has not been furnished the information. The respondent agreed to allow the inspection and also furnish copies of selected documents. I therefore pass the following order.

Order

The appeal is allowed. Appellant to be allowed to inspect the file and also supplied copies of the documents selected by him. The date of inspection should be fixed in advance by mutual consent. This should be done within 15 days.

(Ramanand Tiwari)
State Information Commissioner, Mumbai

Place: Mumbai
Date: 16.04.2009.

Before the State Information Commission, Maharashtra-Appeal under Section 19(3) of RTI Act, 2005.

Appeal No.2009/2212/02

Mr. Ajay Prakash Tapkir
Room No.1, Nunuswadi,
Agar Bazaar, S.K. Bole Rd,
Dadar, Mumbai – 400 028.

... Appellant

V/s

First Appellate Officer,
Mumbai University, Fort,
Mumbai – 400 032.

... Respondent

Public Information Officer,
Mumbai University, Fort,
Mumbai – 400 032.

GROUNDS

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant had sought copies of complaints made to the Grievance Committee from January 2006 to August 2008 along with action taken report.

Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant has filed this second appeal before the commission. The appeal was heard on 15.04.2009. Appellant and respondents were present.

The appellant has contended that he has been given incomplete information. The respondent has submitted that the information which was available has been furnished.

After going through the case papers and considering the arguments advanced by parties I have come to the conclusion that full information has not been furnished. I however do not suspect any malafide. I therefore pass the following order.

Order

The appeal is allowed. Information to be furnished by PIO within 30 days.

(Ramanand Tiwari)
State Information Commissioner, Mumbai

Place: Mumbai
Date: 17.04.2009.

Before the State Information Commission, Maharashtra-Appeal under Section 19(3) of RTI Act, 2005.

Appeal No.2009/2210/02

Mr. Chetan Kothari
52, Oceanic Apartment,
Dr.Rajabali Patel Lane Off,
B.Desai Rd, Mumbai – 400 026.

... **Appellant**

V/s

First Appellate Officer,
Office of the Chief Personnel Officer,
Municipal Corporation Head Office
New Building, Mahapalika Marg,
Mumbai – 400 001.

... **Respondent**

Public Information Officer cum Personal Officer
Municipal Corporation Head Office
New Building, Mahapalika Marg,
Mumbai – 400 001.

GROUNDS

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant had sought the following: -

How many maharashtrians & nan-maharashtrians have got appointments in various government department in the state of Maharashtra? Please give the name & department wise breakup of appointments for last five years.

Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant has filed this second appeal before the commission. The appeal was heard on 15.04.2009. Appellant and respondents were present.

The appellant at the outset stated that he is withdrawing the appeal. The request is granted.

Order

The appeal is disposed off.

(Ramanand Tiwari)
State Information Commissioner, Mumbai

Place: Mumbai
Date: 17.04.2009.

Before the State Information Commission, Maharashtra-Appeal under Section 19(3) of RTI Act, 2005.

Appeal No.2009/1839/02

Mr. Chandrakant Kondiba Prabhale
Chunawala Chawl, 42/6, Sainath Chowk,
Behind Sarveshawer Mandir,
Kurla (W), Mumbai – 400 070.

... **Appellant**

V/s

First Appellate Officer cum Asstt. Commissioner
Municipal Corporation, L Division,
Mumbai – 400 070.

... **Respondent**

Public Information Officer cum Asstt Engineer,
(Building & Factory), Municipal Corporation, L Division,
Mumbai – 400 070.

GROUND

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant had sought copier of documents relating to construction of Chunawala Chawl. The appellant is aggrieved that he was asked to pay Rs.2600/- without giving details of the pages.

Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant has filed this second appeal before the commission. The appeal was heard on 16.04.2009. Appellant was present but the respondent was absent.

The appellant has contended that he was asked to pay Rs.2600/- without giving details of the pages etc. Since respondent remained absent it could not be verified. Therefore pass the following order.

Appellant to be informed how the figure of Rs.2600/- has been arrived at. Failure to furnish the information will lead to action under section 20 of the RTI Act

Order

The appeal is allowed. Information to be given within 15 days.

(Ramanand Tiwari)
State Information Commissioner, Mumbai

Place: Mumbai
Date: 16.04.2009.

Before the State Information Commission, Maharashtra-Appeal under Section 19(3) of RTI Act, 2005.

Appeal No.2009/1442/02

**Mr. Jagtap Jalinder Tatoba,
Clearing & Forwarding,
Unsafe Dock Labour Board,
Amba Bhavan, A-1,
Devji Ratanji Marg,
Mumbai – 400 009.**

... **Appellant**

V/s

**First Appellate Officer cum Dy. Secretary
Industries, Energy and Labour Department,
Mantralaya, Mumbai – 400 032.**

... **Respondent**

**Public Information Officer,
Industries, Energy and Labour Department,
Mantralaya, Mumbai – 400 032.**

GROUNDS

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant had sought the information relating to permission sought by Mathadi Mandals while registering & recruiting workers for different CFS in the light of the Govt. order dated 25 September, 2006 issued by the Department Industries, Energy and Labour.

Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant has filed this second appeal before the commission. The appeal was heard on 16.04.2009. Appellant was present but the respondent was absent.

The respondent has sought adjournment in view of the Lok Sabha Elections. The same is being rejected because the matter is simple and has to be available on record. Personal presence of the respondent may not make any difference.

After going through the case papers and considering the arguments advanced by parties I have come to the conclusion that the required information has to be furnished. In case the information is not available with respondent, he should arrange to collect it and furnish to the appellant in view of the fact that the appeal is pending for quite some time.

Order

The appeal is allowed. Information to be furnished by PIO within 45 days.

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

Place: Mumbai
Date: 17.04.2009.

Before the State Information Commission, Maharashtra-Appeal under Section 19(3) of RTI Act, 2005.

Appeal No.2009/2300/02

**Mr.Vikas Sudhakar Hariyana
Lakhma Janu Khot Chawl,
New Agripada, Santacruz (E),
Mumbai – 400 055.**

... **Appellant**

V/s

**First Appellate Officer,
Office of the Homeguard,
Old Secretariat, 3rd Floor,
Mahatma Gandhi Marg,
Mumbai – 400 032.**

... **Respondent**

**Public Information Officer cum Senior Administrative Officer,
Office of the Homeguard,
Old Secretariat, 3rd Floor,
Mahatma Gandhi Marg,
Mumbai – 400 032.**

GROUND

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant had sought the information relating to the appointment of Shri H.H. Hakim as second commandant for Greater Mumbai.

Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant has filed this second appeal before the commission. The appeal was heard on 18.04.2009. The appellant did not turn up but the respondent was present.

The appellant has contended that he has not been furnished the information. The respondent stated that they have by their letter dated 17.04.2009 have sent information to the appellant.

After going through the case papers I have come to the conclusion that information has been furnished although late. The PIO is warned to be prompt in future otherwise action under section 20 will have to be taken against him. Since the appellant was absent the commission has been deprived of his input and I am constrained to pas the following order.

Order

The appeal is disposed off.

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

Place: Mumbai
Date: 18.04.2009.

Before the State Information Commission, Maharashtra-Appeal under Section 19(3) of RTI Act, 2005.

Appeal No.2009/2296/02

**Mr.Atul R. Mathuria
A-701, Winsway Complex, Bldg.
No.2, Old Police Lane, Andheri (E),
Mumbai – 400 069.**

... **Appellant**

V/s

**First Appellate Officer cum Dy Commissioner of Police (HQ)
(Traffic), Traffic Police Head Quarters,
Sir Pochkhanwala Rd, Worli,
Mumbai – 400 018.**

... **Respondent**

**Public Information Officer cum Asstt Commissioner of Police (Add)
(Traffic), Traffic Police Head Quarters,
Sir Pochkhanwala Rd, Worli,
Mumbai – 400 018.**

GROUND

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant had sought the information relating to rules applicable to parking zones, no parking zones one side parking, vehicles exempted from the rules, vehicles permitted to enter in no entry zone and details about two vehicles which are contained in his appellation.

Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant has filed this second appeal before the commission. The appeal was heard on 18.04.2009. Appellant and respondents were present.

The appellant has contended that the information asked has not been given. The respondent however stated that information has been furnished except details of two vehicles for which the appellant was advised to get in touch with the RTO. It was however stated by them that said information has also been obtained. The information was handed over to the appellant during the hearing of appeal.

After going through the case papers and considering the arguments advanced by parties I have come to the conclusion that information has been furnished. I therefore pass the following order.

Order

Appeal is disposed off.

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

Place: Mumbai
Date: 18.04.2009.

Before the State Information Commission, Maharashtra-Appeal under Section 19(3) of RTI Act, 2005.

Appeal No.2009/2339/02

**Mr.Atul R. Mathuria
A-701, Winsway Complex, Bldg.
No.2, Old Police Lane, Andheri (E),
Mumbai – 400 069.**

... Appellant

V/s

**First Appellate Officer cum Dy Commissioner of Police (HQ)
(Traffic), Traffic Police Head Quarters,
Sir Pochkhanwala Rd, Worli,
Mumbai – 400 018.**

... Respondent

**Public Information Officer cum Asstt Commissioner of Police (Add)
(Traffic), Traffic Police Head Quarters,
Sir Pochkhanwala Rd, Worli,
Mumbai – 400 018.**

GROUND

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant had sought the information relating to rules applicable to parking zones, no parking zones one side parking, vehicles exempted from the rules, vehicles permitted to enter in no entry zone and details about two vehicles which are contained in his appellation.

Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant has filed this second appeal before the commission. The appeal was fixed for hearing on 21.04.2009. Appellant and respondents were absent.

It however appears that the contents of this appeal and appeal no.2296/02 which was heard on 18.04.2009 are the same. I have already passed order in that case. The issues being the same this appeal case is closed.

After going through the case papers and considering the arguments advanced by parties I have come to the conclusion that information has been furnished. I therefore pass the following order.

Order

The appeal is disposed off.

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

Place: Mumbai
Date: 21.04.2009.

Before the State Information Commission, Maharashtra-Appeal under Section 19(3) of RTI Act, 2005.

Appeal No.2009/2289/02

**Mr. Shivaji Davbhat
Dy Collector, Bhandup,
Topiwala Bldg. Dr.Sarojini Naidu Rd,
Mulund (W), Mumbai – 400 080.**

... **Appellant**

V/s

**First Appellate Officer cum Dy Secretary
Maharashtra Lokseva Ayog,
Bank of India Bldg.
Mahatma Gandhi Marg, 3rd Floor,
Hutatma Chowk,
Mumbai – 400 032.**

... **Respondent**

**Public Information Officer,
Maharashtra Lokseva Ayog,
Bank of India Bldg.
Mahatma Gandhi Marg, 3rd Floor,
Hutatma Chowk,
Mumbai – 400 032.**

GROUND

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant had sought the information relating to the final result of state Services Examination (Main) of examinees who secured 547 and 548 marks, and for which posts they were recommended.

Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant has filed this second appeal before the commission. The appeal was heard on 18.04.2009. The appellant did not turn up.

The appellant has contended that he has not been furnished the information.

The respondent's has contended that the appellant's application dated 15.09.2008 and 18.09.2008 have been replied and information a furnished. Category wise information and copies of correspondence as desired by the appellant have also been furnished.

After going through the case papers and considering the arguments advanced by parties I have come to the conclusion that desired information has been furnished. Since

the appellant was absent, the commissioner has been deprived his input and I am constrained to pass the following order.

Order

Appeal is disposed off.

(Ramanand Tiwari)
State Information Commissioner, Mumbai

Place: Mumbai
Date: 18.04.2009.

Before the State Information Commission, Maharashtra-Appeal under Section 19(3) of RTI Act, 2005.

Appeal No.2009/2287/02

**Mr. Prakash Govind Nawathe
Rajbag, Bhalchandra Marg,
Matunga, Mumbai – 400 19.**

... Appellant

V/s

**First Appellate Officer cum Dy Chief Engineer
(B & F), City, E Ward Office,
Municipal Corporation,
10 Shaik Hafizuddin Marg,
Byculla (W), Mumbai – 400 008.**

... Respondent

**Public Information Officer cum Executive Engineer,
(B & F), City-2, E Ward Office,
Municipal Corporation,
10 Shaik Hafizuddin Marg,
Byculla (W), Mumbai – 400 008.**

GROUND

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant had sought the information relating to grant of occupancy certificate to 'Rajbag' a redeveloped property on CS No. 258/10, Matunga, Mumbai.

Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant has filed this second appeal before the commission. The appeal was heard on 18.04.2009. Appellant and respondents were present.

The appellant has contended that he has not been given the required information. The respondent has stated that the building was issued completion certificate and therefore no occupation certificate was issued.

After going through the case papers and considering the arguments I have come to the conclusion that the required information needs to be furnished. If occupation certificate has not been issued, the MCGM should say so rather than informing the appellant that building completion certificate has been issued. The information sought is not about building completion but about occupation certificate and needs to be addressed appropriately.

Order

The appeal is allowed. Information to be furnished by PIO within 30 days.

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

Place: Mumbai
Date: 18.04.2009.

Before the State Information Commission, Maharashtra-Appeal under Section 19(3) of RTI Act, 2005.

Appeal No.2009/2335/02

**Shrimati. Alka M. Chandragiriwar
E-14, 3rd Floor,
Madhavnagar, R.A. Kidwai Marg,
Wadala (W), Mumbai – 400 031.**

... **Appellant**

V/s

**First Appellate Officer cum Additional Collector
Mumbai Suburban District (Western Suburban)
Administrative Building, 7th Floor,
Bandra (E), Mumbai – 400 051.**

... **Respondent**

**Public Information Officer cum Nayab Tahasildar
Mumbai Suburban District (Western Suburban)
Administrative Building, 7th Floor,
Bandra (E), Mumbai – 400 051.**

GROUND

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant had sought a copy of the letter No SRA/Sec/Annex II/126/08/6117 dated 30.07.2008.

Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant has filed this second appeal before the commission. The appeal was heard on 20.04.2009. Appellant and respondents were present.

The appellant has contended that she has not been given the information. The respondent had earlier informed the appellant to inspect the file. This was totally a wrong approach. When the information sought is specific, there is no question of inspecting the file. The PIO however submitted a copy of the desired letter to the commission and same was handed over to the appellant. The information thus stands furnished.

Order

Appeal is disposed off.

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

Place: Mumbai
Date: 20.04.2009.

Before the State Information Commission, Maharashtra-Appeal under Section 19(3) of RTI Act, 2005.

Appeal No.2009/2334/02

**Shri. Sudhakar Jamode
21, Sarita CHS, Bandra (W),
Bandra Reclamation,
Mumbai – 400 050.**

... Appellant

V/s

**First Appellate Officer cum Asstt General Manger
Transport Main Office,
Second Floor, Wadala Bus Agar,
Tilaka Marg, Wadala, Mumbai – 400 031.**

... Respondent

**Public Information Officer cum Administrative Officer
Transport Main Office,
Second Floor, Wadala Bus Agar,
Tilaka Marg, Wadala, Mumbai – 400 031.**

GROUND

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant had asked names of the bus driver and the conductor who were in charge of the bus route No.91 on 24.10.2006. The appellant had met with an accident and wanted these details to pursue his case for compensation.

Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant has filed this second appeal before the commission. The appeal was heard on 20.04.2009. The appellant did not turn up but the respondents were present.

The appellant has contended that the required information has not been furnished. He is also not satisfied with the First Appellant's finding that there was no record of the bus driver or conductor having filed a FIR regarding the incident.

The respondent's contention is that initially the appellant had not furnished the details and therefore it was not possible to find out names of the driver and the conductor. Further investigation however has revealed names of the driver and conductor and the same could be furnished to the appellant.

After going through the case papers and considering the arguments I have come to the conclusion that the required information must be furnished. I therefore pass the following order.

Order

The appeal is allowed. Information to be furnished by PIO within 15 days.

(Ramanand Tiwari)
State Information Commissioner, Mumbai

Place: Mumbai
Date: 20.04.2009.

Before the State Information Commission, Maharashtra-Appeal under Section 19(3) of RTI Act, 2005.

Appeal No.2009/2327/02

**Shri. Mohmmad Vakil Khan
Gala No.4, Ground Floor, 252,
Bellassis Rd. 'E' Ward,
Municipal Corporation,
Byculla, Mumbai – 400 008.**

... Appellant

V/s

**First Appellate Officer cum Asstt Commissioner
'E' Ward, Municipal Corporation,
Municipal Bldg, 10 Sankli Street,
Byculla, Mumbai – 400 008.**

... Respondent

**Public Information Officer cum Asstt Assessor & Collector
'E' Ward, Municipal Corporation,
Municipal Bldg, 10 Sankli Street,
Byculla, Mumbai – 400 008.**

GROUNDS

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant had sought the following information – certified copies of Extract of assessment tax in respect of assessment of the property being Gala No.4, Municipal Compound situate, lying and at 252 Bellassis Rd, Mumbai.

Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant has filed this second appeal before the commission. The appeal was heard on 20.04.2009. The appellant did not turn up but the respondents were present.

The appellant has contended that the required information has not been furnished. The respondent has stated that information has been furnished and the appellant has acknowledged it.

After going through the case papers and considering the arguments advanced by parties I have come to the conclusion that information has been furnished but late. The PIO is warned to furnish the information in time otherwise he will be proceeded against under section 20 of the RTI Act. In view of the fact that the information has been

furnished and the appellant is absent, I decide to close the case. I pass the following order.

Order

Appeal is disposed off.

(Ramanand Tiwari)
State Information Commissioner, Mumbai

Place: Mumbai
Date: 20.04.2009.

Before the State Information Commission, Maharashtra-Appeal under Section 19(3) of RTI Act, 2005.

Appeal No.2009/2325/02

**Shri. Kishor Laxman Naik
Hotel Vishvbhart, 3, 4, 5 Raghuraj Bhavan,
Gokhale Rd, Dadar, Mumbai – 400 028.**

... Appellant

V/s

**First Appellate Officer cum Asstt Commissioner
G/North Division Office,
Municipal Corporation,
Dadar (W), Mumbai – 400 028.**

... Respondent

**Public Information Officer cum Medical Health Officer,
G/North Division Office,
Municipal Corporation,
Dadar (W), Mumbai – 400 028.**

GROUNDS

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant had sought the information regarding the tea stall being run from his premises. He has stated that he is paying full rent for the whole premises where as MCGM has permitted a tea stall in his premises. He wanted to have copies of the documents which formed the basis for grant of the licence.

Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant has filed this second appeal before the commission. The appeal was heard on 20.04.2009. Appellant and respondents were present.

The appellant has contended that he is in possession of the premises and paying rent for the whole area. The MGCM however has allowed a tea stall to be run from the same premises. He has not been given copies of document which formed the basis for grant of the licence. The respondent has stated that they have given the licence but documents are not available.

After going through the case papers and considering the arguments advanced by parties I have come to the conclusion that information should be furnished. There has to be documents to enable someone to have a licence otherwise the inference could be that

licence has been issued without any basis. I therefore direct that PIO will make diligent efforts to search the documents and inform the appellants accordingly.

Order

The appeal is allowed. Information to be furnished by PIO within 30 days.

(Ramanand Tiwari)
State Information Commissioner, Mumbai

Place: Mumbai
Date: 20.04.2009.

Before the State Information Commission, Maharashtra-Appeal under Section 19(3) of RTI Act, 2005.

Appeal No.2009/2301/02

Shri. Indrapal Muktyara Vaidya
Ghatkopar Septic Tack Gurukrupa Cooperative Housing Board,
Ambedkar Chowk, Pantnage, Ghatkopar,
Mumbai – 400 075.

... **Appellant**

V/s

First Appellate Officer cum Dy. Chief Engineer
SRA, MHADA, Mumbai,
5th Floor, Grihanirman Bhavan, Bandra (E),
Mumbai – 400 051.

... **Respondent**

Public Information Officer cum Executive Engineer
SRA, MHADA, Mumbai,
5th Floor, Grihanirman Bhavan, Bandra (E),
Mumbai – 400 051.

GROUNDS

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant had sought the information relating to Gurukrupa Cooperative Housing Society, Ambedkar Chowk, Pantnagar, Ghatkopar.

Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant has filed this second appeal before the commission. The appeal was heard on 18.04.2009. Appellant and respondents were present.

The appellant has contended that the PIO did not give the information and the First Appellate Authority did not give hearing.

The respondent's contention is that scheme was sanctioned under SRD. It has now been sanctioned under SRA. The appellant has been given copy of the sanction order and also letter of intent. The appellant however is apprehensive about the annexure II. The respondent stated that revision of annexure II has also been ordered. The appellant was satisfied.

After going through the case papers and considering the arguments advanced by parties I have come to the conclusion that information has been furnished. I therefore pass the following order.

Order

The appeal is disposed off.

(Ramanand Tiwari)
State Information Commissioner, Mumbai

Place: Mumbai
Date: 18.04.2009.

Before the State Information Commission, Maharashtra-Appeal under Section 19(3) of RTI Act, 2005.

Appeal No.2009/2328/02

Shri. Velajibhai Ramlal Shah
A/11, Deep Building, Pushpa Park,
Daftri Rd, Malad (E), Mumbai – 400 097.

... **Appellant**

V/s

First Appellate Officer cum Asstt Commissioner
Municipal Corporation, P/North Ward Office,
Liberty Garden, Mamledarwadi, Malad (W),
Mumbai – 400 064.

... **Respondent**

Public Information Officer cum Asstt Engineer (B & F)
Municipal Corporation, P/North Ward Office,
Liberty Garden, Mamledarwadi, Malad (W),
Mumbai – 400 064.

GROUNDS

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant had sought a copy of the letter no ACPN/46276/AEB/III dated 05.04.2008. This letter was supposed to have been sent to the appellant which he did not receive. He has therefore requested for a copy of the same.

Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant has filed this second appeal before the commission. The appeal was heard on 20.04.2009. Appellant was present but the respondents was absent.

The appellant has contended that he did not receive the letter dated 05.04.2008. He has also not been given a copy.

After going through the case papers, I have come to the conclusion that the information should be furnished. The PIO needed to verify from his own record whether the letter was sent. He should also make diligent search and provide a copy to the appellant.

Order

The appeal is allowed. Information to be furnished by PIO within 30 days.

(Ramanand Tiwari)
State Information Commissioner, Mumbai

Place: Mumbai
Date: 20.04.2009.

Before the State Information Commission, Maharashtra-Appeal under Section 19(3) of RTI Act, 2005.

Appeal No.2009/2329/02

**Shri. Bhushan Bhagvandas Dhodi
Bhagvandas House Rd, Malad (W),
Chincholi Bandar Rd, Malad (W),
Mumbai – 400 064.**

... **Appellant**

V/s

**First Appellate Officer,
Addition Collector
Western Suburban, Administrative Building, 7th Floor,
Bandra (E), Mumbai – 400 051.**

... **Respondent**

**Public Information Officer,
Addition Collector,
Western Suburban, Administrative Building, 7th Floor,
Bandra (E), Mumbai – 400 051.**

GROUNDS

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant had sought the information relating to annexure II issued by the additional Collector (Encroachment removal) Mumbai Suburban district. The SRA has informed the appellant that no proposal under SR scheme was received by them in respect of city survey no mentioned by the appellant in his application. The appellant wanted to know why there was a contradiction between information furnished by SRA and the Additional Collector.

Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant has filed this second appeal before the commission. The appeal was heard on 20.04.2009. The appellant did not turn up but the respondent was present.

The appellant has contended that he has given misleading information the respondent has contended that the First Appellate Authority had ordered that appellant should inspect the file and whatever information was required, the same will be furnished.

After going through the case papers and considering the arguments advanced by parties I have come to the conclusion that there is no need to interfere with the order passed by the First Appellate Authority. The appellant may inspect the file and select the documents which he wants. It is possible that the contradiction will get settled. I therefore confirm the order passed by the First Appellate Authority.

Order

The Appeal is disposed off.

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

Place: Mumbai
Date: 20.04.2009.

Before the State Information Commission, Maharashtra-Appeal under Section 19(3) of RTI Act, 2005.

Appeal No.2009/2324/02

Shri. Vilhas A. Lad
Room No. 16, 19 Mission Compound,
August Kranti Marg, Nan Chowk,
Mumbai – 400 007.

... **Appellant**

V/s

First Appellate Officer cum Vice Principal
Wilson College, Girgaon Chowpati,
Mumbai – 400 007.

... **Respondent**

Public Information Officer,
Wilson College, Girgaon Chowpati,
Mumbai – 400 007.

GROUND

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant had sought information regarding his transfer in the department of Chemistry, Wilson College, Chowpati Mumbai.

Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant has filed this second appeal before the commission. The appeal was heard on 24.04.2009. Appellant was present but the respondent was absent.

The appellant has contended that he has been informed that his transfer was affected as per the standard code. He wanted to know which rule of the code was applied in his case.

I have gone through the case papers. It gives an impression that the appellant has been agitating against his transfer. Record show he has given notice through his advocate. The principal's reply is also on record. I am however of the view that such complaints regarding transfer from one deptt. to another department of the same college need not get commission's attention we are not mandated to settle disputes or provide remedial measures.

The appellant is advised to approach appropriate authority to get his complaint looked into.

Order

The Appeal is disposed off.

(Ramanand Tiwari)
State Information Commissioner, Mumbai

Place: Mumbai
Date: 20.04.2009.

Before the State Information Commission, Maharashtra-Complaint under Section 18 of RTI Act, 2005.

Complaint No.2008/214/02

**Mr. M.B.Lal
Flat No.64, Sixth Floor,
Anand Sagar Society,
Bldg. No. 24, Bandra Reclamation (W),
Mumbai – 400 050.**

... **Appellant**

V/s

**Public Information Officer cum Desk Officer,
Revenue & Forest Deptt., Mantralaya,
Mumbai – 400 032.**

... **Respondent**

GROUND

This complaint has been filed under section 18 of the Right to Information Act 2005. This has arisen out of Appeal No.2008/197/02 in which the commission had passed the following order.

‘The appeal is allowed. Respondents to furnish information regarding action taken on appellants application for refund of excess stamp duty. This has to be done within 45 days failing which action under section 20 of the RTI Act will be initiated against them.’

The complainant stated that no information was received by him. The case was heard on 17.04.2009. Complainant and defendant were present. The defendant at the outset presented a set of documents. The section officer, M.1 Revenue and Forest Department Govt. of Maharashtra informed the commission as follows: -

1. The stamp duty levied by the General Stamp Office, Mumbai vide certificate dated the 16th May 2000, based on the value shown in the allotment letter is correct.
2. In terms of subsequent changes made in the document afterwards, no refund can be granted under present law.
3. He may approach MHADA or any other authority to claim refund if he so desires.

Therefore, his matter is closed by that office.

2. Regarding the application of Shri. Lal given on 19th March, 2006, it has been stated that Shri. Lal has already been communicated the decision of the Chief Controlling Revenue Authority, Maharashtra State, by the order dated 7th February, 2005. By this order, the request for refund of Stamp duty has been turned down.

In the light the above discussion it is clear that action taken has been communicated to the complainant. The commission is not mandated to order refund of the duty. The complainant may take appropriate steps to get his grievance redressed. I therefore close the case.

Order

The case is closed.

(Ramanand Tiwari)
State Information Commissioner, Mumbai

Place: Mumbai
Date: 21.04.2009.

Before the State Information Commission, Maharashtra-Appeal under Section 19(3) of RTI Act, 2005.

Appeal No.2009/1919/02

**Shri. Pravin Veerji Solanki
R.No.7, New Bawan Chawl,
V.T.M Marg, Kalachowki,
Cotteon Green, Mumbai – 400 033.**

... Appellant

V/s

**First Appellate Officer,
Nawrojee Wadia Maternity Hospital &
Jerbai Hospital of Child, Parel,
Mumbai – 400 012.**

... Respondent

**Public Information Officer,
Nawrojee Wadia Maternity Hospital &
Jerbai Hospital of Child, Parel,
Mumbai – 400 012.**

GROUNDS

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant had sought information regarding recruitment of class II and class IV employees in Nowrojee Wadia Maternity Hospital, Mumbai.

Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant has filed this second appeal before the commission. The appeal was heard on 18.04.2009. Appellant was present but the respondent was absent.

The appellant has contended that he has not been furnished the information. The respondent has given written submission saying that they have not recruited any class IV staff since 1999 and therefore the details of advertisement etc did not arise.

After going through the case papers and considering the arguments advanced by parties I have come to the conclusion that information has been furnished. I therefore pass the following order.

Order

The appeal is disposed off.

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

Place: Mumbai
Date: 18.04.2009.

Before the State Information Commission, Maharashtra-Appeal under Section 19(3) of RTI Act, 2005.

Appeal No.2009/2320/02

Shri. Haresh Gopal Patil
27/6601, Shri Sainath Cooperative Board,
Pantnagar, Ghatkopar (E),
Mumbai – 400 075.

... Appellant

V/s

First Appellate Officer cum Dy Registrar
Cooperative Board, MHADA Bldg,
Second Floor, Grihanirman Bhavan,
Bandra (E), Mumbai – 400 051.

... Respondent

Public Information Officer,
Cooperative Board, MHADA Bldg,
Second Floor, Grihanirman Bhavan,
Bandra (E), Mumbai – 400 051.

GROUNDS

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant had sought the information relating to 512 EWS Association – whether this is registered with the Dy Registrar and if yes a copy of the registration certificate. The appellant also wanted to know whether no objection for redevelopment has been given and if yes a copy of the document.

Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant has filed this second appeal before the commission. The appeal was heard on 20.04.2009. Appellant was present but the respondent was absent.

After going through the case papers and listening to the appellant I have come to the conclusion that information must be furnished. The information sought is simple and straight forward. I therefore pass the following order.

Order

Information to be furnished within 15 days failing which action under section 20 of the RTI Act will be initiated against the PIO.

(Ramanand Tiwari)
State Information Commissioner, Mumbai

Place: Mumbai
Date: 20.04.2009.

Before the State Information Commission, Maharashtra-Appeal under Section 19(3) of RTI Act, 2005.

Appeal No.2009/2293/02

**Shri. Namdeo Kashiram Kamble
Unit No. 1559, Sandesh Nagar,
Bailbazaar, Kurla – Andheri Rd,
Mumbai – 400 072.**

... **Appellant**

V/s

**First Appellate Officer cum Asstt Commissioner
Municipal Corporation, F/North Division,
96, Bhau Daji Rd, Matunga,
Mumbai – 400 019.**

... **Respondent**

**Public Information Officer cum Asstt Engineer
Municipal Corporation, F/North Division,
96, Bhau Daji Rd, Matunga,
Mumbai – 400 019.**

GROUND

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant had sought the information relating to maintenance department, F/North, MCGM. The appellant had sought information relating to no of contractors, no chawky, No of Sheds, provisions of amenities for them. The appellant is particularly concerned about the sheds where workers stay and the hygiene of the surrounded areas.

Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant has filed this second appeal before the commission. The appeal was heard on 18.04.2009. Appellant and respondents were present.

The appellant has contended that he as been given incomplete information. The respondent has contended that available information has been furnished. It has also been stated that sheds are allowed for temporary purposes. It has also been admitted by the PIO that the terms of contract did not require provision of sanitary or food arrangement.

After going through the case papers and considering the arguments advanced by parties I have come to the conclusion that available information has been furnished. The respondent has also been advised that action should be taken against those contractors who go beyond the terms of contract.

Order

Appeal is disposed off.

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

Place: Mumbai
Date: 18.04.2009.

Before the State Information Commission, Maharashtra-Appeal under Section 19(3) of RTI Act, 2005.

Appeal No.2009/2389/02

**Shri. Arjunlal M. Chabria
Bella Vista Flat No.15,
3rd Floor, Opp. Lake & LIC Officer,
S.V. Rd Bandra, Mumbai – 400 050.**

... **Appellant**

V/s

**First Appellate Officer cum Dy. Chief Officer
World Bank Project D' type,
Grihanirman Bhavan, Bandra (E),
Mumbai – 400 051.**

... **Respondent**

**Public Information Officer cum Executive Engineer
World Bank Project D' type,
Grihanirman Bhavan, Bandra (E),
Mumbai – 400 051.**

GROUND

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant had sought the information regarding allotment of a plot under D-type Core House under scheme no 051, ADST category to Mr. Jaisingh Gundappa Darweshi residing at Gautam Nagar Bechram bang, Jogeshwari (W), Mumbai.

Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant has filed this second appeal before the commission. The appeal was heard on 22.04.2009. The appellant did not turn up but the respondent was present.

