

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

Appeal No.2008/572/02

**Mr. Rajaram Tukaram Gosavi
22, Ganesh Sahakar Society,
Kokannagar, Bhandup (E),
Mumbai – 400 078.**

... **Appellant**

V/s

**First Appellate Officer cum Regional Social Welfare Officer,
Mumbai Division, Konkan Bhavan,
6th Floor, Navi Mumbai.**

... **Respondent**

**Public Information Officer cum District Social Welfare Officer,
5th Floor, Collector Officer, Courtnaka, Thane (E).**

GROUND

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant had sought information regarding non payment of salary and allowances for 81 days. The appellants is not happy with the responses from the PIO and First Appellate Authority and hence this appeal.

The case was fixed for hearing on 01.08.2008. The Special District Social Welfare Officer, Thane has informed the commission that the appellant has been paid salary and allowances for 81 days of absence which has been treated as duty. This payment was made on 23.03.2007. The appellant has insisted on payment of interest @ 12%. The same has not been accepted by the special district social welfare officer.

After going through the case papers it is revealed that the appellant was transferred to Kalyan and he approached MAT the case was finally decided in his favour and he joined duties on 29.11.1997. The period of absence had to be treated as compulsory waiting before his payment was sanctioned. It does take time. There is nothing to show that it was delayed deliberately. Since the salary and allowances have

paid. I decided to close the case. The appellant however is free to approach appropriate authority he deems fit for claiming interest. So far the commission is concerned; I decide to close the case.

Order

The appeal is disposed off.

(Ramanand Tiwari)
State Information Commissioner, Mumbai

Place: Mumbai
Date: 02.08.2008.

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

Appeal No.2008/574/02

Mr. Prasad Ramchandra Joshi
Office of the Chief Executive Officer,
Atreya Pharmaceuticals Pvt. Ltd.,
59/1, Sukhniwas, Ganpati Chowk, Agra Road,
Kalyan (W), 421 301. Dist. Thane.

... **Appellant**

V/s

First Appellate Officer cum Asstt. Registrar,
Office of the Asstt. Registrar, Greater Mumbai Region,
Achaya Atre Chowk, Worli. Mumbai – 400 018.

... **Respondent**

Public Information Officer,
Office of the Asstt. Registrar, Greater Mumbai Region,
Achaya Atre Chowk, Worli. Mumbai – 400 018.

GROUND

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant has sought the information Registration No of State Rural Heath Society, copy of certificate of registration certificate for State Rural Heath Society, Copies of schedule I II III IV V with respect to State Rural Heath Society as per provisions of Society Registration Act 1860 & rules made there under. There is nothing on record to show that either the PIO or the First Appellate Authority has passed any order.

The case was fixed for hearing on 01.08.2008. The appellant did not turn up. The respondent has been represented. The respondent has stated that he has not been approached by the appellant and he should have no problem in furnishing the information. The record, however, shows a different picture. The appellant has submitted copies of his application under section (6) (1) and 19(1) of the RTI Act. This means that

he has not only sought information from the PIO but also preferred the first appeal. This could land the respondent in difficulty. I would, however, like to give him a chance.

Order

The appeal is allowed. Appellant should be given information within 30 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: 02.08.2008.

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

Appeal No.2008/252/02

**Mr. Ajit Udayan Amdekar
B-71, Ocean Gold Society,
Twin Tower Lane, Prabhadevi,
Mumbai – 400 025.**

... **Appellant**

V/s

**First Appellate Officer,
I/C Principal, R.A. Podar College of
Commerce & Economic, Matunga,
Mumbai – 400 019.**

... **Respondent**

**Public Information Officer,
I/C Principal, R.A. Podar College of
Commerce & Economic, 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: -

- a) The eligibility qualifications and experience requirements for being appointed as a coordinator and/or Professor In charge and/or lecture in any subject taught in B.M.S. course in a college affiliated to University to Mumbai.
- b) The actual qualifications and experience of Prof. S. J. Gujrathi who is appointed as the Professor In charge and lecturer for B.M.S. in R.A. Podar College of Commerce and Economics, Matunga, Mumbai – 400 019, which affiliated to university of Mumbai.
- c) Remuneration paid to Prof. S.J. Gujrathi as Prof. In charge and lecturer for B.M.S. Course.

The case was fixed for hearing on 01.08.2008. Neither the appellant nor the respondents turn up. The respondent has submitted his written say.

It appears from the case papers on record that the respondent has been reluctant to furnish the information. First they took the plea that they are not public authority. It was clarified to them. Then they sought adjournment and finally did not turn up. Case papers

reveal that finally the college has sent some information to the appellant. The appellant had asked information on 3 points. The respondent by his letter dated 07.04.2008 has furnished information on two counts they have not furnished information on the first point. The appellant's point is simple and straight forward but the answer is evasive, vague and unclear. The respondent has not understood the spirit of the RTI Act. It is not enough for them to say that qualifications are fixed by the university. The college must inform the appellant what qualifications have been fixed by the university. The college prima-facie has evaded to give information. I have therefore come to the conclusion that the college must furnish the information on point No. 1. I also order that the principal in charge should explain to the commission why action should not be initiated against him for not furnishing the information. I therefore pass the following order.

Order

The appeal is partially allowed. The principal in charge to furnish information to the appellant within 30 days and inform the commission. The principal in charge should also let the commission know why action should not be initiated against him under section 20 of the RTI Act, 2005.

(Ramanand Tiwari)
State Information Commissioner, Mumbai

Place: Mumbai
Date: 02.08.2008.

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

Appeal No.2008/592/02

**Mr. Jaganath Vikram Kangne,
Office of the Executive Engineer (Environment)
Maharashtra INDUSTRIAL Development Corporation,
MIDC. Andheri (E), Mumbai – 400 093.**

... **Appellant**

V/s

**First Appellate Officer cum Chief Engineer
Maharashtra INDUSTRIAL Development Corporation,
MIDC. Andheri (E), Mumbai – 400 093.**

... **Respondent**

**Public Information Officer cum Executive Engineer,
Maharashtra INDUSTRIAL Development Corporation,
MIDC. Andheri (E), Mumbai – 400 093.**

GROUND

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant had requested for copies of his annual confidential reports, ratings for promotion and also the procedure for evaluation and gradation. The PIO by his order dated 13.03.2007 furnished certain information but denied the rest. The appellant preferred appeal under section 19(1) of the RTI Act. The First appellate Authority passed his order dated 13.04.2007 but the appellant is not satisfied and hence this appeal.

The case was fixed for hearing on 06.08.2008. Appellant and respondents were present. The appellant has argued that he has not been given the information he had asked for. The respondent's have stated that all information except copies of confidential report have been given.

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 to the appellant. He has been given a copy the gradation list prepared for consideration for promotion. He has also been given a copy of the procedure prescribing the principles on

which gradation has to be made. We do not think that furnishing of his confidential report is likely to serve any public purpose. I therefore close the case.

Order

The appeal is disposed off.

(Ramanand Tiwari)
State Information Commissioner, Mumbai

Place: Mumbai
Date: 07.08.2008.

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

Appeal No.2008/142/02

**Mr. Dr. Gopinadhan S.
L/T 6/2, Vijay Nagar, Marol,
Andheri (E), Mumbai – 400 059.**

... Appellant

V/s

**First Appellate Officer cum Principal
S.S. & L.S. Patkar College, S.V. Road,
Goregaon (W), Mumbai – 400 062.**

... Respondent

**Public Information Officer cum Principal
S.S. & L.S. Patkar College, S.V. Road,
Goregaon (W), Mumbai – 400 062.**

GROUNDS

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant has asked for certified copies of all quotations invited and received as well as contracts awarded to the parties for the construction of one new floor above the commerce wing of the SS and LS Patkar College building, extra rooms to the Eastern side of the building to which science section is housed and additions and alterations carried out on all the floors of SS & LS Patkar College building. He has also requested, for certified copies of the details of various payments made to contractors for the above mentioned construction work at SS & LS Patker College. The appeal memo does not show any order passed either by the PIO or the First Appellate Authority. The case was fixed for hearing on 04.08.2008 at 3.30 pm. Neither the appellant nor the respondent turned up.

I have gone through the case papers on record. The respondent has made his written submission. It is clear from his elaborate submission that he has furnished the information required by the appellant. It also shows acknowledgement by the appellant. 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: 07.08.2008.

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

Appeal No.2008/141/02

**Mr. Dr. Gopinadhan S.
L/T 6/2, Vijay Nagar, Marol,
Andheri (E), Mumbai – 400 059.**

... **Appellant**

V/s

**First Appellate Officer cum Principal
S.S. & L.S. Patkar College, S.V. Road,
Goregaon (W), Mumbai – 400 062.**

... **Respondent**

**Public Information Officer cum Principal
S.S. & L.S. Patkar College, S.V. Road,
Goregaon (W), Mumbai – 400 062.**

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) Certified copies of all the documents along with the application submitted to the University of Mumbai for Affiliation of all the unaided courses conducted at our college from 1999 till date.
- 2) Certified copies of the details of the teaching and non-teaching staff appointed for conduction the various unaided courses.
- 3) Detail of number of class rooms and floors on which the classes for the various unaided courses are conducted and their timings.
- 4) Certified copies of the detailed master time-table and the various schedule/s for unaided courses for the last three years.
- 5) Audited finance statements of the amount generated/spent from the unaided courses conducted at our college.
- 6) Audited statements not submitted to the Charity Commissioner by the college.
- 7) Roaster will be maintained from the academic year 2006-2007.

The case was fixed for hearing on 04.08.2008 at 4 pm. Neither the appellant nor the respondents turned up. The principal SS & LS Patkar College has informed that he was not well and the case should be adjourned to a future date.

I have gone through the case papers on record. It appears that the college by its letter dated 03.08.2007 has furnished detailed information to the appellant. The appellant's acknowledgement is on record. It seems to have covered all his points. There

is no point in adjourning the case to a future date on the basis of the submission made by the respondent and in view of the fact that information has been furnished and the appellant's acknowledgement is on record, I come to the conclusion that the appeal proceedings should be closed.

Order

The appeal is disposed off.

(Ramanand Tiwari)
State Information Commissioner, Mumbai

Place: Mumbai
Date: 07.08.2008.

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

Appeal No.2008/591/02

**Mr. Prakash Bhaskar Lonkar
Office of the Executive Engineer (Environment)
Maharashtra INDUSTRIAL Development Corporation,
MIDC. Andheri (E), Mumbai – 400 093.**

... Appellant

V/s

**First Appellate Officer cum Chief Engineer
Maharashtra INDUSTRIAL Development Corporation,
MIDC. Andheri (E), Mumbai – 400 093.**

... Respondent

**Public Information Officer cum Executive Engineer,
Maharashtra INDUSTRIAL Development Corporation,
MIDC. Andheri (E), Mumbai – 400 093.**

GROUND

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant had asked for copies of his confidential report from 2001-02 to 2005-06, copy of the evaluation and gradation prepared for consideration by the committee. Not satisfied with the orders of the PIO and the First Appellate Authority, he has filed this second appeal before the commission.

The case was fixed for hearing on 06.08.2008. Appellant and respondents were present. The appellant has argued that he has not been given the information he had asked for. The respondents have stated that all information except copies of confidential report have been given.

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 to the appellant. He has been given a copy of the gradation list prepared for consideration for promotion. He has also been given a copy of the procedure prescribing the principles on which gradation has to be made. We do not think that furnishing of his confidential report is likely to serve any public purpose. I therefore close the case.

Order

The appeal is disposed off.

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

Place: Mumbai
Date: 07.08.2008.

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

Appeal No.2008/576/02

Mr. Narayan Krishnaji Lavate
Room No. 10, Laxmibai Chawl, Zaoba Wadi,
Thakuedwar, Mumbai – 400 002.

... **Appellant**

V/s

First Appellate Officer cum Dy. Secretary,
General Administrative Department,
Govt. of Maharashtra, Mumbai – 400 032.

... **Respondent**

Public Information Officer,
General Administrative Department,
Govt. of Maharashtra, Mumbai – 400 032.

GROUND

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant has requested for inspection of the file relating to passage of Right to Information Act, 2002. Not satisfied with response from the PIO and the First Appellate Authority, he has preferred this second appeal. The case was fixed for hearing on 04.08.2008. Appellants and respondents were present. The appellant has argued that the Right to Information Act, 2002 is no longer in existence but he understands that the Govt. of India had sent some observation when papers were sent to them. The appellant wants to peruse them. I find nothing wrong in his request and we must help him in quenching his intellectual thirst.

Order

The appeal is allowed. Appellant should be facilitated inspection of files notings and all relevant papers relating to the Right to information Act, 2002.

(Ramanand Tiwari)
State Information Commissioner, Mumbai

Place: Mumbai
Date: 04.08.2008.

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

Appeal No.2008/577/02

**Mr. Amaldar Ramlakhansingh Thakur
Kurla Kadam CHS, B.L.H. Room No. 319,
Kurla (E), Mumbai – 400 024.**

... **Appellant**

V/s

**First Appellate Officer,
Engineering Section, SRA,
5th Floor, Ghrih Nirman Bhavan,
Bandra (E), Mumbai – 400 051.**

... **Respondent**

**Public Information Officer cum Secretary,
Engineering Section, SRA,
5th Floor, Ghrih Nirman 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 has sought information regarding papers submitted by unity land consultants for obtaining L.O.I. in respect of Kurla Ladam Cooperative Housing Society. There is nothing on record to show that the PIO has furnished the information but the First Appellate Authority in his order dated 16.04.2007 has stated that the information asked for has been furnished and the appeal has been filed. The party is not satisfied with the reply and hence this second appeal.

The case was fixed for hearing on 04.08.2008. Neither the appellant nor the respondent turned up. After going through the case papers on record it is clear that the First Appellate Authority has solely relied on the claim of the PIO that the information has been furnished. There is no copy of the order passed by the PIO. The information asked for is also simple and straight. I am therefore inclined to allow the appeal.

Order

The appeal is allowed. The PIO to furnish information within 30 days.

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

Place: Mumbai
Date: 05.08.2008.

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

Appeal No.2008/197/02

**Mr. M.B. Lall,
Flat No. 64, Sixth Floor,
Anand Sagar CHS,
24, Shri Krishin Chandra Rd,
Bandra Reclamation (W),
Mumbai – 400 050.**

... **Appellant**

V/s

**First Appellate Officer cum Joint Secretary,
Revenue Department (Stamp Duty)
Mantralaya, Mumbai – 400 032.**

... **Respondent**

**Public Information Officer,
Revenue Department (Stamp Duty)
Mantralaya, Mumbai – 400 032.**

GROUND

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant has sought information regarding action taken on his application for refund of stamp duty of Rs. 36, 150/- paid by him. This amount was paid on the price of flat fixed by Mumbai Housing and Development Board. This got reduced because of some court order and appellant wants refund of duty paid on the excess amount.

The case was fixed on 04.07.2008. The appellant did not turn up. Respondents were present. They have argued that the appellant's claim may be genuine but they have doubts whether this should come under RTI Act. I have gone through the case papers on record. It is clear that stamp duty has to be paid on the price of the flat and if the same gets reduced that too by a court order the appellant is entitled to a refund. In any case he wants information on his application for refund. I pass the following order.

Order

The appeal is allowed. Respondents to furnish information regarding action taken on applicant's 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.

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

Place: Mumbai
Date: 04.08.2008.

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

Complaint No.2008/377/02

**Mr. Pranolal P. Rathod
R-85, C-2, Mahavir Nagar,
Shanker Lane,
Kandivali (W), Mumbai – 400 067.**

... **Complainant**

V/s

**Public Information Officer cum Registrar,
24th Metropolitan Magistrate Court,
Borivali (W), Mumbai – 400 092.**

... **Respondent**

GROUNDS

This complaint has been filed against refusal of an application seeking information from the Registrar, 24th Metropolitan Magistrate Court, Borivali (W), Mumbai. The complainant by his application dated 9th May, 2007 had sought information regarding the status of the case No. 5039/P/84. The application was not entertained by the Registrar, 24th Metropolitan Magistrate Court, Borivali and hence this complaint.

The case was fixed for hearing on 07.08.2008. The Complainant and respondents were present. It appears that the case No. 5039/P/84 has been pending since 1984. It was kept dormant in 1986 and had remained dormant since then. The complainant obviously sought information about this file pending for such a long time. Respondents have explained that the file had been misplaced but the same has been traced and will be on the right track soon. The complainants in the meantime have informed the commission that he has already received certified copy of the charge sheet and the case has been taken on Board. He has expressed his satisfaction and is no longer interested in pursuing his complaint.

In view of the above discussion I decide to close the case.

Order

The complaint is filed.

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

Place: Mumbai
Date: 08.08.2008.

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

Appeal No.2008/601/02

**Mr. Surybhan Dulbaji Andhale,
A/9/173, Pratiksha Nagar,
Camp No. 3, Sion, Mumbai – 400 022.**

... Appellant

V/s

**First Appellate Officer cum Administrative General
Official Trusty, Maharashtra State,
2nd Floor, Old Secretaries, G.G. Marg,
Mumbai – 400 032.**

... Respondent

**Public Information Officer cum Asstt. Director,
Administrative General
Official Trusty, Maharashtra State,
2nd Floor, Old Secretaries, G.G. Marg,
Mumbai – 400 032.**

GROUND

This appeal has been filed under section 19(3) of the Right to Information Act 2005. Shri. Girish Balchandra Naik by his application dated 03.01.2007 sought information regarding loan sanctioned to one Mr. Suryabhan Andhale. The PIO referred this to Mr. Andhale who objected to this disclosure of information to Shri. Naik. Shri Naik filed an appeal under section 19(1) the RTI Act 2005. The First Appellate Authority by his order dated 20.03.2007 set aside the order of the PIO and allowed the appeal. The present appeal is against this order.

The case was fixed for hearing on 07.08.2008. Appellate and respondents were present. The appellant has argued that he was sanctioned loan for housing by the department which he has utilized for the purpose for which it was sanctioned. Any alleged misuse can be looked into by the sanctioning authority. This information is personal and will serve no public purpose.

I have gone through the case papers and also considered the arguments advanced by parties. The appellant is an ex govt. employee and has since retired and I see no public purpose or content in the request. It will serve no public purpose. I therefore set the aside First Appellate Authority's order and allow the appeal.

Order

The appeal is allowed.

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

Place: Mumbai
Date: 08.08.2008.

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

Appeal No.2008/185/02

**Mr. Ravindra Govind Jaiswal
292/48, Guru Niwas, Bangadwadi,
V.P. Rd, Praathana Samaj,
Mumbai – 400 004.**

... **Appellant**

V/s

**First Appellate Officer cum Director, (Engineer & Project)
Mahanagar Palika Chief Office, 3rd Floor,
Mahapalika Marg, Mumbai – 400 001.**

... **Respondent**

**Public Information Officer cum Chief Engineer (Building Proposal)
Bruhan Mumbai Mahanagar Palika,
“E” Ward, Baycull, Mumbai – 400 008.**

GROUND

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant had sought information regarding redevelopment of Dwarka Das mansion, City Survey No. 1353, Girgaon Division, 457 S.V. Road, Prarthana Samaj Road, Mumbai. The PIO, MHADA by his letter dated 16.12.2006 furnished the required information to him. The PIO and Dy. Chief Engineer (Building Proposal) City, MCGM has also informed the appellant that the building was taken under regulation 33(7) of the Development control regulation and the appellant could inspect the file on payment of necessary fee. The appellant went in appeal and the First Appellate Authority passed his order dated 08.02.2007. The appellant's not satisfied and he has preferred this second appeal before the commission.

The case was fixed for hearing on 04.08.2008. The appellant was absent but the Dy. Chief Engineer (BP) was present. He has made his submission in writing. One of the documents submitted by him is the letter dated 12.04.2007 informing the Municipal Commission, MCGM that his doubts have been cleared and his application 02.03.2007 may be filed.

After going through the case papers and submission made by the respondent, I have come to the conclusion that the desired information has been furnished to the

appellant. The MCGM has offered to him inspection of document and appellant can always approach them. Thus in the light of the information furnished and offer to inspect document. I am of the view that the case should closed. I pass the following order.

Order

The appeal is disposed off.

(Ramanand Tiwari)
State Information Commissioner, Mumbai

Place: Mumbai
Date: 08.08.2008.