The appellant has contended that information was not given in time. The information given was improper, misleading and evasive.

The respondent's contention is that the PIO has furnished the required information. The information furnished is factual and not evasive.

After going through the case papers and considering the arguments advanced by parties I have come to the conclusion that the information has been furnished. I have gone through the reply furnished by the PIO and come to the conclusion that the reply is based on facts and is not evasive. Since the respondent was absent, the commission has been deprived of his input and I decide to close the case.

Order

Appeal is disposed off.

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

Place: Mumbai
Date: 22.04.2009.

Before the State Information Commission, Maharashtra-Appeal under Section 19(3) of RTI Act, 2005.

Appeal No.2009/2294/02

Shri. Namdeo Kashiram Kamble
Unit No. 1559, Sandesh Nagar,
Bailbazaar, Kurla – Andheri Rd,
Mumbai – 400 072.

... **Appellant**

V/s

First Appellate Officer cum Asstt Commissioner
Municipal Corporation, M/West Division Office,
Chembur (E), Mumbai – 400 071.

... **Respondent**

Public Information Officer cum Asstt Engineer
Municipal Corporation, M/West Division Office,
Chembur (E), Mumbai – 400 071.

GROUND

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant had sought the information relating to no of asstt engineer, their length of service, no of contractors, location of their chowkies, and sheds and whether permission has been granted for the sheds etc. Information relates to Maintenance Department M /South.

Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant has filed this second appeal before the commission. The appeal was heard on 18.04.2009. Appellant and respondents were present.

The appellant has contended that the PIO has given incomplete information and the First Appellate Authority did not entertain him. The respondent stated that information has been furnished by his letter dated 24.11.2008.

After going through the case papers and considering the arguments I have come to the conclusion that the required information has been furnished. I therefore pass the following order.

Order

Appeal is disposed off.

(Ramanand Tiwari)
State Information Commissioner, Mumbai

Place: Mumbai
Date: 18.04.2009.

Before the State Information Commission, Maharashtra-Appeal under Section 19(3) of RTI Act, 2005.

Appeal No.2009/2299/02

**Shri. Praful Gosarani
77/81, Kazi Syed Street, G3,
Avsar Bldg, Below Vijaya Bank,
Masjid Bunder (W), Mumbai – 400 003.**

... **Appellant**

V/s

**First Appellate Officer,
Stamp Collector,
Old Custom House,
3rd Floor, Fort, Mumbai – 400 001.**

... **Respondent**

**Public Information Officer,
Stamp Collector,
Old Custom House,
3rd Floor, Fort, Mumbai – 400 001.**

GROUNDS

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant had sought the information regarding current Stamp Duty and the Amnesty Scheme and rates of duty in 1996 and current. He had also sought information as to how much duty was livable on a particular property.

Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant has filed this second appeal before the commission. The appeal was heard on 18.04.2009. Appellant and respondents were present.

The appellant has contended that the PIO did not furnish the information. The First Appellate Authority did not accept the first appeal and the appellant had to send it by post.

The respondent's contention is that amount of stamp duty to be levied depends on so many variably. If the papers are brought before him, he would be in a position to say how much duty was livable.

After going through the case papers and considering the arguments advanced by parties I have come to the conclusion that information must be furnished. I accept the contention of the respondent that the is difficult to say how much duty would be livable

on a particular property I order that information regarding stamp duty, the Amnesty Scheme and rates of 1996 and the current must be furnished. I also warn the First Appellate Authority that he must review the arrangement made for receiving appeals. Any complaint in future will be taken very seriously. Following order is passed.

Order

The appeal partially allowed. Information to be furnished by PIO within 15 days.

(Ramanand Tiwari)
State Information Commissioner, Mumbai

Place: Mumbai
Date: 18.04.2009.

Before the State Information Commission, Maharashtra-Appeal under Section 19(3) of RTI Act, 2005.

Appeal No.2009/2341/02

**Shri. Mohmmad Yusuf Farukh Khan
B-8, Mustafa Chawl, Achank Nagar,
Mubra, Dist. Thane 612.**

... **Appellant**

V/s

**First Appellate Officer cum Dy Commissioner
Bhabha Hospital Bldg. 1st Floor,
R.K. Patankat Marg, Bandra (E),
Mumbai – 400 050.**

... **Respondent**

**Public Information Officer,
Shri Chatrapati Shivaji Maharaj Mandai,
4th Floor, Ramabai Ambedkar Marg,
Mumbai – 400 001.**

GROUNDS

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant had sought the information relating to allotment of telephone booths to handicapped persons in all the wards (A to T). He has also wanted to know how many of the allottees are blind.

Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant has filed this second appeal before the commission. The appeal was fixed for hearing on 21.04.2009. Appellant and respondents were absent.

I have gone through the file. It is seen that appellant's application has been sent to all the wards for furnishing relevant information to the appellant. The appellant has admitted that he has received information from M (E) M (W) and R (North) wards. It is not understood why other wards should not respond. The information sought is very important and must be furnished.

I therefore direct the Deputy Commissioner (Special) to issue directions to remaining Asstt. Commissioners to furnish the information. In case it is found that this order has not been complied Asstt Commissioners will be held responsible and action under section 20 of the RTI Act may have to be initiated against them. The DY.

Commissioner (Special) is directed send a copy of this order to all the remaining asstt commissioners.

Order

The appeal is allowed. Information to be furnished to the appellant within 30 days.

(Ramanand Tiwari)
State Information Commissioner, Mumbai

Place: Mumbai
Date: 22.04.2009.

Before the State Information Commission, Maharashtra-Appeal under Section 19(3) of RTI Act, 2005.

Appeal No.2008/1854/02

**Prof. Patankar Nisarali Muhammad
2/204 Aghadi Nagar, Andheri (E),
Mumbai 400 093.**

... **Appellant**

V/s

**First Appellate Officer cum Secretary
Khairul Islam Higher Education Society's,
Maharashtra College of Arts, Science and Commerce. 2,
Prince Court, 53/c, Clare Rd, Byculla, Mumbai 400 008.**

... **Respondent**

**Public Information Officer cum Principal
Khairul Islam Higher Education Society's,
Maharashtra College of Arts, Science and Commerce. 2,
Prince Court, 53/c, Clare Rd, Byculla, Mumbai 400 008.**

GROUNDS

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant had sought attested copies of record of delay in completion of syllabus or incompleteness of syllabus for six academic years 1999 – 2000 to 2004 – 2005.

Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant has filed this second appeal before the commission. The appeal was fixed for hearing on 22.04.2009. Appellant and respondents were absent.

After going through the case papers, I have come to the conclusion that the required information should be furnished. I therefore pass the following order.

Order

The appeal is allowed. Information to be furnished within 30 days.

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

Place: Mumbai
Date: 22.04.2009.

Before the State Information Commission, Maharashtra-Appeal under Section 19(3) of RTI Act, 2005.

Appeal No.2008/1871/02

**Shri Nadeem Oomerbhoy
Nariman Bldg, 6th Floor,
Flat 12A, 162 M.K. Rd, Mumbai.**

... **Appellant**

V/s

**First Appellate Officer cum Dy Charity Commissioner,
Office of the Charity Commissioner, 83,
Dr. Annie Besant Rd, Worli, Mumbai – 400 018.**

... **Respondent**

**Public Information Officer,
Public Trust Registered.
Office of the Charity Commissioner, 83,
Dr. Annie Besant Rd, Worli, Mumbai – 400 018.**

GROUNDS

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant had sought the following information: -

- 1) In the above mentioned Trust registered with you.
- 2) Complete name and address of the Trust and complete details of the Trustees of the said trust.
- 3) Date of registration of the Trust and Registration number.
- 4) We would also like inspection of you entire records pertaining to the above mentioned Trust. We shall inform you of what document copies we want once we have inspected the records of your office.

Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant has filed this second appeal before the commission. The appeal was fixed for hearing on 22.04.2009. Appellant and respondents were absent.

After going through the case papers, I have come to the conclusion that the required information must be furnished. I therefore pass the following order.

Order

Information to be provided to the appellant within 30 days.

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

Place: Mumbai
Date: 22.04.2009.

Before the State Information Commission, Maharashtra-Appeal under Section 19(3) of RTI Act, 2005.

Appeal No.2008/2352/02

**Shri Remesh Madhukar Salve
Surji Vallbhadras Chawl (Shivshankardas Chawl),
Vikroli (E), Mumbai – 400 083.**

... **Appellant**

V/s

**First Appellate Officer cum,
M.M.R.D.A. Bandra-Kurla Complex,
Mumbai – 400 051.**

... **Respondent**

**Public Information Officer,
M.M.R.D.A. Bandra-Kurla Complex,
Mumbai – 400 051.**

GROUND

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant had wanted to know which are the authorities under the govt. of Maharashtra for which SPARK is working.

Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant has filed this second appeal before the commission. The appeal was heard on 21.02.2009. Appellant was present but the respondent was absent.

The appellant has contended that he has been deliberately misled and cheated. Since the respondent was absent, it could not be verified. The commission however is of the view that this information about govt. of Maharashtra cannot be furnished by MMRDA. The appellant query is misdirected. I therefore pass the following order.

Order

The appeal is dismissed.

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

Place: Mumbai
Date: 22.04.2009.

Before the State Information Commission, Maharashtra-Appeal under Section 19(3) of RTI Act, 2005.

Appeal No.2008/2354/02

**Shri Remesh Madhukar Salve
Surji Vallbhadas Chawl (Shivshankardas Chawl),
Vikroli (E), Mumbai – 400 083.**

... **Appellant**

V/s

**First Appellate Officer cum,
M.M.R.D.A. Bandra-Kurla Complex,
Mumbai – 400 051.**

... **Respondent**

**Public Information Officer,
M.M.R.D.A. Bandra-Kurla Complex,
Mumbai – 400 051.**

GROUND

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant had sought the information relating to the terms and conditions on which SPARK was assigned the work of survey, rehabilitation and other social works. The appellant also wanted to know what facilities, honorarium and other facilities have been provided to SPARK.

Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant has filed this second appeal before the commission. The appeal was heard on 21.02.2009. Appellant was present but the respondent was absent.

The appellant has contended that he has been misled and cheated. Since the respondent was not present it was not possible to verify. I therefore pass the following order.

Order

The appeal is allowed. Information to be furnished within 15 days. Failing which action under section 20 of the RTI Act will be taken against the PIO.

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

Place: Mumbai
Date: 22.04.2009.

Before the State Information Commission, Maharashtra-Appeal under Section 19(3) of RTI Act, 2005.

Appeal No.2008/2355/02

**Shri Remesh Madhukar Salve
Surji Vallbhadas Chawl (Shivshankardas Chawl),
Vikroli (E), Mumbai – 400 083.**

... **Appellant**

V/s

**First Appellate Officer cum,
M.M.R.D.A. Bandra-Kurla Complex,
Mumbai – 400 051.**

... **Respondent**

**Public Information Officer,
M.M.R.D.A. Bandra-Kurla Complex,
Mumbai – 400 051.**

GROUND

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant had sought a copy of the list of persons who have been rehabilitated at Avinashnagar, Diva East and West and also a copy of the map prepared by SPARK after survey.

Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant has filed this second appeal before the commission. The appeal was heard on 21.02.2009. Appellant was present but the respondent was absent.

The appellant has contended that he has been given incomplete information. Since the respondent was absent, it could not be verified. I pass the following order.

Order

The appeal is allowed. Information to be furnished within 15 days. Failing which action under section 20 of the RTI Act may have to be initiated.

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

Place: Mumbai
Date: 22.04.2009.

Before the State Information Commission, Maharashtra-Appeal under Section 19(3) of RTI Act, 2005.

Appeal No.2008/2357/02

**Prof. Patankar Nisarali Muhammad
2/204 Aghadi Nagar, Andheri (E),
Mumbai 400 093.**

... **Appellant**

V/s

**First Appellate Officer cum Secretary
Khairul Islam Higher Education Society's,
Maharashtra College of Arts, Science and Commerce. 2,
Prince Court, 53/c, Clare Rd, Byculla, Mumbai 400 008.**

... **Respondent**

**Public Information Officer cum Principal
Khairul Islam Higher Education Society's,
Maharashtra College of Arts, Science and Commerce. 2,
Prince Court, 53/c, Clare Rd, Byculla, Mumbai 400 008.**

GROUND

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant had sought attested copy of the letter to Information Commissioner dated 24.05.2007 representation made by the College at the hearing of complaint no.2077/132/02 under section of the RTI Act, 2005.

Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant has filed this second appeal before the commission. The appeal was fixed for hearing on 22.04.2009. Appellant and respondents were present.

The appellant has contended that he has not been given the information required by him. The respondent had no comments to make. I therefore pass the following order.

Order

Information to be furnished within 15 days.

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

Place: Mumbai
Date: 22.04.2009.

Before the State Information Commission, Maharashtra-Appeal under Section 19(3) of RTI Act, 2005.

Appeal No.2008/2409/02

**Shri. Khan Najma Habibur Rehman
B.I.T. Block No.4, Room No.8,
I.R. Rd, Mumbai – 400 003.**

... **Appellant**

V/s

**First Appellate Officer cum Desk Officer
Finance Deptt. Mantralaya,
Mumbai – 400 032.**

... **Respondent**

**Public Information Officer cum O.S.D.
Maico Ltd. Bombay deep Freeze Bldg,
Crawford Market, Dr. D.N. Rd, Mumbai – 400 001.**

GROUND

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant had sought the information: -

1. Authenticated Certified copy of letters issued to all MAFCO FARM FAIR agents for extension of their agency agreement period after 30.09.2008.
2. Authenticated Certified of FARM FAIR agency agreement.

Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant has filed this second appeal before the commission. The appeal was heard on 23.04.2007. The appellant did not turn up but the respondent was present.

The appellant has contended in his appeal that the PIO has purposely and mischievously denied to furnish the required details on flimsy / evasive remarks. The First Appellate Authority did not decide the appeal even after two and half months.

The respondent's contention is that the PIO had given the information in time and based on facts. The First Appellate Authority has decided the appeal but there was some delay.

After going through the case papers and considering the arguments advanced by parties I have come to the conclusion that available information has been furnished. The RTI Act ensures furnishing of available information. In this case the PIO has clearly said

that no agreement has been made after 30.09.2008. I see no mischief. I therefore pass the following order.

Order

Appeal is dismissed.

(Ramanand Tiwari)
State Information Commissioner, Mumbai

Place: Mumbai
Date: 23.04.2009.

Before the State Information Commission, Maharashtra-Appeal under Section 19(3) of RTI Act, 2005.

Appeal No.2008/2413/02

**Deb.Shankar S. Das
3/88, Old Transit Camp,
MHB Colony Garai Rd,
Borivali (W), Mumbai – 400 091.**

... Appellant

V/s

**First Appellate Officer cum Asstt Commissioner
Municipal Commissioner Greater Mumbai,
'C' Ward, 76, Shrikant Palekar Marg,
Chandanwadi, Marine Lines,
Mumbai – 400 002.**

... Respondent

**Public Information Officer,
Municipal Commissioner Greater Mumbai,
'C' Ward, 76, Shrikant Palekar Marg,
Chandanwadi, Marine Lines,
Mumbai – 400 002.**

GROUNDS

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant had sought the information relating to unauthorized use of tanker for supplying water and unauthorized construction of WC by Mr.Sudhir A Karmakar.

Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant has filed this second appeal before the commission. The appeal was heard on 23.04.2009. Appellant and respondents were present.

The appellant has contended that he has not been given the required information. The respondent has stated that necessary action under section 394 of the MMC Act has been initiated for use of tanker without MCGM's permission.

The respondent's contention is that the PIO had given the information in time and based on facts. The First Appellate Authority has decided the appeal but there was some delay.

After going through the case papers and considering the arguments advanced by parties I have come to the conclusion that information has been partially furnished. The respondent has not said anything about appellant's complaint against unauthorized

construction of WC by Mr. Karmakar. Nothing has been said about arrears and collection of repair cess. The respondent is directed to furnish information on these points.

Order

The appeal is partially allowed. Information to be furnished by PIO within 30 days.

(Ramanand Tiwari)
State Information Commissioner, Mumbai

Place: Mumbai
Date: 24.04.2009.

Before the State Information Commission, Maharashtra-Appeal under Section 19(3) of RTI Act, 2005.

Appeal No.2008/2410/02

**Shri. Sanjay Atmaram Baing
302, Gaurav Vihar CHS Ltd.
Gaurav Garden Complex,
Bunder Pakhadi Rd, Kandivli (W),
Mumbai – 400 067.**

... **Appellant**

V/s

**First Appellate Officer cum Dy. Registrar
Cooperative Board, R Division,
315, A/1, Bldg, 3rd Floor, Near RTO Office,
Wadala (E), Mumbai – 400 037.**

... **Respondent**

**Public Information Officer cum Asstt Registrar
Cooperative Board, R Division,
315, A/1, Bldg, 3rd Floor, Near RTO Office,
Wadala (E), Mumbai – 400 037.**

GROUNDS

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant had sought the information relating to Gaurav Vihar Cooperative Society, Gaurav garden Complex, Kandivli (W), Mumbai.

Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant has filed this second appeal before the commission. The appeal was heard on 23.04.2009. Appellant was present but the respondent was absent..

The appellant has contended that he has not been given the required information.

The respondent's contention is that available information has been furnished. The society was directed to furnish the remaining information. Action has been initiated against the society.

After going through the case papers and considering the arguments advanced by parties I have come to the conclusion that information has been partially furnished. Information should be furnished on point no 1 and 2 of his application dated 01.01.2009. The appellant has asked opinion on points 3, 4 & 5 and need not be attended to.

Order

The appeal is partially allowed. Information to be furnished by PIO within 30 days.

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

Place: Mumbai
Date: 24.04.2009.

**Before the State Information Commission, Maharashtra-Appeal under
Section 19(3) of RTI Act, 2005.**

Appeal No.2008/2414/02

**Shri. Ajay Jagdish Talreja
9, Disoza Chawl, Dattmandir Rd,
Bandongari, Malad (E),
Mumbai – 400 097.**

... Appellant

V/s

**First Appellate Officer cum Dy. Collector
Malad, Western Suburban, MHB Bldg No.38,
1st Floor, Sidharth, S.V.Rd, Goregaon (W),
Mumbai – 400 062.**

... Respondent

**Public Information Officer,
Malad, Western Suburban, MHB Bldg No.38,
1st Floor, Sidharth, S.V.Rd, Goregaon (W),
Mumbai – 400 062.**

GROUNDS

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant had sought the information relating to annexure II prepared in connection with redevelopment of CTS No.23 A, 23 A – 1 to 245 Mauje Pahari Goregaon Borivali, Mumbai. The appellant had asked for information relating to the papers which formed the basis for inclusion of 490 persons in the annexure II.

Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant has filed this second appeal before the commission. The appeal was heard on 23.04.2009. Appellant and respondents were present.

The appellant has contended that he has not been given incomplete information. Copies of agreement have not been given. As against 490 persons, he has been furnished 180 pages and a copy of common agreement.

The respondent's contention is that whatever information was available on record has been furnished. The names might have been included on the basis of their names on the electoral roll and therefore relevant supporting papers may not be on the file.

After going through the case papers and considering the arguments advanced by parties I have come to the conclusion that information has been furnished. The first

Appellate Authority in his order dated 07.02.2009 has clarified that individual agreements are not available on record and a copy of the common agreement has been given. Copies of supporting documents running into 182 pages have furnished. The RTI Act ensures furnishing of available information. The same has been done. I pass the following order.

Order

Appeal is disposed off.

(Ramanand Tiwari)
State Information Commissioner, Mumbai

Place: Mumbai
Date: 24.04.2009.

Before the State Information Commission, Maharashtra-Appeal under Section 19(3) of RTI Act, 2005.

Appeal No.2008/2412/02

**Shri. Arjunlal Chabaria
Bella Vista, Flat No.15, 3rd Floor,
Opp Lake & LIC Office, S.V.Rd,
Bandra (W), Mumbai – 400 050.**

... Appellant

V/s

**First Appellate Officer cum Dy. Chief Engineer
Building & Proposal (Western Suburban),
Bhabha Hospital Municipal Bldg,
1st Floor R.K. Patkar Marg,
Bandra (W), Mumbai – 400 050.**

... Respondent

**Public Information Officer cum Executive Engineer,
Building & Proposal (Western Suburban),
Bhabha Hospital Municipal Bldg,
1st Floor R.K. Patkar Marg,
Bandra (W), Mumbai – 400 050.**

GROUNDS

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant had sought the information regarding change of user from residential to commercial and vice versa and whether occupation certificate can be cancelled in case of unauthorized change and whether water connection would cut in such cases.

Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant has filed this second appeal before the commission. The appeal was heard on 23.04.2009. The appellant did not turn up but the respondent was present.

The appellant has contended that the reply given is evasive, misleading, incorrect and incomplete.

The respondent's contention is that initially he was directed to get in touch with the Municipal Architect. After the First Appellate Authority passed his order dated 17.02.2009, the information has been furnished by the PIO's letter dated 25.02.2008.

After going through the case papers and considering the arguments advanced by parties I have come to the conclusion that information has been furnished. The

appellant's absent has deprived the commission of his valuable input and I am constrained to close the case. I pass the following order.

Order

Appeal is disposed off.

(Ramanand Tiwari)
State Information Commissioner, Mumbai

Place: Mumbai
Date: 24.04.2009.

Before the State Information Commission, Maharashtra-Appeal under Section 19(3) of RTI Act, 2005.

Appeal No.2008/2411/02

**Shri. N Pareira
3, Pali Caothan,
Bandra (W),
Mumbai – 400 050.**

... **Appellant**

V/s

**First Appellate Officer cum Asstt Commissioner
Municipal Commissioner Greater Mumbai,
H/West Ward, St. Martin Rd, Bandra (W),
Mumbai – 400 050.**

... **Respondent**

**Public Information Officer cum Licence Inspector
Municipal Commissioner Greater Mumbai,
H/West Ward, St. Martin Rd, Bandra (W),
Mumbai – 400 050.**

GROUNDS

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant had sought the information regarding licensed hawkers occupying St Joseph School Pavement, Hill Rd, Bandra (W), Mumbai.

Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant has filed this second appeal before the commission. The appeal was heard on 23.04.2009. Appellate and respondents were present.

The appellant has contended that the PIO and the First Appellate Authority should be penalized for dereliction of duties and non implementation of laws.

The respondent's contention is that there are two licenced hawkers and this information has been furnished to the appellant. It transpired during the hearing that although there are only two hawkers with licence but there are many without the licence. The appellant obviously expected some legal action against them. The respondent also agreed.

After going through the case papers and considering the arguments advanced by parties I have come to the conclusion that information has been furnished.

Order

Appeal is disposed off.

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

Place: Mumbai
Date: 24.04.2009.

Before the State Information Commission, Maharashtra-Appeal under Section 19(3) of RTI Act, 2005.

Appeal No.2008/2407/02

**Shri. Salim Akbarali Lakhani
Sarkar residency, B-904,
Dr.Mascarenhans Rd, Mazgaon,
Mumbai – 400 010.**

... Appellant

V/s

**First Appellate Officer cum Dy. Registrar
Cooperative Board, E Division, Mumbai,
Malhotra House, 6th Floor, Opp. GPO,
Fort, Mumbai – 400 001.**

... Respondent

**Public Information Officer cum Asstt Registrar
Cooperative Board, E Division, Mumbai,
Malhotra House, 6th Floor, Opp. GPO,
Fort, Mumbai – 400 001.**

GROUND

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant had sought the information whether indemnity bonds were given by members of the Managing Committee, Sarkar Residency Cooperative Housing Society Ltd, Mazgaon, Mumbai within 15 days of the formation of the committee.

Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant has filed this second appeal before the commission. The appeal was heard on 23.04.2009. Appellate and respondents were present.

The appellant has contended that has not received any reply / information.

The respondent's contention is that society office and records have been inspected. Non furnishing of bonds was one of the irregularities found during the inspection. The society has been given a notice under section 78 (1) of the Maharashtra Cooperative Society Act 1960. Further action will be taken on receipt of the societies reply.

After going through the case papers and considering the arguments advanced by parties I have come to the conclusion that information has been furnished. I therefore pass the following order.

Order

Appeal is disposed off.

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

Place: Mumbai
Date: 24.04.2009.

Before the State Information Commission, Maharashtra-Appeal under Section 19(3) of RTI Act, 2005.

Appeal No.2008/2196/2197/02

**Shri. Sanjraj Harishchandra Mangeshkar,
Kashinath Surve, 82/F Sneha CHS Ltd,
Multani Mantion, Block No.2, Thakurwadi,
Dadar (E), Mumbai – 400 014.**

... Appellant

V/s

**First Appellate Officer,
1st Floor, Mahapalika Main Office
Mahapalika Marg, Mumbai – 400 001.**

... Respondent

**Public Information Officer,
1st Floor, Mahapalika Main Office
Mahapalika Marg, Mumbai – 400 001.**

GROUNDS

These appeals have been filed under section 19(3) of the Right to Information Act 2005. The appellant had sought the information relating Sahjeevan Cooperative Housing Society, CTS No 24 (Part) building No.53, Tilak Nagar, Chembur, Mumbai. The appellant has sought information in respect of 4 floors constructed unauthorisedly and the action taken by the MCGM.

Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant has filed this second appeal before the commission. The appeals were heard on 23.04.2009. The appellate did not turn up but the respondent was present.

The appellant has contended that no information has been furnished and the First Appellate Authority did not hear the appeal.

The respondent's contention is that information has been furnished. He was also asked to inspect the relevant documents. Respondents have given their submission in writing which have been placed on record.

After going through the case papers and considering the arguments advanced by parties I have come to the conclusion that information needs to be furnished. The appellant's queries are specific and he wants copies of reply received in response to

MCGM's notice under section 53 (1) of the MRTP Act and section 353 (A) of the MMC Act. He has also asked for copies of replies received from the Chairman and the Secretary in response to the notice under section 53 (1) of the MRTP Act. In the light the above, following order is passed.

Order

The appeal is allowed. Information to be furnished by PIO within 30 days.

(Ramanand Tiwari)
State Information Commissioner, Mumbai

Place: Mumbai
Date: 23.04.2009.

Before the State Information Commission, Maharashtra-Appeal under Section 19(3) of RTI Act, 2005.

Appeal No.2008/2401/02

**Shri. Hariba Mahadev Chopde,
Savitribai Malin Chawl,
Room No.3, Parigh Khadi Colony,
LBS Marg, Kurla (W), Mumbai – 400 070.**

.... Appellant

V/s

**First Appellate Officer cum Police Dy Commissioner
Zone 3, Central Control Desk, Bavala Compound,
Dr. B.A. Rd, Byculla (E), Mumbai – 400 070.**

.... Respondent

**Public Information Officer cum Asstt Police Commissioner
Zone 3, Central Control Desk, Bavala Compound,
Dr. B.A. Rd, Byculla (E), Mumbai – 400 070.**

GROUND

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant had sought the information regarding action taken on his complaint dated 08.07.2008.

Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant has filed this second appeal before the commission. The appeal was heard on 23.04.2009. Appellant was present but the respondent was absent.

The appellant has contended that he had asked for information relating to the complaint made by him. He has stated that he has been given copies of his own statement recorded by the Police. Since the respondent was not present, it could not be verified. I am however of the opinion that if it is true then it is serious. Complainant's statement is a part of investigation & the police must have come to some conclusion and the same needs to be communicated.

I therefore the following order.

Order

The appeal is allowed. Information regarding action taken on appellant's complaint dated 08.07.2008 must be furnished within 30 days.

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

Place: Mumbai
Date: 23.04.2009.

Before the State Information Commission, Maharashtra-Appeal under Section 19(3) of RTI Act, 2005.

Appeal No.2008/2418/02

**Shri. Mahendra J. Chavan
85/2, Chalke Chawl,
Tadwadi Swadeshi Mill,
Sion, Chunabhatti,
Mumbai – 400 022.**

.... Appellant

V/s

**First Appellate Officer cum Asstt Sales Tax Commissioner
Office of the Sales Tax Commissioner,
S. Balvantsingh Dodhi Marg,
Mazgaon, Mumbai – 400 010.**

.... Respondent

**Public Information Officer,
Office of the Sales Tax Commissioner,
S. Balvantsingh Dodhi Marg,
Mazgaon, Mumbai – 400 010.**

GROUND

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant had sought the information relating to the office of the sales tax commission, Govt of Maharashtra Mumbai. He has sought information regarding organization's, functions, system of recruitment, arrangements made for citizen to access information and transparency.

Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant has filed this second appeal before the commission. The appeal was heard on 23.04.2009. Appellant and respondents were present.

The appellant has contended that he has not been given complete information. The respondent stated that if the appellant gives points on which information is required, it would be possible for them to furnish the same. Since the commission has decided many such cases of the appellant, the respondents were explained the thrust of the appellant's application. Respondents agreed to modify their reply.

After going through the case papers and considering the arguments advanced by parties I have come to the conclusion that modified reply in the light our discussion should be furnished to the appellant.

Order

The appeal is allowed. Information to be furnished by PIO within 30 days.

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

Place: Mumbai
Date: 23.04.2009.

Before the State Information Commission, Maharashtra-Appeal under Section 19(3) of RTI Act, 2005.

Appeal No.2009/2391/02

**Shri. Arjunlal M. Chabria
Bella Vista Flat No.15,
3rd Floor, Opp. Lake & LIC Officer,
S.V. Rd Bandra, Mumbai – 400 050.**

... **Appellant**

V/s

**First Appellate Officer cum Dy Chief Engineer
Bhabha Hospital Bldg. 1st Floor,
R.K. Patankat Marg, Bandra (E),
Mumbai – 400 050.**

... **Respondent**

**Public Information Officer cum Executive Engineer
Bhabha Hospital Bldg. 1st Floor,
R.K. Patankat Marg, Bandra (E),
Mumbai – 400 050.**

GROUNDS

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant had sought the information regarding unauthorized construction of the office of the Dy. Chief Engineer of Roads (W/s) on the terrace of K/West Municipal Ward Office building at Paliram Marg, Andheri (W), Mumbai. He has also asked for a copy of the building plan of the building of K/West Ward Office.

Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant has filed this second appeal before the commission. The appeal was heard on 22.04.2009. The appellant did not turn up.

The appellant has contended that the reply by the First Appellate Authority was evasive, misleading and incorrect. The respondent has contended that plans of Municipal Property are prepared and got approved by the Municipal Architect. The appellant's application has been forwarded to the Municipal architect and the appellant has been informed.

After going through the case papers and considering the arguments advanced by parties I have come to the conclusion that information has been furnished. Since the PIO and the first appellate are not having the information required and needful has been done,

the information has been given. The appellant was absent depriving the commission of his input. I am constrained to pass the following order.

Order

Appeal is disposed off.

(Ramanand Tiwari)
State Information Commissioner, Mumbai

Place: Mumbai
Date: 24.04.2009.

Before the State Information Commission, Maharashtra-Appeal under Section 19(3) of RTI Act, 2005.

Appeal No.2009/2333/02

**Shri. Arjunlal M. Chabria
Bella Vista Flat No.15,
3rd Floor, Opp. Lake & LIC Officer,
S.V. Rd Bandra, Mumbai – 400 050.**

... Appellant

V/s

**First Appellate Officer cum Dy Chief Officer
SRA, MHADA, Grihanirman Bhavan,
Bandra (E), Mumbai – 400 051.**

... Respondent

**Public Information Officer cum Executive Engineer
MHADA, Grihanirman Bhavan,
Bandra (E), Mumbai – 400 051.**

GROUND

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant had sought a copy of the letter of intent issued by SRA to Unity Group in respect of Plot bearing CTS No 246, Hissa No 49 of Oshiwara Village Jogeshwari (W), Mumbai. He has also asked for copies of annexure I & II.

Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant has filed this second appeal before the commission. The appeal was heard on 20.04.2009. Appellant and respondent were absent.

The appellant has contended that the reply given by the First Appellate Authority is evasive in correct and incomplete. Since both the parties are absent I decide to close the case.

Order

Appeal is dismissed.

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

Place: Mumbai
Date: 23.04.2009.

Before the State Information Commission, Maharashtra-Appeal under Section 19(3) of RTI Act, 2005.