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

Appeal No.2008/593/02

**Mr. Shriniwas L. Manjarekar,
Tulshibag (Garden Flat No. 154),
Patra Road, Room No. 2, Manmala Track Road,
Mahim, Mumbai – 400 016.**

... Appellant

V/s

**First Appellate Officer cum Asstt. Municipal Commissioner
G/North Division Office Building, Harishchandar Yevle Marg,
Behind Plaza Traitor, Dadar, Mumbai – 400 028.**

... Respondent

**Public Information Officer cum Asstt. Engineer (Urban Development)
G/North Division Office Building, Harishchandar Yevle Marg,
Behind Plaza Traitor, Dadar, Mumbai – 400 028.**

GROUND

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant has requested for a copy of the notice issued to him and 3 others in 1987 under the Maharashtra Regional and Town Planning Act, 1966. He is an encroacher on a land reserved as recreation ground. He requires a certified copy of this notice to establish his claim of being on the land prior to 1987. In fact has attached a copy of the notice received by him in 1987. The PIO by his letters dated 22.12.2006 informed him that he could get the information on payment of Rs. 12 for 6 page. The appellant preferred appeal under section 19(1) but no order has been passed. He therefore has approached the commission under section 19(3) of the RTI Act.

The case was fixed on 06.08.2008. The appellant was present. Respondents were also present. The appellant has stated that he must be furnished a certified copy of the notice issued to him in 1987. The respondents have pleaded that since records are not available they are not in a position to furnish the required information. It is not understood how they informed him by their letter dated 22.12.2006 to pay Rs. 12/- to collect 3 pages of information. Normally such demand should be made after verifying the availability of documents. If the documents were available then. They should be available, today. This reveals that officers in charge of keeping the documents are not

serious. The appellant has been able to preserve his copy but MCGM has not been able to trace the file from which the notice was issued.

In the light of the above discussion I would like to direct that diligent efforts should be made to trace the file and furnish the information required by the appellant.

Order

The appeal is allowed. Serious efforts should be made to trace the file and required information furnished to the appellant. This should be done with 3 months.

(Ramanand Tiwari)
State Information Commissioner, Mumbai

Place: Mumbai
Date: 08.08.2008.

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

Appeal No.2008/594/02

**Mr. Madhav Gajanan Despande,
7, Kaustubhdham C.H.S.L, 23,
Sanghni Estate, Gaondevi Road,
Ghatkopar (W), Mumbai – 400 086.**

... Appellant

V/s

**First Appellate Officer,
General Administrative Department,
Mantralaya, Mumbai – 400 032.**

... Respondent

**Public Information Officer,
General Administrative 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 asked for a copy of the plaint and submissions made before the Hon. Supreme Court in respect of Maharashtra boundary dispute with adjoining states and also copies of reply filed by the state of Karnataka. He also sought a copy of the reply filed by Central Govt.

The general Administration Department made a reference to the law and judiciary soliciting their opinion. The law and judiciary gave its opinion dated 31.12.2004. The GAD based on the opinion refused the request of the appellant.

The appellant by his application dated 13.12.2006 applied afresh seeking information under the central RTI Act, 2005. He was informed in the light of the earlier opinion given by the law and judiciary that if the appellant wants to have a certified copy of documents, he may become a party to the pending petition and these copies can be available from the Supreme Court.

The appellant filed the first appeal under section 19(1). A reference was again made to the law and judiciary. The law and judiciary this time opined that Rule 2.4.5 of Supreme Court Rules 1966 apply for grant of certified copies and not ordinary copy. They further elaborated that since appellant had asked simple/spare copies of documents concerning petition involving State Govt. it may be granted on payment of necessary charges. The First Appellate Authority ordered accordingly and copies of documents have been furnished to him. The appellant is not satisfied with this order and hence this appeal.

The case was fixed for hearing on 06.08.2007. Appellant and respondents were present. The appellant has repeated his request for certified copies, in the CD form and he has also objected to the rate charged by govt. The respondent has stated that they cannot furnish information in CD form as the same is not maintained in the CD form. The rates also have been fixed by govt. and cannot be changed. It has also been argued by them that they were not in a position to certify documents received from so many agencies including the Govt. of Karnataka and Govt. of India.

I have gone through the case papers and also considered the arguments advanced by parties. The information has to be furnished in the format in which it is maintained and appellant request for supply in the CD form has been rightly not entertained. The rates are fixed by govt. under the rules made under RTI Act and the PIO and appellate authority have no discretion. As far as the third but the most important point of certification is concerned, I am of the view that the Supreme Court's rules have entirely different context. The opinion dated 31.12.2004 has elaborated these rules which makes it easy to understand the context. It deals with plaints, issue and service of summons. It says that summon shall be accompanied by the copy of the plaint. Thus it is very clear

that summons cannot be issued without being accompanied by the plaint. It does not mean that if you want a copy of the plaint get summoned by intervening. In any case the context and spirit of the RTI are different and what cannot be disclosed is clearly mentioned. I therefore feel that the document which has been filed by GAD or govt. of Maharashtra can be certified and certified copies may be furnished to the appellant. It will be unreasonable to expect the PIO to certify document which he has got from elsewhere but and has not prepaid it. I therefore pass the following order.

Order

The appeal is partially allowed. Certified copies of document submitted by govt. of Maharashtra should be furnished to the appellant free of cost in view of the fact he has already spent a lot of money and additional may cause hardship to him. The information to be furnished in 30 days.

(Ramanand Tiwari)
State Information Commissioner, Mumbai

Place: Mumbai
Date: 08.08.2008.

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

Appeal No.2008/615/02

**Mr. Oniel Anthony Kinny
Hose No. 53, Koloverly Village, Kalina,
Santacruz (E), Mumbai – 400 098.**

... Appellant

V/s

**First Appellate Officer cum Division Officer,
H/East Ward, Bhrihan Mumbai, Mahanagar Palika
Office, Prabhat Colony, Santacruz (E),
Mumbai – 400 055.**

... Respondent

**Public Information Officer cum Asstt. Engineer (Building & factory)
H/East Ward, Bhrihan Mumbai, Mahanagar Palika
Office, Prabhat Colony, Santacruz (E),
Mumbai – 400 055.**

GROUNDS

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant by his application dated 24.01.2006 has sought information regarding repair permission given to house No. 39, Koloverly Village, Kalina, Santacruz (E), Mumbai. The appellant has alleged that although permission was given for repair, the occupier of the house Shri. Jerry D'Souza has reconstructed it. The Asstt. PIO by his letter 26.02.2007 informed the appellant that his office had asked the owner occupier of House No. 39, Koloverly Village, Kalina, Santacruz (E) for submitting documentary evidence for proving the authorization of the structure under reference. Records do not show whether the First Appellate Authority has passed any order. Hence the appellant has filed this second appeal before the commission.

The appeal was fixed for hearing on 08.08.2008. The appellant was present. The respondent was also present. The appellant has alleged that the MCGM has given repair permission to a non existing building as the building had collapsed before the repair permission was given. The respondent has not been able to give satisfactory replies to queries raised by the appellant. After going through the case papers and considering the

argument advanced by the appellant I am of the view that the appellant deserves to be given the information he has asked for. I therefore pass the following order.

Order

The appeal is allowed. Appellant has to be given the information within 30 days. If he wants inspection of any documents, the same also may be granted.

(Ramanand Tiwari)
State Information Commissioner, Mumbai

Place: Mumbai
Date: 08.08.2008.

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

Appeal No.2008/607/02

**Mr. Sandesh Chandrakant Waikar
26/5, Shanti Nagar, Sane Guruji Road,
Sata Rastta, Jekab Circle, Mumbai – 400 011.**

... Appellant

V/s

**First Appellate Officer cum Joint Chief Officer,
Mumbai Housing and Area Development Board,
MAHADA, Bandra, Mumbai – 400 051.**

... Respondent

**Public Information Officer cum Dy. Chief Officer,
Mumbai Housing and Area Development Board,
MAHADA, Bandra, Mumbai – 400 051.**

GROUND

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant has sought information regarding allottees of tenements in 69 building of Mumbai Housing and area development Board at Pratiksha Nagar, SION Mumbai. MHADA Board has constructed tenement and allotted to people whose dwelling unit have been taken up for redevelopment. The appellant also asked for information as to how many of the allottees are genuine and how many are trespassers. The as Estate Managar MHAD Board by his letter dated 01.07.2007 informed the appellant that he could collect the information after depositing Rs. 996 with the cashier. The appellant was not satisfied and he filed appeal under section 19(1) of the RTI Act 2005. The First Appellate Authority did not pass any order and hence this appeal.

The case was fixed for hearing on 08.08.2008. Appellants and respondents were present. The appellant has stated that he has not received the information he had asked for. The Estate Manager and Asstt. PIO Stated that the appellant was informed long back that he should deposit Rs. 996, show the receipt and collect the information. The appellant denied having received any such communication where as the Asstt. PIO has shown to me a copy of the letter dated 01.07.2007 to the appellant. The appellant was given a copy of the letter and his acknowledgements obtained. The Asstt. PIO has been

directed to furnish the information on production of receipt of deposit. I decide to close the case.

Order

The appeal is disposed off.

(Ramanand Tiwari)
State Information Commissioner, Mumbai

Place: Mumbai
Date: 08.08.2008.

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

Appeal No.2008/605/02

**Mr. Prabhakar Chauhan,
Chauhan Line Depo,
Vadilal Gasaliya Road,
Sanjay Kandivali (W),
Mumbai – 400 067.**

... Appellant

V/s

**First Appellate Officer cum Asstt. Municipal Commissioner,
P/North Division, MALad (W),
Mumbai – 400 064.**

... Respondent

**Public Information Officer cum Asstt. Engineer (Building & factory)
P/North Division, 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 information regarding illegal construction at Nisha Chawl Haroom Khan Road, Somwar Bazar, Malad (W). He wanted to know whether any notice was served against the illegal construction and if yes a copy of the notice with signature of the receiver should be given to him.

The PIO by his letter dated 25.01.2007 informed the appellant that notice action under section 351 of the MMC Act has been initiated against the construction and a copy of the same would be given on receipt of Rs. 2/- per copy. The appellant filed an appeal under section 19(1) the Right to Information Act, 2005. The First Appellate Authority by his order directed the A E (building) to give a copy of the notice with signature of the receiver of the notice to the appellant. The appellant has preferred the second appeal against this order.

The case was fixed for hearing on 07.08.2008. The appellant was present. Respondents were also present. It appears from the record that the appellant has been provided a copy of the notice. The appellant, however, has contended that the notice did not bear the signature of the receiver. He suspects that the notice was never served and

has remained on record. The respondents have contended that a copy of the available record has been furnished by them.

After going through the case papers and considering the arguments advanced by parties, I am of the view that the appellant's suspicion that the notice was never served and illegal construction was allowed to continue needs to be looked into. I therefore direct that appellant should be given an opportunity to inspect the record and obtain copies of the whatever information he requires.

Order

The appeal is allowed. Appellant to be allowed to inspect the relevant record and supplied copies of documents he requires. This should be done within 30 days,.

(Ramanand Tiwari)
State Information Commissioner, Mumbai

Place: Mumbai
Date: 08.08.2008.

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

Appeal No.2008/612/02

**Mr. Navin H. Pandya,
17, Swati Mahindranagar,
Malad (E), Mumbai – 400 097.**

... **Appellant**

V/s

**First Appellate Officer cum Registrar General,
High Court, Bombay.**

... **Respondent**

**Public Information Officer,
High Court, Bombay.**

GROUNDS

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant by his application dated 05.03.2007 had sought information regarding action taken on his letter dated 29th November, 1991 addressed to the then Hon. Chief Justice, Mumbai High Court. His main grievance is that the Hon High Court's order did not refer to the particular prayer made by him which according to him led to his dismissed from service.

The Public Information Officer by his letter dated 08th March 2007 rejected his request on the ground that the information sought is in respect of judicial proceeding and the appellant has to obtain the said information as per the procedure prescribed for obtaining certified copy by the Bombay High Court Rules and orders. The First Appellate Authority has confirmed the order passed by the PIO. The appellant has to the commission against the order dated 21.04.2007 passed by the First Appellant Authority.

The case was fixed for hearing on 08.08.2008. The appellant was present. The PIO was also present. The appellant has insisted on having information regarding action taken on his application addressed to the Hon Chief Justice. The respondent has made his written submission. He has contended that since the information sought is in respect of judicial proceedings this does not come within the purview of the Right to Information Act. He has further contended that it was because this reason that the appellate authority

rejected the appellant grievance in connection with the order passed in the writ petition No. 1076 of 1991.

I have gone through the case papers on record and also considered the arguments advanced by parties. It is very clear that the RTI Act guarantees access to information already available. It is not expected to provide redressal of citizen's grievances. It does not allow questions like why and how. In any case why a particular prayer has not been considered by the Hon High Court can not come within the purview of the RTI Act. In view of this the PIO as well as the First Appellate Authority have rightly rejected the appellants request. The appeal deserves to be dismissed.

Order

The appeal is dismissed.

(Ramanand Tiwari)
State Information Commissioner, Mumbai

Place: Mumbai
Date: 11.08.2008.

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

Appeal No.2008/587/02

**Mr. Rajnikant A. Karle
202, Charkop Sarovar CHS. Ltd,
Plot No. 232, Setor No. 5,
Charkop, Kandivali (W),
Mumbai – 400 067.**

... **Appellant**

V/s

**First Appellate Officer cum Dy. Registrar,
Sahkari Santa, MAHADA, Room No. 369,
2nd Floor, Bandra (E), Mumbai – 400 051.**

... **Respondent**

**Public Information Officer cum Dy. Registrar,
Sahkari Santa, MAHADA, Room No. 369,
2nd 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 has sought the following information: -

- 1) Audited Balance Sheet for the period 93-95, 95-96, 96-97, 97-98, 98-99, 99-2000, 2000-2001, 2001-2002, 2002-2003, 2003-2004, 2004-2005 with prescribe from as per bye laws 73 with Rectification Report Under Section 82/87 of the M.C.S. Act 1960 in form 0/ Audit Memo form I & Form No. 28 Part II.
- 2) Date of elections held during 96 to 2005 as per Bye Laws No. 116 (a) & Vide Annexure III.
- 3) Whether the election were held as per election rules of society.
- 4) List of elected candidates / Committee, as per Bye Laws No. 116 and under M.C.S. Act for which election were held for those years.
- 5) Who were Returning Officer? Was he appointed by Registering Authority?
- 6) Copy of the Returning Officer who had declare program of various stages of election submitted copies to the registrar.
- 7) The elected managing committee members have executed Bond as provided Under Section 73 (1 AB) M.S.C. Act.

The PIO by his order dated 17.12.2005 informed the appellant that the information sought by him was available at society's level and the society was being directed to furnish the required information to the appellant. The appellant did not get the information so he preferred the first appeal under section 19(1) of the RTI Act. the First Appellate Authority by his order dated 14.03.2007 directed the society to furnish the

required information. It seems that the society did not comply and hence this second appeal.

The case was fixed for hearing on 05.08.2008. The appellant did not turn up. The respondent was present. It appears from papers on record that the society has no regard for the prevailing law. Numerous letters have been sent to them to furnish the information. In fact the First Appellate Authority has in his order combined the provisions of RTI along with those of Maharashtra Cooperative Societies Act 1960. He has given direction under section 79 of the Maharashtra Cooperative Societies Act 1960 which deals with the registrar's powers to enforce performance of obligation. Section 32 of the Maharashtra Cooperative Societies Act 1960 confers on members the right to see books of society and obtain copies thereof. The Dy. Registrar issues direction under section 79 and the society decides to not to respond. This is nothing short of showing total negligence in the performance of duties imposed on the committee. I would request the Dy. Registrar to examine the feasibility of proceeding under section 78 of the Maharashtra Cooperative Societies Act 1960. I am passing the following order.

Order

The appeal is allowed. The direction given by the registrar under section 79 the Maharashtra Cooperative Societies Act 1960 be complied with and information furnished to the appellant within 45 days. In case of failure on part of the society, action under section 78 should be initiated.

(Ramanand Tiwari)
State Information Commissioner, Mumbai

Place: Mumbai
Date: 11.08.2008.

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

Appeal No.2008/573/02

**Mr. Arun Vasant Dandgawal
Perth A- 8/402, Yogidham, Near Anupam Nagar,
Murbad road, Kalyan (W) – 421 301.**

... **Appellant**

V/s

**First Appellate Officer cum office of the
Dairy Development Division Commissioner,
Administrative building, Abdul Gafharkhan Marg,
Warli, Mumbai – 400 018.**

... **Respondent**

**Public Information Officer cum Principal of Dairy Science Institute
Aarey Colony, Goregaon, Mumbai – 400 056.**

GROUND

This appeal has been filed under section 19(3) of the Right to Information Act 2005. He had sought information regarding depositing of undisbursed amount in the Reserve Bank of India, how much amount was deposited, how much money out of this was used for giving advance etc. The PIO by his letter dated 10.11.2006 asked him to modify his application as most of his points in the application related to his personal grievance and also information about his colleagues. The appellant filed the first appeal under section 19 (1) of the Right to Information Act 2005. The appellate authority has concluded that the PIO has wrongly refused the information and allowed the appeal and directed the PIO to furnish the information by 10.01.2007. The PIO did not furnish the information and hence the appellant has preferred the second appeal before the commission.

The case was fixed for hearing on 01.08.2008. The appellant was present. The respondent was also present. It appears from the case papers on record that the PIO has by his letter dated 03.02.2007 has furnished the information. The appellant, however, is not satisfied. The letter dated 03.02.2007 gives virtually all the information sought by the appellant. I have however realized that the attitude of the PIO has not been that of

Cooperation Citizens have a right to seek information and Public Authority cannot ask him questions. In this case the PIO has been raising unnecessary questions.

After going through the papers and considering the argument I have prima facie come to the conclusion that this is a fit case for proceeding under section 20 of the RTI Act 2005. He has not only tried to evade furnishing of the information but also has shown little regard for the order of the First Appellate Authority. I therefore pass the following order.

Order

The PIO to explain within 30 days why action should not be initiated against him for trying to avoid furnishing information and also not furnishing information in time as directed by the First Appellate Authority. Since the information has been furnished although late, the appeal is disposed off.

(Ramanand Tiwari)
State Information Commissioner, Mumbai

Place: Mumbai
Date: 12.08.2008.

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

Appeal No.2008/611/02

**Mr. Deepak Mahadev Chikorde
C-28, Managalysh CHS, Tansa Pipe Line Rd,
Behind Kamgar Nagar, Kurla (E),
Mumbai – 400 024.**

... Appellant

V/s

**First Appellate Officer cum Dy. Registrar
Sahkari Santha (L Ward)
3rd Floor, Kokan Bhavan, Mumbai.**

... Respondent

**Public Information Officer cum Secretary
Managalysh CHS, Tansa Pipe Line Rd,
Behind Kamgar Nagar, Kurla (E),
Mumbai – 400 024.**

GROUND

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant had sought certain information from Managalesh CHS. This included copies of the minutes of the annual general body meeting, monthly meeting of the Managing Committee, list of documents handed over by the administrator, complaints made by members of the society etc. The secretary of the society by his letter dated 14.01.2007 informed the appellant that no information can be given about the society under the RTI Act 2005. The appellant went in appeal under section 19 (1) of the RTI Act. The First Appellate Authority did not agree with the conclusion of the secretary and ordered that information should be given within 7 days. The appellant has received some information but is not satisfied and hence this appeal.

The case was fixed for hearing on 08.08.2008. The appellant was present. The respondent was also present. The appellant has insisted that they must get the information he has asked for. The respondent confined his argument to the extent that the society has not furnished the information.

After going through the case papers and also considering the arguments advanced by parties, I have come to the conclusion that the information must be furnished. Here I

would like to clarify few points. The impression in general is that societies are not covered under the Right to Information Act. The RTI Act defines information and includes “information relating to any private body which can be accessed by a public authority under any other law for the time in force”. Section 2(J) also says that right to information means the right to information accessible under this act which is held by or under the control of any public authority. All society work under the control of the District Deputy Registrar, co-operative Societies and the information can be accessed by him under the Maharashtra Co-operative Societies Act 1960.

In the light of the above discussion and perusal of the definition of information contained under the Right to Information Act, I am of the view that the appellant must be furnished the information he has sought except copies of complaints against the managing committee which can be look into separately. I therefore order that the Dy. Registrar must order the Society to furnish information within 30 days. If it is not done the Dy. Registrar should report to the commission so that penal action under section 20 of the Right to information Act can be initiated.

Order

The appeal is allowed.

(Ramanand Tiwari)
State Information Commissioner, Mumbai

Place: Mumbai
Date: 08.08.2008.

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

Appeal No.2008/571/02

Mr. M.B. Lall

**Flat No. 64, Sixth Floor,
24, Bandra (HIG) Anand Sagar Co-op,
HSG, Society, Bandra Reclamation (W),
Mumbai – 400 050.**

... Appellant

V/s

**First Appellate Officer cum Dy. Chief Officer,
Estate Manger, Mumbai Housing & Area Development Board,
MHADA Building, Kala Nagar, Bandra (E),
Mumbai – 400 051.**

... Respondent

**Public Information Officer cum Joint Chief Officer
Estate Manger, Mumbai Housing & Area Development Board,
MHADA Building, Kala Nagar, 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 action taken on his application for refund of excess stamp duty of Rs. 34, 150/- and electricity charges of Rs. 1237/-. The PIO by his letter dated 18.01.2006 informed him that they have written to the Dy. Inspector General of Registrar and controller of stamps in this regard. He also says that he has written to Reliance Energy Ltd. for a duplicate copy of the bill. The PIO also offered inspection documents and copies their of in case the appellant so desired. The appellant preferred the first appeal. The first appellant authority in his order dated 03.02.2006 has virtually confirmed the PIO's order. The appellant is not satisfied and hence this second appeal.

The appeal was fixed for hearing on 01.08.2008. The appellant did not turn up. The Estate Manager MHAD Board was present. He has made his written submission. He has submitted that the appellant was one of the winners in the draw of lots conducted for allotment of flats at Bandra Reclamation. There were however some problem regarding

his eligibility. The appellant approached Hon. High Court which ordered that the flat be kept vacant. The issue was settled in 1994 and the appellant was asked to pay Rs. 10, 52, 171/- which included principal amount as well the interest for the period the flat was kept vacant. The appellant deposited the said amount and possession was given to him on 13.12.94. In the meantime the appellant had approached the consumer court and final Hon. NCDRC ordered that the appellant should be refunded in interested paid along with @ 9%. The same was complied by MH & AD Board. This payment obviously reduced the actual cost of the flat because appellant had paid stamp duty on the amount which had an element of interest. Once the price is reduced the duties has to be reduced. The Estate Manager in his letter dated 18.01.2006 informed the appellant that as per the advice of their legal department they wrote to the Dy. Inspector General Of Registration and controller of stumper requesting him to refund the excess duty. The appellant, however, expects the MHAD to refund this amount.

I have gone through the case papers on record and considered the submission made by the respondent. I have also come to the conclusion that the appellant deserves refund because once the sale price has come down that too by the order of the Hon. NCDRC which ordered refund of interest with interest @ 9% there is no logic in changing stamp duties on Rs. 10, 52, 171/-. I am however that this refund has to be made by MHAD Board. The information regarding his request for refund has been furnished. It is up to him to take up the matter with the Inspector General of Registration and controller of stamps.

The Right to Information Act does not address issues relating to redressal of grievances. It only provides instrument in the form of information and it is left to the information seeker to use it the way he wants. In the light of the above discussion I have

to the conclusion that required information or both the counts have been furnished. I therefore pass the following order.

Order

The appeal is disposed off.

(Ramanand Tiwari)
State Information Commissioner, Mumbai

Place: Mumbai
Date: 02.08.2008.

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

Appeal No.2008/579/02

**Mr. Mahendra Janardhan Chavan
85/2, Chalke Chawl, Tadwadi,
Swadeshi Mill Road,
Sion Chunabhatti, Mumbai – 400 022.**

... Appellant

V/s

**First Appellate Officer,
Haffkine Bio-Pharmaceutical Corporation
Ltd. Acharya Dhonde Marg, Parel,
Mumbai – 400 012.**

... Respondent

**Public Information Officer cum General Manger
Haffkine Bio-Pharmaceutical Corporation
Ltd. Acharya Dhonde Marg, Parel,
Mumbai – 400 012.**

GROUNDS

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant has requested for copies of all advertisement made by the Haffkin Bio Pharmaceutical Corporation Ltd. for recruitment to class III & class IV employees, details of the officer appointed to discharge the principle of equal opportunity enshrined in article 16 of the constitution of India and also arrangement made for informing the general public about the organization and its transparent and accountable behaviour. The Public Information Officer by his letter dated 13.03.2008 has furnished the information but the appellant is not satisfied. His first appeal under section 19 (1) has not been respondent to. Hence this second appeal.

The case was fixed for hearing on 05.08.2008. Appellant and respondents were present. The respondents stated that the organization is willing to reexamine the whole issue to ensure whether information to the satisfaction of the appellant can be supplied. I therefore pass the following order

Order

The appeal is allowed. Appellant to get information within 45 days.

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

Place: Mumbai
Date: 06.08.2008.

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

Appeal No.2008/596/02

Mr. Sarojkumar Shivshankar Tiwari
Gaodevi Colony, Linking Road,
Goregaon (W), Mumbai – 400 090.

... Appellant

V/s

First Appellate Officer cum Asstt. Municipal Commissioner,
P/South Division, Mithanagar Palika School Building,
Mithanagar, Goregaon (W), Mumbai – 400 062.

... Respondent

Public Information Officer cum Asstt. Engineer (Building & Factory)
P/South Division, Mithanagar Palika School Building,
Mithanagar, Goregaon (W), Mumbai – 400 062.

GROUND

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appeal is a bundle of complaints and there is no document to give any clue to the information sought by him. There is no copy of his application under section 6 (1), no copy of the PIO's order, no copy of the First appeal and I also do not find any copy of the order passed by the First Appellate Authority. The case was fixed for hearing on 06.08.2008. The appellant did not turn. The respondent was there. In fact record shows that he has not been able to spare time to attend at lower levels also.

Under these circumstances with no clue to the kind of information sought I am constrained to close the case.

Order

The appeal is dismissed.

(Ramanand Tiwari)
State Information Commissioner, Mumbai

Place: Mumbai
Date: 06.08.2008.

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

Appeal No.2008/200/02

**Mr. Lalchand Soni
8/C Om Satnam CHS. Ltd.
3rd Floor, 3rd road, plot No.583,
Khar (W), Mumbai – 400 052.**

... Appellant

V/s

**First Appellate Officer cum Asstt. Municipal Commissioner,
Bhruhan Mumbai Mahanagarपालिका,
H/West Ward, Bandra (W), Mumbai – 400 050.**

... Respondent

**Public Information Officer cum Asstt. Engineer (Building & Factory)
Bhruhan Mumbai Mahanagarपालिका,
H/West Ward, Bandra (W), Mumbai – 400 050.**

GROUNDS

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant was not satisfied with the responses received from the PIO and the First Appellant Authority and hence this second appeal. The case was fixed for hearing on 04.08.2008. Appellant and respondents were present. The respondent has stated that he has recently jointed the post. The appellant also confirmed that the new PIO has promised to cooperate with him. I therefore pass the following order.

Order

The appeal is allowed. Appellant to be given 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: 04.08.2008.

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

Appeal No.2008/184/02

Smt. Smita Parshuram Vayangankar
3rd Floor, Mumbadevi municipal School,
87/3, Kalbadevi Road, Mumbai – 400 003.

... Appellant

V/s

First Appellate Officer cum Special Director General,
Training & Special Unit,
Maharashtra State, Mumbai – 400 039.

... Respondent

Public Information Officer cum Senior Office Superintendent
Training & Special Unit,
Maharashtra State, Mumbai – 400 039.

GROUNDS

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant had sought information regarding police training at various police training institutes in Maharashtra. The PIO by his order dated 11.10.2006 furnished the information but the appellant was not satisfied. The First Appellate Authority's order dated 20.11.2006 also did not satisfy her and hence this second appeal. The case was fixed for hearing on 04.08.2008. The appellant did not turn up. The Addl. Director General training and special unit, Mumbai was present. He informed the commission that the information required has already been furnished. The appellant has been asking for the same information time and again. Since the appellant was not present the reasons for his dissatisfaction could not be verified.

After going through the case papers and considering the argument advanced by the respondent I have come to the conclusion that the information sought by the appellant has been furnished. I may like to add that the information is quite elaborate and exhaustive. In the light of the above facts I have come to the conclusion that nothing remains to be done. I pass the following order.

Order

The appeal is disposed off.

(Ramanand Tiwari)
State Information Commissioner, Mumbai

Place: Mumbai
Date: 04.08.2008.

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

Appeal No.2008/633/02

**Mr. Bharat Virchandji Gurjar
7, Gazder Street, Shriji Bhavan, J.S.S. Road,
Mumbai – 400 002.**

... **Appellant**

V/s

**First Appellate Officer cum Asstt. Municipal Commissioner,
Bhruhan Mumbai Mahanagarपालिका,
C Ward Office, 76, Shrikant Palekar Marg,
Mumbai – 400 002.**

... **Respondent**

**Public Information Officer cum Asstt. Engineer (Building & Factory)
Bhruhan Mumbai Mahanagarपालिका,
C Ward Office, 76, Shrikant Palekar Marg,
Mumbai – 400 002.**

GROUND

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant had asked for a xerox copy of the register maintained for notices issued under section 354 A of the BMC Act. The PIO did not reply and the appellant filed the first appeal. The First Appellate Authority ordered that no penalty needs to be imposed on the PIO as they were busy with activities of pre and post Municipal election. He also directed that the appellant should be given inspection of the register and should furnish copies of pages selected by him. It is against this order that this second appeal has been filed.

The case was fixed for hearing on 13.08.2008. Appellants and respondents were present. The appellant insisted on penal action against the appellant and also xerox copy of the whole register. The respondent pleaded that his non response was not deliberate or designed and he was really busy with Municipal elections. After going through the papers and considering the arguments advanced by parties, I have come to the conclusion that the PIO need not be penalized. Section 20 of the RTI Act has elaborated the circumstances under which the PIO may attract penalty. The malafide on the part of the PIO has to be proved. In this case the malafide is not proved and I would not impose any

penalty. As far as the second point of furnishing information is concerned, I do not agree with the view expressed in his order. The appellant wants xerox copy of the whole register, we are no one to advise him to have inspection and select pages. He has shown his willingness to pay.

Thus in the light of the above discussion I allow the appeal as far point no 2 is concerned. The appellant is entitled to have the information he has demanded more so when the information is maintained in that form. I pass the following order.

Order

The appeal is partially allowed. PIO to furnish information in 30 days failing which action under section 20 of the RTI Act will be initiated.

(Ramanand Tiwari)
State Information Commissioner, Mumbai

Place: Mumbai
Date: 14.08.2008.

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

Appeal No.2008/634/02

**Mr. Bharat Virchandji Gurjar
7, Gazder Street, Shriji Bhavan, J.S.S. Road,
Mumbai – 400 002.**

... Appellant

V/s

**First Appellate Officer cum Asstt. Municipal Commissioner,
Bhruhan Mumbai Mahanagarपालिका,
C Ward Office, 76, Shrikant Palekar Marg,
Mumbai – 400 002.**

... Respondent

**Public Information Officer cum Asstt. Engineer (Building & Factory)
Bhruhan Mumbai Mahanagarपालिका,
C Ward Office, 76, Shrikant Palekar Marg,
Mumbai – 400 002.**

GROUNDS

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant had asked for a xerox copy of the register maintained for notices issued under section 354 A of the BMC Act. The PIO did not reply and the appellant filed the first appeal. The First Appellate Authority ordered that no penalty needs to be imposed on the PIO as they were busy with activities of pre and post Municipal election. He also directed that the appellant should be given inspection of the register and should furnish copies of pages selected by him. It is against this order that this second appeal has been filed.

The case was fixed for hearing on 13.08.2008. Appellants and respondents were present. The appellant insisted on penal action against the appellant and also xerox copy of the whole register. The respondent pleaded that his non response was not deliberate or designed and he was really busy with Municipal elections. After going through the papers and considering the arguments advanced by parties, I have come to the conclusion that the PIO need not be penalized. Section 20 of the RTI Act has elaborated the circumstances under which the PIO may attract penalty. The malafide on the part of the PIO has to be proved. In this case the malafide is not proved and I would not impose any

penalty. As far as the second point of furnishing information is concerned, I do not agree with the view expressed in his order. The appellant wants xerox copy of the whole register, we are no one to advise him to have inspection and select pages. He has shown his willingness to pay.

Thus in the light of the above discussion I allow the appeal as far point no 2 is concerned. The appellant is entitled to have the information he has demanded more so when the information is maintained in that form. I pass the following order.

Order

The appeal is partially allowed. PIO to furnish information in 30 days failing which action under section 20 of the RTI Act will be initiated.

(Ramanand Tiwari)
State Information Commissioner, Mumbai

Place: Mumbai
Date: 14.08.2008.

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

Appeal No.2008/220/02

**Mr. Nadim M. Oomerbhoy,
Nariman Building, 6th Floor,
Flat 12A, 162 M.K. Road,
Mumbai – 400 021.**

... Appellant

V/s

**First Appellate Officer cum Dy. Police Commissioner,
Zone-2, Nagpada, Sir J. J. Road,
Mumbai – 400 008.**

... Respondent

**Public Information Officer cum Asstt. Police Commissioner,
Zone-2, Nagpada, Sir J. J. Road,
Mumbai – 400 008.**

GROUNDS

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant had sought information regarding the action taken on his complaint dated 29.07.2006 filed with Senior Police Inspector, Colaba Police Station. The appellant had alleged that Shri. Vinod Kumar Saigal has rented out his flat at Colaba Cooperative Housing Society, Sohrab Bharucha Road, Colaba without informing the local police which is necessary according to the departments own existing instructions.

The appellant is not satisfied with the replies given and hence he has filed this second appeal.

The case was fixed for hearing on 12.06.2008 but had to be adjourned because the respondent was not present. It was fixed on 04.08.2008. The appellant has been represented but the respondent is absent.

After going through the case papers and the argument advanced by the appellant, I have come to the conclusion that the appeal has to be allowed. The information sought is short, simple and straight forward. All that the appellant wanted to know whether Mr. Saigal has informed the local police

as required by them and if not whether some action has been initiated against the landlord. The police must have issued this instruction in public interest and if a citizen wants to know whether a landlord has informed the police or not, he his well within his right, I pass the following order.

Order

Appellant to be furnished the information whether Mr. Vinod Kumar Saigal has informed the local police or not and if not what action has been initiated against him.

(Ramanand Tiwari)
State Information Commissioner, Mumbai

Place: Mumbai
Date: 04.08.2008.

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

Appeal No.2008/580/02

**Mr. Mahendra Janardhan Chavan
85/2, Chalke Chawl, Tadwadi,
Sawadshi Mill Road,
Sion Chunabhatti, Mumbai – 400 022.**

... **Appellant**

V/s

**First Appellate Officer cum Dy. General Manager,
Zone-2, Maharashtra State, Finance Corporation,
United India Building, 1st Floor,
Sir Phirozshah Mehta Road, Fort, Mumbai – 400 001.**

... **Respondent**

**Public Information Officer cum Asstt. Police Commissioner,
Zone-2, Nagpada, Sir J. J. Road,
Mumbai – 400 008.**

GROUND

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant has asked for copies of advertisement done to recruit class III and IV employees in the Maharashtra State Financial Corporation, details of the functionary assigned to ensure the principle of equal opportunity enshrined in article 16 of the constitution of India and implementation of section 4 of the Right to Information Act to ensure transparency and accountability. The information furnished by the PIO by his letters dated 07.03.2007 has not satisfied the appellant. There is nothing on record to show that the First Appellate Authority has passed any order. The case was fixed on 05.08.2008. Appellant and respondents were present. The appellant has stated that the way in which he wanted information, it has not been furnished to them. The respondents have submitted that they have furnished the available information to the appellant. They have also stated that they have not made any recruitment from 1996 to 2006 so the information is nil only. They have also stated that they are resorting to VRS to slim the organization as the organization is in winding up mode.

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

Order

The appeal is disposed off.

(Ramanand Tiwari)
State Information Commissioner, Mumbai

Place: Mumbai
Date: 06.08.2008.

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

Appeal No.2008/597/02

**Mr. Bhupendra Gopaldas Arora,
C-5/17, Hari Ratan Society,
Bangur Nagar, Goregaon (W),
Mumbai – 400 090.**

... Appellant

V/s

**First Appellate Officer cum District Dy. Registrar,
Cooperative Society's (3), Western Suburban,
Gruhnirman Bhavan, Ground Floor, Desk No. 69,
Bandra (E), Mumbai – 400 051.**

... Respondent

**Public Information Officer cum Dy. Registrar,
Cooperative Society's, P Division, 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 has requested for the following information as per society circular dated 20.02.2003 the amount of Rs. 5350/- was collected for compound wall from 143 members and no quotation was approved in the AGM. The amount collected is deleted in Annual report 31.03.2006 and balance from 5 members Rs. 26, 750/- is shown. The appellant wants to know how did the CA certify the annual report without giving breakup of accounts which further exposes the nexus between the Auditor and the society. He has also complained against the draft minutes of the AGM. The PIO by his letter dated 10.10.2006 informed him that these information would be available at the society level and his application was sent to the society. The First Appellate Authority in his order dated 19.12.2008 virtually confirmed the PIO's order and disposed off the appeal. He has also observed that the appellant's idea behind seeking information is to get his grievances redressed. He accordingly directed the Dy. Registrar 'P' Ward to do the needful. The appellant was not satisfied and filed his second appeal before the commission.

The case was fixed for hearing on 06.08.2008. Appellant and respondent were present. The appellant's contention that he is not getting the information was reiterated.

The respondent has stated that he is pursuing the society to furnish the information to the appellant.

After going through the case papers and considering the arguments, I am of the view that the appellant basically wants his disputes with the society settled. There is nothing which can be done under the RTI Act. The RTI guarantees access to available information and redressal of individual grievances is not mandated under the Act. The ultimate solution to his problems lies with the Dy. Registrar who is adequately armed under the Maharashtra Cooperative Society Act 1960.

Order

The appeal is disposed off.

(Ramanand Tiwari)
State Information Commissioner, Mumbai

Place: Mumbai
Date: 06.08.2008.

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

Appeal No.2008/603/02

**Mr. Atul Ramnikalal Mathuria,
B-11, Shiv Chhaya, 33, Sir M. V. Road,
Andheri (E), Mumbai – 400 069.**

... **Appellant**

V/s

**First Appellate Officer cum District Dy. Registrar (3),
Gruhnirman Bhavan, Ground Floor, Desk No. 69,
Bandra (E), Mumbai – 400 051.**

... **Respondent**

**Public Information Officer cum Dy. Registrar,
Cooperative Society's, P Division, 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 regarding various decisions taken by the society but reversed by the administrator, action taken to correct various defaults pointed out by the Dy. Registrar to appoint the administrator, receipts and expenses incurred by the administrator in their Society, remuneration paid to the administrator from their society and other aspects of the function's of the administrator. The PIO informed him that this information can be obtained locally from the society. The First Appellate Authority has virtually confined the PIO's order. Hence this second appeal before the commission..

The case was fixed for hearing on 07.08.2008. The appellant did not turn up. The respondent was present. The appellant however has informed the commission that his grievances stood redressed and wanted proceedings to be dropped.

In view of the foregoing, I decide to drop the proceedings.

Order

Proceedings are dropped and appeal disposed off.

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

Place: Mumbai
Date: 07.08.2008.

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

Appeal No.2008/604/02

**Mr. Atul Ramnikalal Mathuria,
B-11, Shiv Chhaya, 33, Sir M. V. Road,
Andheri (E), Mumbai – 400 069.**

... **Appellant**

V/s

**First Appellate Officer cum District Dy. Registrar (3),
Gruhnirman Bhavan, Ground Floor, Desk No. 69,
Bandra (E), Mumbai – 400 051.**

... **Respondent**

**Public Information Officer cum Dy. Registrar,
Cooperative Society's, P Division, 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 information regarding various decisions taken by the society but reversed by the administrator, action taken to correct various defaults pointed out by the Dy. Registrar to appoint the administrator, receipts and expenses incurred by the administrator in their Society, remuneration paid to the administrator from their society and other aspects of the functioning of the administrator. The PIO informed him that this information can be obtained locally from the society. The First Appellate Authority has virtually confined the PIO's order. Hence this second appeal before the commission..

The case was fixed for hearing on 07.08.2008. The appellant did not turn up. The respondent was present. The appellant however has informed the commission that his grievances stood redressed and wanted proceedings to be dropped.

In view of the foregoing, I decide to drop the proceedings.

Order

Proceedings are dropped and appeal disposed off.

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

Place: Mumbai
Date: 07.08.2008.