Appeal No.2008/2326/02

**Shri. Machindra N. Karalkar
Hazarabai House, Room No.5,
Irla Society Road,
Vile Parle (W),
Mumbai – 400 056.**

....Appellant

V/s

**First Appellate Officer cum Asstt Commissioner
K/West Ward, Municipal Corporation,
Paliram Path, Opp. Andheri Railway,
Andheri (W), Mumbai – 400 058.**

.... Respondent

**Public Information Officer cum Medical Officer
M.O.H/K-West, Municipal Corporation,
Paliram Path, Opp. Andheri Railway,
Andheri (W), Mumbai – 400 058.**

GROUNDS

This appeal has been filed under section 19 (3) of the Right to Information Act 2005. The appellant had sought information relating to Hotel Maya Bhuvan Spring Pure Vegetarian, Hazarabai House, Shop No 1, Irla Society Rd, Vile Parle (W), Mumbai. The appellate has asked information on 9 points relating to notices issued for Violation of licence condition, Court case, revocation of notice etc.

Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant has filed this second appeal before the commission. The appeal was heard on 20.04.2009. Appellant and respondent were absent.

It appears from the case papers that MCGM had issued notices to the hotel which had be withdrawn during the hearing of the case before the Hon High Court, Mumbai. The appellant feels that this happened because of administrative lapses on the part of the Medical Officer. He wanted to know why he acted in the away that led to the revocation of the notices. This cannot be answered under the RTI Act. If the appellant wants action against the Medical Officer, the commission is not the right place. I therefore close the case.

Order

Appeal is disposed off.

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

Place: Mumbai
Date: 27.04.2009.

Before the State Information Commission, Maharashtra-Appeal under Section 19(3) of RTI Act, 2005.

Appeal No.2008/2404/02

Shri. Prem Shahani
301 Casa Maria, D'Mante Park Rd,
Bandra (W), Mumbai – 400 050.

....Appellant

V/s

First Appellate Officer cum Asstt Commissioner
H/West Ward, Municipal Corporation,
St. Martins Rd, Bandra (W), Mumbai – 400 050.

.... Respondent

Public Information Officer cum Asstt. Engineer
H/West Ward, Municipal Corporation,
St. Martins Rd, Bandra (W), Mumbai – 400 050.

GROUND

This appeal has been filed under section 19 (3) of the Right to Information Act 2005. The appellant had sought the information relating to his complaints and action taken by the ward office.

Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant has filed this second appeal before the commission. The appeal was fixed for hearing on 23.04.2009.

The appellant has addressed a communication to the commission requesting to permit withdrawal of the appeal as he has received the required information. The request is granted.

Order

The appeal is disposed off.

(Ramanand Tiwari)
State Information Commissioner, Mumbai

Place: Mumbai
Date: 24.04.2009.

Before the State Information Commission, Maharashtra-Appeal under Section 19(3) of RTI Act, 2005.

Appeal No.2009/2340/02

**Shri. Mohmmad Yusuf Farukh Khan
B-8, Mustafa Chawl, Achank Nagar,
Mubra, Dist. Thane 612.**

... **Appellant**

V/s

**First Appellate Officer cum Dy Secretary
Urban Development Deptt.
Mantralaya, Mumbai – 400 032.**

... **Respondent**

**Public Information Officer cum Desk Officer
Urban Development Deptt.
Mantralaya, Mumbai – 400 032.**

GROUND

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant had sought the information relating to implementation of the govt. circular dated 28.12.2006. The circular requires Municipal Corporations and Municipal councils to give priority in allotment of land for housing, business, recreation canteens, schools, research centers for the welfare of disabled and to set up factories.

Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant has filed this second appeal before the commission. The appeal was fixed for hearing on 21.04.2009. The appellant did not turn up but the respondent was present.

The appellant has contended that the First Appellate Authority did not hear him. He has not been given the information. The respondent has stated that this information will have to called from civic bodies and may take time.

After going through the case papers and considering the arguments advanced by parties I have come to the conclusion that information has been furnished. It is admitted that such information may be not available with the Urban Development Deptt. It is not feasible for the department to collect the information. I therefore direct that the department should address a letter to all civic bodies in Maharashtra and ask them to furnish information to the appellant and a copy should be endorsed to the department.

Order

The appeal is disposed off.

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

Place: Mumbai
Date: 24.04.2009.

Before the State Information Commission, Maharashtra-Appeal under Section 19(3) of RTI Act, 2005.

Appeal No.2008/1772/02

Shri. Kunal Sangoi
150, Juhu Galli, Near Farukiya Masjid,
Andheri (W), Mumbai – 400 058.

... **Appellant**

V/s

First Appellate Officer cum Executive Engineer
(B & P), Western Suburban, Municipal Office Building,
Near Bhabha Hospital, R.K. Patkar Marg,
Bnadra (W), Mumbai – 400 051.

... **Respondent**

Public Information Officer,
Western Suburban, Municipal Office Building,
Near Bhabha Hospital, R.K. Patkar Marg,
Bnadra (W), Mumbai – 400 051.

GROUNDS

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant had sought the information relating to Saraswati Bhuvan, Plot No.184, Off Andheri-Kurla Rd, J.B. Nagar, Andheri (E), Mumbai. He had wanted to know whether alterations, change of user have been permitted. He also sought copies of related documents.

Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant has filed this second appeal before the commission. The appeal was heard on 16.04.2009. Appellant and respondents were present.

The appellant has contended that he has not been given the information. In fact this appeal was earlier heard on 29.01.2009. The respondent stated during the hearing that he has furnished the information available with him. He also submitted that information on the remaining point has to be furnished by the Executive Engineer, Building Proposal deptt. The Executive Engineer Building Proposal was present when the appeal was heard (16.04.2008). He was directed to furnish the information on the remaining points.

Order

The appeal is allowed. Information to be furnished by PIO within 30 days.

(Ramanand Tiwari)
State Information Commissioner, Mumbai

Place: Mumbai
Date: 24.04.2009.

Before the State Information Commission, Maharashtra-Appeal under Section 19(3) of RTI Act, 2005.

Appeal No.2008/2087/02

Smt. Pranali Dhamalkar
23/29, B.D.D. Chawl,
N.M. Joshi Marg,
Mumbai – 400 013.

... **Appellant**

V/s

First Appellate Officer cum Superintendent Engineer
Mumbai Mandal,
25, Marzban Rd, Fort, Mumbai – 400 001.

... **Respondent**

Public Information Officer cum Joint Superintendent Engineer
Mumbai Mandal,
25, Marzban Rd, Fort, Mumbai – 400 001.

GROUND

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant had sought the information relating to the final list of candidates who were successful in the exam / selection for senior clerk. The appellant has sought details like name of the candidate, address, examination center; seat no, registration no & other details.

Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant has filed this second appeal before the commission. The appeal was heard on 18.03.2009. The appellant did not turn up but the respondent was present.

The appellant has sent a letter to the commission that she wants to withdraw the appeal. The same is granted.

Order

The appeal is disposed off.

(Ramanand Tiwari)
State Information Commissioner, Mumbai

Place: Mumbai
Date: 24.04.2009.

Before the State Information Commission, Maharashtra-Appeal under Section 19(3) of RTI Act, 2005.

Appeal No.2008/2342/02

**Shri. Namdev Kashinath Kamble
Rameshwer Chawl Committee,
Unit No.1559, Sandesh Nagar, Bailbazar,
Kurla-Andheri Rd, Mumbai – 400 072.**

... Appellant

V/s

**First Appellate Officer cum Asstt Commissioner
M/East Division Office,
Chembur (E), Mumbai – 400 071.**

... Respondent

**Public Information Officer cum Asstt Engineer
M/East Division Office,
Chembur (E), Mumbai – 400 071.**

GROUND

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant had sought the information relating to the ward office M/East. He has wanted to know the no. of Asstt Engineers, their length of service in the department, no of contractors and no chowkies etc.

Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant has filed this second appeal before the commission. The appeal was heard on 21.04.2009. Appellant and respondents were present.

The appellant has contended that he has been given incomplete information. Respondent states that he was informed that there 30 page of information and the appellant should collect it after depositing required amount @ Rs. Two per copy.

After going though the case papers and considering the arguments advanced by parties I have to the conclusion that the appellant has been offered the information. He should deposit the required information and collect the information.

Order

The appeal is disposed off.

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

Place: Mumbai
Date: 24.04.2009.

Before the State Information Commission, Maharashtra-Appeal under Section 19(3) of RTI Act, 2005.

Appeal No.2008/2403/02

**Shri. Khalil Ahmad Nawabali Subhedar
G-23, Mahindra Park,
LBS Marg, Ghatkoper (W),
Mumbai – 400 086.**

... **Appellant**

V/s

**First Appellate Officer cum Dy. Chief Engineer
(Building Project), Western Suburban,
Paper Mill Compound, LBS Marg,
Vikroli (W), Mumbai – 400 083.**

... **Respondent**

**Public Information Officer cum Executive Engineer
(Building Project), Western Suburban,
Paper Mill Compound, LBS Marg,
Vikroli (W), Mumbai – 400 083.**

GROUNDS

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant had sought the information regarding grant of repair permission from 01.01.2006 to 31.12.2008 in M (E) Ward, MCGM, Mumbai.

Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant has filed this second appeal before the commission. The appeal was heard on 23.04.2009. The appellant did not turn up but the respondent was present.

The appellant has contended that he was given incorrect information by referring to the Estate Department.

The respondent's contention is that they have forwarded his application to the Estate Department as they cannot give such permission.

After going through the case papers and considering the arguments advanced by parties I have come to the conclusion that information has been furnished. The respondent has informed the appellant that they do not give such permission and forwarded his application to the Estate Department. The VLT properties are looked after by the Estate Department. Since the appellant was absent I am constrained to pass the following order.

Order

The appeal is disposed off.

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

Place: Mumbai
Date: 24.04.2009.

Before the State Information Commission, Maharashtra-Appeal under Section 19(3) of RTI Act, 2005.

Appeal No.2008/2345/02

Shri. Madhav Ramji Pendore
Electricity Board Staff Quarter,
Building No.19/41, Bandra Reclamation,
Bandra (W), Mumbai – 400 050.

... **Appellant**

V/s

First Appellate Officer cum Dy. Chief Engineer
Mumbai Housing & Area Development Board,
Grihanirman Bhavan (E), Mumbai – 400 051.

... **Respondent**

Public Information Officer cum Estate Manager
Mumbai Housing & Area Development Board,
Grihanirman Bhavan (E), Mumbai – 400 051.

GROUND

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant had sought the information regarding allotment of 8 tenements to persons belonging to scheduled tribe. MHADA had advertised sale of 1869 tenements at Pratiksha Nagar, Sion, Mumbai. The appellant wanted copies of caste certificate, caste verification certificate – domicile etc.

Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant has filed this second appeal before the commission. The appeal was heard on 21.04.2009. Appellant and respondents were present.

The appellant has contended that the required information has not been furnished. The respondent has stated that information had to be collected and that was reason it took time.

After going through the case papers and considering the arguments advanced by parties I have to the conclusion that information must be furnished. I would also like to warn the respondent to be prompt in future. The RTI Act has prescribed time limit and it is necessary to adhere to the schedule. Any lapse in future will be viewed seriously.

Order

The appeal is allowed. Information to be furnished by PIO within 15 days.

(Ramanand Tiwari)
State Information Commissioner, Mumbai

Place: Mumbai
Date: 24.04.2009.

Before the State Information Commission, Maharashtra-Appeal under Section 19(3) of RTI Act, 2005.

Appeal No.2008/2388/02

Shri. Dhurdhand Rajaram Sing
Sangarsh Office, Lori Rd,
Behind Mangatram Petrol Pump,
Bhandup (W), Mumbai – 400 078.

... **Appellant**

V/s

First Appellate Officer,
Education Dy Director, Jawahar Bal Bhavan,
Churni Rd (W), Mumbai.

... **Respondent**

Public Information Officer,
Education Dy Director, Jawahar Bal Bhavan,
Churni Rd (W), Mumbai.

GROUND

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant had sought the information regarding Action taken on his complaint dated 18.08.2008 against Shri Surya Prakash Pathak, Principal B.L. Ruia High School, Vile Parle (E), Mumbai.

Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant has filed this second appeal before the commission. The appeal was heard on 22.04.2009. The appellant did not turn up but the respondent was present.

The appellant has contended that he has not been furnished the required information. The respondent has stated that the Principal was asked to send his remarks the same has been sent to the appellant. It has also been stated that since the principal is an employee of the management, no action can be taken against him by the PIO.

After going through the case papers and considering the arguments advanced by parties I have come to the conclusion that the required information has been furnished. Since the appellant remained absent the commission has been deprived of his input and I am constrained to pass the following order.

Order

The appeal is disposed off.

(Ramanand Tiwari)
State Information Commissioner, Mumbai

Place: Mumbai
Date: 24.04.2009.

Before the State Information Commission, Maharashtra-Appeal under Section 19(3) of RTI Act, 2005.

Appeal No.2008/2415/02

**Shri. Mahendra J. Chavan
85/2, Chalke Chawl,
Tadwadi Swadeshi Mill,
Sion, Chunabhatti,
Mumbai – 400 022.**

.... Appellant

V/s

**First Appellate Officer cum Asstt Sales Tax Commissioner
Office of the Sales Tax Commissioner,
S. Balvantsingh Dodhi Marg,
Mazgaon, Mumbai – 400 010.**

.... Respondent

**Public Information Officer,
Office of the Sales Tax Commissioner,
S. Balvantsingh Dodhi Marg,
Mazgaon, Mumbai – 400 010.**

GROUND

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant had sought the information relating to Directorate of Lotteries. The appellant had sought information in respect employees working in the Directorate, whether any illegal recruitment has been made, action against those responsible steps taken to bring transparency and arrangement made for the general public to access information.

Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant has filed this second appeal before the commission. The appeal was heard on 23.04.2009. Appellant and respondents were present.

The appellant has contended that he has not been given full information. He is not satisfied with the information provided.

The respondent's contention is that whatever information was available has been provided. They are also willing to furnish any additional information, which the appellant may like to have.

After going through the case papers and considering the arguments advanced by parties I have come to the conclusion that information has been partially furnished. The

appellant's contention that the employees working in the Directorate their designation and their details have not been provided. The contention is accepted. In fact that is one of the requirements of the RTI Act requires every public authority to publish the particulars of its organization functions and duties and powers and duties of its officers and employees. I therefore pass the following order.

Order

The appeal is allowed. Information to be furnished by PIO within 30 days.

(Ramanand Tiwari)
State Information Commissioner, Mumbai

Place: Mumbai
Date: 23.04.2009.

Before the State Information Commission, Maharashtra-Appeal under Section 19(3) of RTI Act, 2005.

Appeal No.2008/2204/02

Shri. Chetandas R. Khushlani
601, Emerate Apt. Shri Rajendra Kamle Rd,
Santacruz (E), Mumbai – 400 055.

.... Appellant

V/s

First Appellate Officer cum Asstt Commissioner
H/East, 137, TPL, 5 Second Rd,
Prabhat Colony, Santacruz (E),
Mumbai – 400 055.

.... Respondent

Public Information Officer cum Asstt Engineer
H/East, 137, TPL, 5 Second Rd,
Prabhat Colony, Santacruz (E),
Mumbai – 400 055.

GROUND

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant had sought the information regarding his complaint against unauthorized and illegal stalls on both sides of Vakola Market Rd, Santacruz (E), Mumbai.

Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant has filed this second appeal before the commission. The appeal was heard on 15.04.2009. Appellant and respondents were present.

The appellant has contended that he has not received information he had sought.

The respondent's contention is that the complaint was of a general nature. However the appellant has been informed by PIO's letter dated 16.10.2008 that notices have been issued against 37 staff holders under section 314 of the MMC Act.

After going through the case papers and considering the arguments advanced by parties I have come to the conclusion although information has been furnished, the appellant is not satisfied. It is true that notices have been issued but the appellant needs to be informed what happened after that. It is therefore directed that the latest information should be furnished to the appellant.

Order

The appeal is allowed. Information to be furnished by PIO within 30 days.

(Ramanand Tiwari)
State Information Commissioner, Mumbai

Place: Mumbai
Date: 24.04.2009.

Before the State Information Commission, Maharashtra-Appeal under Section 19(3) of RTI Act, 2005.

Appeal No.2008/2458/02

Shri. Suresh Chokshi
B-65, Udadhi Tarang,
Juhu Rd, Mumbai – 400 049.

.... Appellant

V/s

First Appellate Officer cum Dy. Chief Engineer
Municipal Corporation,
1st Floor, R.K Patkar Marg, Bandra (W),
Mumbai – 400 050.

.... Respondent

Public Information Officer cum Executive Engineer
Municipal Corporation,
1st Floor, R.K Patkar Marg, Bandra (W),
Mumbai – 400 050.

GROUND

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant had sought a copy of the approved plan Udadhi Tarang flat owners cooperative Society, Mumbai.

Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant has filed this second appeal before the commission. The appeal was heard on 28.04.2009. Appellant and respondents were present.

The appellant has contended that he has not received the required information. The respondent has stated that the relevant file has not been traced.

After going through the case papers and considering the arguments advanced by parties I have come to the conclusion that information must be furnished. The respondent will make diligent search and inform the out come to the appellant.

Order

The appeal is allowed. Information to be furnished by PIO within 30 days.

(Ramanand Tiwari)
State Information Commissioner, Mumbai

Place: Mumbai
Date: 28.04.2009.

Before the State Information Commission, Maharashtra-Appeal under Section 19(3) of RTI Act, 2005.

Appeal No.2008/2449/02

**Shri. Ramesh Madhukar Salve
Surji Vallabhadas Chawl,
(Shivshankar Prasad Chawl),
Vikroli (E), Mumbai – 400 083.**

.... Appellant

V/s

**First Appellate Officer,
MMRDA, Bandra-Kurla Complex,
Mumbai – 400 051.**

.... Respondent

**Public Information Officer,
MMRDA, Bandra-Kurla Complex,
Mumbai – 400 051.**

GROUND

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant had sought the information relating to involvement of SPARC in the activities of MMRAD MUTP & MUIP. The appellant wanted to know the scope of work and branches of SPARC associated with MMRDA.

Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant has filed this second appeal before the commission. The appeal was heard on 27.04.2009. Appellant and respondents were present.

The appellant has contended that information has not been furnished. The commission feels that this information is very important SPARC's association with MUTP is well known but whether the organization is also associated with other activities needs to be told. I therefore pass the following order.

Order

The appeal is allowed. Information to be furnished within 15 days.

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

Place: Mumbai
Date: 28.04.2009.

Before the State Information Commission, Maharashtra-Appeal under Section 19(3) of RTI Act, 2005.

Appeal No.2008/2473/02

**Shri. Ramesh Madhukar Salve
Surji Vallabhadas Chawl,
(Shivshankar Prasad Chawl),
Vikroli (E), Mumbai – 400 083.**

.... Appellant

V/s

**First Appellate Officer,
MMRDA, Bandra-Kurla Complex,
Mumbai – 400 051.**

.... Respondent

**Public Information Officer,
MMRDA, Bandra-Kurla Complex,
Mumbai – 400 051.**

GROUND

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant had sought the information regarding collection of money by SPARK during survey for membership of Mahila Milan, NSDF, RSDF and Housing bachat yojana. He appellant wanted to know how much money has been collected and how has it been spent.

Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant has filed this second appeal before the commission. The appeal was heard on 27.04.2009. Appellant and respondents were present.

The appellant has contended that he has not been furnished the information. The respondent has submitted that the required information was not available with MMRDA and therefore could not be furnished. It is true that MMRADA is not supposed to keep track of SPARC's activities. The reply is in order.

Order

The appeal is disposed off.

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

Place: Mumbai
Date: 28.04.2009.

Before the State Information Commission, Maharashtra-Appeal under Section 19(3) of RTI Act, 2005.

Appeal No.2008/2448/02

**Shri. Ramesh Madhukar Salve
Surji Vallabhadas Chawl,
(Shivshankar Prasad Chawl),
Vikroli (E), Mumbai – 400 083.**

.... Appellant

V/s

**First Appellate Officer,
MMRDA, Bandra-Kurla Complex,
Mumbai – 400 051.**

.... Respondent

**Public Information Officer,
MMRDA, Bandra-Kurla Complex,
Mumbai – 400 051.**

GROUNDS

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant had sought the information relating to SPARC their appointment in MMRDA, their Educational qualification, experience and training before appointment.

Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant has filed this second appeal before the commission. The appeal was heard on 27.04.2009. Appellant and respondents were present.

The appellant has contended that the required information has not been furnished. The respondent has contended that they were appointed by MMRDA but engaged for carrying out base line survey. This was done in consultation with the World Bank. I therefore conclude that information has been furnished.

Order

The appeal is disposed off.

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

Place: Mumbai
Date: 28.04.2009.

Before the State Information Commission, Maharashtra-Appeal under Section 19(3) of RTI Act, 2005.

Appeal No.2008/2439/02

**Shri. Ramesh Madhukar Salve
Surji Vallabhadas Chawl,
(Shivshankar Prasad Chawl),
Vikroli (E), Mumbai – 400 083.**

.... Appellant

V/s

**First Appellate Officer,
MMRDA, Bandra-Kurla Complex,
Mumbai – 400 051.**

.... Respondent

**Public Information Officer,
MMRDA, Bandra-Kurla Complex,
Mumbai – 400 051.**

GROUND

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant had sought copies of documents submitted by the allottees of tenement no.602 and 709 building no R/4/A Nahur (W), Mumbai. He has also asked for copies of family photo and allotment letter.

Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant has filed this second appeal before the commission. The appeal was heard on 27.04.2009. Appellant and respondents were present.

The appellant has contended that the required information has not been received by him. The respondent has submitted that information was sent to the appellant but the envelop has come back. The respondent also submitted that the only documents which is in their possession was the base line survey report. In the light of the above I pass the following order.

Order

The appeal is disposed off.

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

Place: Mumbai
Date: 28.04.2009.

Before the State Information Commission, Maharashtra-Appeal under Section 19(3) of RTI Act, 2005.

Appeal No.2008/2437/02

**Shri. Ramesh Madhukar Salve
Surji Vallabhadas Chawl,
(Shivshankar Prasad Chawl),
Vikroli (E), Mumbai – 400 083.**

.... Appellant

V/s

**First Appellate Officer,
MMRDA, Bandra-Kurla Complex,
Mumbai – 400 051.**

.... Respondent

**Public Information Officer,
MMRDA, Bandra-Kurla Complex,
Mumbai – 400 051.**

GROUND

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant had sought the information relating to allotment of tenements to holders of zopadi I D No 364, 365 and 366. Haryali Village close to railway, Vikroli East. He has also sought information regarding allotment of tenement no 402, Karve nagar, Kanujun Marg East.

Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant has filed this second appeal before the commission. The appeal was heard on 27.04.2009. Appellant and respondents were present.

The appellant has contended that the information required has not been provided to him. The respondent was able to explain to him about I D card no 365 366 but could not furnish any detail regarding I D no 364. I therefore pass the following order.

Order

The appeal is partially allowed. Respondent to furnish details of I D no 364 to whom it has been allotted and the family photo pass. Similarly who has been allotted tenement no 402 should also be communicated to him with relevant documents. All information to be given free of cost and within 30 days.

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

Place: Mumbai
Date: 27.04.2009.

Before the State Information Commission, Maharashtra-Appeal under Section 19(3) of RTI Act, 2005.

Appeal No.2008/2436/02

**Shri. Ramesh Madhukar Salve
Surji Vallabhadas Chawl,
(Shivshankar Prasad Chawl),
Vikroli (E), Mumbai – 400 083.**

.... Appellant

V/s

**First Appellate Officer,
MMRDA, Bandra-Kurla Complex,
Mumbai – 400 051.**

.... Respondent

**Public Information Officer,
MMRDA, Bandra-Kurla Complex,
Mumbai – 400 051.**

GROUND

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant had sought the information relating to holders of I D card no 153 and I D card no 154 Indiranagar zopadpatti, Gogrej Rd, Vikroli where have they been allotted tenements and copies of documents submitted by them for allotment.

Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant has filed this second appeal before the commission. The appeal was heard on 27.04.2009. Appellant and respondents were present.

The appellant has contended that no information has been received by him. The respondent submitted that copies of allotment letter have been sent to the appellant. The information thus has been furnished.

Order

The appeal is disposed off.

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

Place: Mumbai
Date: 27.04.2009.

Before the State Information Commission, Maharashtra-Appeal under Section 19(3) of RTI Act, 2005.

Appeal No.2008/2434/02

**Shri. Ramesh Madhukar Salve
Surji Vallabhadas Chawl,
(Shivshankar Prasad Chawl),
Vikroli (E), Mumbai – 400 083.**

.... Appellant

V/s

**First Appellate Officer,
MMRDA, Bandra-Kurla Complex,
Mumbai – 400 051.**

.... Respondent

**Public Information Officer,
MMRDA, Bandra-Kurla Complex,
Mumbai – 400 051.**

GROUND

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant had sought copies of documents submitted by Mrs Reshama Remesh Sanas, allottee of tenement no 203, building no 11 A Kanjur Marg (E), Mumbai and holder of I D card no 444.

Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant has filed this second appeal before the commission. The appeal was heard on 27.04.2009. Appellant and respondents were present.

The appellant has contended that no information has been received by him. The respondent stated that they have no other documents except the baseline survey report and the allotment letter. It has already been clarified to the appellant that MMRDA is not in possession of documents which formed the basis of inclusion in the baseline survey report.

Order

The appeal is disposed off.

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

Place: Mumbai
Date: 27.04.2009.

Before the State Information Commission, Maharashtra-Appeal under Section 19(3) of RTI Act, 2005.

Appeal No.2008/2438/02

**Shri. Ramesh Madhukar Salve
Surji Vallabhadas Chawl,
(Shivshankar Prasad Chawl),
Vikroli (E), Mumbai – 400 083.**

.... Appellant

V/s

**First Appellate Officer,
MMRDA, Bandra-Kurla Complex,
Mumbai – 400 051.**

.... Respondent

**Public Information Officer,
MMRDA, Bandra-Kurla Complex,
Mumbai – 400 051.**

GROUND

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant had sought copies of documents submitted by Shri Vijay Keru Kanble I D No 482 and allottee of tenement no 308, building no 5 B, Kanjur Marg side (E), Mumbai.

Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant has filed this second appeal before the commission. The appeal was heard on 27.04.2009. Appellant and respondents were present.

The appellant has contended that copies of documents required by him have not been given. The respondent has stated that they have only base line survey report and no other document which formed the basis of allotment.

In the light of this my conclusion is that the required information has been furnished.

Order

The appeal is disposed off.

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

Place: Mumbai
Date: 27.04.2009.

Before the State Information Commission, Maharashtra-Appeal under Section 19(3) of RTI Act, 2005.

Appeal No.2008/2438/02

**Shri. Ramesh Madhukar Salve
Surji Vallabhadas Chawl,
(Shivshankar Prasad Chawl),
Vikroli (E), Mumbai – 400 083.**

.... Appellant

V/s

**First Appellate Officer,
MMRDA, Bandra-Kurla Complex,
Mumbai – 400 051.**

.... Respondent

**Public Information Officer,
MMRDA, Bandra-Kurla Complex,
Mumbai – 400 051.**

GROUND

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant had sought copies of documents submitted by Shri Vijay Keru Kanble I D No 482 and allottee of tenement no 308, building no 5 B, Kanjur Marg side (E), Mumbai.

Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant has filed this second appeal before the commission. The appeal was heard on 27.04.2009. Appellant and respondents were present.

The appellant has contended that copies of documents required by him have not been given. The respondent has stated that they have only lease live survey report and no other document which formed the basis of allotment.

In the light of this my conclusion is that the required information has been furnished.

Order

The appeal is disposed off.

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

Place: Mumbai
Date: 27.04.2009.

Before the State Information Commission, Maharashtra-Appeal under Section 19(3) of RTI Act, 2005.

Appeal No.2008/2441/02

**Shri. Ramesh Madhukar Salve
Surji Vallabhadas Chawl,
(Shivshankar Prasad Chawl),
Vikroli (E), Mumbai – 400 083.**

.... Appellant

V/s

**First Appellate Officer,
MMRDA, Bandra-Kurla Complex,
Mumbai – 400 051.**

.... Respondent

**Public Information Officer,
MMRDA, Bandra-Kurla Complex,
Mumbai – 400 051.**

GROUNDS

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant had sought copies of documents submitted by Shri Vishram G. Salvi I D No 537 and allottee of tenement no 203, building no 12 B, Kanjur Marg, Mumbai. He has asked for copies of allotment letter & Family Photos pass.

Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant has filed this second appeal before the commission. The appeal was heard on 27.04.2009. Appellant and respondents were present.

The appellant has contended that he has not been given the required information. The respondent has stated that copies of allotment letter was sent to the appellant but the envelop has been returned.

I have gone through the case papers and considered the arguments advanced by parties. The appellant has been asking for information which does not exist. The MMRDA has clarified that the basis of the allotment was the Baseline Survey Report and they do not have any of the documents except the allotment letter. The appellant has been returning envelops under the impression that it does not contain the required information. I have therefore come to the conclusion that available information has been furnished.

Order

The appeal is disposed off.

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

Place: Mumbai
Date: 27.04.2009.

Before the State Information Commission, Maharashtra-Appeal under Section 19(3) of RTI Act, 2005.

Appeal No.2008/2478/02

**Shri. Ramesh Madhukar Salve
Surji Vallabhadas Chawl,
(Shivshankar Prasad Chawl),
Vikroli (E), Mumbai – 400 083.**

.... Appellant

V/s

**First Appellate Officer,
MMRDA, Bandra-Kurla Complex,
Mumbai – 400 051.**

.... Respondent

**Public Information Officer,
MMRDA, Bandra-Kurla Complex,
Mumbai – 400 051.**

GROUND

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant had sought copies of documents submitted by Shri Babibai P. Satvilkar I D No 371 and Shrimati Savita P Wadkar I D No 372 to MMRDA.

Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant has filed this second appeal before the commission. The appeal was heard on 27.04.2009. Appellant and respondents were present.

The appellant has contended that the required information has not been furnished. The respondent has submitted that they have gone by the baseline survey report and have no other document and the original documents which formed the basis of inclusion of the names are not with MMRDA and they have gone by the baseline survey report which was finally approved by the project director MUTP. In view of this the case is closed.

Order

The appeal is disposed off.

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

Place: Mumbai
Date: 27.04.2009.

Before the State Information Commission, Maharashtra-Appeal under Section 19(3) of RTI Act, 2005.

Appeal No.2008/2447/02

**Shri. Ramesh Madhukar Salve
Surji Vallabhadas Chawl,
(Shivshankar Prasad Chawl),
Vikroli (E), Mumbai – 400 083.**

.... Appellant

V/s

**First Appellate Officer,
MMRDA, Bandra-Kurla Complex,
Mumbai – 400 051.**

.... Respondent

**Public Information Officer,
MMRDA, Bandra-Kurla Complex,
Mumbai – 400 051.**

GROUND

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant had sought the information regarding the Board of Directors, Promoter, Manager Chief Executive officer of SPARC the social service organization.

Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant has filed this second appeal before the commission. The appeal was heard on 27.04.2009. Appellant and respondents were present.

The appellant has contended that the required information has not been furnished. The respondent has rightly pointed out that this information was not available with them. I therefore pass the following order.

Order

The appeal is disposed off.

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

Place: Mumbai
Date: 28.04.2009.

Before the State Information Commission, Maharashtra-Appeal under Section 19(3) of RTI Act, 2005.

Appeal No.2008/2283/02

**Shri.Santosh Vilhas Daundkar
10/37, BIT Chawl, K.K. Marg,
Mumbai Central, Mumbai – 400 008.**

.... Appellant

V/s

**First Appellate Officer cum Police Dy. Commissioner,
Zone III, Bawala Compound, Dr. B.A. Rd,
Byculla, Mumbai.**

.... Respondent

**Public Information Officer cum Asstt Police Commissioner,
Central Control Center,
Zone III, Bawala Compound, Dr. B.A. Rd,
Byculla, Mumbai.**

GROUND

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant had sought information regarding action taken on complaint dated 3rd July, 2008 made by the Belasis BIT Chawl Sewa Sangh addressed to Shri Maria, Joint Commissioner of Police (Crime Branch) Mumbai. The complaint was against Shri Dinesh Jain who was alleged to have prepared forged papers and submitted to MCGM for obtaining permission for redevelopment.

Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant has filed this second appeal before the commission. The appeal was heard on 18.04.2009. Appellant and respondents were present.

The appellant has contended that the information was not furnished in time by the PIO. He received incomplete information even after the First Appellate Authority directed him to furnish the information.

The respondent's contention is that since the information had to be collected from zone III and it did not come in time, the information was furnished late. It has been submitted by them that point wise reply; copies of the statement recorded have been furnished. It also mentions that the complaint made by senior citizen Mrs Saraswati Gaikward was investigated and filed for want of evidence.