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

Appeal No.2008/578/02

**Mr. Mahendra Janardhan Chavan
85/2, Chalke Chawl, Tadwadi,
Swadeshi Mill Road,
Sion Chunabhatti, Mumbai – 400 022.**

... **Appellant**

V/s

**First Appellate Officer cum Asstt. Labour,
Office of the Labour Commissioner,
Commerce Center, Tadev, Mumbai – 400 034.**

... **Respondent**

**Public Information Officer,
Office of the Labour Commissioner,
Commerce Center, Tadev, Mumbai – 400 034.**

GROUND

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 III and IV employees and had asked for copies of all advertisement made for these recruitment. He has also asked for information whether these recruitments have been done in accordance with the direction and guidelines of Hon Supreme Court in civil appeal No. 11646-11724 of 1996 in KBN Vishveshwar Rao & others vs Excise Supdt Malkapatnam, Krishna district AP. He has also wanted to know the implementation of section 4 of the Right to Information Act 2005. The case was fixed for hearing on 05.08.2008. Appellants and respondents were present. The appellant has stated that he was not satisfied with the information furnished by the PIO and also the order passed by the First Appellant Authority. After going through the case papers and considering the arguments, I am of the view that the PIO by his order dated 15.02.2007 has furnished the required information. The RTI guarantees access to available information. If the information has not been maintained in a particular way, it cannot be furnished the way the appellant wanted. In fact the appellant has been repeating that although he has been given the information but not the way in his he had wanted. Some of the information sought by the

appellant is too broad virtually impossible to respond. He had wanted to know names / surnames of officials, officers employees, competent authorities who were appointed to discharge official duties with powers for implementing and complying principle of article 16 of the Indian constitution providing equal opportunity in matters of public employment within the office of the Labour Commissioner.

In the light of the above discussion my conclusion is that the appellant has been provided the information available with the respondent. I decide to close the case.

Order

The appeal is disposed off.

(Ramanand Tiwari)
State Information Commissioner, Mumbai

Place: Mumbai
Date: 06.08.2008.

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

Appeal No.2008/602/02

**Mr. Atul Ramnikalal Mathuria,
B-11, Shiv Chhaya, 33, Sir M. V. Road,
Andheri (E), Mumbai – 400 069.**

... **Appellant**

V/s

**First Appellate Officer cum District Dy. Registrar (3),
Gruhnirman Bhavan, Ground Floor, Desk No. 69,
Bandra (E), Mumbai – 400 051.**

... **Respondent**

**Public Information Officer cum Dy. Registrar,
Cooperative Society's, P Division, 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 information regarding functioning of Mathuria CHS Ltd. Appointment of administrator and issues handled by him. The PIO in his order dated 22.01.2007 informed him that these information can be had from the Society the First Appellate Authority by his order dated 30.03.2007 virtually confirmed the PIO's order. Hence this second appeal.

The case was fixed for hearing on 07.08.2008. The appellant did not turn up. The respondent was present. In his written submission he has stated that the appellant by his letter dated 01.08.2008 has informed the commission that he has received the required information and proceedings may be dropped.

In view of the submission made by the respondent and absence of the appellant, I decided to drop the proceedings.

Order

Proceedings are dropped and appeal disposed off.

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

Place: Mumbai
Date: 07.08.2008.

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

Appeal No.2008/626/02

**Mr. Anandrao Govindrao Pawar,
1 Prathana CHS. Ltd, N.M. Kale Marg,
Dadar (W), Mumbai – 400 028.**

... **Appellant**

V/s

**First Appellate Officer cum Joint Secretary,
General Administrative Department,
Mantralaya, Mumbai – 400 032.**

... **Respondent**

**Public Information Officer cum Desk Officer,
General Administrative 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 requested for inspection of papers the relating to allotment of govt. quarter No. 4/4 to Smt. Pranoti P. Chudji at Savli Building PWD Quarter, Ganapatrao Jadhav Marg, Worli, Mumbai – 400 018. The PIO by his letter dated 21.02.2007 informed the appellant that such papers are retained only for one year and the said quarter was allotted during 92 – 94, the required inspection cannot be granted. The appellant filed his first appeal dated 09.04.2007 on the ground that the Administrative Department is bound to keep the records of properties allotted to its servants and to maintain transparency he should have been allowed the inspection. The First Appellate Authority did not pass any order. Hence this second appeal.

The case was fixed for hearing on 12.08.2008. The appellant by his letter dated 11.08.2008 requested for adjournment because he had an important matter to attend in the court. The PIO was present. I have considered the application of the appellant and taking into account the nature of the case and the stand taken by respondents I am of the view that no useful purpose will be served if the appeal is adjourned, I therefore reject the adjournment application. Govt. fixes period for which a particular record has to be preserved. This is based on govt's perception of the relative important of the document.

We cannot question this classification. If allotment of govt. quarter and papers relating to that have to be preserved for only one and they have been destroyed after that, the inspection after a decade is not feasible. I would therefore conclude that the reply given by the PIO cannot be questioned. I therefore pass the following order.

Order

In view of the circumstances, the order passed by the PIO is confirmed and the appeal is disallowed.

(Ramanand Tiwari)
State Information Commissioner, Mumbai

Place: Mumbai
Date: 20.08.2008.

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

Appeal No.2008/526/02

**Mr. Chandrahas Gajanan Wadikar,
15/3, Sagar Sanidhya CHS Ltd,
Gen. Arunkumar Vaidya Marg,
Mahim, Mumbai – 400 016.**

... **Appellant**

V/s

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

... **Respondent**

**Public Information Officer,
SRA, 5th Floor, Griha Nirman 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 information all inspection of papers relating to Sagar Samdhya CHS, Gen. Arunkumar Vaidya Marg (Mahim Causeway Road) CTS No.1505 & 1/1505. The appellant wants to know any development proposal has been submitted and if yes what is the current states the proposal. The PIO by his letter dated 10.11.2006 informed him that no proposal has been received in their office. The appellant preferred the first appeal under section 19(1) of the RTI Act but no order seems to have been passed. Hence this second order.

The case was fixed for hearing on 18.08.2008. Appellant and respondents were present. The main contention of the appellant is that the SRA had given no objection to the Development proposal but things have not move at all for years. The respondents have stated that unless the developer submits the proposal, they cannot do anything. As far as appellant's contention is concerned that the o objection should be cancelled and fresh proposal invited, the SRA contended that this cannot be done by them. The society should approach the SRA with request to cancel the no objection and a new proposal for development. I see a lot of reasoning in this argument. As per the existing provisions tenants/ residents have to decide who would the developer. The SRA cannot impose a

developer his choice. I would tend to agree with the view expressed by the SRA that the society should select a new development and approach the SRA for further action under these circumstances I am constrained to pass the following order.

Order

The appeal is disposed off.

(Ramanand Tiwari)
State Information Commissioner, Mumbai

Place: Mumbai
Date: 21.08.2008.

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

Appeal No.2008/660/02

**Mr. Ajit Sahnkar Mahadik
30/A (Behind), Kamgar Nagar,
Kurla (W), Mumbai – 400 024.**

... **Appellant**

V/s

**First Appellate Officer cum Dy. Commissioner,
Office of the Dairy Development Commissioner,
Warli, Mumbai – 400 018.**

... **Respondent**

**Public Information Officer cum Principal
Office of the Dairy Science Institute,
Aarey Colony, Mumbai – 400 065.**

GROUND

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant has sought information regarding difficulties faced by students, jobs, scholarship, equipment for the institute proposal and follow up for equipment, complaints from teachers, filling in of vacancies etc. The appellant is not satisfied with responses received from the PIO and the First Appellate Authority. Hence this appeal.

The appeal was fixed for hearing on 14.08.2008. Appellant and respondent were present. The appellant has stated the despite First Appellant Authority order and having deposited the money, he has not been furnished the required information. The respondent has pleaded that these is no clarify in the application for information I have gone through the papers and considered the arguments. It is very clear that the information sought is too broad and non specific.

Section 2(J) also defines right to information as follows: -

(J) “right to information” means the right to information accessible under this Act which is held by or under the control of any public authority and includes the right to-

i) inspection of work, documents. Records:

ii) taking notes, extracts or certified copies of documents or record:

iii) taking certified samples of material:

iv) obtaining information in the form of diskettes, floppies, tapes, video cassettes or in any other electronic mode or through printouts where such information is stored in a computer or in any other device:

If we examine the appellant's request in the light of this definition, it is clear that he is not asking for information already available but expects information to be generated and supplied. What is meant by students and teachers grievance? There are no specific grievances and if even they are there, RTI does not provide for redressal of grievances. It guarantees access to available information. It does not allow question to be asked. I would therefore advise the appellant to be specific and clear in his approach and application. I am of the view that directing the PIO to collect, collate and furnish the information required by the appellant would disproportionate by divert divest the resources, time and energy of the institute; I therefore pass the following order.

Order

The appeal is disallowed. The appellant to approach the PIO with specific and clear request for supply of available information.

(Ramanand Tiwari)
State Information Commissioner, Mumbai

Place: Mumbai
Date: 14.08.2008.

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

Appeal No.2008/647/02

**Mr. Vishnu Kaka Pawar
C/4, P. And T. Colony,
Tilaka Nagar, Chember (W),
Mumbai – 400 089.**

... **Appellant**

V/s

**First Appellate Officer cum Director (Engineering Services Project)
Bruham Mumbai Mahanagarpalika Chief Office,
3rd Floor, Mahapalika Marg, Mumbai – 400 001.**

... **Respondent**

**Public Information Officer cum Dy. Chief Engineer (Building Proposal)
Easter Suburban, Office of the Bruham Mumbai Mahanagarpalika,
4th Floor, Pantnar, Ghatkopar (W), Mumbai – 400 075**

GROUNDS

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant wanted to have information regarding building proposal No CE/280/BPHS/ Easter Suburban ward. The Public Information Officer by his letter dated 21.06.2006 asked him to deposit Rs. 3140/- for getting the required information. He also asked the appellant to get in touch with Asstt. Engineer water works. He was also informed that the architect concurred has not given the building completion certificate and so no occupancy certificate was issued. The PIO by his further communication dated 28.12.2006 informed the appellant the occupancy certificate to the Building has been issued and he could obtain a copy on payment of requisite fee. It is not clear from the case papers whether the First Appellate Authority has passed any order.

The case was fixed for hearing on 14.08.2008. The appellant and respondents were p[resent]. The appellant stated that he was still not happy and satisfied with the information furnished to him. The respondent volunteered to furnish all the available information. The respondent showed their willingness to offer him the opportunity of

inspection of the documents and supply copies of selected ones. The appellant agreed to the proposal. I therefore pass the following order.

Order

Respondent PIO to facilitate inspection of documents by appellant and furnish copies of documents selected by him within 30 days.

(Ramanand Tiwari)
State Information Commissioner, Mumbai

Place: Mumbai
Date: 16.08.2008.

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

Appeal No.2008/622/02

**Mr. A.R. Patel,
Municipal Worker Union,
237/239, Bal Dandvate Smurti,
N.M. Joshi Marg, Mumbai – 400 013.**

... Appellant

V/s

**First Appellate Officer cum Asstt. Municipal Commissioner,
G/North Division, Bruhan Mumbai Mahanagarpalika,
Harishchandra Yewale Marg, Dadar (W),
Mumbai – 400 028.**

... Respondent

**Public Information Officer cum Dy. Commissioner
F/South Division Building, Bruhan Mumbai Mahanagarpalika,
Dr. Ambedkar Marg, 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 various information in the context of Municipal Commissioner MCGM's circular dated 14.12.2006 directing that no leave – earned, casual should be sanctioned during the code of conduct. The appellant had sought information as to what would happen if some one fell ill or met with an accident etc. He was not happy with the responses from the PIO or the First Appellate Authority. Hence this second appeal.

The case was fixed for hearing on 18.08.2008. The appellant did not turn up. The respondent was present. He has informed the commission that the required information has been furnished. In the meanwhile the appellant has informed the commission that since he got the information he wanted, he was not interested in pursuing the case. In view of this the appellant's request is granted.

Order

The appeal is disposed off.

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

Place: Mumbai
Date: 20.08.2008.

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

Appeal No.2008/425/02

**Mr. Mehmood Mehboob Shaikh,
Room No. 7, Dost Mohammed Chawl,
Behind Gausia Masjid, Nityanand Nagar,
Ghatkopar (W), Mumbai – 400 086.**

... **Appellant**

V/s

**First Appellate Officer cum Asstt. Municipal Commissioner,
G/North Division, Bruhan Mumbai Mahanagarpalika,
1st Floor. Room No. 39, Harishchandra Yewale Marg,
Dadar (W), Mumbai – 400 028.**

... **Respondent**

**Public Information Officer cum Asstt. Engineer (B & F)
G/North Division, Bruhan Mumbai Mahanagarpalika,
1st Floor. Room No. 39, 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. He had sought the following information: -

- 1) Copies of the Detection Registrar for period from 01.01.2004 to 10.07.2006.
- 2) Inspection of Detection Registrar work sheet Registrar for the period from 01.01.2004 to 10.07.2006.
- 3) Inspection of Demolition Registrar for the period from 01.01.2004 to 10.07.2006.
- 4) No of complaints about unauthorized construction received during the period from 01.01.2004 to 10.07.2006.

The PIO by his order dated 10.08.2006 asked him to deposit Rs. 15, 000/- as requisite fee. He preferred the first appeal. The First Appellate Authority does not seem to have passed any order. Hence this second appeal.

The case was fixed for hearing on 25.08.2008. The appellant did not turn up. The respondent was present. The respondent in his submission has stated that the required information has been furnished and the appellant has requested for closing the case. He has enclosed a copy of his letter. I therefore pass the following order.

Order

The appeal is disposed off.

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

Place: Mumbai

Date: 25.08.2008.

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

Appeal No.2008/345/02

**Mr. Girish Asher
2/4, Old Hanuman 2nd Cros Lane,
Dhirubhai Parekh Marg, Mumbai – 400 002.**

... Appellant

V/s

**First Appellate Officer,
Greater Mumbai Municipal Corporation,
Mahapalika Marg, Mumbai – 400 001.**

... Respondent

**Public Information Officer,
Greater Mumbai Municipal Corporation,
Mahapalika Marg, Mumbai – 400 001.**

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 his complaint against illegal construction at 25, Bora Bazar Street, Plot belonging to Bharatiya Stree Mandal trust. The case was fixed for hearing on 18.08.2008. The appellant did not turn up. The respondent's were present. Records show that neither the PIO nor the First Appellate Authority has passed any order. This is serious. They do not seem to have taken the RTI seriously. The information sought is also very simple and straight forward. I therefore pass the following order.

Order

Required information to be furnished within 30 days. The PIO to explain why action was not taken earlier and why he should not be proceed against under section 20 of the RTI Act 2005.

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

Place: Mumbai
Date: 25.08.2008.

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

Complaint No.2008/46/02

**Mr. Sanjay Narayan Sawan
1/B/17, Deepmala CHS, Baf Hira Nagr, Bldg. No. 1,
Marve Road, Kharodi, Malad (W), Mumbai – 400 095.**

... **Appellant**

V/s

**First Appellate Officer cum Asstt. Commissioner,
Western Suburban, P & R Division,
1st Floor, Dr. Ambedkar Mandai,
Narayan Joshi Marg, Kandivali (E),
Mumbai 400 067.**

... **Respondent**

**Public Information Officer cum Executive Engineer (Building)
Western Suburban, P & R Division,
1st Floor, Dr. Ambedkar Mandai,
Narayan Joshi Marg, Kandivali (E),
Mumbai 400 067.**

GROUNDS

This complaint has been filed against the Asstt. Commissioner, P & R ward, Western Suburban, Mumbai. The complainant had sought the following information: -

Deepmala CHS. Ltd., Regd No. BOM/WP/HSG/TC/5081/90-91, Plot bearing CTS No.5 & 8, Survey No. 263(Part) 1. Reasons for NON issuing OCCUPANCY CERTIFICATE to shop of this society in details. 2. Approval plan of shop and building. 3. Present position of above issue in details. 4. All other documents pertaining to NON issuing NOC to building shops. 5. Present permission issued to develop and sale/release the shop of disputed / steal portion (Phase II) of this society building. Approved plan and detail of permission given by society for his proposal.

The complaint was asked to furnish the CTS No of the Plot. He complied by his letter dated 02.01.2007. He still has not been furnished the information.

The case was fixed for hearing on 18.08.2008. The complainant was present. Non applicant did not turn up. The case is simple but the Asstt. Commissioner has not cared to attend. It is therefore ordered that the PIO should submit his explanation why action should not be initiated against him. Under section 20 of the RTI Act 2005.

(Ramanand Tiwari)

State Information Commissioner, Mumbai

Place: Mumbai

Date: 26.08.2008

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

Complaint No.2008/50/02

**Mr. Gajanan Sitaram Shepal,
Lecturer, Sir J.J. School of Arts,
Dr. D.N. Marg, Fort, Mumbai – 400 001.**

... **Appellant**

V/s

**First Appellate Officer,
Sir J.J. School of Arts,
Dr. D.N. Marg, Fort,
Mumbai – 400 001.**

... **Respondent**

**Public Information Officer,
Sir J.J. School of Arts,
Dr. D.N. Marg, Fort, Mumbai – 400 001.**

GROUND

This complaint has been filed under section 18 of the Right to Information Act 2005. The complaint had sought information regarding appointment of Lecturers, from June 1996 to 2002, appointment of guide, copy of rules / regulations for admission copy of electives etc. The PIO by his letters dated 12.10.2006 furnished information on all the four points. The appellant was not satisfied and filed the first appeal. He was not happy with the response from the First Appellant Authority and hence this appeal.

The case was fixed for hearing on 18.08.2008. Appellants and respondent had made his written submission. The appellant has stated that he was yet to get the desired information specially the way he wanted. The respondents submitted that available information has already been supplied. After going through the case papers and considering the arguments advanced I have come to the conclusion that the available information has been furnished. The appellant's second appeal is basically against the order passed by earlier authorities. Any supplementary information cannot be asked at the second appeal level. I therefore advise the appellant that if in his opinion he wants some more information he can apply afresh. The commission is satisfied that available information has been furnished.

Order

The complaint is disposed off.

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

Place: Mumbai
Date: 20.08.2008

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

Appeal No.2008/395/02

**Mr. Madhav Gajanan Despande
7, Kaustubhdham CHSL, 23,
Sanghani Estate, Gaondevi Road,
Ghatkopar (W), Mumbai – 400 086.**

... Appellant

V/s

**First Appellate Officer cum Asstt. Municipal Commissioner,
Office of the Asstt. Municipal Commissioner,
'A' 134-E Shahid Bhagat Singh Marg,
Fort, Mumbai – 400 001.**

... Respondent

**Public Information Officer cum Asstt. Engineer (Building & Factory)
& Asstt. Engineer (Maintains)
Office of the Asstt. Municipal Commissioner,
'A' 134-E Shahid Bhagat Singh Marg,
Fort, 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 year wise from January 2000 to December 2006, the works seen in the ward by the concerned staff and the legal / demolition action taken by them or their superiors, subordinates. He has further elaborated these points but the essence remains that he wanted all the information regarding unauthorized structure and action taken in the ward from January 2000 to December 2006. The PIO by his letter dated 09.01.2007 informed the appellant that the information sought by him was exhaustive and not specific. The PIO also brought to the appellant's notice that retrieving the information from the year 2000 would impact the day to day working of the ward office and would also have impact on the limited resources of the ward office. The PIO offered inspection of documents and also supply of selected ones. The appellant however was not satisfied. He preferred the first appeal but no order seems to have been passed on his appeal. He has now approached the commission under section 19(3) of the RTI act 2005.

The case was fixed for hearing on 26.08.2008. The appellant was present. Respondents were also present. The main contention of the respondents was that they are not averse to furnishing the information but the appellant must inspect documents and identify documents whose copies are required by him. The appellant has insisted that the PIO must furnish the entire information as requested.

I have gone through the case papers and also considered the arguments advanced by parties. It gone without saying that the information sought by the appellant is very important and go a long way in bringing transparency in society. I am however not in a position to ignore the plea made by respondents. Copies of all the documents for 6 years without discrimination is a huge task. I am sure it would affect the ward's day to day working and would have impact on their resources. I therefore uphold the PIO contention that the appellant may inspect documents and ask for copies of those he needed. I pass the following order.

Order

The PIO to facilitate inspection all relevant document by the appellant and also furnish copies of selected ones. The exercise to be over in 45 days.

(Ramanand Tiwari)
State Information Commissioner, Mumbai

Place: Mumbai
Date: 27.08.2008.