After going through the case papers and considering the arguments advanced by parties I have come to the conclusion that information has been furnished. Pointing out that he has not been given complete information the appellant has not elaborated. As far as the issue of delay is concerned, I would like to warn the PIO that all care has to be taken to ensure timely furnishing of the required information. Any repetition of this will be viewed seriously and action under section 20 of the RTI may have to initiated. In the light of the above discussion I conclude that available information has been given. I pass the following order.

Order

The appeal is disposed off.

(Ramanand Tiwari)
State Information Commissioner, Mumbai

Place: Mumbai
Date: 27.04.2009.

Before the State Information Commission, Maharashtra-Appeal under Section 19(3) of RTI Act, 2005.

Appeal No.2008/2485/02

**Shri. Ramesh Madhukar Salve
Surji Vallabhadas Chawl,
(Shivshankar Prasad Chawl),
Vikroli (E), Mumbai – 400 083.**

.... Appellant

V/s

**First Appellate Officer,
MMRDA, Bandra-Kurla Complex,
Mumbai – 400 051.**

.... Respondent

**Public Information Officer,
MMRDA, Bandra-Kurla Complex,
Mumbai – 400 051.**

GROUNDS

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant had sought copies of documents submitted by Mr Sukumar M Panikar and Mrs Veena S Panikar allottees of room no 507 and 508, Building B-5 Karvenagar, Kanjur Marg, Mumbai. The appellant also wanted copies of I D, allotment letter and family photo passes.

Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant has filed this second appeal before the commission. The appeal was heard on 27.04.2009. Appellant and respondents were present.

The appellant has contended that he has not been given the information. He also wanted to know how the husband and the wife have been given two flats where as the family is entitled to only one.

The respondent's contention is that they allot flats on the basis of the baseline survey and the I D no was given allotted by the agency. They have also submitted that since they did not have any documents which formed the basis of eligibility, they could not provide the information.

After going through the case papers and considering the arguments advanced by parties I have come to the conclusion that further information needs to be provided. It is

not enough to say that MMRDA has depended on the baseline survey report. When it is specially brought to the notice of the MMRDA that the survey report itself is faulty, the appellant is entitled to have the correct information. If the agency has committed mistakes they may have to be corrected. I therefore pass the following order.

Order

The appeal is allowed. The Project Director MUTP is directed to get the whole issue investigated and outcome communicated to the appellant.

(Ramanand Tiwari)
State Information Commissioner, Mumbai

Place: Mumbai
Date: 28.04.2009.

Before the State Information Commission, Maharashtra-Appeal under Section 19(3) of RTI Act, 2005.

**Appeal No.2008/2440/02
Appeal No.2008/2443/02
Appeal No.2008/2444/02
Appeal No.2008/2445/02**

**Shri. Ramesh Madhukar Salve
Surji Vallabhadas Chawl,
(Shivshankar Prasad Chawl),
Vikroli (E), Mumbai – 400 083.**

.... Appellant

V/s

**First Appellate Officer,
MMRDA, Bandra-Kurla Complex,
Mumbai – 400 051.**

.... Respondent

**Public Information Officer,
MMRDA, Bandra-Kurla Complex,
Mumbai – 400 051.**

GROUNDS

These appeals have been filed under section 19(3) of the Right to Information Act 2005. The appellant had sought copies of documents submitted by the following for getting I D no and rooms: -

- 1) Bhupendra Songh Jogendra Singh Bhuller I D no 212 B, Flat No 106 Building no R-2 NESCO side
- 2) Shri Indrajit B Bhuller I D 213 A room no 105 Building no R-2 NESCO side
- 3) Shri Premkumar Bhupendra Singh Bhuller I D 213, room no 18/19 Building R-2.
- 4) Shri Premkumar Bhupendra Singh Bhullar I D no 212 room no 15/16/17 Building no R-2.
- 5) Shrimati Premkumar Bhuller I D no 212 A room no 13/14 Building no R-2

All at Jogeshwer Vikroli Link Road, Milind Nagar-2 (NESCO side), Mumbai.

Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant has filed these second appeals before the commission.

The appeals were heard on 27.04.2009. Appellant and respondents were present.

The appellant has contended that he has not been given document which entitled them to get I D no and rooms. The respondent's standard reply was that they have gone by the Baseline survey report.

After going through the case papers and considering the arguments advanced by parties I have come to the conclusion that complete information needs to be furnished. The appellant has alleged that all of them belong to the same family as the names suggested. I therefore direct the project director MUTP to go beyond the baseline survey report and get the supporting papers which entitled these people to get their I D no. The relevant papers obtained from SPARC should be handed over to the appellant.

Order

The appeal is allowed. Information to be furnished by PIO within 30 days.

(Ramanand Tiwari)
State Information Commissioner, Mumbai

Place: Mumbai
Date: 28.04.2009.

Before the State Information Commission, Maharashtra-Appeal under Section 19(3) of RTI Act, 2005.

Appeal No.2008/2486/02

**Shri. Ramesh Madhukar Salve
Surji Vallabhadas Chawl,
(Shivshankar Prasad Chawl),
Vikroli (E), Mumbai – 400 083.**

.... Appellant

V/s

**First Appellate Officer,
MMRDA, Bandra-Kurla Complex,
Mumbai – 400 051.**

.... Respondent

**Public Information Officer,
MMRDA, Bandra-Kurla Complex,
Mumbai – 400 051.**

GROUND

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant had sought copies of documents submitted by Shri hameed Khan allottee of room no 405, Building no A-8, kokari Agar, Sion, 90 Feet Rd, Mumbai and Mrs Sabira Behum Hameed Khan allottee of room no 614 Building no K-7, Surya Complex Kanjur Marg (W), Mumbai. The appellant also wanted copies of Photo Passes, I D & allotment letters.

Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant has filed this second appeal before the commission. The appeal was heard on 27.04.2009. Appellant and respondents were present.

The appellant has contended that he has not been given the information. He also wanted to know how the husband and the wife have been given two flats where as the family is entitled to only one.

The respondent's contention is that they allot flats on the basis of the baseline survey and the I D no was given by the agency. They have also submitted that since they did not have any documents which formed the basis of eligibility, they could not provide the information.

After going through the case papers and considering the arguments advanced by parties I have come to the conclusion that further information needs to be provided. It is not enough to say that MMRDA has depended on the baseline survey report. When it is specially brought to the notice of the MMRDA that the survey report itself is faulty, the appellant is entitled to have the correct information. If the agency has committed mistakes they may have to be corrected. I therefore pass the following order.

Order

The appeal is allowed. The Project Director MUTP is directed to get the whole issue investigated and outcome communicated to the appellant.

(Ramanand Tiwari)
State Information Commissioner, Mumbai

Place: Mumbai
Date: 28.04.2009.

Before the State Information Commission, Maharashtra-Appeal under Section 19(3) of RTI Act, 2005.

Appeal No.2008/2487/02

**Shri. Ramesh Madhukar Salve
Surji Vallabhadas Chawl,
(Shivshankar Prasad Chawl),
Vikroli (E), Mumbai – 400 083.**

.... Appellant

V/s

**First Appellate Officer,
MMRDA, Bandra-Kurla Complex,
Mumbai – 400 051.**

.... Respondent

**Public Information Officer,
MMRDA, Bandra-Kurla Complex,
Mumbai – 400 051.**

GROUNDS

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant had sought copies of documents submitted by Shri Abdul Kadir Sheikh and Shrimati Naymunisa Abdul Sheikh allottees of room no 603 and 604, Building no 11 A, Karvenagar, Kanjur Marg (E), Mumbai. The appellant also wanted copies of allotment letters, I D no and family Photo passes.

Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant has filed this second appeal before the commission. The appeal was heard on 27.04.2009. Appellant and respondents were present.

The appellant has contended that he has not been given the information. He also wanted to know how the husband and the wife have been given two flats where as the family is entitled to only one.

The respondent's contention is that they allot flats on the basis of the baseline survey and the I D no was given by the agency. They have also submitted that since they did not have any documents which formed the basis of eligibility, they could not provide the information.

After going through the case papers and considering the arguments advanced by parties I have come to the conclusion that further information needs to be provided. It is

not enough to say that MMRDA has depended on the baseline survey report. When it is specially brought to the notice of the MMRDA that the survey report itself is faulty, the appellant is entitled to have the correct information. If the agency has committed mistakes they may have to be corrected. I therefore pass the following order.

Order

The appeal is allowed. The Project Director MUTP is directed to get the whole issue investigated and outcome communicated to the appellant.

(Ramanand Tiwari)
State Information Commissioner, Mumbai

Place: Mumbai
Date: 28.04.2009.

Before the State Information Commission, Maharashtra-Appeal under Section 19(3) of RTI Act, 2005.

Appeal No.2008/2476/02

**Shri. Ramesh Madhukar Salve
Surji Vallabhadas Chawl,
(Shivshankar Prasad Chawl),
Vikroli (E), Mumbai – 400 083.**

.... Appellant

V/s

**First Appellate Officer,
MMRDA, Bandra-Kurla Complex,
Mumbai – 400 051.**

.... Respondent

**Public Information Officer,
MMRDA, Bandra-Kurla Complex,
Mumbai – 400 051.**

GROUNDS

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant had sought copies of documents submitted by Shri Tayappa Fitva Dubale allottee of room no 201, Building no 110, Sai Kripa Society, Mankhurd, PMG Colony, Mumbai. He has also requested for copies the allotment letter I D card and the Family Photo pass.

Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant has filed this second appeal before the commission. The appeal was heard on 27.04.2009. Appellant and respondents were present.

The appellant has contended that the required information has not been furnished. The respondent has submitted that they do not have documents which qualified the allottee to get his name in the baseline survey. They have however allotment letter and Family Photo pass which can be made available to the appellant.

After going through the case papers and considering the arguments advanced by parties I have come to the conclusion the available information should be furnished to the appellant.

Order

The appeal is allowed. Information to be furnished by PIO within 15 days.

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

Place: Mumbai
Date: 29.04.2009.

Before the State Information Commission, Maharashtra-Appeal under Section 19(3) of RTI Act, 2005.

Appeal No.2008/2457/02

**Shrimati. Manda Eknath Pawar
Bajiprabhu Chawl, Near Raguveer School,
Narsi Pada, Akurli Rd, Kandivli (E),
Mumbai – 400 101.**

.... Appellant

V/s

**First Appellate Officer cum Dy Collector,
Office of the Dy Collector,
Jayvant Sawant Marg, Dahisar (W),
Mumbai – 400 068.**

.... Respondent

**Public Information Officer cum Tahsildar,
Office of the Dy Collector,
Jayvant Sawant Marg, Dahisar (W),
Mumbai – 400 068.**

GROUND

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant had sought information regarding redevelopment project being processed for the area where she is staying. She wanted to know at whose instance the survey was being conducted and who was developer who has been assigned the redevelopment project.

Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant has filed this second appeal before the commission. The appeal was heard on 28.04.2009. Appellant was present but the respondent was absent.

The appellant has contended that her area has been surveyed so many times in the past. The team again visited their area on 14.10.2009. The appellant has not been informed at whose instance the survey has again been started. Since the respondent was absent, it could not be verified.

After going through the case papers and considering the arguments advanced by parties I have come to the conclusion that the appellant needs to be informed. The PIO should let her know at whose instance the survey was to be done. If the PIO has the name of the developer on record, the same should also be communicated to the appellant.

Order

The appeal is allowed. Information to be furnished by PIO within 15 days.

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

Place: Mumbai
Date: 29.04.2009.

Before the State Information Commission, Maharashtra-Appeal under Section 19(3) of RTI Act, 2005.

Appeal No.2009/2174/02

**Smt.Anandi Ramchandran
Bldg. 29 / A-22,
Takshshila, 2nd Floor,
Mahakali Caves Road,
Andheri (East),
Mumbai – 400 093.**

.... Appellant

V/s

**First Appellate Officer cum Asstt. Commissioner
Brinhanmumbai Mahanagar Palika,
K / East Ward Office Bldg.,
Azad Road, Gundavali,
Andheri (E), Mumbai – 400 069.**

.... Respondent

**Public Information Officer cum Asstt. Engineer,
Building & Factories,
Brihanmumbai Mahanagar Palika,
K / East Ward Office Bldg.,
Azad Road, Gundavali,
Andheri (E), Mumbai – 400 069.**

GROUNDS

This appeal has been filed under section 19 (3) of the Right to Information Act 2005. The appellant had sought the information relating unauthorised alteration / construction done in flat no. A 32, Takshila Co-operative Housing Society, Mumbai. The appellant has alleged that the owner of the flat Shri. S.N. Phatanani has enclosed his balcony without being authorised for this.

Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant has filed this second appeal before the Commission. The appeal was heard on 31.3.2009.

Appellant and respondents were present. The appellant has contended that the information furnished is misleading. The status that the alterations done should be verified with the approved plan and information furnished to her.

The respondent's contention is that during physical inspection of flat no A 32, minor changes are observed which were not actionable. Illegal constructions in shop nos. 14, 15 and 16 have been removed or the party has removed them.

After going through the case papers and considering the arguments advanced by parties I have come to the conclusion that the Public Information Officer needs to be

more serious while furnishing the information. I therefore, direct that inspection should be done with reference to the approved plan and outcome communicated to the appellant. The Public Information Officer should procure a copy of the approved plan if it is not available but he appellant in no case should be asked to get a copy of the plan.

Order

The appeal is allowed. Information to be furnished by Public Information within 15 days, failing which action under section 20 of the RTI Act will be taken against the Public Information Officer.

(Ramanand Tiwari)
State Information Commissioner, Mumbai

Place: Mumbai
Date: 08.04.2009.

Before the State Information Commission, Maharashtra-Appeal under Section 19(3) of RTI Act, 2005.

Appeal No.2009/2175/02

**Smt.Anandi Ramchandran
Bldg. 29 / A-22,
Takshshila, 2nd Floor,
Mahakali Caves Road,
Andheri (East),
Mumbai – 400 093.**

.... Appellant

V/s

**First Appellate Officer cum Asstt. Commissioner
Brinhanmumbai Mahanagar Palika,
K / East Ward Office Bldg.,
Azad Road, Gundavali,
Andheri (E), Mumbai – 400 069.**

.... Respondent

**Public Information Officer cum Asstt. Engineer,
Building & Factories,
Brihanmumbai Mahanagar Palika,
K / East Ward Office Bldg.,
Azad Road, Gundavali,
Andheri (E), Mumbai – 400 069.**

GROUNDS

This appeal has been filed under section 19 (3) of the Right to Information Act 2005. The appellant had sought the information relating unauthorised alteration / construction done in flat no. A 32, Takshila Co-operative Housing Society, Mumbai. The appellant has alleged that the owner of the flat Shri. S.N. Phatanani has enclosed his balcony without being authorised for this.

Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant has filed this second appeal before the Commission. The appeal was heard on 31.3.2009.

Appellant and respondents were present. The appellant has contended that the information furnished is misleading. The status that the alterations done should be verified with the approved plan and information furnished to her.

The respondent's contention is that during physical inspection of flat no A 32, minor changes are observed which were not actionable. Illegal constructions in shop nos. 14, 15 and 16 have been removed or the party has removed them.

After going through the case papers and considering the arguments advanced by parties I have come to the conclusion that the Public Information Officer needs to be

more serious while furnishing the information. I therefore, direct that inspection should be done with reference to the approved plan and outcome communicated to the appellant. The Public Information Officer should procure a copy of the approved plan if it is not available but he appellant in no case should be asked to get a copy of the plan.

Order

The appeal is allowed. Information to be furnished by Public Information within 15 days, failing which action under section 20 of the RTI Act will be taken against the Public Information Officer.

(Ramanand Tiwari)
State Information Commissioner, Mumbai

Place: Mumbai
Date: 08.04.2009.

**Before the State Information Commission, Maharashtra-Appeal under
Section 19(3) of RTI Act, 2005.**

Appeal No.2009/2037/02

**Shri. Laxman Maruti Mokal
Bldg. No. 2, A – 202,
Adarsh Gharkul Society,
Sardar Nagar No.4,
Sion, Koliwada,
Mumbai – 400 037.**

.... Appellant

V/s

**First Appellate Officer cum Secretary,
Slum Rehabilitation Authority,
5th Floor, Grihnirman Bhavan,
Bandra (E),
Mumbai – 400 051.**

.... Respondent

**Public Information Officer cum Asstt. Registrar,
Co-operative Societies,
Slum Rehabilitation Authority,
5th Floor, Grihnirman Bhavan,
Bandra (E),
Mumbai – 400 051.**

GROUNDS

This appeal has been filed under section 19 (3) of the Right to Information Act 2005. The appellant had sought the information relating to Adarsha Gharkul Society, Sardarnagar, 4 Rawali Camp, Sion Koliwada, Mumbai. The appellant had asked for copies of registration certificate, audit report of each year, M 20 forms and file available with the Deputy Registrar.

Not satisfied with response from the Public Information Officer and the First Appellate Authority the appellant has filed this second appeal before the Commission. The appeal was heard on 9.3.2009.

Appellant and respondents were present. The appellant has contended that he has been given incomplete information. Information on point no.2 and 4 has not been given at all.

The respondent's contention is that the required information has been furnished by Public Information Officer's letter dated 26.9.2008. Information has been furnished on 9 points.

After going through the case papers and considering the arguments advanced by parties I have come to the conclusion that the required information has been furnished. The appellant request for copies of audit report of each year and copies of files with the Deputy Registrar are not specific. I therefore, hold that the Public Information Officer has furnished the information. I pass the following order.

Order

The appeal is disposed off.

(Ramanand Tiwari)
State Information Commissioner, Mumbai

Place: Mumbai
Date: 08.04.2009.

Before the State Information Commission, Maharashtra-Appeal under Section 19(3) of RTI Act, 2005.

Appeal No.2009/2106/02

**Shri. Tamboli Nisar Ahmed Shermohammed
35, Avishkar Colony, Chalisgaon Road,
Dhule – 424 001.**

.... Appellant

V/s

**First Appellate Officer
Maharashtra State Minority Commission,
Behind J.J.School of Arts,
Badruddin Taiyabji ,
Near C.S.T.,
Mumbai – 400 001.**

.... Respondent

**Public Information Officer
Maharashtra State Minority Commission,
Behind J.J.School of Arts,
Badruddin Taiyabji ,
Near C.S.T.,
Mumbai – 400 001.**

GROUND

This appeal has been filed under section 19 (3) of the Right to Information Act 2005. The appellant had sought the information relating to the complaints received by the Maharashtra Minority Commission, Mumbai from 28.8.2004 to 31.8.2006. The appellant's main intention was to find out how these grievances have been redressed.

Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant has filed this second appeal before the Commission. The appeal was heard on 23.3.2009.

Appellant and respondents were present. The appellant has contended that he has not been furnished the required information. He has stated that he was asked to pay Rs.100/- by the Public Information Officer's letter dated 28.11.2006. He accordingly sent a money order for Rs.100 but the same was returned. He received another letter dated 12.12.2006 saying that the information does not fit into the definition of information according to section 2 of the RTI Act and could not be furnished in the light of section 7 (9) of the Act. The respondent admitted these facts. He pointed out that the information was not available and it would take lot of efforts to reconstruct the information. He also contended that it is not expected to create information and RTI ensures furnishing of available information.

After going through the case papers and considering the arguments advanced by parties I have come to the conclusion that the Public Information Officer has failed to discharge his responsibilities. It appears that the vital information sought did not exist. Thus recourse to section 7 (9) has been taken. The Commission is of the view that what is important is not availability of information but whether it should have been available. If that is not so, then every office / Public Information Officer could resort to section 7(9). This will be totally against the spirit of the RTI Act. In this case this vital information was not maintained which goes against the provisions of section 4 of the RTI Act. The Public Information Officer has shown total carelessness by asking the appellant to deposit Rs. 100/- without verifying the existence or otherwise of the relevant file / information. This has put the appellant into avoidable hardship. The subsequent letter is definitely an afterthought to cover the omission committed by the Public Information Officer. I therefore, pass the following order.

Order

The Public Information Officer will ensure that the records in his office is kept in the prescribed manner to ensure flow of information. He should also show cause why action should not be taken against him for asking the appellant to deposit Rs.100/- without verifying the existence of the required information. His explanation to reach the Commission within 3 weeks. The appeal is disposed off.

(Ramanand Tiwari)
State Information Commissioner, Mumbai

Place: Mumbai
Date: 08.04.2009.

Before the State Information Commission, Maharashtra-Appeal under Section 19(3) of RTI Act, 2005.

Appeal No.2009/2112/02

**Shri. Vishnu Ganpat Ghodeswar
Nagai – Shobha,
18, Adarshnagar,
Jalgaon – 425002.**

.... Appellant

V/s

**First Appellate Officer
Maharashtra State Road Transport Corporation,
General Manager,
Maharashtra Transport Bhavan,
Dr. Anandrao Nair Marg,
Mumbai – 400 008.**

.... Respondent

**Public Information Officer
Maharashtra State Road Transport Corporation,
General Manager,
Maharashtra Transport Bhavan,
Dr. Anandrao Nair Marg,
Mumbai – 400 008.**

GROUND

This appeal has been filed under section 19 (3) of the Right to Information Act 2005. The appellant had sought the information from the Personnel Officer, Maharashtra State Road Transport Corporation regarding his employment.

Not satisfied with the responses from the Public Information Officer and the First Appellate Authority the appellant has filed this second appeal before the Commission. The appeal was heard on 23.3.2009.

The appellant did not turn up but the respondent was present. The appellant has contended that the required information has not been furnished. The respondent's contention is that the appellant first appeal was deficient as he had fixed stamp worth Rs.10/- only instead of Rs.20/-. His first appeal was therefore rejected.

After going through the case papers and considering the arguments advanced by parties I have come to the conclusion that the appellant deserves to be and given a chance. He should correct the deficiency approach the First Appellate Authority who will treat this as an old appeal and decide within 45 days.

Order

The appeal is allowed. Appeal to be decided within 45 days.

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

Place: Mumbai
Date: 08.04.2009.

Before the State Information Commission, Maharashtra-Appeal under Section 19(3) of RTI Act, 2005.

Appeal No.2009/2107/02

**Shri. Mukund Balvirsing Thakur
Editor, Sapta, Shivani Samachar,
Jalgaon, Old B.J.Market,
3rd Floor, 'B' Wing,
Gala No. 10,12,
Jalgaon.**

.... Appellant

V/s

**First Appellate Officer
Maharashtra Rajya Police Mukhyalaya,
Shahid Bhagat Singh Marg,
Coloba, Mumbai – 400 001.**

.... Respondent

**Public Information Officer
Maharashtra Rajya Police Mukhyalaya,
Shahid Bhagat Singh Marg,
Coloba, Mumbai – 400 001.**

GROUND

This appeal has been filed under section 19 (3) of the Right to Information Act 2005. The appellant had sought the information relating to complaint of sexual harassment against Shri. Raj Chaphekar, Police Inspector, his transfer to Gondia, his suspension at Gondia, enquiry by D.I.G. Mrs. Rashmi Shukla and her report and other related issues.

Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant has filed this second appeal before the Commission. The appeal was fixed for hearing on 23.3.2009.

Appellant and respondent were absent. The appellant has contended in his appeal that the Act has been wrongly interpreted and the spirit of the Act has not been taken into account. His appeal has been rejected on technical ground.

The respondent's contention is that the Public Information Officer did not entertain his application for a copy of the report because the appellant's case for the same report was pending in the Hon. High Court. The First Appellate Authority did not entertain because the appeal was not filed in time.

After going through the case papers and considering the arguments advanced by parties I have come to the conclusion the Public Information Officer's finding is in order. It is not clear whether it would have served any public purpose. The rejection by the First

Appellate Authority is entirely a matter of her satisfaction. The Act clearly says that the officer may admit appeal after the expiry of the period if she is satisfied that the appellant was prevented by sufficient cause from filing the appeal in time. I therefore, feel that there is no need to intervene in the orders passed by the Public Information Officer and the First Appellate Authority.

Order

The appeal is disposed off.

(Ramanand Tiwari)
State Information Commissioner, Mumbai

Place: Mumbai
Date: 08.04.2009.

Before the State Information Commission, Maharashtra-Appeal under Section 19(3) of RTI Act, 2005.

Appeal No.2009/2535/02

**Shri. Ciril Peter D'souza
Goodluck Chawl, Room No. 18,
Near Sai Sankalp Building,
Opp. B.M.C. Colony,
Malvani Block No. 3,
Malad (W), Mumbai – 400 095.**

.... Appellant

V/s

**First Appellate Officer
Slum Rehabilitation Authority,
5th Floor, Grihnirman Bhavan,
Bandra (E), Mumbai – 400 051.**

.... Respondent

**Public Information Officer
Slum Rehabilitation Authority,
5th Floor, Grihnirman Bhavan,
Bandra (E), Mumbai – 400 051.**

GROUND

This appeal has been filed under section 19 (3) of the Right to Information Act 2005. The appellant had sought the information relating to redevelopment under the Slum Rehabilitation Scheme on CTS No. 754 (Part) and 763, P North Ward, Mumbai. He sought copies of layout, information regarding provision of amenities, no. of persons who have been given possession etc.

Not satisfied with responses from the Public Information Officer and First Appellate Authority the appellant has filed this second appeal before the Commission. The appeal was heard on 9.3.2009.

The appellant did not turn up but the respondent was present. The appellant has contended that he sought information by his application dated 22.5.2008 but had not received it at the time of filing the second appeal. He wants Public Information Officer to be penalized.

The respondent's contention is that the required information has been furnished by Public Information Officer's letter dated 24.2.2009.

After going through the case papers and considering the arguments advanced by parties I have come to the conclusion that the required information has been furnished. It has been done late and the Public Information Officer needs to explain the reasons for delay.

Order

The appeal is partially allowed. The Public Information Officer to show cause why action under section 20 of the RTI Act should not be initiated against him. His explanation to reach the Commission within 3 weeks.

(Ramanand Tiwari)
State Information Commissioner, Mumbai

Place: Mumbai
Date: 08.04.2009.

Before the State Information Commission, Maharashtra-Appeal under Section 19(3) of RTI Act, 2005.

Appeal No.2009/2108/02

**Shri.Marathe Murlidhar Ganpat
M – 25, M.I.D.C.,
Behind Godavari Engineering College,
Jalgaon – 425003.**

.... Appellant

V/s

**First Appellate Officer cum Secretary,
Maharashtra State Election Commission,
New Administrative Building,
Opp. Mantralaya,
Mumbai – 400 032.**

.... Respondent

**Public Information Officer,
Maharashtra State Election Commission,
New Administrative Building,
Opp. Mantralaya,
Mumbai – 400 032.**

GROUND

This appeal has been filed under section 19 (3) of the Right to Information Act 2005. The appellant had sought the information relating to his complaint against the Resident Deputy Collector and the Collector, Jalgaon for breach of code of conduct for elections.

Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant has filed this second appeal before the Commission. The appeal was heard on 23.3.2009.

The appellant did not turn up. The appellant has contended that the collector by participating in Ganpati Visarjan has violated the code of conduct. The candidate from ward no. 13 was also there. The code of conduct was in operation.

The respondent's contention is that the resident Deputy Collector and the Collector are not concerned with Municipal Elections and their participation in the procession was a part of tradition.

After going through the case papers and the arguments advanced by parties I have come to the conclusion that the appeal deserves to be closed. The information on action taken or not taken has been furnished by the First Appellate Authority. It is not for the information Commission to question their judgment.

Order

The appeal is disposed off.

(Ramanand Tiwari)
State Information Commissioner, Mumbai

Place: Mumbai
Date: 09.04.2009.

Before the State Information Commission, Maharashtra-Appeal under Section 19(3) of RTI Act, 2005.

Appeal No.2009/2160/02

**Smt. Sheela Kishore Ambre
3, Jawale Bhat Wadi,
Near Kamdar Building,
Gokhale Road (South),
Dadar (W), Mumbai – 400 028.**

.... Appellant

V/s

**First Appellate Officer cum Asstt. Commissioner,
Municipal Corporation of Greater Mumbai,
G / North Ward Office,
Harishchandra Yevale Marg,
Dadar (W), Mumbai – 400 028.**

.... Respondent

**Public Information Officer Asstt. Engineer,
Town Planning (Implementation),
Municipal Corporation of Greater Mumbai,
G / North Ward Office,
Harishchandra Yevale Marg,
Dadar (W), Mumbai – 400 028.**

GROUNDS

This appeal has been filed under section 19 (3) of the Right to Information Act 2005. The appellant by his application dated 13.10.2008 had sought the information relating Plot No.570 of TPS IV Mahim Division, off Senapati Bapat Road, Dadar, Mumbai – 400 028.

The Public Information Officer by his letter dated 29.10.2008 informed the appellant that the required information was not available in his office and hence could not be furnished.

Not satisfied the reply from the Public Information Officer the appellant filed the first appeal under section 19(1) of the RTI Act. The First Appellate Authority by his order dated 23.12.2009 confirmed the Public Information Officer's order. Hence this appeal under section 19(3) of the RTI Act, 2005.

The appeal was heard on 30.03.2009. Appellant and respondents were present.

The appellant has contended that the required information has not been furnished.

The respondent's contention is that since the information was not available with them the question of furnishing to the appellant did not arise.

After going through the case papers and considering the arguments advanced by parties it is revealed that the main contention of the appellant is that annexure II for the

scheme has been finalized by the MCGM. She has stated that the plan does not show the existence of Lucky Auto Works which is there for a long time. The survey report should have detected it and it should have found it mention in annexure II thus, it is clear that she has a grievance against exclusion of her garage from annexure II. There are guidelines for inclusion / exclusion in annexure II. It requires a lot of documentary evidence. Again there is a provision to complain and competent authority can intervene. This is beyond the power of the Commission. The appellant may take up the exclusion of her structure with the appropriate authority and seek redressal of her grievance. The Commission does not take up redressal of grievances. The case therefore, is closed at our end. I pass the following order.

Order

The appeal is disposed off.

(Ramanand Tiwari)
State Information Commissioner, Mumbai

Place: Mumbai
Date: 09.04.2009.

Before the State Information Commission, Maharashtra-Appeal under Section 19(3) of RTI Act, 2005.

Appeal No.2009/2117/02

**Shri. Shah Kishore Bhabutmal
Plot No. 20 + 21/3, Parvati Nagar,
Jalgaon – 425002.**

.... Appellant

V/s

**First Appellate Officer
Department of Medical Education and Drug,
Government of Maharashtra,
Mantralaya, Mumbai – 400 032.**

.... Respondent

**Public Information Officer
Department of Medical Education and Drug,
Government of Maharashtra,
Mantralaya, Mumbai – 400 032.**

GROUNDS

This appeal has been filed under section 19 (3) of the Right to Information Act 2005. The appellant had sought the information pertaining to the essentiality certificate issued by the Department of Medical Education and Drugs Govt. of Maharashtra, Mumbai vide letter no. MED – 1301/329/CR – 3/ 2001 EDU – 1 dated 20.02.2004 for starting a new medical college at Jalgaon.

Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant has filed this second appeal before the Commission. The appeal was heard on 23.3.2009.

The appellant did not turn up but the respondent was present. The appellant has contended that he has not been provided information deliberately and the Public Information Officer should be penalised. He has also stated that the RTI Act has been wrongly interpreted to deny the information.

The respondent's contention is that the information sought was considered as third party information and therefore the third party - Godawari Foundation was notified. Since the Foundation objected to furnishing of the information, the same was denied.

The respondent however adds that the appellant had made two more applications and information has been handed over to him after collecting necessary fee.

After going through the case papers and considering the arguments advanced by parties it is revealed that the Public Authority has changed its mind and furnished the information. They have themselves corrected their earlier stand. This change of mind

must have been promoted by appellant's perseverance. It is no longer to relevant discuss whether the information sought was really a third party information. I would like to remind respondents that section II of the RTI Act clearly says that except in the case of trade or commercial secrets protected by law, disclosure may be allowed if the public interest in disclosure outweighs in importance any possible harm or injury to the interest of such third party.

In any case the information has been furnished and nobody can be penalised for holding his view unless it is proved that it was malafide. The same has not been proved. The case is therefore closed.

I pass the following order.

Order

The appeal is disposed off.

(Ramanand Tiwari)
State Information Commissioner, Mumbai

Place: Mumbai
Date: 09.04.2009.

Before the State Information Commission, Maharashtra-Appeal under Section 19(3) of RTI Act, 2005.

Appeal No.2009/2183/02

Shri. Mohansingh S. Rajput
M.T.Property Chawl No.1, Room No. 21,
Dr. E. Moses Road, Worli Naka,
Mumbai.

.... Appellant

V/s

First Appellate Officer cum Executive Engineer
Public Works Department (P.W.D.),
Sub Division – 1,
Worli, Mumbai – 400 018.

.... Respondent

Public Information Officer cum Dy. Engineer
Public Works Department (P.W.D.),
Sub Division – 1,
Worli, Mumbai – 400 018.

GROUNDS

This appeal has been filed under section 19 (3) of the Right to Information Act 2005. The appellant had sought copies of the names of contractors, names of works, estimated cost technical approval / sanction no from Measure Book No. 3389.

Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant has filed this second appeal before the Commission. The appeal was heard on 13.4.2009.

Appellant and respondents were present. The appellant has contended he has not been furnished the required information. He has been told that the Measure Book No. 3389 was not traceable but FIR not has been filed.

The respondent's contention is that Measure Books No. 3389 has not been traced. Information sought by the appellant has been collected from available documents and furnished to him.

After going through the case papers and considering the arguments advanced by parties I have come to the conclusion that loss of Measurement Book No. 3389 is a serious matter. It is not enough to say that it is lost. Steps must be taken to ensure total transparency so that no impression is created that it is said be lost to deny the information. It is therefore directed that FIR be filed immediately and appellant informed accordingly.

Order

The appeal is allowed. Information to be furnished by Public Information Officer within 30 days.

(Ramanand Tiwari)
State Information Commissioner, Mumbai

Place: Mumbai
Date: 09.04.2009.

Before the State Information Commission, Maharashtra-Appeal under Section 19(3) of RTI Act, 2005.

Appeal No.2009/2178/02

Shri.Bhushan Bhagwandas Ghodi
Bhagwandas House,
C / 16, Chincholi Bandar Road,
Malad (W), Mumbai – 400 064.

.... Appellant

V/s

First Appellate Officer cum Election Officer,
Office of the Mumbai Suburban District,
9th Floor, Administrative Bldg.,
Bandra (E), Mumbai – 400 051.

.... Respondent

Public Information Officer cum Election Officer,
Office of the Mumbai Suburban District,
9th Floor, Administrative Bldg.,
Bandra (E), Mumbai – 400 051.

GROUNDS

This appeal has been filed under section 19 (3) of the Right to Information Act 2005. The appellant had sought the information relating to his petitions dated 8.7.2008 and 15.10.2008 requesting deletion of names from electoral roll. The appellant has contended that no information regarding action taken on his petitions has been given to him.

The respondent has made written submission seeking adjournment because they are busy with the forthcoming Lok Sabha Elections.

After going through the case papers and considering the arguments advanced by parties I have come to the conclusion that information must be furnished. I am not agreeing to respondent's request for adjournment because the issue is simple. The appellant wants to know what action has been taken. Since the respondents are likely to be busy in coming days, I am giving a little longer time to furnish the information.

Order

The appeal is allowed. Information to be furnished by Public Information Officer within 45 days.

(Ramanand Tiwari)
State Information Commissioner, Mumbai

Place: Mumbai
Date: 13.04.2009.

Before the State Information Commission, Maharashtra-Appeal under Section 19(3) of RTI Act, 2005.

Appeal No.2009/2194/02

**Prof. Patankar Nisarali Mohammed
2/204, Aaghadi Nagar,
Andheri (W), Pump House,
Mumbai – 400 093.**

.... Appellant

V/s

**First Appellate Officer cum General Secretary
Maharashtra College of Arts Science & Commerce
246 – A, Jahangir Boman Behram Road,
Mumbai – 400 008.**

.... Respondent

**Public Information Officer cum Principal
Maharashtra College of Arts Science & Commerce
246 – A, Jahangir Boman Behram Road,
Mumbai – 400 008.**

GROUND

This appeal has been filed under section 19 (3) of the Right to Information Act 2005. The appellant had sought a copy of the notice declaring implementation of the Right to Information Act in Maharashtra College, displayed in the staff common room and a copy of the notice displayed on general notice board declaring implementation of the Right to Information Act at Maharashtra College.

Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant has filed this second appeal before the Commission. The appeal was heard on 14.4.2009.

Appellant and respondents were present. The appellant has contended that no notice was ever displayed either on the board in the staff common room or on the general notice board.

The respondent's contention is that notices were displayed in the college but since it is 3 years old matter, the same was not available in the college record as notices are disposed off after the academic year. Hence copies could not be furnished to the appellant.

After going through the case papers and considering the arguments advanced by parties I have come to the conclusion that it is mandatory to notify the implementation of the RTI Act and also names of the Public Information Officer and the First Appellate Authority, the college is directed to do the same forthwith and inform the appellant. A copy of the notice may be sent to the Commission for information.

Order

The appeal is allowed. Information to be furnished by Public Information within 30 days.

(Ramanand Tiwari)
State Information Commissioner, Mumbai

Place: Mumbai
Date: 13.04.2009.

Before the State Information Commission, Maharashtra-Appeal under Section 19(3) of RTI Act, 2005.

Appeal No.2009/2177/02

**Shri. J.N. Sadanshiv
1/1, Zakir Manzil, Anand Sagar,
Opp. Saaz Cinema,
Sardar Pratap Singh Marg,
Bhandup (W),
Mumbai – 400 078.**

.... Appellant

V/s

**First Appellate Officer
Higher Education Mumbai Division,
Elphiston Technical College Campus,
Dhobi Talao, 3 Mahapalika Marg,
Fort, Mumbai – 400 001.**

.... Respondent

**Public Information Officer cum Jt. Director,
Higher Education Mumbai Division,
Elphiston Technical College Campus,
Dhobi Talao, 3 Mahapalika Marg,
Fort, Mumbai – 400 001.**

GROUNDS

This appeal has been filed under section 19 (3) of the Right to Information Act 2005. The appellant had sought the information relating to the caste certificate of Dr. K.A.Patil, Principal, Siddharth College of Economics and Commerce and non teaching staff of the college.

Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant has filed this second appeal before the Commission. The appeal was heard on 13.4.2009.

Appellant and respondents were present. The appellant has contended that he has not been furnished the required information. The respondent's contention is that appellant's application was forwarded to the Public Information Officer, Siddharth College. The first appeal was also forwarded to them. The college has furnished the information to the appellant on 9.3.2009 and a copy has been sent to the respondent.

After going through the case papers and considering the arguments advanced by parties I have come to the conclusion that information has been furnished late. The respondent has enclosed a copy of the information furnished to the appellant. It appears from the information furnished that details of validity of caste certificates of non teaching staff have not been furnished. I therefore pass the following order.

Order

The respondent to furnish the information regarding the principal to the appellant. The Principal Siddharth College to furnish details regarding validity of caste certificates of non teaching staff. The Public Information Officer, Siddharth College to show cause why action under section 20 of the RTI should not be initiated against him. This should be done within 30 days.

(Ramanand Tiwari)
State Information Commissioner, Mumbai

Place: Mumbai
Date: 13.04.2009.

**Shri. Ramesh Madhukar Salve
Surji Vallabhdas Chawl,
(Shiv Prasad Chawl),
Vikroli (E),
Mumbai – 400 083.**

.... Appellant

V/s

**First Appellate Officer cum Chief
Rehabilitation, M.U.T.P.
M.M.R.D.A.,
Bandra Kurla Complex,
3rd Floor, Bandra (E)
Mumbai – 400 051.**

.... Respondent

**Public Information Officer cum Project Manager
Rehabilitation, M.U.T.P.
M.M.R.D.A.,
Bandra Kurla Complex,
3rd Floor, Bandra (E)
Mumbai – 400 051.**

GROUND

This appeal has been filed under section 19 (3) of the Right to Information Act 2005. The appellant had sought the information relating allotment of tenement no. 601, building no.12, 6th floor, Kanjurmarg (East) to Mrs. Sarita Tukaram Ambre. The appellant wanted to have copies of proofs which formed the basis of allotment.

Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant has filed this second before the Commission. The appeal was heard on 13.4.2009.

The appellant did not turn up but the respondent was present. The appellant has contended he has been given incomplete information which he refused and preferred appeal.

The respondent's contention is that allotment was done on the basis of baseline survey done. The list was available on the official web site of the MMRDA. A copy of the identity card was also furnished to the appellant.

After going through the case papers and considering the arguments advanced by parties I have come to the conclusion that available information has been furnished. The cause deserves to be closed.

I therefore pass the following order.

Order

The appeal is disposed off.

(Ramanand Tiwari)
State Information Commissioner, Mumbai

Place: Mumbai
Date: 13.04.2009.

Before the State Information Commission, Maharashtra-Appeal under Section 19(3) of RTI Act, 2005.

Appeal No.2009/2179/02

**Shri. Aba Devu Nakate
P.H. No. 1086 /
V.S.Mathkar Marg,
Recruitment Dadar Police Station,
Mumbai.**

.... Appellant

V/s

**First Appellate Officer cum Commissioner of Police,
Office of the Commissioner of Police,
Mumbai Office,
Mumbai.**

.... Respondent

**Public Information Officer cum Asstt. Police Commissioner,
Office of the Commissioner of Police,
Mumbai Office,
Mumbai.**

GROUND

This appeal has been filed under section 19 (3) of the Right to Information Act 2005. The appellant had sought the information relating to his promotion and deemed date. He wanted to know why his juniors have been promoted but his case has not been considered for promotion as Asstt. Police Sub Inspector.

Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant has filed this second appeal before the Commission. The appeal was heard on 13.4.2009.

Appellant and respondents were present. The appellant has contended that he has not been furnished the information he had sought. The respondent's contention is that the appellant works in the traffic department and their promotion is considered separately. It has also been contended that those police constables who were promoted as hawaldars up to 1.9.2000 have been promoted as police sub inspector. The appellant's date of promotion as hawaldar was 1.6.2001 and so he has not been promoted.

After going through the case papers and considering the arguments advanced by parties I have come to the conclusion that information has been furnished. It is a fact that the appellant's date of promotion as hawaldar was 1.6.2001 but the same is not

acceptable to him. He has requested for deemed date. The Commission cannot intervene. I would however direct that his case may be decided early and information furnished to him.

Order

The appeal is disposed off.

(Ramanand Tiwari)
State Information Commissioner, Mumbai

Place: Mumbai
Date: 13.04.2009.

Before the State Information Commission, Maharashtra-Appeal under Section 19(3) of RTI Act, 2005.

Appeal No.2009/2186/02

**Shri. Ciril Peter D'souza
Goodluck Chawl, Room No. 18,
Near Sai Sankalp Building,
Opp. B.M.C. Colony,
Malvani Block No. 3,
Malad (W), Mumbai – 400 095.**

.... Appellant

V/s

**First Appellate Officer cum Under Secretary,
Urban Development Department,
4th Floor, Mantralaya,
Mumbai – 400 032.**

.... Respondent

**Public Information Officer
Urban Development Department,
4th Floor, Mantralaya,
Mumbai – 400 032.**

GROUND

This appeal has been filed under section 19 (3) of the Right to Information Act 2005. The appellant had sought the information regarding non transfer of some officers from the Building Proposal Department. He has alleged that some officers are there for more than 10 years generating resentment among other capable but less resourceful officer.

Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant has filed this second appeal before the Commission. The appeal was heard on 13.4.2009.

The appellant did not turn up. The appellant has contended that some news papers have giving vent to the discontent among municipal employers because of over stay of some officers in the same department.

The respondent's contention is it was not possible for respondents to explain the reason but they have furnished names of officers and the length of their stay in the Building Proposal Department.

After going through the case papers and considering the arguments advanced by parties I have come to the conclusion that the information has been furnished. The respondent has furnished list of officers with their period of working. Available information on record has been furnished.

Order

The appeal is disposed off.

(Ramanand Tiwari)
State Information Commissioner, Mumbai

Place: Mumbai
Date: 13.04.2009.

Before the State Information Commission, Maharashtra-Appeal under Section 19(3) of RTI Act, 2005.

Appeal No.2009/2060/02

**Shri. Nitin Balkrishna Jadhav
9/52, Tejukaya Mansion,
Dr. Ambedkar Road,
Lalbuag, Mumbai – 400 001.**

.... Appellant

V/s

**First Appellate Officer cum Art Director,
Directorate of Arts, Maharashtra State,
Art School Campus,
Dr. D.N.Marg,
Mumbai – 400 001.**

.... Respondent

**Public Information Officer
Directorate of Arts, Maharashtra State,
Art School Campus,
Dr. D.N.Marg,
Mumbai – 400 001.**

GROUNDS

This appeal has been filed under section 19 (3) of the Right to Information Act 2005. The appellant has sought information relating to the situation which has arisen because of transfer of 11 courses from the Directorate of Arts to the Maharashtra Board of Technical Education. The appellant has sought information in respect of grants in aid code, affiliation of institutions, seniority and other related issues in the changed situation. Not satisfied with responses from the Public Information Officer and the First Appellate Authority, the appellant has filed this second appeal before the Commission.

The appeal was heard on 14.3.2009. Appellant and respondent were present. The appellant has stated that he has not received the information he had sought. The respondent's contention is that the appellant has been informed that the Board has been asked to conduct examination only and nothing else has changed.

I have gone through the case papers and also considered the arguments advanced by parties. My conclusion is that the information should be furnished. It is not enough to say that nothing has changed when the appellant has raised so many points and concerns. Normally the Commission does not encourage people to ask questions but if questions are not hypothetical and are likely to lead to some information on record, they will have to be allowed. In any case Right to Information ensures available information on record.

I therefore, feel that the Public Information Officer must furnish the required information.

I therefore, pass the following order.

Order

The appeal is allowed. Public Information Officer to furnish information within 30 days failing which action under section 20 of the RTI Act will be initiated against him.

(Ramanand Tiwari)

State Information Commissioner, Mumbai

Place: Mumbai

Date: 08.04.2009.

Before the State Information Commission, Maharashtra-Appeal under Section 19(3) of RTI Act, 2005.

Appeal No.2008/392/02

**Shri. Mahavir Shivprasad Yadav
Abhilash Nagar, Society No. 3,
Room No. 2, Iraniwadi, Road No.4,
Kandivali (W),
Mumbai – 400 067.**

.... Appellant

V/s

**First Appellate Officer cum Asstt. Commissioner
Market, G / South Zone,
Mahatama Jyotiba Phule Mandai,
1st Floor, Dr. D.N.Road,
Mumbai – 400 001.**

.... Respondent

**Public Information Officer Senior Inspector (Anudnyapan)
Market, G / South Zone,
Mahatama Jyotiba Phule Mandai,
1st Floor, Dr. D.N.Road,
Mumbai – 400 001.**

GROUNDS

This appeal has been filed under section 19 (3) of the Right to Information Act 2005. The appellant is one of the pitch holders on Sitaram Jadhav Marg, Lower Parel, Mumbai. He has been there since 1978 and has been paying the charges / rent etc. In 1997 he was shifted from the existing place and reallocated. This had resulted from some court order and the space occupied by the appellant was used for construction of stall which was allotted to one Mr. Nishad. The appellant has sought information relating to the whole issue. He had filed an application under the Right to Information Act and also preferred the first appeal. Not satisfied with responses from the Public Information Officer and the First Appellate Authority, he has preferred this second appeal before the Commission. The appeal was heard on 16.2.2009. It was heard earlier also in an attempt to see whether an amicable settlement is reached between parties. There are large no. of issues involved. There have been court cases. After going through the case papers, it is revealed that the appellant wanted his grievance to be redressed. He wants his old pitch back. Record also shows that pointwise information has been given but not to the appellant's satisfaction. He has raised queries and wanted clarification which is not expected under the Right to Information Act. The Commission is also not mandated to settle disputes between parties. I therefore, close the case.

Order

The appeal is disposed off.

(Ramanand Tiwari)
State Information Commissioner, Mumbai

Place: Mumbai
Date: 09.04.2009.

Before the State Information Commission, Maharashtra-Appeal under Section 19(3) of RTI Act, 2005.

Appeal No.2009/2040/02

**Shri.Dhanraj Damodar Likhari
B – 273 /5, Government Staff Quarters,
Bandra (E),
Mumbai – 400 051.**

.... Appellant

V/s

**First Appellate Officer cum Dy. Registrar,
Co-operative Societies,
Mumbai Housing Area Development Authority,
Grihnirman Bhavan,
Bandra (E), Mumbai – 400 051.**

.... Respondent

**Public Information Officer
Co-operative Societies,
Mumbai Housing Area Development Authority,
Grihnirman Bhavan,
Bandra (E), Mumbai – 400 051.**

GROUND

This appeal has been filed under section 19 (3) of the Right to Information Act 2005. The appellant had sought the information relating to Siddhivinayak Co-operative Housing Society, Sundar Nagar, Santacruz (E), Kalina, Mumbai. The appellant had asked for reaudit of the society's account and wanted action taken report on his request complaint.

Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant has filed this second appeal before the Commission. The appeal was heard on 9.3.2009.

Appellant was present but the respondent was absent. The appellant has contended that he has not been furnished the required information. His complaint was forwarded to the Divisional Joint Registrar although the Dy. Registrar himself is empowered to initiate action against the society.

I have gone through the case papers. It appears that the Dy. Registrar by his letter dated 19.11.2008 informed the appellant he was not competent to order reaudit of society's account and therefore the complaint was forwarded to the Divisional Joint Registrar. The appellant however is entitled to know what happened to his complaint. I am therefore of the view that the Public Information Officer should find out from the

Divisional Joint Registrar what happened to the appellant's complaint and inform him accordingly. I pass the following order.

Order

The appeal is allowed. Information to be furnished by Public Information Officer within 30 days.

(Ramanand Tiwari)
State Information Commissioner, Mumbai

Place: Mumbai
Date: 16.04.2009.

Before the State Information Commission, Maharashtra-Appeal under Section 19(3) of RTI Act, 2005.

Appeal No.2009/2185/02

**Shri. Ciril Peter D'souza
Goodluck Chawl, Room No. 18,
Near Sai Sankalp Building,
Opp. B.M.C. Colony,
Malvani Block No. 3,
Malad (W), Mumbai – 400 095.**

.... Appellant

V/s

**First Appellate Officer cum Personal Assistant
Office of the Municipal Commissioner,
Municipal Corporation of Greater Mumbai,
Mumbai – 400 001.**

.... Respondent

**Public Information Officer
Office of the Municipal Commissioner,
Municipal Corporation of Greater Mumbai,
Mumbai – 400 001.**

GROUNDS

This appeal has been filed under section 19 (3) of the Right to Information Act 2005. The appellant had sought the information regarding non transfer of some officers from the Building Proposal Department. He has alleged that some officers are there for more than 10 years generating resentment among other capable but less resourceful officer.

Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant has filed this second appeal before the Commission. The appeal was heard on 13.4.2009.

The appellant did not turn up. The appellant has contended that some news papers have giving vent to the discontent among municipal employees because of over stay of some officers in the same department.

The respondent's contention is it was not possible for respondents to explain the reason but they have furnished names of officers and the length of their stay in the Building Proposal Department.

After going through the case papers and considering the arguments advanced by parties I have come to the conclusion that the information has been furnished. The respondent has furnished list of officers with their period of working. Available information on record has been furnished.

Order

The appeal is disposed off.

(Ramanand Tiwari)
State Information Commissioner, Mumbai

Place: Mumbai
Date: 13.04.2009.

Before the State Information Commission, Maharashtra-Appeal under Section 19(3) of RTI Act, 2005.

Appeal No.2009/2005/02

**Shri.Dhurandar Rajaram Singh
Sangharsh Office,
Quari Road, Near Mangatram Petrolpump,
Bhandup (W),
Mumbai – 400 078.**

.... Appellant

V/s

**First Appellate Officer cum Charity Commissioner,
Office of the Charity Commissioner,
83, Dr. Annie Beasant Road,
Worli, Mumbai – 400 018.**

.... Respondent

**Public Information Officer
Office of the Charity Commissioner,
83, Dr. Annie Beasant Road,
Worli, Mumbai – 400 018.**

GROUNDS

This appeal has been filed under section 19 (3) of the Right to Information Act 2005. The appellant by his application dated 26.6.2008 had sought the following information relating to B.L.Ruia High School Society,

- 1) Certified copy of schedule 1
- 2) Copy of the Change Report
- 3) Copy of Schedule 10
- 4) Certified copy of the audit report from 1998 to 2008.

The Public Information Officer by his letter dated 18.3.2009 informed the appellant that because of shortage of staff and requisition of the same for election purpose the information has been delayed. The information for the year ending 31st March 2008 was made available to them and remaining information was being collected

Not satisfied the reply from the Public Information Officer the appellant filed the first appeal under section 19(1) of the RTI Act. The First Appellate Authority by his order dated 12.1.2009 ordered that the required information should be furnished within 15 days. Since the appellant did not get the information, hence this appeal before Commission.

The appeal was heard on 30.3.2007. The appellant did not turn up but the respondent was present.

The respondent's contention is that available information has been furnished and the balance is being collected. The same will be furnished as soon as it is received.

After going through the case papers and considering the arguments advanced by parties I have come to the conclusion that the information has been furnished late and not as per the requirement of the appellant. The explanation however is accepted by the Commission but the Public Information Officer is warned to be prompt while dealing with cases under the RTI Act.

Order

The appeal is allowed. Information to be furnished by Public Information Officer within 30 days.

(Ramanand Tiwari)
State Information Commissioner, Mumbai

Place: Mumbai
Date: 09.04.2009.

Before the State Information Commission, Maharashtra-Appeal under Section 19(3) of RTI Act, 2005.

Appeal No.2009/2173/02

**Dr. Rekha S. Naik
A/2, Daswani C.H.S. Ltd.,
Convent Avenue,
Four Bungalows,
Andheri (W),
Mumbai – 400 053.**

.... Appellant

V/s

**First Appellate Officer cum Asstt. Commissioner
Municipal Corporation of Greater Mumbai,
K / West Ward Office,
Paliram Path,
Opp. Best Depot,
S.V.Road,
Andheri (W), Mumbai – 400 053.**

.... Respondent

**Public Information Officer Asstt. Engineer
Building & Factories,
Municipal Corporation of Greater Mumbai,
K / West Ward Office,
Paliram Path,
Opp. Best Depot,
S.V.Road,
Andheri (W), Mumbai – 400 053.**

GROUNDS

This appeal has been filed under section 19 (3) of the Right to Information Act 2005. The appellant had sought the information relating to A/2 Daswani Co-operative Housing Society Ltd., Four Bungalow, Andheri (W), Mumbai.

Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant has filed this second appeal before the Commission. The appeal was heard on 31.3.2009.

Appellant and respondents were present. The appellant has contended that the information furnished was incomplete. She has in the second appeal listed out the points on which satisfactory information has not been received.

The respondent's contention is that required information has been furnished.

I have gone through the case papers. It appears that the appellant is running a clinic in her flat for a longtime. This has been objected to by the MCGM. In fact record shows that there was a proposal to initiate action against the appellant under section 53(1) of the MRTP Act to restore the original user of the flat as per the approved plan. The

appellant has brought to the notice of the Commission that there is another clinic in the building but the MCGM has not taken cognizance of that. It is also seen that a lot of the information sought are beyond the ambit of the RTI Act – like she has pointed out that there was no comment by the authority on the Supreme Court Judgment referred to by her advocate. This is not expected under the RTI Act. She has objected to a note not written on the letter head of the MCGM and has raised a lot of queries on that. Office notes are not necessarily written on letter heads and it is always signed by officers who are concerned with the issue. In the light of this I am of the view that the first appellant's order to facilitate inspection of the relevant file needs to be confirmed. The RTI Act ensures furnishing of available information. It is not expected to ask questions and receive answers. I therefore, confirm the order of the First Appellate Authority.

Order

Order of the First Appellate Authority is confirmed. The appellant should inspect the file and certified copies of the documents selected should be furnished. The appeal is disposed off.

(Ramanand Tiwari)
State Information Commissioner, Mumbai

Place: Mumbai
Date: 09.04.2009.

Before the State Information Commission, Maharashtra-Appeal under Section 19(3) of RTI Act, 2005.

Appeal No.2009/2099/02

**Shri. Manuwel Jemu Walwi
3/39, Navin Fisherman Police Quarters,
Mahim (W),
Mumbai – 400 016.**

.... Appellant

V/s

**First Appellate Officer cum Director
Garware Institute of Career Education & Development,
Kalina, Vidyanagari,
Mumbai – 400 098.**

.... Respondent

**Public Information Officer cum Dy. Director
Garware Institute of Career Education & Development,
Kalina, Vidyanagari,
Mumbai – 400 098.**

GROUND

This appeal has been filed under section 19 (3) of the Right to Information Act 2005. The appellant by his application dated 5.10.2008 had sought the information relating to Garware Institute of Garware Career Education and Development. The appellant has asked for answersheets for entrance examination, reservation for SC / ST, attendance requirement for the course and concession to SC / ST candidates for getting photocopy, revaluation of answersheet and entrance fee.

The Public Information Officer by his letter dated 31.10.2008 informed the appellant that answersheets of other candidates cannot be given, attendance requirement was 75% and there was no concession for part time courses.

Not satisfied the reply from the Public Information Officer the appellant filed the first appeal under section 19(1) of the RTI Act. The First Appellate Authority did not pass any order. Hence this appeal.

The appeal was heard on 19.3.2009. Appellant and respondents were present. The appellant has contended that information furnished was misleading, there has been attempts to avoid furnishing of information and the Public Information and the First Appellate Authority is the same - Director of the Institute.

The respondent's contention is that information has been furnished in time and the first appeal was not tenable because it was filed before expiry of 30 days given to the Public Information Officer to reply. It has also been stated in their detailed written

statement that available information has been furnished. Supplementary information has also been sent.

After going through the case papers and considering the arguments advanced by parties I have come to the conclusion that available information has been furnished. I see no attempt to avoid furnishing the required information. I therefore, pass the following order.

Order

The appeal is disposed off.

(Ramanand Tiwari)
State Information Commissioner, Mumbai

Place: Mumbai
Date: 09.04.2009.

Before the State Information Commission, Maharashtra-Appeal under Section 19(3) of RTI Act, 2005.

Appeal No.2009/1545/02

**Shri. Siddharam Gurunath Ausekar
110, Municipal Tenements,
Chawl No.7,
Room No. 2, D.G.Mahajani Path,
Sewree, Mumbai – 400 015.**

.... Appellant

V/s

**First Appellate Officer cum Asstt. Commissioner,
Municipal Corporation of Greater Mumbai,
Chatrapati Shivaji Maharaj Mandai,
2nd Floor, Faltan Road,
Mumbai – 400 007.**

.... Respondent

**Public Information Officer cum A/O (Estate)
Municipal Corporation of Greater Mumbai,
F /S Ward,
Parel, Mumbai.**

GROUND

This appeal has been filed under section 19 (3) of the Right to Information Act 2005. The appellant by his application dated 19.12.2007 had sought information as mentioned in the said application. Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant has preferred this second appeal before the Commission. The appeal was fixed for hearing on 3.3.2009. Neither the appellant nor the respondent turned up. It appears from the record that the appellant did not appear before the First Appellate Authority also. It is also seen that the Public Information Officer had explained that the matter was pending in the High Court, information could not be given except the date of retirement which the Public Information Officer by his letter dated 31.12.2008 has furnished. In view of the above discussion, I decide to close the case.

Order

The appeal is disposed off.

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

Place: Mumbai
Date: 09.04.2009.

Before the State Information Commission, Maharashtra-Complaint under Section 18 of RTI Act, 2005.

Complaint No.2009/173/02

**Shri.Shafi I. Kazi
3, Silvadel, 447,
Pitambar Lane,
Senapati Bapat Main Road,
Mahim, Mumbai – 400 016.**

.... Complainant

V/s

**Public Information Officer cum Office Superintendent
K / W ward.
Office of the Asstt. Municipal Commissioner,
K (W) Ward Bldg., 2nd Floor,
Paliram Path,
Andheri (W), Mumbai – 400 058.**

.... Respondent

GROUND

This complaint has been filed under section 18 of the Right to Information Act 2005. This has arisen out of Commission's order dated 19.7.2008 in appeal no.2008/539/02. The complainant had sought documents relating to the change of name of the North South Road No.1 to Gulmohar Road and then to Bhakti Vedant Swami Marg in 1995. The MCGM informed the complainant during the hearing of the appeal that the policy of naming and renaming was finalised in 1993. Therefore, papers in respect of change from Gulmohar to Bhakti Vedant Swami Marg were given to the complainant but papers relating to earlier change were not available. The Commission's order was to search those papers and furnish information to the present complainant. The complaint was heard on 17.4.2009. Complainant and defendant were present. The defendant has stated that the earlier papers have not been traced. The complainant however raised issue of legality / desirability of change of name from Gulmohar Road to Bhakti Vedant Swami Marg. This information has already been furnished to him. The Commission has not been mandated to look into desirability or legality of the change of names. The RTI ensures furnishing of available information. In the light of the there is no substance in the complaint

Order

The complaint is dismissed.

(Ramanand Tiwari)
State Information Commissioner, Mumbai

Place: Mumbai
Date: 17.04.2009.

Before the State Information Commission, Maharashtra-Complaint under Section 18 of RTI Act, 2005.

Complaint No.2009/216/02

**Shri. Kailash Prasad Agarwal
107, Sea – Sony Mansion,
Shop No. 4, Gala No. 2 A. K. Marg,
Mumbai – 400 036.**

.... Complainant

V/s

**Public Information Officer cum Dy. Controller (Rationing)
Office of the ‘A’ Zone,
Administrative Bldg.,
Bail –Ghoda Hospital,
Parel, Mumbai – 400 012.**

.... Respondent

GROUNDS

This complaint has been filed under section 19 (3) of the Right to Information Act 2005. This has arisen out of the Commission's order dated 18.11.2008 passed in appeal no. 2008/1218/02. The complainant has alleged that the order was passed by the Commission on misrepresented facts. The facts of the case are as follows,

The complainant is owning a ration card shop no. 70. Another shop no. 12 had to be cancelled on some grounds and the same was attached to shop no. 8. The complainant's grievance is that his shop was closer to shop no.12 and it should have been attached to his shop rather to shop no. 8. In fact his application was decided in 2007 and order was passed attaching shop no.12 to his shop. This order was subsequently cancelled. The complainant's point is how can the same officer cancel his own order.

The complaint was heard on 17.4.2009. Complainant & defendant were present. The defendant has stated that the order of attaching Shop No. 12 to complainant's shop was made without jurisdiction because a govt. circular dated 6.12.2006 which said that all such attaching or amalgamation can be done only by the controller of rationing & director food and civil supply. The defendant also contended that there is a provision for appeal and complainant should approach Hon. Minister for food and civil supplies, Govt. of Maharashtra.

It is thus, seen that the main grievance of the complainant is that shop no. 12 should have been attached to his shop. The Commission is not mandated to interfere into allotment of shops. The RTI Act ensures furnishing of available information and the same has been done. There is no substance in the complaint.

Order

The complaint is dismissed.

(Ramanand Tiwari)
State Information Commissioner, Mumbai

Place: Mumbai
Date: 17.04.2009.

Before the State Information Commission, Maharashtra-Appeal under Section 19(3) of RTI Act, 2005.

Appeal No.2009/2211/02

**Shri. Dattatray Haribhau Joshi
B-4/5, 'Santoor' CHS Ltd., 1st Floor,
34, M.G.Road, Vile Parle (East),
Mumbai – 400 057.**

.... Appellant

V/s

**First Appellate Officer cum Dy. Ch.Engineer,
(Bldg. Proposal)
W.S., 1st Floor, R.L.Patkar Marg,
Bandra (W),
Mumbai -400 050.**

.... Respondent

**Public Information Officer cum Ex. Engineer,
(Bldg. Proposal)
W.S., 1st Floor, R.L.Patkar Marg,
Bandra (W),
Mumbai -400 050.**

GROUNDS

This appeal has been filed under section 19 (3) of the Right to Information Act 2005. The appellant had sought the information in respect of approved plan, occupation plan and occupation certificate certified as true copy by BMC in relation to Santoor CHS. Ltd., 34, M.G.Road, Vile Parle (East), Mumbai, FP no.20, TPS -1 File No. CE/1820 WS/AK.

Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant has filed this second appeal before the Commission. The appeal was heard on 15.4.2009.

Appellant and respondents were present. The appellant has contended that this information was required for getting the conveyance done. The respondent has stated that the file was not traceable and hence information could not be furnished.