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

Complaint No.2008/1/02

**Mr. Shaikh Nawabuddin Naimuddin Siddique
Flat No. 702, "A" Wing, Subhash Chandra CHS,
Opp. ONGC Tower, Mukund Nagar,
Dharavi, Mumbai – 400 017.**

... **Appellant**

V/s

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

... **Respondent**

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

**Public Information Officer cum Asstt. Municipal Commissioner
G/North Division Office Building, Harishchandar Yevle Marg,
Behind Plaza Traitor, Dadar, Mumbai – 400 028.**

GROUNDS

This complaint has been filed under section 18 of the Right to Information Act 2005. The complainant had an appeal under section 19(3) of the RTI Act. The commission ordered that the desired information should be furnished to the complainant. The complainant has been requesting for a copy of the table survey plan of Chitrukut CHS. Dharavi. The complainant states that this document was very vital for him. He feels that the measurement plan would reveal the area in his possession / name and that will increase his entitlement in the redeveloped building. The MCGM has been saying that this plan was not available with them. The SRA also has been denying the existence of the measurement plan wanted by the complainant.

The case was fixed for hearing on 26.08.2008. The complainant was present in person. The SRA was represented by the PIO Sub Engineer, SRA. The complainant has a feeling that a copy of the measurement plan is being denied to him deliberately. The SRA has pleaded that it is not that the relevant file is missing. There are maps on the file. The complainant however wants the plan in a particular form which is not available on record.

The SRA however volunteered to furnish whatever information is required by the complainant.

Order

The PIO to facilitate inspection of the relevant file and furnish copies of all relevant documents free of cost. This exercise should be over in 45 days. The complaint is disposed.

(Ramanand Tiwari)
State Information Commissioner, Mumbai

Place: Mumbai
Date: 27.08.2008

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

Appeal No.2008/281/02

**Mr. Pravin Gajanan Chiplunkar
Room No. 8, Jari Mari Mata Cortege,
Malavani Church, Marve Road,
Malad (W), Mumbai – 400 095.**

... **Appellant**

V/s

**First Appellate Officer cum Asstt. Municipal Commissioner,
P/North Division Office, Liberty Garden,
Malad (W), Mahapalika, Mumbai – 400 064.**

... **Respondent**

**Public Information Officer,
P/North Division Office, Liberty Garden,
Malad (W), Mahapalika, Mumbai – 400 064.**

GROUND

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant had sought information regarding illegal filling of land belonging to Govt. He had complained to the ward office as movement of dumpers was causing inconvenience to School Children, Pedestrians and tourists. It seems that the PIO did not pass any order. The appellant filed the first appeal under section 19(1) of the RTI Act. The First Appellate Authority by his order dated 28.11.2006 directed the PIO to furnish the information regarding action taken by the Asstt. Engineer, P/North. The Asstt. Engineer (B &F) P/North by his letters dated 04.12.2006 informed the appellant that action has been taken under the MRTP Act against the following persons.

- 1) Mr. D. P. Singh & MR. J. P. Singh
- 2) Mr. Deepak S. Kamble
- 3) Mr. Sayyad Amin
- 4) Mr. Ashfaq Marchand
- 5) Mr. Achharam Yadav & MR. Anwar Shaikh
- 6) Mr. Glen D'soza & Mr. Cristopar D'soza

The appellant, however, has produced a copy of the letter dated 25.12.2007 from Sr. Inspector, Malvani saying that offences have been registered against Sr. No. 1 and 2.

It further says that no offence has been registered against 3 to 6 as claimed by the PIO. The appellant has therefore concluded that the information furnished to him was not correct and misleading. It is against this order that he has filed this second appeal before the commission.

The case was fixed for hearing on 17.06.2008. The Asstt. Engineer was asked to bring his explanation regarding the discrepancies pointed by the appellant. The appeal was adjourned to 26.08.2008. The appellant did not turn up. The respondents were present. The Asstt. Engineer, however, did not have a satisfactory explanation. He has tried to explain that offences are registered after certain formalities like site visit, panchnama etc. are done. He said that these formalities have not been done in the four cases and that is how the Sr. Inspector has reported that no offences have been registered in respect of 3 to 6. This, however, does not explain why should in that case the appellant should be informed that action under MRTP has been taken. This is definitely a serious lapse and needs investigation and appropriate action.

In the light of the above discussion I pass the following order.

Order

The appeal is allowed. The PIO to furnish correct information within 45 days. He should also send his explanation within 30 days why action under section 20 of the RTI Act should not be initiated against him.

(Ramanand Tiwari)
State Information Commissioner, Mumbai

Place: Mumbai
Date: 27.08.2008.

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

Appeal No.2008/89/02

**Mr. Pravin Gajanan Chiplunkar
Room No. 8, Jari Mari Mata Cortege,
Malavani Church, Marve Road,
Malad (W), Mumbai – 400 095.**

... **Appellant**

V/s

**First Appellate Officer cum Asstt. Municipal Commissioner,
P/North Division Office, Liberty Garden,
Malad (W), Mahapalika, Mumbai – 400 064.**

... **Respondent**

**Public Information Officer,
P/North Division Office, Liberty Garden,
Malad (W), Mahapalika, Mumbai – 400 064.**

GROUND

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant had sought information regarding illegal filling of land belonging to Govt. He had complained to the ward office as movement of dumpers was causing inconvenience to School Children, Pedestrians and tourists. It seems that the PIO did not pass any order. The appellant filed the first appeal under section 19(1) of the RTI Act. The First Appellate Authority by his order dated 28.11.2006 directed the PIO to furnish the information regarding action taken by the Asstt. Engineer, P/North. The Asstt. Engineer (B &F) P/North by his letters dated 04.12.2006 informed the appellant that action has been taken under the MRTP Act against the following persons.

- 1) Mr. D. P. Singh & MR. J. P. Singh
- 2) Mr. Deepak S. Kamble
- 3) Mr. Sayyad Amin
- 4) Mr. Ashfaq Marchand
- 5) Mr. Achharam Yadav & MR. Anwar Shaikh
- 6) Mr. Glen D'soza & Mr. Cristopar D'soza

The appellant, however, has produced a copy of the letter dated 25.12.2007 from Sr. Inspector, Malvani saying that offences have been registered against Sr. No. 1 and 2.

It further says that no offence has been registered against 3 to 6 as claimed by the PIO. The appellant has therefore concluded that the information furnished to him was not correct and misleading. It is against this order that he has filed this second appeal before the commission.

The case was fixed for hearing on 17.06.2008. The Asstt. Engineer was asked to bring his explanation regarding the discrepancies pointed by the appellant. The appeal was adjourned to 26.08.2008. The appellant did not turn up. The respondents were present. The Asstt. Engineer, however, did not have a satisfactory explanation. He has tried to explain that offences are registered after certain formalities like site visit, panchnama etc. are done. He said that these formalities have not been done in the four cases and that is how the Sr. Inspector has reported that no offences have been registered in respect of 3 to 6. This, however, does not explain why should in that case the appellant should be informed that action under MRTTP has been taken. This is definitely a serious lapse and needs investigation and appropriate action.

In the light of the above discussion I pass the following order.

Order

The appeal is allowed. The PIO to furnish correct information within 45 days. He should also send his explanation within 30 days why action under section 20 of the RTI Act should not be initiated against him.

(Ramanand Tiwari)
State Information Commissioner, Mumbai

Place: Mumbai
Date: 27.08.2008.

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

Appeal No.2008/87/02

**Mr. Pravin Gajanan Chiplunkar
Room No. 8, Jari Mari Mata Cortege,
Malavani Church, Marve Road,
Malad (W), Mumbai – 400 095.**

... **Appellant**

V/s

**First Appellate Officer cum Asstt. Municipal Commissioner,
P/North Division Office, Liberty Garden,
Malad (W), Mahapalika, Mumbai – 400 064.**

... **Respondent**

**Public Information Officer,
P/North Division Office, Liberty Garden,
Malad (W), Mahapalika, Mumbai – 400 064.**

GROUND

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant had sought information regarding illegal filling of land belonging to Govt. He had complained to the ward office as movement of dumpers was causing inconvenience to School Children, Pedestrians and tourists. It seems that the PIO did not pass any order. The appellant filed the first appeal under section 19(1) of the RTI Act. The First Appellate Authority by his order dated 28.11.2006 directed the PIO to furnish the information regarding action taken by the Asstt. Engineer, P/North. The Asstt. Engineer (B &F) P/North by his letters dated 04.12.2006 informed the appellant that action has been taken under the MRTP Act against the following persons.

- 1) Mr. D. P. Singh & MR. J. P. Singh
- 2) Mr. Deepak S. Kamble
- 3) Mr. Sayyad Amin
- 4) Mr. Ashfaq Marchand
- 5) Mr. Achharam Yadav & MR. Anwar Shaikh
- 6) Mr. Glen D'soza & Mr. Cristopar D'soza

The appellant, however, has produced a copy of the letter dated 25.12.2007 from Sr. Inspector, Malvani saying that offences have been registered against Sr. No. 1 and 2.

It further says that no offence has been registered against 3 to 6 as claimed by the PIO. The appellant has therefore concluded that the information furnished to him was not correct and misleading. It is against this order that he has filed this second appeal before the commission.

The case was fixed for hearing on 17.06.2008. The Asstt. Engineer was asked to bring his explanation regarding the discrepancies pointed by the appellant. The appeal was adjourned to 26.08.2008. The appellant did not turn up. The respondents were present. The Asstt. Engineer, however, did not have a satisfactory explanation. He has tried to explain that offences are registered after certain formalities like site visit, panchnama etc. are done. He said that these formalities have not been done in the four cases and that is how the Sr. Inspector has reported that no offences have been registered in respect of 3 to 6. This, however, does not explain why should in that case the appellant should be informed that action under MRTP has been taken. This is definitely a serious lapse and needs investigation and appropriate action.

In the light of the above discussion I pass the following order.

Order

The appeal is allowed. The PIO to furnish correct information within 45 days. He should also send his explanation within 30 days why action under section 20 of the RTI Act should not be initiated against him.

(Ramanand Tiwari)
State Information Commissioner, Mumbai

Place: Mumbai
Date: 27.08.2008.

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

Appeal No.2008/711/02

**Mr. Shaikh Nawabuddin Naimuddin Siddique
Flat No. 702, "A" Wing, Subhash Chandra CHS,
Opp. ONGC Tower, Mukund Nagar,
Dharavi, Mumbai – 400 017.**

... Appellant

V/s

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

... Respondent

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

**Public Information Officer cum Asstt. Municipal Commissioner
G/North Division Office Building, Harishchandar Yevle Marg,
Behind Plaza Traitor, Dadar, Mumbai – 400 028.**

GROUND

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant has been requesting for a copy of the table survey plan of Chitrakut CHS. Dharavi. The appellant states that this document was very vital for him. He feels that the measurement plan would reveal the area in his possession / name and that will increase his entitlement in the redeveloped building. The MCGM has been saying that this plan was not available with them. The SRA also has been denying the existence of the measurement plan wanted by the complainant.

The case was fixed for hearing on 28.08.2008. The appellant was present in person. The SRA was represented by the PIO Sub Engineer, SRA. The appellant has a feeling that a copy of the measurement plan is being denied to him deliberately. The SRA has pleaded that it is not that the relevant file is missing. There are maps on the file. The appellant however wants the plan in a particular form which is not available on record.

The SRA, however, volunteered to furnish whatever information is required by the appellant.

Order

The PIO to facilitate inspection of the relevant file and furnish copies of all relevant documents free of cost. This exercise should be over in 30 days. The appeal is disposed.

(Ramanand Tiwari)
State Information Commissioner, Mumbai

Place: Mumbai
Date: 28.08.2008

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

Appeal No.2008/712/02

Mr. Shaikh Nawabuddin Naimuddin Siddique
Flat No. 702, "A" Wing, Subhash Chandra CHS,
Opp. ONGC Tower, Mukund Nagar,
Dharavi, Mumbai – 400 017.

... Appellant

V/s

First Appellate Officer cum Asstt. Municipal Commissioner
G/North Division Office Building, Harishchandar Yevle Marg,
Behind Plaza Traitor, Dadar, Mumbai – 400 028.

... Respondent

Public Information Officer cum Colony Officer
MCGM, G/North Division Office Building, Harishchandar Yevle Marg,
Behind Plaza Traitor, Dadar, Mumbai – 400 028.

GROUNDS

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant has been requesting for a copy of the table survey plan of Chitrakut CHS. Dharavi. The appellant states that this document was very vital for him. He feels that the measurement plan would reveal the area in his possession / name and that will increase his entitlement in the redeveloped building. The MCGM has been saying that this plan was not available with them. The SRA also has been denying the existence of the measurement plan wanted by the complainant.

The case was fixed for hearing on 28.08.2008. The appellant was present in person. The Colony Officer, G/North was also present. The appellant has a feeling that a copy of the measurement plan is being denied to him deliberately. The Colony Officer has pleaded that whatever documents they had prepaid have been sent to SRA. The appellant wants the plan in a particular form which is not available on record. I have already passed my order in another case directing the SRA to allow the appellant to inspect the file and SRA will furnish copies of selected document. I therefore feel that the appeal needs to be disposed off.

Order

The appeal is disposed.

(Ramanand Tiwari)
State Information Commissioner, Mumbai

Place: Mumbai
Date: 28.08.2008

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

Appeal No.2008/710/02

**Mr. Shaikh Nawabuddin Naimuddin Siddique
Flat No. 702, "A" Wing, Subhash Chandra CHS,
Opp. ONGC Tower, Mukund Nagar,
Dharavi, Mumbai – 400 017.**

... **Appellant**

V/s

**First Appellate Officer cum Asstt. Municipal Commissioner
G/North Division Office Building, Harishchandar Yevle Marg,
Behind Plaza Traitor, Dadar, Mumbai – 400 028.**

... **Respondent**

**Public Information Officer cum Colony Officer
MCGM, G/North Division Office Building, Harishchandar Yevle Marg,
Behind Plaza Traitor, Dadar, Mumbai – 400 028.**

GROUND

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant has asked information regarding action taken on his application for table survey plan (Measurement) plan of Chitrakut CHS, Chawl plot No 181 TPS Dharavi. The PIO has been pleading that the said measurement plan was not available with them. Not satisfied with responses from the PIO and the First Appellate Authority, the appellant has filed this second appeal.

The case was fixed for hearing on 28.08.2008. Appellants and respondents were present. The appellant stated that none of his complaints has been attended. He cited a huge list of about 20 letters / reminders. The respondent replied that most of the applications / appeals / complaints revolve round only one issue – copy of table survey plan (Measurement plan) which the MCGM has not supplied because of its unavailability. The appellant, however, pointed out that three are other issues also like his land has been wrongly shown in the name of Anita Devi Mahto and his request to inspect relevant file has also not been granted. The Colony Officer readily agreed to grant the inspection. In view of the fact that other application / appeals relating to the table survey

plan have been attended to, the only issue remaining is inspection of file relating to Anita Devi Mahto. I therefore pass the following order

Order

The appeal is partially allowed. The Colony Officer will facilitate inspection of papers related to Anita Devi Mahto and furnish copies of selected document to the appellant.

(Ramanand Tiwari)
State Information Commissioner, Mumbai

Place: Mumbai
Date: 28.08.2008

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

Appeal No.2008/690/02

**Mr. Atul Ramnikalal Mathuria,
B-11, Shiv Chhaya, 33, Sir M. V. Road,
Andheri (E), Mumbai – 400 069.**

... Appellant

V/s

**First Appellate Officer cum District Dy. Registrar,
Gruhnirman Bhavan, Ground Floor, Desk No. 69,
Bandra (E), Mumbai – 400 051.**

... Respondent

**Public Information Officer cum Dy. Registrar,
Cooperative Society's, K East Ward, Mumbai;
Malhotra House, 6th Floor, Opp. G.P.O,
Fort, Mumbai – 400 001.**

GROUND

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant by his dated 02.04.2007 had sought the following information: -

1. List of decisions reversed / cancelled decisions / resolution made passed by the General Body of Mathuria Apartment CHSL and reasons for the same.
2. Benefits received by Mathuria Apartment CHSL due to such reversal / cancellation.
3. List of decisions reversed / cancelled decisions / resolutions made / passed by the Managing Committee at Mathuria Apartments CHSL and reasons for the same.
4. Benefits received by Mathuria Apartments CHSL due to such reversal / cancellation.
5. List of actions / steps taken during the period to rectify mistakes / short comings etc. from the entire list of defaults given by the Dy. Registrar, K Ward in his order dated 07.03.2006 appointing the Administrator.
6. Details of the receipts and payments made during the period.
7. Remuneration paid to the Administrator during the said period.
8. Remuneration paid to the assistant of the Administrator during the said period.
9. Last date up to which the appointment of Administrator is valid.

10. Dates on which the Administrator visited Mathuria Apartments CHSL during this period.
11. Dates on which the Assistant of the Administrator visited Mathuria Apartments CHSL during this period.
12. Last dated by which Annual General Meeting for the year ending 31.03.2006 is required to be held, as per the Act and Rules, without any extension.
13. Date and outward number of any permission for extension of AGM date for the year ending 31.03.2006.
14. Date and outward number of any permission for extension of AGM date for the year ending 31.03.2006, the reason therefore and date till it is extended.

The PIO by his letter dated 03.04.2007 informed the appellant the information sought by the appellant does not fall within the ambit of RTI Act as societies do not get any financial help from Govt. The appellant was not satisfied and he filed the first appeal. The First Appellate Authority by his order dated 29.05.2007 disallowed the appeal on the same ground that the information is not covered under the Right to Information, Act 2005. The appellant has filed this second appeal against this order.

The case was fixed for hearing on 25.08.2008. The appellant did not turn up. The respondent was present. After going through the case papers it is clear both the PIO and the First Appellate Authority have relied on the clarification issued by commissioner Co-operation that since societies do not get substantial help from govt. they are not covered under the definition of public authorities and are beyond the scope of RTI Act. The commission's approach has been that whenever information is sought from the Dy. Registrar, the key determining factor is whether he is holding the information or whether the information is held under his control. The commission has decided many cases based on this principle. So if some one wants a copy of the documents which formed the basis

for registration of the society, the commission has ordered furnishing of such information although it relates to a society which according to their perception is not public authority. The commission goes on the merits of each case and taking into account the spirit of the RTI Act. Since the appellant has chosen to remain absent and deprived the commission of his valuable input on an issue which is not settled, I am constrained to pass the following order.

Order

The appeal dismissed.

(Ramanand Tiwari)
State Information Commissioner, Mumbai

Place: Mumbai
Date: 28.08.2008.

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

Appeal No.2008/691/02

**Mr. Atul Ramnikalal Mathuria,
B-11, Shiv Chhaya, 33, Sir M. V. Road,
Andheri (E), Mumbai – 400 069.**

... Appellant

V/s

**First Appellate Officer cum District Dy. Registrar,
Gruhnirman Bhavan, Ground Floor, Desk No. 69,
Bandra (E), Mumbai – 400 051.**

... Respondent

**Public Information Officer cum Dy. Registrar,
Cooperative Society's, K East Ward, Mumbai;
Malhotra House, 6th Floor, Opp. G.P.O,
Fort, Mumbai – 400 001.**

GROUND

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant by his dated 02.04.2007 had sought the following information: -

1. List of decisions reversed / cancelled decisions / resolution made passed by the General Body of Mathuria Apartment CHSL and reasons for the same.
2. Benefits received by Mathuria Apartment CHSL due to such reversal / cancellation.
3. List of decisions reversed / cancelled decisions / resolutions made / passed by the Managing Committee at Mathuria Apartments CHSL and reasons for the same.
4. Benefits received by Mathuria Apartments CHSL due to such reversal / cancellation.
5. List of actions / steps taken during the period to rectify mistakes / short comings etc. from the entire list of defaults given by the Dy. Registrar, K Ward in his order dated 07.03.2006 appointing the Administrator.
6. Details of the receipts and payments made during the period.
7. Remuneration paid to the Administrator during the said period.
8. Remuneration paid to the assistant of the Administrator during the said period.
9. Last date up to which the appointment of Administrator is valid.

10. Dates on which the Administrator visited Mathuria Apartments CHSL during this period.
11. Dates on which the Assistant of the Administrator visited Mathuria Apartments CHSL during this period.
12. Last dated by which Annual General Meeting for the year ending 31.03.2006 is required to be held, as per the Act and Rules, without any extension.
13. Date and outward number of any permission for extension of AGM date for the year ending 31.03.2006.
14. Date and outward number of any permission for extension of AGM date for the year ending 31.03.2006, the reason therefore and date till it is extended.