After going through the case papers and considering the arguments I have come to the conclusion that information has to be furnished. It is not enough to say that they are not traceable. The respondent will first take personal responsibility to locate and furnish information to the appellant. In case that is not possible he shall reconstruct the file and

furnish required information to the appellant failure will lead to initiation of action under section 20 of the RTI Act.

Order

The appeal is allowed. Information to be furnished by Public Information Officer within 30 days.

(Ramanand Tiwari)
State Information Commissioner, Mumbai

Place: Mumbai
Date: 17.04.2009.

Before the State Information Commission, Maharashtra-Appeal under Section 19(3) of RTI Act, 2005.

Appeal No.2009/2036/02

**M/s. Desai Developers & Builders Pvt. Ltd.
1, Vidhate, Ram Maruti Road,
Dadar (W),
Mumbai – 400 028.
V/s**

.... Appellant

**First Appellate Officer cum Registrar,
Co-operative Society,
H / E Ward,
Bandra (East)
Mumbai – 400 050.**

.... Respondent

**Public Information Officer cum District Dy. Registrar,
Co-operative Society,
Bandra (East)
Mumbai – 400 051.**

GROUND

This appeal has been filed under section 19 (3) of the Right to Information Act 2005. The appellant had sought the information relating to registration of Shri. Sainath Co-operative Housing Society Ltd., Anandnagar, Vakola, Kole-Kalyan, Santacruz, Mumbai. The appellant has asked for copies of documents given at the time of registration of the society.

Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant has filed this second appeal before the Commission. The appeal was heard on 9.3.2009.

The appellant did not turn up but the respondent was present. The appellant has contended that he has not been furnished the required information. The respondent in his written submission has stated that the information has been collected from the society and the appellant was asked to collect the same.

In light of the above and also in the absence of the appellant, I order that the appellant should collect the information from the Public Information Officer.

Order

Appeal is disposed off.

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

Place: Mumbai
Date: 17.04.2009.

Before the State Information Commission, Maharashtra-Appeal under Section 19(3) of RTI Act, 2005.

Appeal No.2009/2213/02

**Smt. Hawabi Suleman Shaikh
Ground Floor, Room No.1,
43, A, Patra Shed, Belwadere Hill Rd,
Mazgaon, Mumbai – 400 010.
V/s**

.... Appellant

**First Appellate Officer cum Asstt. Commissioner,
'E' Ward, Office of the M.C.G.M.,
Shaikh Hafizuddin Marg,
Byculla, Mumbai – 400 008.**

.... Respondent

**Public Information Officer cum Asstt. Engineer,
(Building & Factory),
'E' Ward, Office of the M.C.G.M.,
Shaikh Hafizuddin Marg,
Byculla, Mumbai – 400 008.**

GROUNDS

This appeal has been filed under section 19 (3) of the Right to Information Act 2005. The appellant had sought the information regarding her application for permission to repair her zopadi which was damaged by MHADA while constructing the retaining wall.

Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant has filed this second appeal before the Commission. The appeal was heard on 15.4.2009.

Appellant and respondents were present. The appellant has contended that although MHADA admits having caused the damage, the MCGM is not permitting the repair work. The respondent informed her that her case cannot be considered unless the application and other details are in order. The respondent has submitted that the appellant has been informed what documents are required to facilitate processing of the file. One of the major deficiency is that the land does not stand in the name of the appellant the respondent however promised that he will take up the matter with the BMC

in view of the fact there the family is staying their for a long time and the monsoon is also approaching fast.

After going through the case papers and considering the arguments I have come to the conclusion that the available information has been furnished.

Order

Appeal is disposed off.

(Ramanand Tiwari)
State Information Commissioner, Mumbai

Place: Mumbai
Date: 17.04.2009.

**Before the State Information Commission, Maharashtra-Appeal under
Section 19(3) of RTI Act, 2005.**

Appeal No.2009/2208/02

**Shri. Ashokkumar Maruti Shinde
Avanti Ambar Bldg.,
Ground Floor, N.D. Road,
Malbar Hill, Mumbai – 400 006.
V/s**

.... Appellant

**First Appellate Officer cum Executive Engineer,
Multistoried Building Works,
Industrial Chemical Laboratory Bldg.
19th Floor, V.N. Purav Marg,
Chunabhatti (E), Mumbai – 400 022.**

.... Respondent

**Public Information Officer
Office of the Sub-Divisional Engineer,
New Administrative Bldg.,
R.C.Chemburkar Marg,
Mumbai – 400 051.**

GROUNDS

This appeal has been filed under section 19 (3) of the Right to Information Act 2005. The appellant had sought copies of the order issued in favour of Reliance Energy to lay cable, whether the company was working in accordance with regulations of, Govt. of Maharashtra and other related issues.

Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant has filed this second appeal before the Commission. The appeal was heard on 15.4.2009. The appellant did not turn up. The appellant has contended that he has not been furnished the required information. The respondent has however submitted that the First Appellate Authority had ordered the Public Information Officer to furnish the required.

The Public Information Officer informed the appellant to collect the information. The appellant did not collect the information. Since the appellant was not present facts could not be verified. Under the circumstances I pass the following order.

Order

The appeal is disposed off.

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

Place: Mumbai
Date: 17.04.2009.

Before the State Information Commission, Maharashtra-Appeal under Section 19(3) of RTI Act, 2005.

Appeal No.2009/1362/02

**Shri. Mohammed Usman Khan
Smt. Meena Usman Khan
Bldg. No. 2B / 20 C,
Shri Sai Society, Karvenagar,
Kanjurmarg (E), Mumbai – 400 042.
V/s**

.... Appellant

**First Appellate Officer cum Secretary,
State Human Rights Commission,
9, Hazarimal Somani Marg,
Opp. Chatrapati Shivaji Terminals,
Mumbai – 400 001.**

.... Respondent

**Public Information Officer
State Human Rights Commission,
9, Hazarimal Somani Marg,
Opp. Chatrapati Shivaji Terminals,
Mumbai – 400 001.**

GROUND

This appeal has been filed under section 19 (3) of the Right to Information Act 2005. The appellant had sought the information regarding their application to the Human Rights Commission requesting to reopen their case to 1676/02 which has been closed by the Commission.

Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant has filed this second appeal before the Commission. The appeal was heard on 16.4.2009.

The appellant did not turn up but the respondent was present. The appellant in his appeal has contended that his request to reopen the case has not been considered and no information has been furnished.

The respondent's contention is that it was not possible for them to say why the case has not been reopened. The case no.1676 / 02 has been disposed off vide order no.414 dated 16.12.2002 of the Hon. Acting Chair Person. It has also been stated that the appellant was offered an opportunity of inspecting the relevant file.

After going through the case papers and considering the arguments advanced by parties I have come to the conclusion that the appeal disclosure to be dismissed. This Commission is not mandated to direct the Human Rights Commission to reopen the case.

The case is therefore closed.

Order

The appeal is dismissed.

(Ramanand Tiwari)
State Information Commissioner, Mumbai

Place: Mumbai
Date: 16.04.2009.

Before the State Information Commission, Maharashtra-Appeal under Section 19(3) of RTI Act, 2005.

Appeal No.2009/2207/02

**Shri. Umesh Shankarrao Avhad
Senior Clerk, Question Paper Division,
M.Phule Bhavan, University of Mumbai,
Santacruz (E), Mumbai – 400 098.**

.... Appellant

V/s

**First Appellate Officer cum Vice Chancellor,
Establishment Department,
University of Mumbai,
Fort, Mumbai – 400 032.**

.... Respondent

**Public Information Officer
Establishment Department,
University of Mumbai,
Fort, Mumbai – 400 032.**

GROUND

This appeal has been filed under section 19 (3) of the Right to Information Act 2005. The appellant had sought the information relating to seniority list of Senior Clerks belonging to VJNT, from 'Gavali' caste to be included in VJNT the GR which allowed employees and the to be given to erstwhile Gavali Caste.

Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant has filed this second appeal before the Commission. The appeal was heard on 15.4.2009.

The appellant has contended that available information has not been furnished. His enquiries were specific but the response was vague. The respondent however, has stated that available information has been furnished.

After going through the case papers and considering the argument, I have come to the conclusion that the information sought by the appellant is very important not only for him but for the university also. The most crucial information sought by the appellant is the principle on which seniority has to be fixed. The university seems to be of the view that the dated of joining remains the critical point. It means that someone belonging to OBC is senior in service and has been subsequently classified as VJNT, he remains senior to all those who originally joined VJNT but are junior in service. The appellant has argued that those employees who became VJNT from a particular dated, their

seniority in VJNT from should be from that date. The Govt. resolution however does not throw any light. I would therefore, direct that the matter be referred to the Govt. the outcome should be communicated to the appellant. I therefore pass the following order.

Order

Appeal is allowed. A reference be made to the Govt. and outcome should be communicated to the appellant.

(Ramanand Tiwari)
State Information Commissioner, Mumbai

Place: Mumbai
Date: 16.04.2009.

Before the State Information Commission, Maharashtra-Appeal under Section 19(3) of RTI Act, 2005.

Appeal No.2009/1741/02

**Shri. Prabhakar Pundalik Shinde
Aai-ratna Hsg. Society,
Lokhande Mala,
Behind Vitthal Mangal Karyalaya,
Suburban, Nasik Road,**

.... Appellant

V/s

**First Appellate Officer cum Uppar Police Superintendence,
Madhu Industrial Estate,
1st floor, Pandurang Budhkar Marg,
Lower Parel, Mumbai – 400 013.**

.... Respondent

**Public Information Officer Sub Inspector of Police,
Madhu Industrial Estate,
1st floor, Pandurang Budhkar Marg,
Lower Parel, Mumbai – 400 013.**

GROUND

This appeal has been filed under section 19 (3) of the Right to Information Act 2005. The appellant had sought the information relating to the complaint made by Shri. Shelke against him and Shri. K.D.Patil. He also wanted information relating to his complaint against Mr.B.G.Shekhar, SP, ACB, Nasik.

Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant has filed this second appeal before the Commission. The appeal was heard on 16.4.2009.

Appellant and respondents were present. The appellant has contended that he has been given incorrect information. He has been told that since the Departmental Enquiry has been ordered against him the information sought cannot be given to him. He has stated that the complaint was made in January and he was transferred immediately. It means that enquiry was over and he should be given a copy of the inquiry report. The respondent however has submitted that since the enquiry has been ordered against the appellant and he is likely to get relevant papers during the enquiry he has not been given information under RTI.

After going through the case papers and considering the arguments advanced by parties I have come to the conclusion that information on appellant point 2 should be given. The first point is getting covered but the appellant must be informed what has happened to his complaint against Mr. Shekhar. The same may be furnished.

Order

The appeal is allowed. Information to be furnished by Public Information Officer within 15 days.

(Ramanand Tiwari)
State Information Commissioner, Mumbai

Place: Mumbai
Date: 17.04.2009.

Before the State Information Commission, Maharashtra-Appeal under Section 19(3) of RTI Act, 2005.

Appeal No.2009/1018/02

**M/s. East India Hotel Pvt. Ltd.
7, Sham Nath Marg,
New Delhi – 1105054.**

.... Appellant

V/s

**First Appellate Officer cum Chief T & CP Division,
M.M.R.D.A.,
Bandra Kurla Complex,
Bandra (E),
Mumbai – 400 051.**

.... Respondent

**Public Information Officer cum Planner,
T & CP Division,
M.M.R.D.A.,
Bandra Kurla Complex,
Bandra (E),
Mumbai – 400 051.**

GROUND

This appeal has been filed under section 19 (3) of the Right to Information Act 2005. The appellant had sought the following information,

Copies of plans and all relevant documents and NOC's related to the development permission of Hotel and car parking on plot no.C-56, G Block, Bandra Kurla Complex, Mumbai. The Public Information Officer declared his intention to disclosure the information and gave notice to the East India Hotels being the 3rd party in the matter. The East India Hotel Ltd. preferred the first appeal which was rejected by the First Appellate Authority who ordered that the Public Information Officer shall make available copies of layout plan, floor plans & cross sections.

After going through the case papers and considering the arguments advanced by parties I have come to the conclusion that the order passed by the First Appellate Authority does not need any intervention. He has ordered furnishing of limited information which in my opinion is not likely to harm the appellant. Moreover, appellant has been seeking and getting adjournment and finally did not turn up. I am constrained to close the case. The first appellant order is confirmed.

Order

The appeal is disposed off.

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

Place: Mumbai
Date: 17.04.2009.

Before the State Information Commission, Maharashtra-Appeal under Section 19(3) of RTI Act, 2005.

Appeal No.2009/2288/02

**Shri.Prakash Govind Nawathe
204, Rajbaug, Bhalchandra Marg,
Matunga, Mumbai – 400 099.**

.... Appellant

V/s

**First Appellate Officer cum District Dy. Registrar,
Co-operative Societies (1), Mumbai City,
Malhotra House, 6th Floor,
Opp.G.P.O., Mumbai – 400 001.**

.... Respondent

**Public Information Officer cum Asstt. Registrar,
Co-operative Societies (1), Mumbai City,
Malhotra House, 6th Floor,
Opp.G.P.O., Mumbai – 400 001.**

GROUNDS

This appeal has been filed under section 19 (3) of the Right to Information Act 2005. The appellant has sought the information relating to the registration of Dalluchand Co-operative Housing Society Ltd., Sir Bhalchandra Road, Matunga, Mumbai. The appellant wanted to know under which law the society has been registered without getting occupation certificate and without having been transferred in the name of the society.

Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant has filed this second appeal before the Commission. The appeal was heard on 18.4.2009.

Appellant and respondents were present. The appellant has contended that he has not been given the required information. The respondent has contended that they asked the society to furnish the information. The society because of this and some other grounds have been superceded and an administrator has been appointed.

After going through the case papers and considering the arguments advanced by parties it is seen that the Public Information Officer had sought the information from the society. The society did not comply and action has been taken. Now that an administrator has been appointed, it should be easier for the Public Information Officer to secure the information and furnish to the appellant. I therefore, pass the following order.

Order

The appeal is allowed. Information to be furnished by Public Information Officer within 30 days.

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

Place: Mumbai
Date: 18.04.2009.

Shri. Pradeep Sonthalia
10, Swadhin Sadan,
'C' Road, Marine Drive,
Churchgate, Mumbai – 400 020.

.... Appellant

V/s

First Appellate Officer cum Dy. Commissioner of Police (Detention)
Crime Branch (C.I.D.),
Chatrapati Shivaji Mandai,
3rd Floor, M.R.A. Marg,
Mumbai.

.... Respondent

Public Information Officer cum Asstt. Commissioner of Police
Crime Branch (C.I.D.),
Chatrapati Shivaji Mandai,
3rd Floor, M.R.A. Marg,
Mumbai.

GROUND

This appeal has been filed under section 19 (3) of the Right to Information Act 2005. The appellant had sought the following information,

- A. Furnish the attested photo copies of the cognizable cases (FIR) with remand copies related to pirated Audio / Video / CD's, DVD's MP3 of English / Hindi / Marathi / or any other languages of movies / songs / music /blue films / computer software's, registered by social service branch (crime unit) Crawford market, Mumbai for last two years.
- B. Furnish the detailed chart in tabular form which should contain date / name of complainant / name of company / FIR No. / Name of Accused / Name of Accused Arrested/ Name of Accused wanted / Name of Accused absconding / quantity of goods seized / value of the seized goods / whether the charge sheet has been filed / present status of the case in the court.
- C. Furnish the attested photo copies of the documents given by complainant or legally authorised person, persons of the company.
- D. After you have prepared the above information I would like to inspect registered / records / books / seized goods as per panchnama to ensure that you have given complete information.

Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant has filed his second appeal before the Commission. The appeal was heard on 18.4.2009.

Appellant and respondents were present. The appellant has contended that he was not satisfied with the information furnished. He has also stated the information given was not complete.

The respondent's contention is that the information has been denied in accordance with section 8 of the Right to Information Act, 2005. It has been stated by the respondents that some cases are still under investigation and in some cases charge sheets have filed in the court law.

The respondent's contention is that disclosure of the desired information is likely to impede the process of investigation and apprehension of the accused. The First Appellate Authority has confirmed the Public Information Officer's order.

After going through the case papers and considering the arguments advanced by parties I have come to the conclusion that information has been rightly denied not been given. The respondent has also pointed out that in some cases investigations are on even though charge sheet has been filed because of constraint of time. I also doubt whether this is likely to serve any public purpose in true sense. I therefore pass the following order.

Order

Order passed by the Public Information Officer and the First Appellate Authority are confirmed. Appeal is disposed off.

(Ramanand Tiwari)
State Information Commissioner, Mumbai

Place: Mumbai
Date: 20.04.2009.

Before the State Information Commission, Maharashtra-Appeal under Section 19(3) of RTI Act, 2005.

Appeal No.2009/2290/02

**Shri. Suresh Gandhi
116, Mahavir Sadan,
Bhuleshwar Road, 3rd Floor,
Room No. 11, Mumbai – 400 002.**

.... Appellant

V/s

**First Appellate Officer cum Asstt. Commissioner,
Municipal Corporation of Greater Mumbai,
'C' Ward, Chandanwadi,
Mumbai – 400 002.**

.... Respondent

**Public Information Officer cum AEBF
Municipal Corporation of Greater Mumbai,
'C' Ward, Chandanwadi,
Mumbai – 400 002.**

GROUND

This appeal has been filed under section 19 (3) of the Right to Information Act 2005. The appellant had sought the following information,

- 1) My complain was pending how many days investigation officer name and post and action taken report.
- 2) 351 MMC Act date of notice issue 1,2,3.
- 3) As per your law this construction was legal or illegal.
- 4) Copy of Petition / L.C. suit no.2199 of 2008.
- 5) Copy of Stay Order and all other orders of above L.C.suit.
- 6) Name of the party your department issued notice name and address
- 7) As per RTI Act 2005 any information not related to your department this RTI copy should send to that department during time you have to send.
- 8) Please send me that letter to me for my information.

Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant has filed this second appeal before the Commission. The appeal was heard on 18.4.2009.

Appellant and respondents were present. The appellant has contended the he was not satisfied with the information furnished by the respondent. The information was incomplete and improper. He has also requested that the Public Information Officer should be penalised.

The respondent's contention is that they had issued a notice under section 351 of the MMC Act. Action was also initiated and the case is pending with the Hon. High Court.

After going through the case papers and considering the arguments advanced by parties I have come to the conclusion that available information was furnished and I see no reason to penalise the Public Information Officer. I pass the following order.

Order

Appeal is disposed off.

(Ramanand Tiwari)
State Information Commissioner, Mumbai

Place: Mumbai
Date: 20.04.2009.

Before the State Information Commission, Maharashtra-Appeal under Section 19(3) of RTI Act, 2005.

Appeal No.2009/2331/02

**Smt. Shubha Rajan Desai
2 B/ 13, Indian Air Lines Colony II,
Kalina, Santacruz (E),
Mumbai – 400 0029.**

.... Appellant

V/s

**First Appellate Officer cum Divisional Jt. Registrar,
Mumbai Division,
6th Floor, Malhotra House,
Opp. G.P.O.,
Mumbai – 400 001.**

.... Respondent

**Public Information Officer cum Dy. Registrar
Co-operative Societies,
MHADA, Grihnirman Bhavan ,
Bandra, Mumbai – 400 051.**

GROUNDS

This appeal has been filed under section 19 (3) of the Right to Information Act 2005. The appellant had sought the information relating to non execution of bonds by Versova Aishwarya Co-operative Society Ltd., Kalina Kurla Road, Mumbai. The appellant had complained against the Managing Committee and wanted to know what action has been taken.

Not satisfied with the responses from the Public Information Officer and the First Appellate Authority the appellant has filed this second appeal before the Commission. the appeal was heard on 20.4.2009.

Appellant was present but the respondent was absent. The appellant has contended that he has not been furnished the information. The First Appellate Authority has also not taken cognizance of his appeal.

I have gone through the case papers. It appears that the Dy. Registrar Co-operative Societies, MHADA was informed by the Divisional Joint Registrar, Mumbai Division that the Dy. Registrar (MHADA) being the First Appellate Authority, the appeal was transferred to him. There seems to be total negligence on the part of the Public Information Officer and the First Appellate Authority. I therefore, pass the following order.

Order

The appeal is allowed. Public Information Officer to furnish the required information within 15 days. The Public Information Officer and the First Appellate Authority to show cause why action under section 20 of the RTI should not be taken against them. Their replies should be sent to the Commission within 15 days.

(Ramanand Tiwari)
State Information Commissioner, Mumbai

Place: Mumbai
Date: 20.04.2009.

Before the State Information Commission, Maharashtra-Appeal under Section 19(3) of RTI Act, 2005.

Appeal No.2009/2330/02

**Shri. Ravindra Maruti Belose
324, Pimpaleshwar Kripa,
S.B.Pawar Marg,
Curry Road,
Mumbai – 400 013.
V/s**

.... Appellant

**First Appellate Officer cum Joint Chief Officer
Mumbai House Repair and Reconstruction Board,
Grihnirman Bhavan,
Bandra (E),
Mumbai.**

.... Respondent

**Public Information Officer cum Dy. Chief Officer
Mumbai House Repair and Reconstruction Board,
Grihnirman Bhavan,
Bandra (E),
Mumbai.**

GROUNDS

This appeal has been filed under section 19 (3) of the Right to Information Act 2005. The appellant had sought the information relating to the vacation notice issued to Shri.Gajanan Vithal Chandvidkar to vacate room no. 15, 194 K, Kharwa Chawl, J.S.S. Road, Mumbai. The appellant wanted to know where he has been rehabilitated.

Not satisfied with the responses from the Public Information Officer and the First Appellate Authority the appellant has filed this second appeal before the Commission. The appeal was heard on 20.4.2009.

Appellant was present but the respondent was absent. The appellant has contended that he has not been given the information. On the contrary the First Appellate Authority wanted him to furnish the details. Since the respondent was absent it could not be verified.

I have gone through the case papers. It is very clear that the Public Information Officer should have furnished the information. It is an established fact that whosoever is evicted or asked to vacate is provided either a transit accommodation or tenement in the redeveloped complex. It is unbelievable that Mumbai House Repair and Reconstruction Board does not have the details of the person who was asked to vacate his tenement and

his rehabilitation. I therefore direct that the Public Information Officer must gather the information and furnish to the appellant failure to comply with this direction will lead to action under Section 20 of the RTI Act.

Order

The appeal is allowed. Information to be furnished by Public Information Officer within 15 days.

(Ramanand Tiwari)
State Information Commissioner, Mumbai

Place: Mumbai
Date: 20.04.2009.

Before the State Information Commission, Maharashtra-Appeal under Section 19(3) of RTI Act, 2005.

Appeal No.2009/2332/02

**Shri. Pratapsingh Narsingh Patil
42, VIBHA, Opp. Cardinal High School,
Bandra (East),
Mumbai – 400 051.**

.... Appellant

V/s

**First Appellate Officer cum Director (i/c)
Technical Education,
Govt. of Maharashtra,
Fort, Mumbai – 400 001.**

.... Respondent

**Public Information Officer
The Director of Technical Education,
Maharashtra State, Mumbai,
3, Mahapalika Marg, Post Box No. 1967,
Mumbai – 400 001.**

GROUNDS

This appeal has been filed under section 19 (3) of the Right to Information Act 2005. The appellant had sought the following information,

The list of students admitted for M.B.A. Degree course for first year, in the academic year 07-08 in the Padmashree Dr.D.Y.Patil Institute of Management Studies, Sector No. 29, Behind Akurdi Railway Station, Nigadi, Pradhikaran, Pune – 411044.

- a) One list of students as on 22.8.2007.
- b) Other list of students as on 15.12.2007.

Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant has filed this second appeal before the Commission. The appeal was heard on 20.4.2002.

Appellant and respondents were present. The appellant has contended that he has not been given the information he had sought. The respondent has stated that they have given the available information.

After going through the case papers and considering the arguments advanced by parties I have come to the conclusion that information has been furnished. The confusion arose because the appellant thought there are two lists one dated 22.8.2007 and the other dated 15.12.2007. The respondent however clarified that there was only one list dated

22.8.2007 which has been giving to the appellant. The appellant wanted the respondent to clarify. The respondent agreed.

Order

The appeal is partially allowed. Amended information to be furnished by Public Information Officer within 15 days.

(Ramanand Tiwari)
State Information Commissioner, Mumbai

Place: Mumbai
Date: 20.04.2009.

Before the State Information Commission, Maharashtra-Appeal under Section 19(3) of RTI Act, 2005.

Appeal No.2009/2222/02

**Shri. Suresh Baldevdas Raheja
16, Shalimar Bldg., 91, Marine Drive,
Mumbai – 400 002.**

... Appellant

V/s

**First Appellate Officer cum Asstt. Registrar,
Co-operative Societies,
'C' Division, Mumbai, Malhotra House,
6th Floor, Opp. G.P.O.,
Fort, Mumbai – 400 001.**

.... Respondent

**Public Information Officer
Co-operative Societies,
'C' Division, Mumbai, Malhotra House,
6th Floor, Opp. G.P.O.,
Fort, Mumbai – 400 001.**

GROUNDS

This appeal has been filed under section 19 (3) of the Right to Information Act 2005. The appellant had written a complaint to the Asstt. Registrar Co-operative Societies, 'C' ward, Malhotra House, Mumbai against 'New Shalimar Co-operative Housing Society for not transferring the shares in accordance with the nomination filed by his father.

Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant has filed this second appeal before the Commission. The appeal was heard on 16.4.2009.

Appellant and respondents were present. The appellant has contended that he wants copies of letters exchanged between the society and the Public Information Officer. His basic grievances remains non transfer of shares by the society and he expects the Public Information Officer to act.

The respondent's contention is that they have issued order under section 79 (1) of the Maharashtra Co-operative Societies Act 1960 directing the society to do the needful.

After going through the case papers and considering the arguments advanced by parties I have come to the conclusion that the required information has been furnished.

The action has been taken. It cannot be monitored through RTI Act. If the direction under section 79 (1) has not been complied, the appellant has to get in touch with the competent authorities for appropriate action. I therefore, close the case.

Order

Appeal is disposed off.

(Ramanand Tiwari)
State Information Commissioner, Mumbai

Place: Mumbai
Date: 27.04.2009.

Before the State Information Commission, Maharashtra-Appeal under Section 19(3) of RTI Act, 2005.

Appeal No.2009/2118/02

**Shri. Shankar Ramchandra Dhuri
Swatantraveer Savarkar Nagar,
Chawl No. 10, Room No.150,
P.Y. Thorat Marg,
Chembur, Mumbai – 400 0089.**

.... Appellant

V/s

**First Appellate Officer
Slum Rehabilitation Authority,
5th Floor, Grihnirman Bhavan,
Bandra (E), Mumbai – 400 051.**

.... Respondent

**Public Information Officer
Slum Rehabilitation Authority,
5th Floor, Grihnirman Bhavan,
Bandra (E), Mumbai – 400 051.**

GROUNDS

This appeal has been filed under section 19 (3) of the Right to Information Act 2005. The appellant had sought the information relating to the consent letter given by Swatantraveer Savarkar Co-operative Housing Society for the proposed Slum Rehabilitation Scheme.

Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant has filed this second appeal before the Commission. The appeal was heard on 16.4.2009. The appellant was present. The respondent was absent.

The appellant has contended that he was not given information in time and was made to apply time and again. Since respondent was not present it could not be verified.

The appellant has given detailed submission in writing. It appears that he has already obtained the information from Dy. Collector, Encroachment removal and found so many faults in the list. Thus the information is already with him but he wants those defects to be removed. The Commission is not mandated to do that.

After going through the case papers and considering the arguments advanced by parties I have come to the conclusion that the information has been furnished late. The Public Information Officer is asked to show cause why action should not be taken against him under section 20 of the RTI Act for furnishing late information. His reply to reach the Commission within 3 weeks.

Order

Appeal is disposed off.

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

Place: Mumbai
Date: 27.04.2009.

Before the State Information Commission, Maharashtra-Appeal under Section 19(3) of RTI Act, 2005.

Appeal No.2009/2217/02

**Shri.Jang Bahadur L. Singh
D -3, L.P.Plaza, Sudha Hospital,
Gokuldham Market, Film City Road,
Goregaon (W),
Mumbai – 400 063.**

.... Appellant

V/s

**First Appellate Officer cum Collector,
MSD, Bandra (E),
Mumbai – 400 051.**

.... Respondent

**Public Information Officer Freelance Journalist
C/o. Dr.T.J. Yadav, Queen Mary School,
Rani Sati Marg, Prapati, Malad (E),
Mumbai – 400 097.**

GROUNDS

This appeal has been filed under section 19 (3) of the Right to Information Act 2005. The appellant had sought the information regarding the present status of the land bearing. S.N. 239 H.N. 1(pt) of village Malad, taluka Borivali, MSD area 572 acres, 29guntha 8 Ares which was reserved for stable as per the letter dated 04.9.1990.

Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant has filed this second appeal before the Commission. The appeal was heard on 16.4.2009.

Appellant and respondents were present. The appellant has contended that neither the Public Information Officer not the First Appellate Authority has replied to his query.

The respondent's contention is that they have informed the appellant that the land was private and the question of leasing out did not arise.

After going through the case papers and considering the arguments advanced by parties I have come to the conclusion that information has been furnished but has been done late. The Public Information Officer is warned to be prompt in future otherwise action under section 20 of the RTI Act may have to be initiated against him. In view of the reply the case is closed.

Order

Appeal is disposed off.

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

Place: Mumbai
Date: 27.04.2009.

Before the State Information Commission, Maharashtra-Appeal under Section 19(3) of RTI Act, 2005.

Appeal No.2009/2284/02

**Shri. Suresh Baldevdas Raheja
16, Shalimar Bldg., 91, Marine Drive,
Mumbai – 400 002.**

.... Appellant

V/s

**First Appellate Officer cum District Dy. Registrar,
Co-operative Societies,
'C' Division, Mumbai, Malhotra House,
6th Floor, Opp. G.P.O.,
Fort, Mumbai – 400 001.**

.... Respondent

**Public Information Officer
Co-operative Societies,
'C' Division, Mumbai, Malhotra House,
6th Floor, Opp. G.P.O.,
Fort, Mumbai – 400 001.**

GROUNDS

This appeal has been filed under section 19 (3) of the Right to Information Act 2005. The appellant had sought the following information,

- i) Indemnity Bonds executed by the present Committee members.
- ii) List of members allotted Car Parking within the Building premises yearwise since 2001.
- iii) Waiting list of members not allotted parking within the premises yearwise since 2001.

Above information sought vide our letter dated September 1, 2008

- iv) Approved Amendments made to the Bye- Laws of Akhil Bharat Co-operative Housing Soc.Ltd. w.e.f.15th August, 2001 till date.
- v) Minutes of Managing Committee meeting, Annual General Body meeting, Special General Body meeting held since 1st November 2002 till 31st October, 2003.

Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant has filed this second appeal before the Commission. The appeal was heard on 18.4.2009.

Appellant and respondent were present. The appellant has contended that he has not been furnished the required information. He has stated that the Society has

furnished partial information that too at the instance of the Asstt. Registrar Co-operative Societies.

The respondent's contention is that since the information was available at societies level, he ordered under section 79 (1) of the Maharashtra Co-operative Societies Act 1960 to the society to furnish the same.

After going through the case papers and considering the arguments advanced by parties I have come to the conclusion that information has been furnished only partially. The information sought is important for the appellant and the society is obliged to furnish the same to its members. The Asstt. Registrar needs go further and ensure that the appellant should get the required information.

Order

The appeal is allowed. Information to be furnished by Public Information Officer within 30 days.

(Ramanand Tiwari)
State Information Commissioner, Mumbai

Place: Mumbai
Date: 27.04.2009.

Before the State Information Commission, Maharashtra-Appeal under Section 19(3) of RTI Act, 2005.

Appeal No.2009/1605/02

**Shri. Mansingh K.Patel
B – 7, Seva Co-operative Hsg. Society,
Near Adarsh Nagar,
Jogeshwari (W),
Mumbai – 400 102.**

.... Appellant

V/s

**First Appellate Officer cum Asstt. Chief Officer
Mumbai Division,
Mumbai Housing and Area Development Authority,
3rd Floor, Grihnirman Bhavan,
Bandra (E), Mumbai – 400 051.**

.... Respondent

**Public Information Officer
Mumbai Division,
Mumbai Housing and Area Development Authority,
3rd Floor, Grihnirman Bhavan,
Bandra (E), Mumbai – 400 051.**

GROUNDS

This appeal has been filed under section 19 (3) of the Right to Information Act 2005. The appellant had sought the information relating to the proposal covering an area of over 27 acres in village Oshiwara, MSD Andheri situated at Jogeshwari Link Road, New Adarsh Nagar, Jogeshwari (W), Mumbai.

Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant has filed this second appeal before the Commission. The appeal was heard on 16.4.2009.

Appellant was present but the respondent was absent. The appellant has contended that despite the First Appellant's Authority's order to furnish the information within 15 days, no information has been furnished. Since respondent was absent, it could not be verified. It is however seen that the respondent has never taken it seriously. The case was originally fixed on 12.1.2009. The respondent did not turn up. It was again fixed for hearing on 10.2.2009 but nobody turned up. The respondent did not come for the hearing fixed on 16.4.2009.

After going through the case papers and considering the arguments advanced by parties I have come to the conclusion that information must be furnished. The Public Information Officer also show cause why action under section 20 of the RTI

Act should not be taken against him not furnishing the information. His explanation to reach the Commission in 3 weeks.

Order

The appeal is allowed. Information to be furnished by Public Information Officer within 30 days.

(Ramanand Tiwari)
State Information Commissioner, Mumbai

Place: Mumbai
Date: 27.04.2009.

Before the State Information Commission, Maharashtra-Appeal under Section 19(3) of RTI Act, 2005.

Appeal No.2009/2400/02

**Shri. Ramesh Nagnath Kadam
A – 1, Nagnath Compound,
Ganesh Chowk, Kajupada,
Borivali (E), Mumbai – 400 066.**

.... Appellant

V/s

**First Appellate Officer cum Sub Inspector of Police
Civil Rights Protection,
Maharashtra State Police Head Office,
Shahid Bhagatsingh Marg,
Colaba, Mumbai – 400 001.**

.... Respondent

**Public Information Officer cum Dy. Superintendent of Police
Civil Rights Protection,
Maharashtra State Police Head Office,
Shahid Bhagatsingh Marg,
Colaba, Mumbai – 400 001.**

GROUNDS

This appeal has been filed under section 19 (3) of the Right to Information Act 2005. The appellant had sought the information relating to registration of cases under Atrocity Act from beginning to November 30, 2008. He has sought information district wise, talukawise and police station wise and names and addresses of all complaints and accused.

Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant has filed second appeal before the Commission. The appeal was heard on 23.4.2009.

Appellant and respondent were absent. Respondent have sought leave for not being able to attend. The appellant has contended that he has not been given complete information. The respondents have submitted in writing that whatever information was available at the Head Quarter has been furnished. It has also stated that all Police Commissioners and Superintendent of Police have been informed under section 6(3) of the RTI Act.

After going through the case papers and considering the arguments advanced by parties I have come to the conclusion that available information has been furnished. I therefore pass the following order.

Order

The appeal is disposed off.

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

Place: Mumbai
Date: 24.04.2009.

**Before the State Information Commission, Maharashtra-Appeal under
Section 19(3) of RTI Act, 2005.**

Appeal No.2009/2344/02

**Shri. Indra Bahadur Sharma
10, Sharma Chawl, Andheri Kurla,
Krishna Nagar, Marol Naka,
Andheri (E),
Mumbai – 400 059.**

.... Appellant

V/s

**First Appellate Officer cum Registrar
University of Mumbai,
Fort, Mumbai – 400 032.**

.... Respondent

**Public Information Officer
University of Mumbai,
Fort, Mumbai – 400 032.**

GROUNDS

This appeal has been filed under section 19 (3) of the Right to Information Act 2005. The appellant had sought the following information in respect of Shri. Rajasthani Seva Sangh's College of Arts & Commerce,

- 1) For how long do you have an acting principal, who is not Adequately qualified?
- 2) Did the college Management make any efforts to appoint a qualified principal?
- 3) If yes, what were the steps taken for principal appointment and the result.
- 4) Who is the applicant authority of right to information? What is the officer's address?
- 5) My daughter, Deepika Sharma applied for admission for F.Y.B.Com in aided section. Kindly let me know what is the lowest percentage student to be given admission?
- 6) Has any student scoring less than 47% has been given admission? If yes, in what criteria?
- 7) Does the college management or any of its agents, ask donations for admitting students?
- 8) How many divisions are there in F.Y.Commerce in aided and unaided section?
- 9) How many students are admitted in each division?

10) If the area in each classroom enough for the students admitted?

Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant has filed this second appeal before the Commission. The appeal was heard on 21.4.2009. The appellant did not turn up but the respondent was present.

The appellant has contended that complete information has not been provided. The respondent's contention is that whatever information was available has been furnished. They have also stated that for the remaining information, the application has been sent to the principal of the Rajasthani Seva Sangh College of Arts & Commerce.

After going through the case papers and considering the arguments advanced by parties I have come to the conclusion that information has been furnished. I therefore, pass the following order.

Order

The appeal is disposed off.

(Ramanand Tiwari)
State Information Commissioner, Mumbai

Place: Mumbai
Date: 24.04.2009.

Before the State Information Commission, Maharashtra-Appeal under Section 19(3) of RTI Act, 2005.

Appeal No.2009/2347/02

Shri.Ravikant S. Dukhande
35/253, M.H.B. Colony,
Majaswadi (EWS), Sarvodaya Nagar,
Jogeshwari (E),
Mumbai – 400 060.

..... Appellant

V/s

First Appellate Officer cum Joint Charity Commissioner
Public Trust Registration Office,
Brihanmumbai Charity Commissioner's Bhavan,
2nd Floor, Dr. Besant Road,
Worli, Mumbai – 400 018.

.... Respondent

Public Information Officer
Public Trust Registration Office,
Brihanmumbai Charity Commissioner's Bhavan,
2nd Floor, Dr. Besant Road,
Worli, Mumbai – 400 018.

GROUNDS

This appeal has been filed under section 19 (3) of the Right to Information Act 2005. The appellant had sought the information regarding his complaint dated 26.11.2008 against Sarvodaya Seva Samiti, Jogeshwari (East).

Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant has filed this second appeal before the Commission. The appeal was heard on 21.4.2009.

Appellant was present but the respondent was absent. The appellant has contended that he has not been given any information about his complaint made to Joint Charity Commissioner. Since the respondent was absent, it could not be verified. I therefore, pass the following order.

Order

The appeal is allowed. Information to be furnished within 15 days. Public Information Officer to show cause why action against him / her for not furnishing the information and not attending the hearing.

(Ramanand Tiwari)
State Information Commissioner, Mumbai

Place: Mumbai
Date: 24.04.2009.

Before the State Information Commission, Maharashtra-Appeal under Section 19(3) of RTI Act, 2005.

Appeal No.2009/2405/02

Shri. Lahu Baburao Lokhande
Sagar Bldg., Room No. 40,
Sundar Galli, B.J.Marg,
Byculla, Mumbai – 400 011.

.... Appellant

V/s

First Appellate Officer cum Director
Engineering Service & Projects,
Brihanmumbai Mahanagarpalika,
Municipal Head Office,
Annex Bldg., 3rd Floor,
Mahapalika Marg, Fort,
Mumbai – 400 001.

.... Respondent

Public Information Officer cum Dy.Chief Engineer
Engineering Service & Projects,
Brihanmumbai Mahanagarpalika,
Municipal Head Office,
Annex Bldg., 3rd Floor,
Mahapalika Marg, Fort,
Mumbai – 400 001.

GROUND

This appeal has been filed under section 19 (3) of the Right to Information Act 2005. The appellant had sought copies of the log sheet dated 19.9.2007 and 10.2.2008.

Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant has filed this second appeal before the Commission. The appeal was heard on 23.4.2009.

The appellant has contended that he has not been given the information he had asked for since the respondent was absent it could not be verified. It is however see from the Public Information Officer's letter dated 7.11.2008 that the log sheets are missing create doubt.

After going through the case papers and considering the arguments advanced by parties I have come to the conclusion that information enough to say that it is not traceable. Diligent efforts must be made to search it and copies furnished to the appellant. I therefore, pass the following order.

Order

The appeal is allowed. Information to be furnished by Public Information Officer within 30 days.

(Ramanand Tiwari)
State Information Commissioner, Mumbai

Place: Mumbai
Date: 24.04.2009.

Before the State Information Commission, Maharashtra-Appeal under Section 19(3) of RTI Act, 2005.

Appeal No.2009/2402/02

**Shri.Shaikh Iqbal Ahmed
B.I.T. Chawl No.1,
Room No. 115,
I.R. Road, Mumbai – 400 003.**

.... Appellant

V/s

**First Appellate Officer cum Asstt. Commissioner
Municipal Corporation of Greater Mumbai,
'B'Ward Office,
Babula Tank 'X' Lane,
Opp.J.J.Hospital,
Mumbai – 400 009.**

.... Respondent

**Public Information Officer cum Asstt. Engineer
Maintenance,
Municipal Corporation of Greater Mumbai,
'B'Ward Office,
Babula Tank 'X' Lane,
Opp.J.J.Hospital,
Mumbai – 400 009.**

GROUNDS

This appeal has been filed under section 19 (3) of the Right to Information Act 2005. The appellant had sought the following information,

- 1) Certified copy of Bill of quantity
- 2) Certified copy of work order issued to contractor.
- 3) Certified copy of completion work.
- 4) Certified copy of detail of penalty, rebate taken from contractor.
- 5) Certified copy of complaint received by Municipal Corporation authority in respect of Inferior quality and bad workmanship of contractor work.

Not satisfied with responses from the Public Information Officer and the First Appellate Authority should be Rs.25000/- each for not providing required information to the appellant.

The respondent's contention is that the appellant was asked to inspect the relevant file and select document so that copies could be made available to him. The First Appellate Authority confirmed the order of the Public Information Officer.

After going through the case papers and considering the arguments advanced by parties I have come to the conclusion that the Public Information Officer and the First Appellate Authority have replied in time. Taking into account the nature of the information sought the replies are in order. I am in agreement with them and advise the

appellant to inspect the documents. The Public Information Officer will provide copies of the selected documents. The appellant agreed. The inspection should be organised on 6.5.2009. Both parties agreed.

Order

In view of the above the appeal is disposed off.

(Ramanand Tiwari)
State Information Commissioner, Mumbai

Place: Mumbai
Date: 23.04.2009.

Before the State Information Commission, Maharashtra-Appeal under Section 19(3) of RTI Act, 2005.

Appeal No.2009/2442/02

**Shri. Ramesh Madhukar Salve
Surji Vallabhdas Chawl (Shivprasad Chawl),
Vikroli (E),
Mumbai – 400 083.**

.... Appellant

V/s

**First Appellate Officer
M.M.R.D.A.,
Bandra Kurla Complex,
Mumbai – 400 051.**

.... Respondent

**Public Information Officer
M.M.R.D.A.,
Bandra Kurla Complex,
Mumbai – 400 051.**

GROUND

This appeal has been filed under section 19 (3) of the Right to Information Act 2005. The appellant had sought the information relating to the survey carried out by the Rehabilitation Co-coordinator on Jogeshwari-Vikroli Link Road. He also wanted to know what proof was submitted by them for their eligibility. He also wanted copies of family photo and allotment letter.

Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant has filed this second appeal before the Commission. The appeal was heard on 27.4.2009.

Appellant and respondents were present. The appellant has contended that he has not received the information. The respondent submitted he is having copies allotment letter and the family photo passes and the same can be furnished. The appellant was requested to accept the information.

In view of this the case is closed. I pass the following order.

Order

The appeal is disposed off.

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

Place: Mumbai
Date: 27.04.2009.

Before the State Information Commission, Maharashtra-Appeal under Section 19(3) of RTI Act, 2005.

Appeal No.2009/2452/02

**Shri. Ramesh Madhukar Salve
Surji Vallabhdas Chawl (Shivprasad Chawl),
Vikroli (E),
Mumbai – 400 083.**

.... Appellant

V/s

**First Appellate Officer
M.M.R.D.A.,
Bandra Kurla Complex,
Mumbai – 400 051.**

.... Respondent

**Public Information Officer
M.M.R.D.A.,
Bandra Kurla Complex,
Mumbai – 400 051.**

GROUND

This appeal has been filed under section 19 (3) of the Right to Information Act 2005. The appellant had sought the information regarding list of project affected persons and the map of Gopal Nagar, Narayan Nagar and Mukund Nagar. The appellant has asked the list prepared by SPARC and a copy of the map also.

Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant has filed this second appeal before the Commission. The appeal was heard on 27.4.2009.

Appellant and respondents were present. The appellant has contended that the appellant has stated that he has not been given the information. The respondent has submitted that details of the area asked for do not pertain to MUTP. The MMRDA does not have the information.

Order

The appeal is disposed off.

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

Place: Mumbai
Date: 27.04.2009.

Before the State Information Commission, Maharashtra-Appeal under Section 19(3) of RTI Act, 2005.

Appeal No.2009/2474/02

**Shri. Ramesh Madhukar Salve
Surji Vallabhdas Chawl (Shivprasad Chawl),
Vikroli (E),
Mumbai – 400 083.**

.... Appellant

V/s

**First Appellate Officer
M.M.R.D.A.,
Bandra Kurla Complex,
Mumbai – 400 051.**

.... Respondent

**Public Information Officer
M.M.R.D.A.,
Bandra Kurla Complex,
Mumbai – 400 051.**

GROUNDS

This appeal has been filed under section 19 (3) of the Right to Information Act 2005. The appellant had sought the information whether SPARC was required to submit documents to MMRDA after the survey was over and if yes within what time. The appellant has asked for the time limit by which they were required to furnish these documents.

Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant has filed this second appeal before the Commission. The appeal was heard on 27.4.2009.

Appellant and respondents were present. The appellant has contended the required information has not been furnished. The respondent was not aware of the facts. This is very necessary for the appellant. MMRDA has been taking the plea that they have only baseline survey report and no other documents. The appellant wants to know whether those documents were supposed to with MMRDA or not. This fundamental issue must be sorted out by MMRDA.

I therefore, pass the following order.

Order

The appeal is allowed. Public Information Officer to furnish the information whether as per the arrangement with SPARC. MMRDA was supposed to receive supporting documents and within what time. The information to be furnished in 30 days.

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

Place: Mumbai
Date: 28.04.2009.

**Before the State Information Commission, Maharashtra-Appeal under
Section 19(3) of RTI Act, 2005.**

Appeal No.2009/2477/02

**Shri. Ramesh Madhukar Salve
Surji Vallabhdas Chawl (Shivprasad Chawl),
Vikroli (E),
Mumbai – 400 083.**

.... Appellant

V/s

**First Appellate Officer cum Chief Officer (Rehabilitation)
M.M.R.D.A.,
Bandra Kurla Complex,
Mumbai – 400 051.**

.... Respondent

**Public Information Officer cum Project Manager
M.M.R.D.A.,
Bandra Kurla Complex,
Mumbai – 400 051.**

GROUND

This appeal has been filed under section 19 (3) of the Right to Information Act 2005. The appellant had sought information regarding allotment of a tenement to the holder of ID.No.404 Haryali Village, Vikroli (East) map no 8 (East). The appellant has stated that the zopadi stood in the name of Shri. Harishchandra B. Ambedkar who is no more.

Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant has filed this second appeal before the Commission. The appeal was heard 27.4.2009.

Appellant and respondents were present. The appellant has contended that the ID.Card holder is not alive and he wanted to know who has been allotted the tenement against his ID card. The respondent submitted that the allotment has been made in the name of Shri. Harishchandra B. Ambedkar in whose name the ID card stood.

I have therefore come to the conclusion that the available information has been furnished. I therefore, pass the following order.

Order

The appeal is disposed off.

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

Place: Mumbai
Date: 27.04.2009.

Before the State Information Commission, Maharashtra-Appeal under Section 19(3) of RTI Act, 2005.

Appeal No.2009/2484/02

**Shri. Ramesh Madhukar Salve
Surji Vallabhdas Chawl (Shivprasad Chawl),
Vikroli (E),
Mumbai – 400 083.**

.... Appellant

V/s

**First Appellate Officer cum Chief Officer (Rehabilitation)
M.M.R.D.A.,
Bandra Kurla Complex,
Mumbai – 400 051.**

.... Respondent

**Public Information Officer cum Project Manager
M.M.R.D.A.,
Bandra Kurla Complex,
Mumbai – 400 051.**

GROUND

This appeal has been filed under section 19 (3) of the Right to Information Act 2005. The appellant had sought copies of allotment letter, family photo and documents which formed the basis of the digibility of Shri. Murari Mohan Jana holder of ID No. 357.

Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant has filed this second appeal before the Commission. The appeal was heard on 27.4.2009.

Appellant and respondent were present. The appellant has contended that he has not been furnished the required copies. The respondent has stated that the basis of allotment is the base line survey report and MMRDA has no other documents. Available information has been furnished. I therefore, pass the following order.

Order

The appeal is disposed off.

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

Place: Mumbai
Date: 28.04.2009.

Before the State Information Commission, Maharashtra-Appeal under Section 19(3) of RTI Act, 2005.

Appeal No.2009/2450/02

**Shri. Ramesh Madhukar Salve
Surji Vallabhdas Chawl (Shivprasad Chawl),
Vikroli (E),
Mumbai – 400 083.**

.... Appellant

V/s

**First Appellate Officer cum Chief Officer (Rehabilitation)
M.M.R.D.A.,
Bandra Kurla Complex,
Mumbai – 400 051.**

.... Respondent

**Public Information Officer cum Project Manager
M.M.R.D.A.,
Bandra Kurla Complex,
Mumbai – 400 051.**

GROUND

This appeal has been filed under section 19 (3) of the Right to Information Act 2005. The appellant had sought the information relating to payment of honorarium and monthly salary to SPARC by MMRDA.

Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant has filed this second appeal before the Commission. The appeal was heard on 27.4.2009.

Appellant and respondent were present. The appellant has contended that the required information has not been furnished. The respondent has stated that a copy of the agreement containing terms and conditions has been furnished to the appellant.

In light of the above discussion, I have come to the conclusion that the required information has been furnished.

Order

The appeal is disposed off.

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

Place: Mumbai
Date: 28.04.2009.

Before the State Information Commission, Maharashtra-Appeal under Section 19(3) of RTI Act, 2005.

Appeal No.2009/2481/02

**Shri. Ramesh Madhukar Salve
Surji Vallabhdas Chawl (Shivprasad Chawl),
Vikroli (E),
Mumbai – 400 083.**

.... Appellant

V/s

**First Appellate Officer cum Chief Officer (Rehabilitation)
M.M.R.D.A.,
Bandra Kurla Complex,
Mumbai – 400 051.**

.... Respondent

**Public Information Officer cum Project Manager
M.M.R.D.A.,
Bandra Kurla Complex,
Mumbai – 400 051.**

GROUND

This appeal has been filed under section 19 (3) of the Right to Information Act 2005. The appellant had sought copies of family photo and other documents which formed the basis of allotment of tenement no. 409 in building no. 110 Saikrupa Society, Mankhurd, Mumbai.

Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant has filed this second appeal before the Commission. The appeal was heard on 27.4.2009.

Appellant and respondents were present. The appellant has contended that he has not received the required information. The respondent has submitted that the said quarter has been allotted by MHADA on behalf of MMRDA. MMRDA does not have any documents in this regard. In the light of this, I pass the following order.

Order

The appeal is disposed off.

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

Place: Mumbai
Date: 28.04.2009.

Before the State Information Commission, Maharashtra-Appeal under Section 19(3) of RTI Act, 2005.

Appeal No.2009/2479/02

**Shri. Ramesh Madhukar Salve
Surji Vallabhdas Chawl (Shivprasad Chawl),
Vikroli (E),
Mumbai – 400 083.**

.... Appellant

V/s

**First Appellate Officer cum Chief Officer (Rehabilitation)
M.M.R.D.A.,
Bandra Kurla Complex,
Mumbai – 400 051.**

.... Respondent

**Public Information Officer cum Project Manager
M.M.R.D.A.,
Bandra Kurla Complex,
Mumbai – 400 051.**

GROUND

This appeal has been filed under section 19 (3) of the Right to Information Act 2005. The appellant had sought the information relating to ID Card No. 342, 343, 344, 345, 346 and 356. The appellant wanted to know in whose names these cards have been issued and copies of allotment letter and family photopass.

Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant has filed this second appeal before the Commission. The appeal was heard on 27.4.2009.

Appellant and respondents were present. The appellant has contended that he was given incomplete information. The respondent submitted that available information has been furnished. Copies of allotment letter and photopass have been offered to the appellant.

In view of this the case is closed

Order

The appeal is disposed off.

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

Place: Mumbai
Date: 27.04.2009.

Before the State Information Commission, Maharashtra-Appeal under Section 19(3) of RTI Act, 2005.

Appeal No.2009/2336/02

Shri. Narendrakumar Choudhary
C / 203, Bhumi Enclave, Mahavir Nagar,
Kandivali (W), Mumbai – 400 067.

... Appellant

V/s

First Appellate Officer cum Asstt. Commissioner
'R' South Zone Bldg.,
Municipal Corporation of Greater Mumbai,
M.G.Cross Road No.2, 2nd floor,
Kandivali (W), Mumbai – 400 0067.

... Respondent

Public Information Officer cum Asstt. Engineer
'R' South Zone Bldg.,
Municipal Corporation of Greater Mumbai,
M.G.Cross Road No.2, 2nd floor,
Kandivali (W), Mumbai – 400 0067.

GROUNDS

This appeal has been filed under section 19 (3) of the Right to Information Act 2005. The appellant had sought the information relating to flat no. C -103 (West), Mumbai. He had complained about unauthorised construction in the flat. He wanted to know what endorsements were made by Asstt. Commissioner, Asstt. Engineer, Dy. Engineer and Junior Engineer. He also wanted a copy of the inspection report.

Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant has filed this second appeal before the Commission. The appeal was fixed for hearing on 24.4.2009. The appellant and respondent were absent.

After going through the case papers, it is revealed that the appellant has been given the information. The appellant however is not satisfied. He says that no information has been furnished on some of the points. He has been making complaints for a long time. It is necessary that he is informed about the final outcome. I have also seen that the information furnished does not cover all the points. I therefore pass the following order.

Order

The appeal is allowed. Public Information Officer to furnish pointwise information within 30 days.

(Ramanand Tiwari)
State Information Commissioner, Mumbai

Place: Mumbai
Date: 27.04.2009.

Before the State Information Commission, Maharashtra-Appeal under Section 19(3) of RTI Act, 2005.

Appeal No.2009/2346/02

**Shri. Ramesh Kisani
203 / A, Nalanda – II,
Swami Samarth Nagar, Andheri (W),
Mumbai – 400 053.**

.... Appellant

V/s

**First Appellate Officer cum Superintendent
Office of the Superintendent – Land Records,
General Administration Building, 10th floor,
Bandra (East), Mumbai – 400 051.**

.... Respondent

**Public Information Officer
City Survey Office,
Municipal Motor Garage Compound,
Near Milan Subway, Santacruz (W),
Mumbai – 400 054.**

GROUNDS

This appeal has been filed under section 19 (3) of the Right to Information Act 2005. The appellant by his application dated 5.12.2008 had sought the following information:-

- 1) Full details of Application /s received by your office requesting you to add their name/s in the property records of C.S.T. No. 864 of Village Juhu, Mumbai – 400 054, on or after 27.12.2004, till date of your reply to this Application:
- 2) Full details of changes made by your office in Mutation entries in property records of C.T.S.No.864 of Village Juhu, Mumbai – 400 054, on or after 27.12.2004, till date of your reply to this Application:
- 3) Please confirm whether you have taken note of two orders passed by Hon. Bombay High Court in Writ Petition No. 4648 of 2007, one order dated 4th August 2007 and another order dated 3rd July 2008, directing the concerned Defendants to maintain STATUS-QUO in respect of Mutation Entries in property records of C.T.S. No. 864 of Village Juhu, Mumbai – 400 054; as on 27.12.2004.
- 4) Please confirm that you will note add/ alter/amend and or delete any Mutation Entry in property records of C.T.S. No. 864 of Village Juhu, Mumbai – 400 054, pending the final hearing and disposal of Writ Petition No.4648 of 2007, as directed by Hon. Bombay High Court vide above mentioned Orders.

- 5) Copies of the above mentioned two orders (1) dated 4.8.2007 and (2) dated 3.7.2008 passed by the Hon.Bombay High Court are enclosed herewith for your ready reference. Please acknowledge the receipt thereof.

The Public Information Officer by his letter dated 30.12.2008 informed the appellant that he could inspect relevant documents copies of selected ones would be furnished to him.

Not satisfied with the reply from the Public Information Officer the appellant filed the first appeal under section 19(1) of the RTI Act. There is nothing on record to show that the First Appellate Authority passed any order.

Hence this appeal before the Commission.

The appeal was heard on 21.4.2009. Appellant and respondents were present. The appellant has contended that the required information has not been furnished, the First Appellate Authority did not decide the appeal within 30 days. He has also requested that they should be penalised under section 20 of the RTI Act 2005.

After going through the case papers and considering the arguments advanced by parties. I have come to the conclusion that the required information has been furnished. The appellant was informed well in time to inspect the documents. This in no way cab be said to be denial of information. In fact he did inspect documents on 22.1.2009. The First Appellate Authority furnished pointwise information. It is therefore, seen that there has been no malafides on the part of the Public Information Officer and the First Appellate Authority. I therefore, pass the following order.

Order

The appeal is disposed off.

(Ramanand Tiwari)
State Information Commissioner, Mumbai

Place: Mumbai
Date: 27.04.2009.

Before the State Information Commission, Maharashtra-Appeal under Section 19(3) of RTI Act, 2005.

Appeal No.2009/2417/02

**Shri. Ramesh N. Kadam
A/1, Nagnath Compound,
Ganesh Chowk,
Kajupada, Borivali (E),
Mumbai – 400 066.**

.... Appellant

V/s

**First Appellate Officer cum Dy. Secretary
Social Justice & Special Assistance Department,
Mantralaya, Mumbai – 400 032.**

.... Respondent

**Public Information Officer Under Secretary
Social Justice & Special Assistance Department,
Mantralaya, Mumbai – 400 032.**

GROUNDS

This appeal has been filed under section 19 (3) of the Right to Information Act 2005. The appellant had sought the information relating to 7 corporation under the administrative control of the Department of Social Justice, Govt. of Maharashtra. The appellant wanted to know the total outstanding loans, total distribution of loan and no. of beneficiary.

Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant has filed this second appeal before the Commission. The appeal was heard on 23.4.2009.

The appellant did not turn up but the respondent was present. The appellant has contended that he has not been given the information and the First Appellate Authority did not fix the hearing.

The respondent's contention is that since they did not have the required information, they have by their letter dated 15.12.2008 informed the appellant that his application was being sent to different corporation. In fact some corporations have responded and copies have been endorsed to the Department.

After going through the case papers and considering the arguments advanced by parties I have come to the conclusion that information has been furnished. The

appellant's application is dated 1.12.2008 and the Public Information Officer has responded by his letter dated 15.12.2008. The RTI Act ensures furnishing of available information. Since corporations are public authorities with their own Public Information Officer and the First Appellant Authority, the department has done the right thing.

Order

The appeal is disposed off.

(Ramanand Tiwari)
State Information Commissioner, Mumbai

Place: Mumbai
Date: 28.04.2009.

Before the State Information Commission, Maharashtra-Appeal under Section 19(3) of RTI Act, 2005.

Appeal No.2009/2220/02

Smt. Anita Ninad Pednekar
Puja Bunglow No.8, MHDA Colony,
Eastern Express Highway,
Mulund (E), Mumbai – 400 081.

.... Appellant

V/s

First Appellate Officer cum Dy. Controller
Rationing Office,
'E' Zone, Chanchal Smriti, 1st Floor,
G.D.Ambedkar Marg,
Wadala, Mumbai – 400 031.

.... Respondent

Public Information Officer
Rationing Office,
'E' Zone, Chanchal Smriti, 1st Floor,
G.D.Ambedkar Marg,
Wadala, Mumbai – 400 031.

GROUNDS

This appeal has been filed under section 19 (3) of the Right to Information Act 2005. The appellant had sought copies of documents which formed the basis of inclusion of Manisha's name as wife of Ulhas M. Trimbake and master Yash's name as his son. The Public Information Office by his letter dated 10.10.2008 informed the appellant that there is no system of calling for proof of relationship while adding any name to the Ration Card. The First Appellate Authority ordered that copies of documents scrutinised while adding the name may be furnished. Accordingly a copy of his application has been given to the appellant.

After going through the case papers and considering the arguments advanced by parties I have come to the conclusion that available information has been furnished. The RTI Act ensures furnishing of available information. It is not expected to generate information. It may not be serving the purpose of the appellant but that is what it is. I therefore, pass the following order.

Order

The appeal is disposed off.

(Ramanand Tiwari)
State Information Commissioner, Mumbai

Place: Mumbai
Date: 28.04.2009.

Before the State Information Commission, Maharashtra-Appeal under Section 19(3) of RTI Act, 2005.

Appeal No.2009/1796/02

**Shri. Jagdish Devram Torape
25-A, Torpe House, 1st Floor,
Flat No.2, Tejpal Scheme Road,
5th Floor, Vile Parle (E),
Mumbai – 400 057.**

.... Appellant

V/s

**First Appellate Officer cum Asstt. Commissioner,
Municipal Corporation of Greater Mumbai,
G /South Ward,
N.M.Joshi Marg,
Mumbai – 400 013.**

.... Respondent

**Public Information Officer cum Asstt. Engineer
(Water Works)
Municipal Corporation of Greater Mumbai,
G /South Ward,
N.M.Joshi Marg,
Mumbai – 400 013.**

GROUND

This appeal has been filed under section 19 (3) of the Right to Information Act 2005. The appellant had sought the following information:-

National third party's certificate that MCGM's Byculla and Ghatkopar water meter testing set up rigs for 300 mm O water meter are within \pm 5% metering accuracy to support water charges rule 3.1.1 and Sec. 283 & 285.

Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant has filed this second appeal before the Commission. The appeal was fixed for hearing on 3.2.2009. The appellant sought adjournment. It was fixed for hearing on 16.4.2009 but the appellant was absent. Respondent was present on both occasions.

Since the appellant was not present. The Commission has been deprived of his valuable input. I am therefore, constrained to close the case.

Order

The appeal is disposed off.

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

Place: Mumbai
Date: 28.04.2009.

Before the State Information Commission, Maharashtra-Appeal under Section 19(3) of RTI Act, 2005.

Appeal No.2009/2453/02

Shri. Pandurang Baburao Benke
(Civil Engineer & Editor)
804 / B, Rajeshri Tower,
Near Pratap Cinema,
Kolbad, Thane (W),

.... Appellant

V/s

First Appellate Officer cum Superintendent Engineer
Mumbai Work Board,
Public Works Department,
New Administrative Bldg.,
2nd Floor, R.C. Chemburkar Marg,
Mumbai -71.

.... Respondent

Public Information Officer cum Executive Engineer
Multistoried Bldg. Public Works Department,
Chunabhatti, Mumbai.

GROUNDS

This appeal has been filed under section 19 (3) of the Right to Information Act 2005. The appellant had sought the information relating to works from the end of Turbhe flyover to Kalamboli flyover on Sion Panvel Road,. He has stated that he received information after 6 months and the Public Information Officer and the First Appellate Authority needs to be penalised.

Not satisfied with the reply from the Public Information Officer and the First Appellate Authority the appellant has filed this second appeal before the Commission. The appeal was heard on 28.04.2009.

Appellant and respondents were present. The appellant has contended that he has received the information but he wants the Public Information Officer to be penalised. The respondent admitted that the information was furnished late. I therefore, pass the following order.

Order

The Public Information Officer to show cause why action under section 20 of the RTI Act should not be taken against him for late furnishing of the required information. His reply to come within 3 weeks.

(Ramanand Tiwari)
State Information Commissioner, Mumbai

Place: Mumbai
Date: 29.04.2009.

Before the State Information Commission, Maharashtra-Appeal under Section 19(3) of RTI Act, 2005.

Appeal No.2009/2198/02

**Smt. Yvette Marie Aguiar & Ors.
182, Perry Road, Opp. D'Monte Park,
Bandra (W), Mumbai – 400 050.**

.... Appellant

V/s

**First Appellate Officer cum Asstt. Engineer (Bldg. & Factories)
H /West Ward Office, St. Martin's Road,
Bandra (W), Mumbai – 400 050.**

.... Respondent

**Public Information Officer
H /West Ward Office, St. Martin's Road,
Bandra (W), Mumbai – 400 050.**

GROUNDS

This appeal has been filed under section 19 (3) of the Right to Information Act 2005. The appellant had sought a copy of her letter dated 5th February, 1993 addressed to BMC Zone III, MCGB and a copy to Ward Officer, BMC Bandra (W). The BMC Zone III had made an endorsement for calling for papers and no further action till then. He had also asked for a date to be fixed.