The PIO by his letter dated 03.04.2007 informed the appellant the information sought by the appellant does not fall within the ambit of RTI Act as societies do not get any financial help from Govt. The appellant was not satisfied and he filed the first appeal. The First Appellate Authority by his order dated 29.05.2007 disallowed the appeal on the same ground that the information is not covered under the Right to Information, Act 2005. The appellant has filed this second appeal against this order.

The case was fixed for hearing on 25.08.2008. The appellant did not turn up. The respondent was present. After going through the case papers it is clear both the PIO and the First Appellate Authority have relied on the clarification issued by commissioner Co-operation that since societies do not get substantial help from govt. they are not covered under the definition of public authorities and are beyond the scope of RTI Act. The commission's approach has been that whenever information is sought from the Dy. Registrar, the key determining factor is whether he is holding the information or whether the information is held under his control. The commission has decided many cases based on this principle. So if some one wants a copy of the documents which formed the basis

for registration of the society, the commission has ordered furnishing of such information although it relates to a society which according to their perception is not public authority. The commission goes on the merits of each case and taking into account the spirit of the RTI Act. Since the appellant has chosen to remain absent and deprived the commission of his valuable input on an issue which is not settled, I am constrained to pass the following order.

Order

The appeal dismissed.

(Ramanand Tiwari)
State Information Commissioner, Mumbai

Place: Mumbai
Date: 28.08.2008.

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

Appeal No.2008/706/02

**Messer's Riddhi Siddhi S. D. V. Pvt. Ltd,
Property, Rubyhill, 45/47/49/51/89/91,
Ridge Road & 164 Walkeshwar Road,
Mumbai – 400 006.**

... Appellant

V/s

**First Appellate Officer cum Asstt. Municipal Commissioner
Greater Mumbai, Municipal Corporation, D Ward,
Jobenputra Compound, Nan Chowk,
Mumbai – 400 007.**

... Respondent

**Public Information Officer cum Medical Officer,
Greater Mumbai, Municipal Corporation, D Ward,
Jobenputra Compound, Nan Chowk,
Mumbai – 400 007.**

GROUND

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant has asked for a copy of partnership deed / conducting / Leave and licence agreement which has to be given at the time of application to get licence from the Health Department, MCGM. The appellant's contention is that the department has issued licence in the name of Shri. Ramchandra Bhiru Shirke and Nemchand Harakhchand. Since the licence has been issued in the name of both parties, there has to be some documents which formed the basis of this joint ownership. The appellant was informed by the PIO that the case relates to 1989 and relevant papers are not available, it was therefore not possible for them to furnish the desired information. The appellant filed the first appeal under section 19(1) of the RTI Act 2005. The First Appellate Authority by his orders dated 26.04.2006 directed the PIO to take diligent search and provide the required information to the appellant. The PIO has stated that they made the search but was unable

to find out the required document. They wrote to the licensee asking him to provide a copy of the partnership deed. The licensee however sent a copy of the “Deed of Dissolution”. A copy of the same was furnished to the appellant who is not satisfied and has preferred this second appeal before the commission.

The case was fixed for hearing on 27.08.2008. The appellant was present. Respondents were also present. The main contention of the appellant continues to be that since licence has been issued in the name of two parties there has to be a partnership deed. The respondent has tried to explain that licences are issued in the same way as applied. If the application contained two names, it would be issued in the two names. Since they do not have in their possession a copy of the partnership deed, they are not in a position to furnish.

I have gone through the case papers and also considered the arguments advanced by parties. I see merit in the argument advanced by the appellant. The argument that partnership deed was not submitted at the time of application can be accepted for the sake of argument but its existence is not in doubt. In fact what did not exist cannot be dissolved. The deed of Dissolution mentions about the partnership deed. I am therefore of the view that it should have been with the Health department. The health department will be well within its rights to ask the licensee to produce a copy of the partnership deed. They should clearly tell the licensee that they had asked for a copy of the partnership deed and not the deed of dissolution. I would like to draw the attention of the PIO to section (2) (F) which clearly expands the definition of information and includes any information relating to any body which can be accessed by a public authority under any

other law for the time enforce. The licencing authority can always ask the licensee to provide a copy of the partnership deed. I therefore pass the following order.

Order

The appeal is allowed. PIO to retrieve a copy of the partnership deed from the licensee as authorized under section 2(F) of the RTI Act. The same on receipt, should be furnished to the appellant. The exercise should be over within 30 days.

(Ramanand Tiwari)
State Information Commissioner, Mumbai

Place: Mumbai
Date: 28.08.2008

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

Appeal No.2008/156/02

**Mr. Narayan Shetty
Deepesh CHS. Ltd,
Ground Floor, Flat No. 1,
2nd Rabodi, Koliwada.
Thane (W) – 400 601.**

... **Appellant**

V/s

**First Appellate Officer cum Addl. Registrar,
Small Causes Court, Dhobi Talav, Mumbai**

... **Respondent**

**Public Information Officer,
Small Causes Court, Dhobi Talav, Mumbai**

GROUND

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant has sought information regarding execution of an order passed by Small Causes Court. He wanted to know on what basis the Court Bailiff took possession of his shop. He has also requested for a copy of the report submitted by the bailiff about the incident on 03.02.2004. He has also wanted to know what order has been passed by the Small Causes Court for breaking the lock and taking possession of his shop. He has requested for attested copies of all documents. The appellant is not satisfied with responses received from the PIO and the First Appellate Authority. Hence this second appeal.

The appeal was fixed for hearing on 26.08.2008. The appellant was present. The respondent did not turn up. Perusal of the case papers reveals that there are property disputes and the appellant and others have approached different court of law. Record also shows various orders / judgments passed by different authorities. The information sought by the appellant is arising out of a judgment by the Small Causes Court. If the appellant is not satisfied with the judgment or the way in which it has been executed or wrong execution of a court's order, the remedy lies with the same court or higher court as the situation demands. The content of the appeal is grievance redressal because the appellant

gives an impression that the courts order has been wrongly implemented. This is his judgment and it is not desirable for the commission to order furnishing of information based on appellant's judgment. I would therefore advise him to take recourse to legal action and approach the appropriate court for redressal of his grievance. I therefore close the case.

Order

The appeal is disposed off.

(Ramanand Tiwari)
State Information Commissioner, Mumbai

Place: Mumbai
Date: 29.08.2008

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

Appeal No.2008/707/02

**Messer's Riddhi Siddhi S. D. V. Pvt. Ltd,
Property, Rubyhill, 45/47/49/51/89/91,
Ridge Road & 164 Walkeshwar Road,
Mumbai – 400 006.**

... Appellant

V/s

**First Appellate Officer cum Asstt. Municipal Commissioner
Greater Mumbai, Municipal Corporation, D Ward,
Jobenputra Compound, Nan Chowk,
Mumbai – 400 007.**

... Respondent

**Public Information Officer cum Medical Officer,
Greater Mumbai, Municipal Corporation, D Ward,
Jobenputra Compound, Nan Chowk,
Mumbai – 400 007.**

GROUND

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

1) Copy of partnership deed /conducting / leave and licence agreement which has to be given at the time of application to get / acquire shop and Establishment Licence No D-1/013544 in the said premises – Jai Santoshi MA Pan Bhandar Shop – 11A (old No 12) 45/47 Ridge Road, Ground Floor, Mumbai – 400 006 as licence is issued in the name of Shri. Ramchandra Bhiru Shirke and Nemchand Harakhchand (As it is a partnership firm) He was informed by the PIO that since the licence was given in 1989 and the old papers were not available the information sought could not be given. The appellant filed an appeal under section 19(1) of the Right to Information Act 2005. The First Appellate Authority by his order dated 26.04.2007 directed the PIO to take diligent search of the record available and find out the conducting deed / partnership and within 15 days and

make it available to the applicant. The PIO wrote to the licensee to provide a copy of the partnership deed. The licensee however instead of sending a copy of the partnership deed, sent a copy of the "Deed of Dissolution". A copy of the same was furnished to the appellant who is not satisfied and has preferred this second appeal before the commission.

The case was fixed for hearing on 27.08.2008. The appellant was present. Respondents were also present. The main contention of the appellant continues to be that since licence has been issued in the name of two parties there has to be a partnership deed. The respondent has tried to explain that licences are issued in the same way as applied. If the application contained two names, it would be issued in the two names. Since they do not have in their possession a copy of the partnership deed, they are not in a position to furnish.

I have gone through the case papers and also considered the arguments advanced by parties. I see merit in the argument advanced by the appellant. The argument that partnership deed was not submitted at the time of application can be accepted for the sake of argument but its existence is not in doubt. In fact what did not exist cannot be dissolved. The deed of Dissolution clearly mentions about the partnership deed. I am therefore of the view that it should have been with the Health department. The health department will be well within its rights to ask the licensee to produce a copy of the partnership deed. They should clearly tell the licensee that they had asked for a copy of the partnership deed and not the deed of dissolution. I would like to draw the attention of the PIO to section (2) (F) which clearly expands the definition of information and includes any information relating to any body which can be accessed by a public authority under any other law for the time enforce. The licencing authority can always

ask the licensee to provide a copy of the partnership deed. I therefore pass the following order.

Order

The appeal is allowed. PIO to retrieve a copy of the partnership deed from the licensee as authorized under section 2(F) of the RTI Act. The same on receipt should be furnished to the appellant. The exercise should be over within 30 days.

(Ramanand Tiwari)
State Information Commissioner, Mumbai

Place: Mumbai
Date: 28.08.2008

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

Appeal No.2008/665/02

**Mr. Ramesh Namdevrao Kadam,
New Hanuman Theater,
Mangal Office, Industrial Estate Compound,
Lalbag, Mumbai – 400 012.**

... **Appellant**

V/s

**First Appellate Officer,
Cultural Affairs Department,
Mantralaya, Mumbai – 400 032.**

... **Respondent**

**Public Information Officer,
Cultural Affairs 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 information regarding decisions relating to cultural activities taken by the current cabinet.

The case was fixed for hearing on 20.08.2008. The appellant and respondents were present. The appellant has informed the commission that he has a lot discussion with officers and he hoped that his application for information would achieve its purpose. The respondents have also submitted that information will be supplied in the light their discussion. Under these circumstances I pass he following order.

Order

The appeal is allowed. Respondents to furnish information within 30 days. They should also send a copy of the information sent to the appellant for commission's record.

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

Place: Mumbai
Date: 29.08.2008

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

Appeal No.2008/716/02

**Mr. Sanjay R. Bedia
D/6, Royal Opera House,
New Queens Road, Near SBI ATM,
Opera House, Mumbai – 400 004.**

... **Appellant**

V/s

**First Appellate Officer cum Dy. Municipal Commissioner,
(Election), Mahapalika Bhavan, Mahapalika Marg,
Mumbai – 400 001.**

... **Respondent**

**Public Information Officer,
Fire Brigade, Mumbai.**

GROUNDS

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant had sought information regarding the rules / regulations the Fire Brigade should follow while allowing development / redevelopment of a new building. He also wanted to know what equipment / programming the Fire Brigade is having to stop the fire if it takes place above 20 floor of a building. The appellant was informed that after scrutiny of the plan submitted by the architect, the Chief Fire Officer, Fire Brigade issues no objection certificate from fire risk point of view as per the guidelines laid down in the Development control Regulations 1991. The appellant was also informed that high rise building inspection cell carries out the inspection of the fire fighting system installed in high rise buildings and reports to the concerned Executive Engineer, Building Proposal and Asstt. Commissioner of the concerned ward. The appellant was not satisfied with the information furnished. He preferred the first appeal. The First Appellate Authority's decision has been communicated to him by the PIO's letter dated 14.06.2007. The appellant is not satisfied and has come in second appeal before the commission.

The appeal was fixed for hearing on 28.08.2008. The appellant did not turn up. The respondents were present. They have stated that whatever information was available, has been furnished. After going through the case papers and considering the argument

advanced by respondents I am view that the available information has been furnished. The order is elaborate and every point has been taken care of. Since the appellant is absent, the commission has been deprived of his valuable input to allow the commission to any further direction to the Fire Brigade. I there fore pass the following order.

Order

The appeal is disposed off.

(Ramanand Tiwari)
State Information Commissioner, Mumbai

Place: Mumbai
Date: 29.08.2008

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

Appeal No.2008/722/02

**Mr.Om Prakash Passi
Jagruti Kendra, St. Jude Church,
90 Feet Road, Jeri Mari,
Mumbai – 400 072.**

... **Appellant**

V/s

**First Appellate Officer cum Asstt. Engineer (Rd Expansion)
MMRDA Building, Bandra – Kurla Complex,
Bandra (E), Mumbai – 400 051.**

... **Respondent**

**Public Information Officer,
MMRDA Building, 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 has sought the following information: -

- 1) How many huts and house will be demolished, broken and how many families will be displaced?
- 2) Exactly map or plan of the Road. The areas through which this Road will pass,
- 3) How is the Rehabilitation take place and when?
- 4) What compensation will be given to the affected and under what scheme?

The PIO does not seem to have passed any order. It is clear whether the first appeal has been decided.

The case was fixed for hearing on 28.08.2008. The appellant has not turned up. The respondent was present. The respondent has stated that they have nothing to do with this road as it is not with them. Since the appellant is absent I have no way but to dismiss the appeal.

Order

The appeal is dismissed.

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

Place: Mumbai
Date: 29.08.2008

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

Appeal No.2008/695/02

**Smt. Jayshri Chandrakant Babar,
Anjna Estate, Chawl No. 12,
Room No. 4, Opp. Bhatia Hospital,
Bhandup – Village Rd, Mumbai – 400 078.**

... Appellant

V/s

**First Appellate Officer cum Director of Archaeology,
Maharashtra State, Elfishtan College Building,
Mumbai – 400 032.**

... Respondent

**Public Information Officer,
Maharashtra State, Elfishtan College Building,
Mumbai – 400 032.**

GROUNDS

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant had sought information regarding copy of the Gazette notification in which her husband's change of name was notified. The Director of Archaeology informed her that it may not be possible to track the notification unless the basic details like date of notification, old and new names, part of the Gazette notification etc. The appellant feels that instead of furnishing the information, the department is asking information from her. There is nothing on record to show whether the First Appellate Authority has passed any order.

The appeal was fixed for hearing on 27.08.2008. The appellant was present. The respondent was also present. The appellant has repeated her allegation that instead of furnishing the information, she is being asked to provide the information. The respondents have stated that unless some basic information as communicated to the appellant is furnished it would not be possible for them to track the record. They also explained the procedure of change of name. It has been explained by them that the application is received by the Govt. Printing Press. They notify in the relevant part of the

Gazette and copies are sent to them for record. They have thousands of such records unless some clue is given, it is not possible for them to help the appellant.

I have gone through the case papers. It is very clear that the appellant has provided no clue to the process. In view of this I am constraint to agree with the respondent. I decide to close the case.

Order

The appeal is disposed off.

(Ramanand Tiwari)
State Information Commissioner, Mumbai

Place: Mumbai
Date: 30.08.2008

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

Appeal No.2008/743/02

**Mr. Daya Shankar Upadhyay
Shalaka Co-op, Hsg. Soc.Ltd,
Telli Gali X Lane,
Behind Vihar Punjab Restaurant,
Andheri (E), Mumbai – 400 069.**

... Appellant

V/s

**First Appellate Officer cum Asstt. Commissioner,
Greater Mumbai, Municipal Corporation,
K/East Ward Office, Azad Rd, Andheri (E),
Gundavali Rd, Mumbai – 400 059.**

... Respondent

**Public Information Officer cum Assitt. Engineer (Build. & Factory)
Greater Mumbai, Municipal Corporation,
K/East Ward Office, Azad Rd, Andheri (E),
Gundavali Rd, Mumbai – 400 059.**

GROUNDS

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant by his application dated 17.11.2006 had applied under section 6(1) of the Right to Information Act 2005 to facilitate inspection of the demolition work carried out by BMC on plot bearing CTS No 689. 689/1-17 2005-2006. The PIO denied the inspection on the ground that there was no such provision in the RTI act 2005. The appellant filed the first appeal. The First Appellate Authority by his order dated 30.04.2007 instructed the AE (Building & Factory) K/East Ward to show the site to the appellant where the demolition had been carried out. The appellant has alleged that the First Appellate Authority's instructions have not been carried out. Hence this second appeal.

The case was fixed for hearing on 22.08.2008. The appellant did not turn up. The respondent was present. The respondent stated that the order issued by the First Appellate Authority has been implemented. It was however pointed out to him that there was nothing on record to show that the First Appellate Authority's instructions have carried

out. The respondent by his letter dated 23.08.2008 has submitted in writing that the site reception was carried out on 21.04.2008 when the appellant, respondents and secretary of the society were present. He has therefore concluded that the order has been implemented.

In view of the above discussion and in the absence of the appellant at the time I hearing I decide to close the case.

Order

The appeal is disposed off.

(Ramanand Tiwari)
State Information Commissioner, Mumbai

Place: Mumbai
Date: 30.08.2008

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

Appeal No.2008/739/02

**Mr. Valjibhai Mavjibhai Patel
Patel House, Padri Mothi Wadi,
T.H.K. Rd, Behind Head Post Office,
Matunga (W), Mahim-Mumbai – 400 016.**

... **Appellant**

V/s

**First Appellate Officer cum Asstt. Commissioner,
Greater Mumbai, Municipal Corporation,
G/North, Harishchandra Yevle Marg,
Dadar (E) Mumbai – 400 028.**

... **Respondent**

**Public Information Officer cum Assitt. Assessor & Collector,
Greater Mumbai, Municipal Corporation,
G/North, Harishchandra Yevle Marg,
Dadar (E) 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 assessment no and copy of assessment in respect of property known as Patel House, Padri Mothi Wadi, T.H.K. Road, Behind Post Office, FP No. 96A, 96B part 97 part Mahim TPS II Mumbai.

The PIO by his order dated 09.01.2007 informed him that records of are not available and ward non furnished by the survey section do not tally with his office record and as per the locality mentioned by the appellant it was not possible for his office identify the structure in question and its corresponding ward no. He advised the appellant to show the subject property to his ward office ward Inspector for identification to enable him to deal further in the matter. It is not clear whether the First Appellate has passed any order. Hence this second appeal.

The case was fixed for hearing on 22.08.2008. The appellant did not turn up. The respondent was present. He has drawn my attention to the letter dated 22.03.2007 whereby the informed that the assessment extract for the last 15 yrs can be made

available on payment of schedule fee of Rs. 250 per year per property I was also informed that the party has not deposited the required amount to get the desired information I advise the appellant to do the needful if he is interested in getting the information. I pass the following order.

Order

The appeal is disposed off.

(Ramanand Tiwari)
State Information Commissioner, Mumbai

Place: Mumbai
Date: 29.08.2008

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

Appeal No.2008/715/02

**Mr. Jayant Karulkar
4/29, Parijit, Dadr Makrand CHS Ltd,
Senapati Bapat Marg,
Mumbai – 400 028.**

... **Appellant**

V/s

**First Appellate Officer,
Office of the Joint Commissioner,
Greater Mumbai, Chief Municipal Corporation,
3rd Floor, Mahapalika Marg, Mumbai – 400 001.**

... **Respondent**

**Public Information Officer,
Office of the Collection of Taxes,
Greater Mumbai, Chief Municipal Corporation,
Ground Floor, 3rd Floor, Mahapalika Marg, Mumbai – 400 001.**

GROUND

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant had sought information whether car dealers are charging unjustified amount from customers. The PIO by his letter dated 06.01.2007 informed the appellant information cannot be furnished and as the same is not available with them. The appellant filed his first appeal under section 19(1) of the RTI Act. The First Appellate Authority by his order dated 13.04.2007 dismissed his appeal. Hence this second appeal.

The case was fixed for hearing on 28.08.2008. Appellant and respondents were present. The appellant has explained that the MCGM is not charging octroi on the delivery price of vehicles which is causing financial loss to them. The respondent has stated that octroi is charged on the cost of vehicles while they enter the Municipal areas. The dealer may be charging money for accessories and other taxes which may be over and above the cost shown in the invoices. They maintained that octroi is not chargeable on the cost at which the vehicles are delivered to the customer. I also see that the examples / papers cuttings enclosed by the appellant have a different context. After going

the case papers and through the case papers and considering the arguments I have come to the conclusion that it is not necessary to interfere with the order passed by the First Appellate Authority. I pass the following order.

Order

The appeal is disposed off.