Not satisfied the reply from the Public Information Officer and the First Appellate Authority the appellant has filed this second appeal before the Commission. The appeal was heard on 15.4.2009.

Appellant and respondents were present. The appellant has contended that she needed a copy of her letter with BMC endorsement as the same was not acted up and her structure was demolished.

The respondent's contention is that the letter was not available on their record and therefore they were unable to furnish a copy of the same. They have also submitted that they have made diligent search but could not find the letter.

After going through the case papers and considering the arguments advanced by parties it is relevant that the appellant was issued a notice dated 3.11.1992 under section 351 of the BMC Act. She approached the BMC Zone III who stays the proceedings. The structure however was subsequently demolished. The appellant is aggrieved because she was not heard and the structure was demolished despite BMC's stay. While

I appreciate the stand of the appellant, the RTI does not provide remedial action. She will have to approach the appropriate authority of redressed of her grievances. I am therefore, constrained to close the case.

Order

Appeal is disposed off.

(Ramanand Tiwari)
State Information Commissioner, Mumbai

Place: Mumbai
Date: 28.04.2009.

Before the State Information Commission, Maharashtra-Appeal under Section 19(3) of RTI Act, 2005.

Appeal No.2009/2298/02

**Shri. Kishor Kashinath Ghogare
38, Trupti Sadan Co-op. Hsg. Society,
90 Feet Road, Kajupada,
Kurla (W), Mumbai – 400 072.**

.... Appellant

V/s

**First Appellate Officer cum Asstt. Commissioner
Municipal Corporation of Greater Mumbai,
'L' Ward, Laxmanrao Yadav Mandai Bldg.,
S.G.Barve Marg, Kurla (W),
Mumbai – 400 070.**

.... Respondent

**Public Information Officer Asstt. Commissioner
Municipal Corporation of Greater Mumbai,
'L' Ward, Laxmanrao Yadav Mandai Bldg.,
S.G.Barve Marg, Kurla (W),
Mumbai – 400 070.**

GROUND

This appeal has been filed under section 19 (3) of the Right to Information Act 2005. The appellant had sought the information relating to ground + 1 structures on both sides of sakinaka junction to Asalfa 340 bus stand. He wanted to know whether they have been given permission and if not what action has been taken by MCGM. The appellant also wanted to know about KURAR pattern and whether such construction was permitted under the scheme.

Not satisfied the reply from the Public Information Officer and the First Appellate Authority the appellant has field this second appeal before the Commission. The appeal was heard on 18.4.2009.

Appellant and respondents were present. The appellant has contended that the Public Information Officer and the First Appellate Authority the appellant has field this second appeal before the Commission. The appeal was heard on 18.4.2009.

Appellant and respondents were present. The appellant has contended that the Public Information Officer has avoided giving the required information. The respondent's contention is that information has been furnished. The Public Information Officer by his letter dated 28.5.2008 has informed him that they not given any permission.

After going through the case papers and considering the argument advanced by parties I have come to the conclusion that information has been partially furnished. The structures have not been given permission. The appellant's other point as what action has

been taken has not been attended to. The Public Information Officer should clearly inform him whether any action was taken. The factual information will suffice. The appellant has been given information about KURAR pattern. In the light of the above discussion I pass the following order.

Order

The appeal is partially allowed. Information to be furnished by Public Information Officer within 30 days.

(Ramanand Tiwari)
State Information Commissioner, Mumbai

Place: Mumbai
Date: 28.04.2009.

Before the State Information Commission, Maharashtra-Appeal under Section 19(3) of RTI Act, 2005.

Appeal No.2009/2215/02

**Shri. Gerald D'Souza
A /6, Ronda C.H.S.Ltd.,
Tank Road, Orlem,
Malad (W),
Mumbai – 400 064.**

.... Appellant

V/s

**First Appellate Officer cum Dy. Ch. Engineer,
B.P.(W.S.)
Brihanmumbai Municipal Corporation,
Dr. Ambedkar Market Bldg.,
1st Floor, Kandivali (W).**

....Respondent

**Public Information Officer cum Ex. Engineer,
Bldg. & Prop., P/ward,
Brihanmumbai Municipal Corporation,
Dr. Ambedkar Market Bldg.,
1st Floor, Kandivali (W).**

GROUNDS

This appeal has been filed under section 19 (3) of the Right to Information Act 2005. The appellant had sought the information relating to Ronda Co-operative Housing Society, Tank Road, Orlem Malad (W), Mumbai. He has sought information on 18 points important ones being copies of the commence certificate occupancy certificate and Development Agreement with the builder.

Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant has filed this second appeal before the Commission. The appeal was heard on 15.4.2009.

Appellant and respondents were present. The appellant has contended that he was furnished late by 10 days and the Public Information Officer should be penalized.

The respondent's contention is that information has been furnished. The delay was caused because the incumbent of Public Information Officer was transferred and the new Public Information Officer took over. This transition from old to new caused delay. He has regretted for that.

After going through the case papers and considering the arguments advanced by parties I have come to the conclusion that the information has been furnished. There has

been delay of 10 days which has been explained and regretted also. I see no malafide. I am however warning the Public Information Officer to be careful in future otherwise action under section 20 of the RTI Act may have to be initiated against him.

Order

Appeal is disposed off.

(Ramanand Tiwari)
State Information Commissioner, Mumbai

Place: Mumbai
Date: 28.04.2009.

Before the State Information Commission, Maharashtra-Appeal under Section 19(3) of RTI Act, 2005.

Appeal No.2009/2394/02

**Shri. M.B.Lal
Flat No.64, Sixth Floor,
Bldg.No.24, Anand Sagar Co-op.Hsg. Society,
Bandra Reclamation (W),
Mumbai – 400 001.**

.... Appellant

V/s

**First Appellate Officer cum Sr. District Stamp Officer,
(Amalbajavani II),
General Stamp Office,
Mumbai – 400 001.**

....Respondent

**Public Information Officer cum Dy. Superintendent of Stamp,
General Stamp Office,
Mumbai – 400 001.**

GROUNDS

This appeal has been filed under section 19 (3) of the Right to Information Act 2005. The appellant had sought the information relating to Ronda Co-operative Housing Society, Tank Road, Orlem Malad (W), Mumbai. He has sought information on 18 points important ones being copies of the commence certificate occupancy certificate and Development Agreement with the builder.

Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant has filed this second appeal before the Commission. The appeal was heard on 15.4.2009.

Appellant and respondents were present. The appellant has contended that he was furnished late by 10 days and the Public Information Officer should be penalized.

The respondent's contention is that information has been furnished. The delay was caused because the incumbent of Public Information Officer was transferred and the new Public Information Officer took over. This transition from old to new caused delay. He has regretted for that.

After going through the case papers and considering the arguments advanced by parties I have come to the conclusion that the information has been furnished. There has been delay of 10 days which has been explained and regretted also. I see no malafide. I

am however warning the Public Information Officer to be careful in future otherwise action under section 20 of the RTI Act may have to be initiated against him.

Order

Appeal is disposed off.

(Ramanand Tiwari)
State Information Commissioner, Mumbai

Place: Mumbai
Date: 28.04.2009.

Before the State Information Commission, Maharashtra-Appeal under Section 19(3) of RTI Act, 2005.

Appeal No.2009/2466/02

**Shri. Madanlal Trivedi
Bldg. No. 17, Room No.16,
Shivajinagar, Kherwadi Road,
Bandra (E), Mumbai – 400 051.**

.... Appellant

V/s

**First Appellate Officer cum Dy. Commissioner of Police
Sashastra Police Va Dangal Niyantran Pathak,
Naigaon Police Head Quarter,
Mumbai – 400 014.**

....Respondent

**Public Information Officer cum Asstt. Commissioner of Police
Sashastra Police Va Dangal Niyantran Pathak,
Naigaon Police Head Quarter,
Mumbai – 400 014.**

GROUNDS

This appeal has been filed under section 19 (3) of the Right to Information Act 2005. The appellant had sought the following information:-

Government of Maharashtra transferred about 96 acres of land to armed police, HQ, Andheri, Mumbai. This land is being used unauthorisedly as dumping ground by private builders with connivance of police. The appellant wanted to know what action has been taken against those responsible.

Not satisfied the reply from the Public Information Officer and the First Appellate Authority the appellant has filed this second appeal before the Commission. The appeal was heard on 28.4.2009.

Appellant and respondents were present. The appellant has contended that he has not been given proper information. He wanted action taken report and statements recorded in this connection. The respondent submitted that dumping of earth has been going on for a long time. In this connection an enquiry was held and responsibility was also fixed. The dumping has since been stopped.

After going through the case papers and considering the arguments advanced by parties I have come to the conclusion the required information has been furnished. The appellant is interested in inspection of record, the same may be allowed.

Order

The appeal is partially allowed. Information to be furnished by Public Information Officer within 30 days.

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

Place: Mumbai
Date: 28.04.2009.

Shri. Arjunlal M. Chabria
Belle Vista, Flat No.15, 3rd Floor,
Opp. Lake & L.I.C. Office,
S.V.Road, Bandra (W),
Mumbai – 400 050.

.... Appellant

V/s

First Appellate Officer cum Asstt. Commissioner,
K /West Municipal Ward Office,
Andheri (W), Mumbai – 400 058.

....Respondent

Public Information Officer cum Asstt. Engineer,
K /West Municipal Ward Office,
Andheri (W), Mumbai – 400 058.

GROUNDS

This appeal has been filed under section 19 (3) of the Right to Information Act 2005. The appellant had sought the following information:-

- 1) A copy of the information about the Unauthorised Construction of the Office of the Deputy Chief Engineer of Roads (W/S) on the Terrace of K / West Municipal Ward Office Building at Paliram Marg, Andheri (West), Mumbai – 400 058 by covering and construction an office on the open terrace of the building.
- 2) A copy of the information about the copy of the approved plan of the Building of the K /West Ward Office, Building of Paliram Marg, Andheri (West), Mumbai – 400 058.
- 3) Information about the authorization of the Offices of Deputy Chief Engineer of Roads (w/s) on the 6th Floor by covering the open terrace of the building.

Not satisfied with the responses from the Public Information Officer and the First Appellate Authority, the appellant has filed this second appeal before the Commission. The appeal was heard on 22.4.2009.

The appellant did not turn up but the respondent was present. The appellant has contended that the reply received is evasive, misleading and incorrect.

The respondent's contention is that the building has been constructed for a public purpose and out of Municipal fund. It was also submitted by them that the structure was likely to be vacated soon.

After going through the case papers and considering the arguments advanced by parties I have come to the conclusion that the required information needs to be furnished. The appellant wants a copy of the approved plan. Since the building has been constructed out of a municipal fund, there must be some plan. The appellant should be furnished a copy of the approved plan.

Order

The appeal is allowed. Information to be furnished by Public Information Officer within 30 days.

(Ramanand Tiwari)
State Information Commissioner, Mumbai

Place: Mumbai
Date: 28.04.2009.

Before the State Information Commission, Maharashtra-Appeal under Section 19(3) of RTI Act, 2005.

Appeal No.2009/2482/02

**Shri. Ramesh Madhukar Salwe
Surji Vallabhdas Chawl (Shivshankar Prasad Chawl),
Vikroli (E), Mumbai – 400 083.**

.... Appellant

V/s

**First Appellate Officer cum Chief Officer
Rehabilitation,
M.M.R.D.A.,
Bandra Kurla Complex,
Mumbai – 400 051.**

....Respondent

**Public Information Officer cum Project Manager,
M.M.R.D.A.,
Bandra Kurla Complex,
Mumbai – 400 051.**

GROUND

This appeal has been filed under section 19 (3) of the Right to Information Act 2005. The appellant had sought copies of documents which made Shri. Sambhaji Tayappa Dubale eligible for allotment of room no.516, building no. 110, Saikripa Society, PMG Colony Mankhurd, Mumbai. He also wanted copies of allotment letter and family photopass.

Not satisfied with the responses from the Public Information Officer and the First Appellate Authority the appellant has filed this second appeal before the Commission. The appeal was heard on 27.4.2009.

Appellant and respondents were present. The appellant has contended that he has not been given copies of documents which made Shri.Sambhaji Tayappa eligible for allotment the room. The respondent submitted that the only documents which they have is the baseline survey report. Copies of the allotment letter and family pass where ever available has been furnished.

After going through the case papers and considering the arguments advanced by parties I have come to the conclusion more information needs to be furnished. It is not enough to say that MMRDA has relied on baseline survey more so when the survey report itself is being challenged. The Project Director MUTP is directed to get this

investigated as to how Shri. Sambhaji has found his way into the report along with his father and brother. I pass the following order.

Order

The appeal is allowed. Information to be furnished by Public Information Officer within 30 days.

(Ramanand Tiwari)
State Information Commissioner, Mumbai

Place: Mumbai
Date: 28.04.2009.

Before the State Information Commission, Maharashtra-Appeal under Section 19(3) of RTI Act, 2005.

Appeal No.2009/2475/02

**Shri. Ramesh Madhukar Salve
Surji Vallabhdas Chawl (Shivshankar Prasad Chawl),
Vikroli (E), Mumbai – 400 083.**

.... Appellant

V/s

**First Appellate Officer cum Chief Officer
Rehabilitation,
M.M.R.D.A.,
Bandra Kurla Complex,
Mumbai – 400 051.**

....Respondent

**Public Information Officer cum Project Manager,
M.M.R.D.A.,
Bandra Kurla Complex,
Mumbai – 400 051.**

GROUND

This appeal has been filed under section 19 (3) of the Right to Information Act 2005. The appellant had sought copies of documents submitted by Shri. Tayappa Fitwa Dubale, holder of ID no. 246 and allottee of room no.304, building no R 4B. Anjani Kumar Construction. He has also asked for copies of allotment letter and family photopass.

Not satisfied with the responses from the Public Information Officer and the First Appellate Authority the appellant has filed this second appeal before the Commission. The appeal was heard on 27.4.2009.

Appellant and respondents were present. The appellant has contended that he has not been given copies of proof which made Shri.Tayappa eligible for being allotted a room. The respondent submitted that they have nothing on record except the baseline survey report which was the basis of allotment. Copies of allotment letter and photopasses wherever has been furnished available.

After going through the case papers and considering the arguments advanced by parties I have come to the conclusion that more information needs to be furnished. It is true that baseline survey has been relied upon by MMRDA. The issue however becomes serious when someone challenges the very survey report. The appellant in this case alleged that this allottee has already two flats allotted in the same of his sons. The survey report is not a voter list where everyone beyond 18 can get the voting right. The rooms are allotted familywise but if 3 persons from one family got their names in the report it

needs investigation. The Project Director, MUTP shall get this investigation and inform the appellant.

Order

The appeal is allowed. Information to be furnished by Public Information Officer within 30 days.

(Ramanand Tiwari)
State Information Commissioner, Mumbai

Place: Mumbai
Date: 28.04.2009.

Before the State Information Commission, Maharashtra-Appeal under Section 19(3) of RTI Act, 2005.

Appeal No.2009/2483/02

**Shri. Ramesh Madhukar Salwe
Surji Vallabhdas Chawl (Shivshankar Prasad Chawl),
Vikroli (E), Mumbai – 400 083.**

.... Appellant

V/s

**First Appellate Officer cum Chief Officer
Rehabilitation,
M.M.R.D.A.,
Bandra Kurla Complex,
Mumbai – 400 051.**

....Respondent

**Public Information Officer cum Project Manager,
M.M.R.D.A.,
Bandra Kurla Complex,
Mumbai – 400 051.**

GROUND

This appeal has been filed under section 19 (3) of the Right to Information Act 2005. The appellant had sought copies of documents submitted by Shri. Santosh Tayappa Dubale, holder of ID no. R -4 A, Anjani Kumar Construction, Nahur (W), Mumbai. He has also requested for copies of allotment letter and family photopass.

Not satisfied with the responses from the Public Information Officer and the First Appellate Authority the appellant has filed this second appeal before the Commission. The appeal was heard on 27.4.2009.

Appellant and respondents were present. The appellant has contended that MMRDA has not given copies of documents which formed the basis of his eligibility for allotment of the tenement. The respondent has submitted that they have no other document except the baseline survey report and copy of the report is already with the appellant.

After going through the case papers and considering the arguments advanced by parties I have come to conclusion that more information needs to be furnished. The appellant seems to have done considerable research and has brought to the Commission's notice that this family has been allotted more than one room. I am therefore of the view that it is not enough to say that MMRDA has gone by the baseline survey report. It appears that the baseline survey and guidelines needs to be looked into. I therefore,

direct the Project Director MUTP to get the whole issue investigated the outcome communicated to the appellant.

Order

The appeal is allowed. Information to be furnished by Public Information Officer within 30 days.

(Ramanand Tiwari)
State Information Commissioner, Mumbai

Place: Mumbai
Date: 28.04.2009.

Before the State Information Commission, Maharashtra-Appeal under Section 19(3) of RTI Act, 2005.

Appeal No.2009/2480/02

**Shri. Ramesh Madhukar Salve
Surji Vallabhdas Chawl (Shivshankar Prasad Chawl),
Vikroli (E), Mumbai – 400 083.**

.... Appellant

V/s

**First Appellate Officer cum Chief Officer
Rehabilitation,
M.M.R.D.A.,
Bandra Kurla Complex,
Mumbai – 400 051.**

....Respondent

**Public Information Officer cum Project Manager,
M.M.R.D.A.,
Bandra Kurla Complex,
Mumbai – 400 051.**

GROUND

This appeal has been filed under section 19 (3) of the Right to Information Act 2005. The appellant had sought copies of proof submitted by Shri. Madhukar Gangurde holding ID to 356 and Smt. Pushpa Madhukar Gangurde holding ID no. 356, map no.8 A Vikroli (East), Mumbai. He has also asked for copies of allotment letter and family photopass.

Not satisfied the reply from the Public Information Officer and the First Appellate Authority the appellant has field this second appeal before the Commission. The appeal was heard on 27.4.2009.

Appellant and respondents were present. The appellant has contended that the allottees are husband and wife and were not entitled to two ID cards and tenements. It is because of this that he has sought copies of documents which formed the basis of issuance of ID cards.

The respondent's contention is that the ID Nos. have been given by the agency who was entrusted the task of surveying the site. MMRDA has gone by the baseline survey report and has no other documents to be furnished.

After going through the case papers and considering the arguments advanced by parties I have come to the conclusion that more information needs to be furnished. It is

not enough to say that MMRDA has gone by the baseline survey report. Normally the family gets one ID no. In this case both husband and wife have separate ID no. entitling them to have two rooms. The appellant may be furnished relevant papers after obtaining from SPARC.

Order

The appeal is allowed. Information to be furnished by Public Information Officer within 30 days.

(Ramanand Tiwari)
State Information Commissioner, Mumbai

Place: Mumbai
Date: 28.04.2009.

Before the State Information Commission, Maharashtra-Appeal under Section 19(3) of RTI Act, 2005.

Appeal No.2009/2435/02

**Shri. Ramesh Madhukar Salwe
Surji Vallabhdas Chawl (Shivshankar Prasad Chawl),
Vikroli (E), Mumbai – 400 083.**

... Appellant

V/s

**First Appellate Officer cum Chief Officer
Rehabilitation,
M.M.R.D.A.,
Bandra Kurla Complex,
Mumbai – 400 051.**

...Respondent

**Public Information Officer cum Project Manager,
M.M.R.D.A.,
Bandra Kurla Complex,
Mumbai – 400 051.**

GROUNDS

This appeal has been filed under section 19 (3) of the Right to Information Act 2005. The appellant had sought copies of documents submitted by Smt. Emeratidevi Rampalat Jaiswar allottee of flat no.609, building no. R – 4A, Anjanikumar Construction Nahur (West) and Shri. Rampalat Jaiswar allottee of flat no. 610 at the same place. The appellant also wanted copies of allotment letter and family photopass.

Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant has filed this second appeal before the Commission. The appeal was heard on 27.4.2009.

Appellant and respondents were present. The appellant has contended that the required information has not been furnished. The respondent has submitted that they have gone by the baseline survey report and has no other documents.

After going through the case papers and considering the arguments advanced by parties I have come to the conclusion that more information needs to be furnished. The circumstances under which the husband-wife team was given two separate flats needs to be investigated. It is commonly understood that the family is entitled to one tenement and husband wife even though they have two zopadas cannot get two rooms. In any case I would not like to pass any judgment and would direct the Director, MUTP to get the whole issue investigated and the appellant informed.

Order

The appeal is allowed. Information to be furnished by Public Information Officer within 30 days.

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

Place: Mumbai
Date: 28.04.2009.

Before the State Information Commission, Maharashtra-Appeal under Section 19(3) of RTI Act, 2005.

Appeal No.2009/2446/02

**Shri. Ramesh Madhukar Salve
Surji Vallabhdas Chawl (Shivshankar Prasad Chawl),
Vikroli (E), Mumbai – 400 083.**

.... Appellant

V/s

**First Appellate Officer cum Chief Officer
Rehabilitation,
M.M.R.D.A.,
Bandra Kurla Complex,
Mumbai – 400 051.**

....Respondent

**Public Information Officer cum Project Manager,
M.M.R.D.A.,
Bandra Kurla Complex,
Mumbai – 400 051.**

GROUND

This appeal has been filed under section 19 (3) of the Right to Information Act 2005. The appellant had sought information relating to Annexure II of 600 – 650 persons affected by widening of Nala in Bharat Nagar, Ambedkar Nagar, Ashok Nagar, copies of documents submitted by ineligible persons have also been asked by the appellant.

Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant has filed this second appeal before the Commission. The appeal was heard on 27.4.2009.

Appellant was present but the respondent was absent. The appellant has contended that he has not received the information. Since the respondent was not there, it could not be verified. I therefore, pass the following order.

Order

The appeal is allowed. Information to be furnished by Public Information Officer within 30 days.

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

Place: Mumbai
Date: 28.04.2009.

Before the State Information Commission, Maharashtra-Appeal under Section 19(3) of RTI Act, 2005.

Appeal No.2009/2469/02

**Shri. Arun Kondwilkar
2nd floor, Dr.Ambedkar Road,
Parel (E), Mumbai – 400 012.**

.... Appellant

V/s

**First Appellate Officer cum Secretary,
Slum Rehabilitation Authority,
5th Floor, Grihnirman Bhavan,
Bandra (E), Mumbai – 400 051.**

....Respondent

**Public Information Officer
Slum Rehabilitation Authority,
5th Floor, Grihnirman Bhavan,
Bandra (E), Mumbai – 400 051.**

GROUNDS

This appeal has been filed under section 19 (3) of the Right to Information Act 2005. The appellant had sought information regarding annexure II, Nagar Co-operative Housing Society, Dadar, CTS No.616 (part) Mumbai.

Not satisfied with the responses from the Public Information Officer and the First Appellate Authority the appellant has filed this second appeal before the Commission. The appeal was heard on 28.4.2009.

Appellant was present but the respondent was absent. The appellant has contended that he has not been furnished the information. It appears from case papers that the Public Information Officer by his letter dated 5.1.2009 informed the appellant that they have not yet issued the Annexure II and same has been prepared by the Asstt. Commissioners, G / North ward and the Public Information Officer was not in a position to furnish the desired information. The appellant filed the first appeal. It was revealed during the hearing before the First Appellate Authority the Asstt. Commissioner, G/North had suggested some modification by his letter dated 30.9.2006 and the appellant wanted to know what action has been taken by SRA. The First Appellate Authority directed the Public Information Officer to inform the appellant as to what action has been taken by the authority. In the light of this I confirm the order of the First Appellate Authority and direct the Public Information Officer to comply forthwith. He should also show cause why he has not complied so far. His reply to reach the Commission within 15 days.

Order

The appeal is disposed off.

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

Place: Mumbai
Date: 28.04.2009.

Before the State Information Commission, Maharashtra-Appeal under Section 19(3) of RTI Act, 2005.

Appeal No.2009/2454/02

**Shri. Prakash Govind Nawathe
204, Rajbaug,
Bhalchandra Marg,
Matunga, Mumbai – 400 019.**

.... Appellant

V/s

**First Appellate Officer cum Dy. Chief Engineer
Building Proposal, City,
Brihanmumbai Corporation,
'E' Ward,
Byculla, Mumbai.**

....Respondent

**Public Information Officer cum Executive Engineer
Building Proposal, City,
Brihanmumbai Corporation,
'E' Ward,
Byculla, Mumbai.**

GROUND

This appeal has been filed under section 19 (3) of the Right to Information Act 2005. The appellant had sought the information regarding grant of certificate under section 270 A of the MMC Act 1888.

Not satisfied with the responses from the Public Information Officer and the First Appellate Authority the appellant has filed this second appeal before the Commission. The appeal was heard on 28.4.2009.

Appellant and respondents were present. The appellant has contended that Building Completion Certificate was issued to Shri. Kishore Cheda, Director, Happy Valley Real Estate with the condition that he would obtain the required certificate under section 270 A within 3 months. He did not do it for 3 years. The appellant wanted to know why the BCC has not been cancelled. The respondent has submitted that the required certificate under section 270A has been issued on 14.7.2005.

After going through the case papers and considering the arguments advanced by parties I have come to the conclusion that the information stands furnished.

Order

The appeal is disposed off.

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

Place: Mumbai
Date: 28.04.2009.

Before the State Information Commission, Maharashtra-Appeal under Section 19(3) of RTI Act, 2005.

Appeal No.2009/2470/02

Shri. Sachin Vasant Chavan
2/406, Onkar Co-op. Hsg. Society,
MHADA Complex, Ekta Nagar,
Kandivali (W), Mumbai – 400 067.

.... Appellant

V/s

First Appellate Officer cum Asstt. Commissioner,
Brihanmumbai Corporation,
Office of the R /South Ward,
Near S.V.P.Taranlake,
Kandivali (W),
Mumbai – 400 067.

....Respondent

Public Information Officer cum Administrative Officer (School)
Brihanmumbai Corporation,
Office of the R /South Ward,
Near S.V.P.Taranlake,
Kandivali (W),
Mumbai – 400 067.

GROUND

This appeal has been filed under section 19 (3) of the Right to Information Act 2005. The appellant had sought information regarding Oxford Public School. He has sought copies of the details of pay in respect of teaching, non-teaching and class IV employees. He also wanted to know the no. of Divisions sanctioned during 2008.

Not satisfied with the responses from the Public Information Officer and the First Appellate Authority the appellant has filed this second appeal before the Commission. The appeal was heard on 28.4.2009. Appellant and respondent were present.

The appellant has contended that he has not been given the information. The respondent has submitted that information regarding divisions has been given. However, since the school does not get any grant the details of payment to teaching and non-teaching staff was not available with the Public Information Officer. The appellant however insisted that in accordance with the letter dated 5.7.2008 issued by the Education Officer MCGM, the details have to be in the possession of the MCGM. The Public Information Officer however pointed out that the letter referred to by the appellant does not require non-aided schools to furnish details of pay paid to teaching and non-teaching staff. In view of this I decide to close the case.

Order

The appeal is disposed off.

(Ramanand Tiwari)
State Information Commissioner, Mumbai

Place: Mumbai
Date: 28.04.2009.

Before the State Information Commission, Maharashtra-Appeal under Section 19(3) of RTI Act, 2005.

Appeal No.2009/2472/02

**Shri.Himmatlal Hiralal Merchant
11/4, Gandhinagar,
Near Marble Art Company,
Dainik Shivner Marg,
Worli, Mumbai – 400 028.**

.... Appellant

V/s

**First Appellate Officer cum Asstt. Commissioner
Brinhanmumbai Corporation,
Office of the G / North,
Harishchandra Yewale Marg,
Dadar (W), Mumbai – 400 028.**

....Respondent

**Public Information Officer
Brinhanmumbai Corporation,
Office of the G / North,
Harishchandra Yewale Marg,
Dadar (W), Mumbai – 400 028.**

GROUND

This appeal has been filed under section 19 (3) of the Right to Information Act 2005. The appellant had sought the following information:-

Shri. Hiralal Baljee Merchant was allotted 1000 yards of VLT Land in case no.575, Scheme no.56, Dharavi Road, in front of Hindi School, Mumbai. In 1984, 413 Sq. Yard were transferred. He has sought details of remaining 587 yards.

Not satisfied the reply from the Public Information Officer and the First Appellate Authority the appellant has filed this second appeal before the Commission. The appeal was heard on 28.4.2009.

Appellant and respondents were present. The appellant has contended that he wants details of the remaining 587 sq. yards of the VLT land. The respondent submitted that although the total VLT has been shown as 1000 sq. yard measurement at the time of transfer in 1984 showed that the land was only 413 sq.meters. The respondent submitted that available information has been furnished.

After going through the case papers and considering the arguments advanced by parties I have come to the conclusion that mystery of the missing land cannot be solved under the RTI. It is surprising and raises a lot of doubt. The appellant can get the whole land measured to solve the mystery. As far as information is concerned, it has been given.

Order

The appeal is disposed off.

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

Place: Mumbai
Date: 28.04.2009.

Before the State Information Commission, Maharashtra-Appeal under Section 19(3) of RTI Act, 2005.

Appeal No.2009/2216/02

**Shri.Suresh Dashrath Magare
New Gautam Nagar, Plot No.1,
Samrat Buddha Vihar,
Behind Devraj Lime Depot,
Gowandi, Mumbai – 400 043.**

.... Appellant

V/s

**First Appellate Officer cum Dy. Controller
Rationing Office,
'E' Zone, Chanchalsmriti, 1st Floor,
G.D.Ambedkar Marg,
Wadala, Mumbai.**

....Respondent

**Public Information Officer cum Rationing Officer
44, E, Shivajinagar,
Gowandi, Mumbai – 400 043.**

GROUNDS

This appeal has been filed under section 19 (3) of the Right to Information Act 2005. The appellant had sought information relating to Fair Price Shops under 44 E, Rationing Office from 1.1.2005 to the date of his application for information.

Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant has filed this second appeal before the Commission. The appeal was heard on 16.4.2009. Appellant and respondent were present.

The appellant has contended that he was offered information after the prescribed period and but the information was refused on the ground that it was refused on the ground that it was defective. He has also submitted that he is entitled to free information after the expiry of 30 days but the Rationing Officer wanted him to deposit money and collect the information. He has also stated that the Public Information Officer is supposed to collect whatever information was not available with him rather than directing him to approach another office.

After going through the case papers and considering the arguments advanced by parties I have come to the conclusion that the offer of information was given on 28.10.2008 where as the application under RTI was submitted on 28.8.2008. The Public Information Officer should not have waited for the appellant to come to enquire. He could have sent the intimation by letter. The process has caused delay. The appellant's insistence on the Public Information Officer getting information and furnishing to him is not understood. If the information was not available with the Public

Information Officer, he could have sent that portion of the application to the officer with whom it was available. I do not agree with the appellant that Public Information Officer should have collected and handed over to him. In brief the Public Information is warned to stick to the time schedule prescribed under the RTI Act. In view of the fact that the information has been offered to the appellant, I decide to close the case.

Order

The appeal is disposed off.

(Ramanand Tiwari)
State Information Commissioner, Mumbai.

Place: Mumbai
Date: 28.04.2009.

Before the State Information Commission, Maharashtra-Appeal under Section 19(3) of RTI Act, 2005.

Appeal No.2009/2348/02

**Shri. Rasik M. Shah
41, Sahyadri, Aray Road,
Goregaon (E),
Mumbai – 400 063.**

.... Appellant

V/s

**First Appellate Officer cum Medical Officer of Health
Municipal Office Building,
Liberty Garden, P/N Ward,
Malad (W), Mumbai – 400 064.**

.... Respondent

**Public Information Officer
Public Trust Registration Office,
Brihanmumbai Charity Commissioner's Bhavan,
2nd Floor, Dr. Besant Road,
Worli, Mumbai – 400 018.**

GROUNDS

This appeal has been filed under section 19 (3) of the Right to Information Act 2005. The appellant had sought the information regarding his complaint dated 26.11.2008 against Sarvodaya Seva Samiti, Jogeshwari (East).

Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant has filed this second appeal before the Commission. The appeal was heard on 21.4.2009.

Appellant was present but the respondent was absent. The appellant has contended that he has not been given any information about his complaint made to Joint Charity Commissioner. Since the respondent was absent, it could not be verified. I therefore, pass the following order.

Order

The appeal is allowed. Information to be furnished within 15 days. Public Information Officer to show cause why action against him / her for not furnishing the information and not attending the hearing.

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

Place: Mumbai
Date: 24.04.2009.