(Ramanand Tiwari)
State Information Commissioner, Mumbai

Place: Mumbai
Date: 30.08.2008

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

Appeal No.2008/709/02

**Mr. Harokant Trambaklal Trivedi,
1301/1302, 13th Floor, Kaveri CHS, Ltd,
Neelkanth Valley, 7th Road, Rajawadi,
Ghatkopar (E), Mumbai – 400 077.**

... Appellant

V/s

**First Appellate Officer,
Municipal Corporation,
N/Ward, Jawaharlal Road,
Ghatkoper (E), Mumbai – 400 077.**

... Respondent

**Public Information Officer cum Asstt. Engineer (Building & Factory)
Municipal Corporation,
N/Ward, Jawaharlal Road,
Ghatkoper (E), Mumbai – 400 077.**

GROUNDS

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant had requested for information and action taken against Mr. Atul Shah, Mrs. Mamata A. Shah, M/s Adhar Orthopedic Hospital for running an unauthorized unit in the Garage at Gautam Co-operative Housing Society, 101, Tilak Road, Ghatkopar, Mumbai – 400 077. The appellant had asked for details of action taken and documents filed by 'N' ward office in the MRTP Court. The PIO by his letter dated 23.05.2006 informed the appellant that his office had issued notice under section 53 (1) of the MRTP act against Mr. Atul J. Shah and Mrs. Mamata A. Shah for change of user from Garage to clinic and additions and alterations carried out. Mr. Atul Shah and Mrs. Mamata Shah are being prosecuted under section 52 read with section 43 of the MRTP Act in the competent court. In another communication dated 28.02.2007 the appellant has been informed that his office has not submitted and papers were submitted papers and the same by the police station and the appellant was asked to get certified copies from the police station. In yet another letter the PIO informed the appellant that he should deposit Rs.85 at citizen facilitation centre and collect the information which was kept ready. The

appellant by challan dated 25.04.2007 deposited Rs.85 but has not been provided with the information.

The case was fixed for hearing on 27.08.2007. Appellants and respondents were present. The appellant repeated his request and complained that the information has not yet been furnished. The respondent stated that the information is kept ready. He however could not explain why it has not been furnished. After going through the case papers and considering the arguments advanced by parties, I have come to the conclusion that the PIO has failed to furnish the information despite the fact that the appellant has already deposited the required amount. I pass the following order.

Order

The appeal is allowed. The PIO to send by registered post the information sought by the appellant within 15 days from the receipt of this order. He should also send his explanation as to why action against him should not be taken under section 20 of the RTI Act for abnormal delay in furnishing the information.

(Ramanand Tiwari)
State Information Commissioner, Mumbai

Place: Mumbai
Date: 30.08.2008

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

Appeal No.2008/704/02

**Mr. Dhiraj Prabhakar Rao Dongre
AMO, KEM Hospital Parel, Mumbai.**

... Appellant

V/s

**First Appellate Officer cum Asstt. Commissioner of
Municipal Corporation, Mahapalika,
Dr. Nair Road, Mumbai Central,
Mumbai – 400 002.**

... Respondent

**Public Information Officer cum the Dean,
KEM Hospital, S.G.S.M.C. Parel,
Mumbai – 400 002.**

GROUNDS

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant had sought information regarding details of all residential quarters for the officials and employees of KEM Hospital and SGSMC Parel, Mumbai viz Dy. Dean, Asstt. Medical Officers Casualty Medical Officers, Heads of Departments, Professors, Associate Professors, Lecturers and all other officials available in the KEM premises / including OC, CVTC Buildings, TB Hospital the premises there of and in other institutions hospital, hostels, colonies etc belonging to BMC, the state or otherwise. He has also asked for information regarding occupancies, vacancies allotment of quarters. The PIO by his letters dated 03.04.2007 has furnished detailed information. The appellant was not satisfied. The Information furnished, according to him was incomplete and misleading. He preferred the first appeal. No order seems to have been passed by the First Appellate Authority. Hence this appeal.

The case was fixed for hearing on 27.08.2008. Neither the appellant nor the respondents turned up. The appeal has to be decided on merits. I have gone through the case papers on record. It is very clear that information sought is too broad, non specific and vague in some cases. It is, however, seen that the PIO has furnished detailed

information. The extent of satisfaction with the information is related to the nature of information sought. Taking into account the vastness and very broad scope of information. I am not in a position to hold the PIO guilty of deliberate delay in furnishing of information.

In the light of the above observation, I pass the following order.

Order

The appeal is disposed off.

(Ramanand Tiwari)
State Information Commissioner, Mumbai

Place: Mumbai
Date: 30.08.2008

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

Appeal No.2008/741/02

**Mr. Uttamkumar Valjibhai Patel
Patel House, Padri Mothi Wadi,
T.H.K. Rd, Behind Head Post Office,
Matunga (W), Mahim-Mumbai – 400 016.**

... **Appellant**

V/s

**First Appellate Officer cum Asstt. Commissioner of
Municipal Corporation, Mahapalika,
G/North, Harishchandra Yevle Marg,
Dadar (W), Mumbai – 400 028.**

... **Respondent**

**Public Information Officer cum Asstt. Engineer,
Town Planning, 1st Floor, Municipal Corporation,
Mahapalika, G/North, Harishchandra Yevle Marg,
Dadar (W), Mumbai – 400 028.**

GROUNDS

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

Construction of fire Brigade on plot No 96 A (Original Plot No. 90, TPS II, CS No 640) Mahim. The appellant also wanted to know whether these structures were temporary or permanent. The PIO by his letter 09.03.2008 informed the appellant that this application has been forwarded to the Dy. Chief Engineer (Planning and Design) City. The Dy. City Engineer by his letter dated 30.03.2007 informed the appellant that the site was inspected by the staff of P & D Department. During the site visit the mode of construction of the fire brigade was seen and it appears that structures might have been constructed as semi permanent structures. The appellant was not satisfied and he filed the first appeal under section 19(1) of the Right to Information Act 2005. The appellant wrote another letter dated 09.04.2007 asking for some more information and clarification. This was also replied by the Dy. Chief Engineer (Planning and Design) City by his letter dated 18.04.2007. The appellant put up another letter expanding the scope of information sought. This was replied by Dy. City Engineer (P & D) City by his letter 24.04.2008.

The appellant wrote another letter dated 04.05.2007 and same was replied by the Dy. Chief Engineer by his letter dated 16.05.2008. There is yet another letter dated 05.05.2008 which has been relied by the Chief Engineer (D & P) by his letter dated 30.05.2008. The appellant is not satisfied with all this and has exercised his right under section 19 (3) of the Right to Information Act 2005.

The case was fixed for hearing on 22.08.2008. The appellant has sent an application for adjournment. The respondent was present. Taking into account the circumstances of the case and also the fact that this has remained with the commission for quite sometime, I decide not to grant his request.

After going through the case papers I have come to the conclusion that the respondent has been very prompt in responding to numerous supplementaries apart from the main issue. In my view that available information has been furnished.

Order

The appeal is disposed off.

(Ramanand Tiwari)
State Information Commissioner, Mumbai

Place: Mumbai
Date: 30.08.2008

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

Appeal No.2008/572/02

**Shri.Bharat Virchandji Gujar
7, Gazdar Street, Shriji Bhavan,
J.S.S.Road,
Mumbai – 400 002.**

... **Appellant**

V/s

**First Appellate Officer cum Asst.Municipal Commissioner,
'C' Ward Office,
76, Shrikant Palekar Marg,
Mumbai – 400 002.**

... **Respondent**

**Public Information Officer cum Asst. Engineer,
Buidling & Factories,
'C' Ward Office,
76, Shrikant Palekar Marg,
Mumbai – 400 002.**

GROUNDS

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant had asked for a copy of permission granted by the Ward or Executive Engineer BP city for the repair work in progress of Cotton Exchange Building at Kalbadevi Road in 'C' ward. The PIO informed him that the appellant should collect this information from Executive Engineer (BP) city. Since such permission is granted by him and a copy is sent to him for information. The appellant was not satisfied and filed the first appeal. The first appellate authority by his order dated 2/4/2007 directed that the matter should be referred to the law officer for guidance and the PIO should proceed further as per the law officer's guidance. This did not satisfy the appellant and hence this appeal.

The case was fixed 13/8/2008. Appellants and Respondents were present. The main contention of the appellant is that there is no provision in the RTI Act which says that documents are required to be collected from the generating department and if documents are available with the PIO, they should be given by charging necessary fees. The respondent has reiterated that the document has not been generated in his office and

he gets a copy only for information. He also expressed the fear that in case the Executive Engineer (BP) modifies the order and he is not aware or a copy by any chance is not sent to him, the appellant may find discrepancies in the information.

I have gone through the case papers and also considered the arguments advanced by parties. My conclusion is that the appellant's contention is valid. Section 2 (J) is very clear. It says "right to information" means the right to information which is held by or under the control of any public authority. Thus citizens have right to seek information from the public authority which is holding the information. In fact the definition of information is so broad that it includes information which any private body is holding which can be accessed by a public authority under any other law for the time being in force. It is under this provision that the Commission in many cases has directed the District Deputy Registrar of Co-operative Societies to secure information from Co-operative Societies under the Maharashtra Co-operative Societies Act 1960 and furnish to the applicant / appellant.

In the light of the above discussion I am of the view that the PIO must furnish the Information sought by the appellant. I therefore pass the following order.

Order

The appeal is allowed. PIO to furnish information to the appellant within 30 days.

(Ramanand Tiwari)
State Information Commissioner, Mumbai

Place: Mumbai
Date: 13.08.2008.

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

Appeal No.2008/590/02

**Mrs.Pallavi K.Shah
601, Bhimsen Co.op Housing Society,
Vishal Nagar, Mith Chowki,
Marvey Road, Milady (E).
Mumbai – 4000064**

... **Appellant**

V/s

**First Appellate Officer cum Dy. District Registrar
Western Suburban, Gruhanirman Bhavan,
Gr.Flr., Desk No. 69, Bandra (E),
Mumbai – 400051.**

... **Respondent**

**Public Information Officer cum Divisional Joint Registrar
Co-op. Society, Malhotra House, 6th Flr., Opp. G.P.O.,
Fort, Mumbai – 400001.**

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. Statement accounts and details of minutes of all the annual general meetings.
2. Name of the committee members elected during the first election in 2001
3. Details of the funds lent /borrowed/ received to/ from the defunct Barkha Bahar Co-operative Credit Society run by the chairman and the secretary of the society. She PIO by his order dated 4/1/2007 directed the appellant to approach the co-operative society as these information are locally available. The 1st appellate authority virtually confirmed the order of the PIO and hence this 2nd appeal.

The case was fixed on 6/8/2008. The appellant did not turn up. Respondents were present. The main argument of the respondents was that the details sought by the appellant are available at society level and the appellant should approach the society. It is not understood why a society should not respond to such legitimate demand. I would also like to clarify a general impression that societies are outside the preview of the RTI Act. Section 2 (J) of the RTI Act says that right to information means the right to information accessible under this act which is held by or under the control of public authority. Information itself has been defined and includes information relating to any private body which can be accessed by a public authority under any other law for the time

in force. Societies work or any supposed to work according to provisions of the Maharashtra Cooperative Societies Act 1960. The information available with the society are held under the control of the District Deputy Registrar. If information relating to any private body can be accessed by a public authority under any other law for the time in force, the information by the appellant is held under the control the Deputy Director and he should furnish the information after obtaining the same. If the society refuses, it should be proceed against according to the Maharashtra Cooperative societies Act 1960.

In the light of the above discussion, I pass the following orders.

Order

The appeal is allowed. Appellant to be given the information within 30 days.

(Ramanand Tiwari)
State Information Commissioner, Mumbai

Place: Mumbai
Date: 08.08.2008.

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

Appeal No.2008/581/02

**Mr.Mahendra Janardan Chavan
85/2, Chalke Chawl, Tadwadi,
Swadeshi Mill Road,
Sion, Chunabhatti,
Mumbai – 400022.**

... Appellant

V/s

**First Appellate Officer cum Managing Director,
Maharashtra Rajya Sahakari Dudha Mahasangha Maryadit,
N.K.M. Int. House, 3rd fl., Babubhai Chinal Marg,
178, Backbay Recl., Mumbai – 400020.**

... Respondent

**Public Information Officer cum Manager
Maharashtra Rajya Sahakari Dudha Mahasangha Maryadit,
N.K.M. Int. House, 3rd fl., Babubhai Chinal Marg,
178, Backbay Recl., Mumbai – 400020.**

GROUNDS

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant has asked for details of all advertisement made by the respondent, details of the function assigned to insure implementation of the principle of equal opportunity enshrined in article 16 of the constitution of India and implementation of Section 4 of the Right to Information Act 2005 to bring transparency and accountability in the organization. The appellant is not happy with the responses received from the PIO and the first appellant authority and hear this IInd appeal.

The case was fixed for hearing on 5/8/2008. Appellants and respondents were present. The appellant has argued that the information furnished is not the one he was looking for. It has not been furnished the way he wanted. The respondents have made their written submission. They have stated that information contained in 456 pages has been furnished to him. The appellant has pointed out that they are of no use to him. After going through the case papers and written submission made by the respondent. I have come to the conclusion that the available information has been furnished as far as

the appellant's allegation that a lot of the information is irrelevant for him, I direct that the respondent should give him an opportunity to inspect the documents and whatever relevant information is required by the appellant, the same should be furnished free of cost.

Order

The appeal is allowed. The appellant to be facilitated inspection of files and supply of relevant documents free of cost within 45 days.

(Ramanand Tiwari)
State Information Commissioner, Mumbai

Place: Mumbai
Date: 10.08.2008.

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

Appeal No.2008/600/02

**Mr. Atul Ramniklal Mathuria
B-11, Shiv Chhaya,33, Sir M.V.Road,
Andheri (E), Mumbai – 400 069.**

... **Appellant**

V/s

**First Appellate Officer cum District Dy. Registrar(3),
Grihnirman Bhuvan, Ground Floor, Desk No.69,
Bandra (E), Mumbai – 400 051.**

... **Respondent**

**Public Information Officer cum Dy.Registrar,
Cooperative Society's P Division, 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 information regarding functioning of the administrator Mathuria CHS. Ltd. The PIO informed him that the information is available at society level and appellant should approach the society. The first appellate authority has virtually confirmed the PIO's order. Hence this second appeal.

The case was fixed for hearing on 07.08.2008. The appellant did not turn up. The respondent was present. The appellant in the meanwhile by his letter dated 01.08.2008 has informed the commission that he has received the required information from the present Dy.Registrar and requested for dropping the proceedings. The same is allowed.

Order

The appeal is disposed of and proceedings dropped.

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

Place: Mumbai
Date: 07.08.2008.

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

Appeal No.2008/15/02

**Smt.Vilasini Shivram Panchal
Agripada, B.I.T.Bldg.13/13, M.G.Marg,
Mumbai – 400 011.**

... Appellant

V/s

**First Appellate Officer,
Office of the Commissioner of Sale Tax
Maharashtra State, Mumbai.**

... Respondent

**Public Information Officer,
Office of the Commissioner of Sale Tax**

GROUNDS

This appeal has been filed under Section 19 (3) of the Right to Information Act 2005. The appellant has sought information regarding rules and regulation for declaring an employee as surplus. She has claimed that she belongs to OBC and existing instructions clearly say that a person belonging to reserved category should not be declared surplus if there is a backlog in the category. Her main contention however is that she has been sent to the sales tax department which has ignored her earlier service and thereby she has been denied time bound promotion. She was not happy with the responses from the PIO and the first appellate authority and hence this second appeal before the commission.

The case was fixed for hearing on 18-08-2008. The appellant was present. The Dy. Secretary, Finance dealing with time bound promotion was specially invited. Discussion with Dy. Secretary Finance revealed that the appellant's case can be considered for time bound promotion. He handed over a copy of the Govt. Resolution dated 24-03-2004 and drew my attention to Clause 16 (D) which clearly says that the earlier services of an employee shall be counted for time bound promotion. It is interesting to note that the sales tax department has quoted the same Govt. Resolution to deny the time bound promotion. Thus it is very clear that the view taken by the sales tax

department is not in consonance with that of the Finance department. The information to the appellant based not misinterpretation of the GR is obviously wrong. I therefore pass the following order.

Order

The PIO shall forward / arrange to forward the appellant's case for time bound promotion to the Finance department if the sales tax commissioner is not competent to promote the appellant. If it is within his powers, he shall issue necessary order and inform the appellant and the commission. The whole process has to be completed within 60 days. If this order is not complied within the time prescribed action under Section 20 of the RTI will be initiated.

(Ramanand Tiwari)
State Information Commissioner, Mumbai

Place: Mumbai
Date: 20.08.2008.

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

Appeal No.2008/648/02

**Shri.Anilkumar Indramal Gupta
Parsiwadi, Ramprasad Verma Chawl,
Room No. 3, Ghatkopar (W.),
Mumbai – 400 086.**

... Appellant

V/s

**First Appellate Officer cum Asst. Municipal Commissioner,
'N' Ward, 1st Flr., Jawahar Road,
Ghatkopar, Mumbai – 400 077.**

... Respondent

**Public Information Officer cum Asst. Engineer,
Building and Factories,
N' Ward, 1st Flr., Jawahar Road,
Ghatkopar, Mumbai – 400 077.**

GROUNDS

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 his various letters addressed to the Municipal Commissioner MCGM. The MC's office by its letter at 14-12-2006 informed the appellant that under section 5 (1) of the RTI Act 2005 MCGM has appointed Asst. Engineer, Building and Factories as PIO and he should approach him to obtain the required information. The PIO by his letter dated 22-12-2006 required the appellant that he should furnish complete information on point No. 1 to 5 to enable him to furnish the information and he was advised to approach BMC (Parimandal 6) for getting information on point No.6. The 1st appellate authority by his order dated 3-3-2007 has virtually confirmed the order of the PIO. The appellant is not satisfied by these orders and hence this appeal.

The case was fixed for hearing on 14-8-2008. The appellant did not turn up. The Assistant Engineer and PIO was present. He has pleaded that the request made by the appellant is vague and unclear and therefore he was not in a position to furnish the information sought by the appellant. It is true that the information sought by the appellant is not clear. It is necessary for the appellant and for that matter for any information seeker to seek information precise and clear terms. This helps the PIO to process the application speedily. It also helps the commission to determine whether

information has been denied deliberately or otherwise. The absence of appellant in this case has worsened the situation in the sense that no clarification can be asked. Under these circumstances I am constrained to pass the following order.

Order

The appeal is disposed off.

(Ramanand Tiwari)

State Information Commissioner, Mumbai

Place: Mumbai

Date: 14.08.2008.

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

Appeal No.2008/659/02

**Shri. P. P. Talati
Aderbad CHS Ltd., flat No. 43,
34, N.S.Patkar Marg,
Mumbai – 400007.**

... **Appellant**

V/s

**First Appellate Officer cum Dy. Registrar
Co-op.Society, Malhotra House,
6th Flr., Opp. G.P.O.,
Mumbai - 400001.**

... **Respondent**

**Public Information Officer cum Dy. Registrar
Co-op.Society, Malhotra House,
6th Flr., Opp. G.P.O.,
Mumbai- 400001.**

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) Registered and approved byelaws of Aderbad Co-op Hsg.Society Ltd.
- b) List of members of Aderbad CHS Ltd.(including joint /associate members)
- c) Annual accounts of Aderbad CHS Ltd. for the year ended 31-3-2005.
- d) Annual accounts of Aderbad CHS Ltd. for the year ended 31-3-2006.
- e) Mandatory bond in Form M-20 under 58A of MCS Rules executed by members of managing committee of Aderbad CHS Ltd.

The PIO by his order dated 05-03-2007 has informed the appellant that information relating to point 100 'a' and 'e' is available with him and information on point c, d and e may be collected from the society. The first appellate authority has virtually confirmed that PIO's order. Hence this appeal.

The case was fixed for hearing on 14-8-2008. Appellants and Respondents were present. The appellant has restricted that he has not received the information he had sought. The respondent has stated that whatever was available has been furnished to approach the society for the rest. I have gone through the case papers and also considered the argument advanced by parties. It needs to be understood that citizens

specially a member of a cooperative society takes recourse to RTI when the society has not cooperated or has not given the information. It is not appropriate to direct an applicant to the same society which has letter refused information or not cooperated. I would also like to draw the attention of the PIO / First appellate authority to the definition of right to information. Section 2 (J) says that right to information means the right to information accessible under this Act which is held by or under the control of any public authority. The information sought is definitely held by the public authority and is also being held under his control. I would therefore direct that the information sought should be collected by the PIO and furnish to the appellant. I pass the following order.

Order

The appeal is allowed. Appellant to be furnished information within 30 days.

(Ramanand Tiwari)

State Information Commissioner, Mumbai

Place: Mumbai

Date: 14.08.2008.

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

Appeal No.2008/657/02

**Shri.Shaikh Nawabuddin Naimuddin Siddiqui
Flt. No.702, A wing,
Subhashchandra Co-op. Hsg. Scoty.,
Opp.ONGC Tower, Mukund Nagar,
Dharavi, Mumbai – 400 017.**

... Appellant

V/s

**First Appellate Officer
G / North Ward Office,
Dadar, Mumbai – 400 028.**

... Respondent

**Public Information Officer
G / North Ward Office,
Dadar, Mumbai – 400 028.**

GROUNDS

This appeal has been filed under section 19 (3) of the Right to Information Act 2005. He has asked for a copy of the Table Survey Plan (Area Measurement Plan) of Chawl No.181 TPS (Dharavi Division) of Chitrakoot Society Grihnirman Sanstha. The PIO does not seem to have passed any order. The appellant by his application dated 03-03-2007 filed the first appeal under section 19 (1) of the RTI Act 2005. The first appellate authority also does not seem to have passed any order. The appellant therefore has filed this second appeal under the RTI Act 2005.

The case was fixed for hearing on 14-8-2008. The appellant was present. The appellant has stated that he has not received the required information despite so many applications. He has approached the SRA which has informed him that they did not have the information and he was advised to approach the MCGM. The MCGM was approached by the appellant but he did not get the information. He has stated that the required information is not available with them. In this connection I would like to say that the appellant has put up many applications / appeals for getting the same information. I have in earlier cases passed orders directing to make efforts to search the document and furnish the information to the appellant. This is a very important document and it is not enough to say that the document was not traceable. I am however of the view that repeating the same order will increase paper work and serve no purpose.

The appellant should follow up the earlier order and keep the commission informed. I therefore close this case.

Order

The appeal is disposed off

(Ramanand Tiwari)

State Information Commissioner, Mumbai

Place: Mumbai

Date: 16.08.2008.

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

Appeal No.2008/681/02

**Shri.Pravin Raghavji Joshi
218, Gayatri Niwas, Lake Road,
Bhadup (W),
Mumbai – 400078.**

... Appellant

V/s

**First Appellate Asst. Municipal Commissioner,
S / Ward, Brihanmumbai Mahanagar Palika,
L.B.S.Rd., Bhandup (W),
Mumbai - 400078**

... Respondent

**Public Information Officer cum Asst. Engineer,
Water Circle, S / Ward, Brihanmumbai Mahanagar Palika,
L.B.S.Rd., Bhandup (W),
Mumbai - 400078**

GROUNDS

This appeal has been filed under section 19 (3) of the Right to Information Act 2005. The appellant had asked for a copy of the work order issued in favour of a tenant at Gayatri Niwas, Lake Road, Bhandup (W), Mumbai. The appellant also wanted to know whether 'no objection' has been taken from the appellant. The PIO replied that there is no system of issuing the work order and hence copy of the same cannot be furnished. The appellant was also not satisfied with the order passed by the 1st appellate authority. Hence this second appeal.

The case was fixed for hearing on 21-8-2008. The appellant was present. The respondents were also present. The appellant has stated that the required information has still not been given by the respondent. The respondents have argued that the appellant was asked to pay Rs.4/- for getting a copy of the connection form. They have explained that there is no system of issuing work order and connection form itself contains the work order. They have also stated that in accordance with the existing instruction, Landlord's 'no objection' is not mandatory for giving water connection.

I have carefully considered the arguments and also perused the case papers on record. I have come to the conclusion that information must be furnished to the appellant. The RTI Act guarantees access to available information. It is not important by what name it is known. If the work order is known as connection form a copy of the same must be furnished. Similarly if there are instructions to the effect that Landlords

'no objection' is not required the appellant deserves to be given a copy of the instructions. I therefore pass the following order.

Order

A copy of the connection form and instruction saying that Landlord's 'no objection' is not mandatory must be furnished to the appellant free of cost within 15 days failing which action under section 20 of the RTI Act will be initiated.

(Ramanand Tiwari)

State Information Commissioner, Mumbai

Place: Mumbai

Date: 22.08.2008.

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

Appeal No.2008/307/02

**Shri.Sudhakar Tukaram Satam
Satam Optics, 48 / Shop No. 298,
Worli, B.D.D. Chawl,
Mumbai – 400018.**

... **Appellant**

V/s

**First Appellate Officer cum Director
Worli Vikas Vibhag Chawl,
Chawl No. 52, Worli,
Mumbai – 400018.**

... **Respondent**

**Public Information Officer cum Manager
Worli Vikas Vibhag Chawl,
Chawl No. 52, Worli,
Mumbai – 400018.**

GROUNDS

This appeal has been filed under section 19 (3) of the Right to Information Act 2005. The appellant had sought copies of all complaints made to and report sent by the EstateManager between 1-1-1997 to 30-9-2006 relating to his Chawl No. 48/224 B.D.D.Chawl, Worli. It appears from the record that neither the PIO nor the 1st appellate authority has passed any order. The case was fixed for hearing on 18-8-2008. Neither the appellant nor respondents have turned up. The information sought is clear and straight forward, but there has been no response. This is a serious matter. I therefore pass the following order.

Order

The appeal is allowed. PIO to furnish relevant information within 30 days. He should also send his explanation as to why action under section 20 of the RTI should not be initiated.

(Ramanand Tiwari)

State Information Commissioner, Mumbai

Place: Mumbai

Date: 20.08.2008.

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

Appeal No.2008/664/02

**Shri. Arjunlal M.Chabria,
Advocate, High Court,
Belle Vista, Flat No. 15,
3rd Flr., Opp. Lake & L.I.C. Office,
S.V.Road,
Bandra, Mumbai – 400050.**

... Appellant

V/s

**First Appellate Officer cum Asst. Municipal Commissioner,
'P' South Municipal Ward Office,
Goregaon (W)
Mumbai – 400 062.**

... Respondent

**Public Information Officer cum Asst. Engineer,
Building and Factories,
'P' South Municipal Ward Office,
Goregaon (W)
Mumbai – 400 062.**

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 his complaint regarding unauthorized construction at Motilal Nagar No.2, M.G.Road, Goregaon (W), Mumbai. The PIO by his order dated 22-3-2007 has sent the required information and also advised the appellant to approach MHADA for getting his grievances redressed. The appellant was not satisfied and filed the 1st appeal under section 19 (1) of the RTI Act 2005. It seems that the 1st appellate authority has not passed any order. Hence this second appeal.

The case was fixed for hearing on 20-8-2008. Neither the appellant nor the respondent turned up. It is however seen that the PIO has furnished the information. In view of appellants absence it is not possible to find out whether he is satisfied or not. Under the circumstances I decide to close the case.

Order

The appeal is dismissed.

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

Place: Mumbai
Date: 21.08.2008.

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

Appeal No.2008/744/02

Shri.Imtiyaz Survey,
1st Flr, Lathiwala Apartment,
Shivdasi Chapsi Marg, Near Sale Tax Office,
Mazgaon, Mumbai – 400010.

...Appellant

V/s

First Appellate Officer cum Slum Rehabilitation Authority
5th Flr., Grihnirman Bhavan,
Kalanagar, Bandra (E),
Mumbai – 400 051.

... Respondent

Public Information Officer Slum Rehabilitation Authority,
5th Flr., Grihnirman Bhavan,
Kalanagar, 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 of the file submitted by Deodhar Associates, Developer United Max Constructions relating to plot bearing CTS No. 827 (part) survey no. 239, Hissa No.- 1 village Malad (E), General Arunkumar Vaidya Marg, Dindoshi, Goregaon, Mumbai. The case papers submitted by the appellant reveal that neither the PIO nor the 1st appellate authority has passed any order. The case was fixed for hearing on 22-8-2008. The appellant did not turn up. The respondents have also not remained present. If no order has been passed, this is a very serious matter. It attracts penalty under section 20 of the RTI Act 2005.

Order

I therefore order that appellant to the allowed to inspect the file and furnished copies of the information required. The PIO should show cause why action should not be initiated against him under section 20 of the RTI Act 2005.

(Ramanand Tiwari)
State Information Commissioner, Mumbai

Place: Mumbai
Date: 25.08.2008.

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

Appeal No.2008/431/02

**Shri.Mahabala Shetty
301, Shri.Aditya Eksar Road,
Borivali (W), Mumbai – 400 091.**

...Appellant

V/s

**First Appellate Officer cum Special Officer
M.U.T.P., M.M.R.D.A.,
Bandra Kurla Complex,
Mumbai – 400 091.**

... Respondent

**Public Information Officer,
M.U.T.P., M.M.R.D.A.,
Bandra Kurla Complex,
Mumbai – 400 091.**

GROUNDS

This appeal has been filed under section 19 (3) of the Right to Information Act 2005. The appellant had sought information regarding allotment of tenements to Mr. Seena Bhandari and others. He wanted to know what documents formed basis of allotment to them. The PIO could not respond so they approached the 1st appellate authority. The 1st appellate authority ordered that information be collected from SPARK and furnished to the appellant. According by the required information was collected from SPARK and furnished to the appellant. In the meanwhile appellant preferred this second appeal before the commission.

The case was fixed for hearing on 12-8-2008. Appellants and respondents were present. The appellant, it seemed was still not satisfied. He still wanted to know the grounds on which the tenements were allotted. The respondents have made their written submission. It has been explained by them that SPARK in the consultation with the World Bank was appointed as the agency to prepare the list of eligible persons who needed to be provided alternative accommodation. Because of their displacement under MUTP, the allotments were done on the basis of the Base Line survey conducted by SPARK. These documents were vetted at different levels and then the list of eligible persons was finalised. The SPARK in its letter dated 9-1-2007 has furnished details with relevant facts like their ID no., the tenement no. etc.

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

Order

The appeal is disposed off.

(Ramanand Tiwari)

State Information Commissioner, Mumbai

Place: Mumbai

Date: 16.08.2008.

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

Appeal No.2008/644/02

**Shri.Mehmood Mehboob Shaikh
Room No.7, Dost Moahammed Chawl,
Behind Gausia Masjid,
Nityanand Nagar, Ghatkopar (W),
Mumbai – 400086.**

.... Appellant

V/s

**First Appellate Officer cum Asst.Municipal Commissioner,
K –West Zone, BMC Office,
Andheri (W), Mumbai – 400098.**

.... Respondent

**Public Information Officer cum Asst.Engineer,
Building & Factories,
K –West Zone, BMC Office,
Andheri (W), Mumbai – 400098.**

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) Copies of MRTP notices in respect of structures bearing the following Detection Numbers - 57, 58, 59, 60, 61, 74, 181, 152, 153, 174, 318, 319, 322, 739, 740, 741, 742, 829, 1289, 1702 & 1787
- 2) Whether the municipal corporation has drawn Punchnama or filed chargesheet in respect of the above structures, if so the copies of these Punchnamas and chargesheets
- 3) Whether the Building Proposal has approved the unauthorized construction carried out in respect of the structures bearing following detection numbers - 176, 177, 178, 619, 1400 and if such approval has been granted, the copies of such approval
- 4) The status report pending with the Legal Department in respect of the structures bearing following detection numbers – 193, 194, 199, 727 and 1763,
- 5) Copies of notices in respect of structures bearing the following Detection Numbers - 910, 1464, 1513, 1530, 1522 and

- 6) Whether your office has started taking photographs and drawing Punchnamas when any unauthorized construction work is demolished, in compliance of the above mentioned guideline or the Bombay High Court and
- 7) Whether your office has started following other procedures when any unauthorized construction work is demolished, in compliance of the above mentioned guideline of the Bombay High Court.

The PIO did not pass any order. The appellant preferred the 1st appeal under section 19 (1) of the RTI Act. The 1st appellate authority by his order dated 9-7-2006 directed the PIO to furnish the information within 7 days. Since the PIO did not comply, the appellant has preferred this 2nd appeal before the commission.

The case was fixed for hearing on 13-8-2008. The appellant did not turn up. The respondent has submitted in writing that the information was received by the appellant on 1-6-2007. The PIO has taken virtually one year to obey the orders of the 1st appellate authority. This is a fit case for initiating action under section 20 of the RTI Act. The PIO should show cause why action under section 20 of the RTI Act should not be initiated against him. Since the appellate has not turned up and the respondent has stated in writing that the required information has been furnished, I decide to close the case.

Order

The appeal is disposed off. The PIO to explain why action under section 20 of the RTI Act should not be initiated against him.

(Ramanand Tiwari)

State Information Commissioner, Mumbai

Place: Mumbai

Date: 16.08.2008.

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

Appeal No.2008/656/02

**Shri. Ajay Sadanand Bagal
92 / 2753, Pantnagar,
Ghatkopar (E),
Mumbai – 400075.**

... Appellant

V/s

**First Appellate Officer cum Asst. Commissioner,
'A' Ward BMC Office 134 / E,
Shahid Bhagatsingh Road, Fort,
Mumbai – 400001.**

... Respondent

**Public Information Officer cum Asst. Engineer,
Building & Factories,
'A' Ward BMC Office 134 / E,
Shahid Bhagatsingh Road, Fort,
Mumbai – 400001.**

GROUNDS

This appeal has been filed under section 19 (3) of the Right to Information Act 2005. The appellant had sought information regarding 144, Esplande Mansion, next to City Civil Court, Kala Ghoda, Fort Mumbai. The information sought included name of the owner, no. of rooms residential as well as commercial copy of the property tax assessment etc. The PIO by his order dated 20-2-2007 furnished some information and asked the appellant to deposit the requisite amount for getting some other information. He also informed him that information on some of the points were not available with him. The appellant was not satisfied and filed the appeal under section 19 (1) of the RTI Act. No order seems to have been passed on his appeal. Hence this appeal.

The case was fixed for hearing on 14-8-2008. The appellant did not turn up. The respondents were present. They submitted that available information has been furnished and party was also asked to deposit requisite fee for getting information on some points. Since the appellant did not turn up, I have no way of finding out whether he deposited the money and got the information or not. Under these circumstances, I am constrained to close the case.

Order

The appeal is disposed off.

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

Place: Mumbai
Date: 14.08.2008.

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

Appeal No.2008/314/02

**Shri. Stanely D'Cunha
16/7, Green Crest, Amritvan Goregaon (E),
Mumbai – 400 063.**

...Appellant

V/s

**First Appellate Officer cum Office of the Commissioner
For persons with disabilities,
Church Road, Near Police Commissioner's Office
Pune – 411001.**

.... Respondent

**Public Information Officer cum Office of the Commissioner
For persons with disabilities,
Church Road, Near Police Commissioner's Office
Pune – 411001.**

GROUND

This appeal has been filed under section 19 (3) of the Right to Information Act 2005. The appellant had sought information regarding outcome of his case no. 77 (57) of 2002 – Shri. Edward S.D'Cunha V/s The Shipping Corporation of India, according to the appellant the case was argued and concluded on 13-6-2006. The commissioner for disabilities, Pune had not passed the final order till the date of filing the application under RTI. The case was fixed for hearing on 25-8-2008. The appellant did not turn up. The respondents were present. They have stated that the case has since been decided and the appellant informed. They have stated that the appellant had sought information by his application dated 13-11-2006 and the case was decided on 30-12-2006. They have therefore requested that the appeal may be disposed off.

I have gone through the case papers and considered the argument advanced by respondents. In view of the fact that the final order has been passed which was the main demand of the appellant, I decide to close the case.

Order

The appeal is disposed off.

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

Place: Mumbai
Date: 25.08.2008.

Shri. Anandi Ramchandran
Flt. No. 22, A wing, Takshila Bldg.No.29,
Co-op. Hsg. Socty. Ltd., Mahakali Caves Rd.,
Andheri (East),
Mumbai – 400093.

...Appellant

V/s

First Appellate Officer cum Asst. Municipal Commissioner
B.M.C. K – East Ward, Azad Road,
Gundavali, Andheri – 400069.

.... Respondent

Public Information Officer cum Asst. Engineer,
Building & Factories,
B.M.C. K – East Ward, Azad Road,
Gundavali, Andheri – 400069.

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) Denial of structural audit report to bonafide members
- 2) Not divulging terms of agreement contract of repairs to the bonafide members and going ahead with the contract contrary to the structural audit report
- 3) Is the Tech-n-eco given by MCGM to carry out repairs in building no. 29 Takshila CHS Ltd. and no action is being initiated against the society for appointing Tech-n-eco as consultant without calling for tenders despite knowing very well about the complaints from other Takshila building societies about the poor / bad quality of work executed by Tech-n-eco and allowing Tech-n-eco to carry out major repairs against the report of the structural auditor
- 4) Over billing the members without calling for discussion or getting approval of General body
- 5) Not holding the AGM for two years
- 6) Important financial decisions being taken by the Managing Committee without signing the mandatory bond under section 73 of the MCS Act. The PIO by his letter dated informed the appellant that the information relating to point no.1, 2, 4 & 5 may he had from the Dy. Registrar do not

pertain to MCGM. As far as point no.3 was concerned, he was informed that tenantable repairs do not require MCGM's record no repair permission application was received for repair of the subject building. The appellant filed the first appeal under section 19 (1) of the RTI Act. This does not seem to be any order on record passed by the 1st appellate authority. Hence this second appeal before the commission.

The case was fixed for hearing on 14-8-2008. The appellant and the respondent were present. The appellant continues to have grievance regarding non receipt of the information he had requested. His main complaint was that major repairs have been carried out without MCGM's permission. The respondent has stated that since no application was received from the society and no permission is required for tenantable repairs, the MCGM is unable to help the appellant.

I have gone through the case papers and also considered the arguments advanced by parties. It appears that the information sought does not pertain to the MCGM. It is also clear that they are complaints / grievances against the society for which remedy his in the MCS Act 1960. The RTI Act does not redress grievances it provides information to facilitate redressal of grievances.

In the light of the above discussion. I come to the conclusion that there is no need to interfere with the PIO's order. It is confirmed.

Order

The appeal is disposed off.

(Ramanand Tiwari)
State Information Commissioner, Mumbai

Place: Mumbai
Date: 14.08.2008.

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

Appeal No.2008/740/02

**Shri.Suryakant Gangaram Chavan
39/2/3 Navjivan Hosg. Socty.,
Opp.Indira Nagar Police Chawki,
Service Rd., Santacruz (East),
Mumbai – 400055.**

...Appellant

V/s

**First Appellate Officer cum Chief Executive Officer
Slum Rehabilitation Authority
5th Flr., Grihnirman Bhavan,
Kalanagar, Bandra (E),Mumbai – 400 051.**

... Respondent

**Public Information Officer cum Dy. Collector
Slum Rehabilitation Authority
5th Flr., Grihnirman Bhavan,
Kalanagar, 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 sanction to the following proposal and copies of plans & estimates and relevant papers. The information sought related to

- 1) Pragati Sahakari Grihnirman Sanstha (proposed) City S.No 13
- 2) Subhasnagar Sahakari Grih Nirman Sanstha (proposed) City S.No.13 part
- 3) Shantata Vikas Sahakari Grihnirman Sanstha (proposed) City S.No.13 part
- 4) Aman Sahakari Grihnirman Sanstha (proposed) City S.No.13 part
- 5) Sambhaji Sahakari Grihnirman Sanshta (proposed) City S.No.33
- 6) Shivaji Sahakari Grihnirman Sanstha (proposed) City S.No.13,33 (part)
- 7) Sai Ganesh Darshan Sahakari Grihnirman Sanstha (proposed) City S.No.13 (part)
- 8) Ashtavinayak Sahakari Grihnirman Sanstha (proposed) 13, 33, 41 and 45 (part)
- 9) Sraddha Sahakari Grihnirman Sanstha (proposed) City S.No.33 (part).

The PIO by his letter dated 20-4-2007 informed the appellant should deposit Rs.256/- and collect information on any working day between 3.00 to 4.00 p.m. The appellant was also informed that as far as information regarding Annexure III 5 concerned he should get in touch with controller of finance SRA. The appellant as the record should deposited Rs. 256/- on 25-4-2007 but the information has still not been furnished. He filed the first appeal but no order seems to have been passed.

The appeal was fixed for hearing on 22-8-2008. The appellant was present but the respondents were absent.

After going through the case papers it is clear that the PIO and 1st appellant authority have shown casualness and do not seem to be bothered about the RTI Act. The PIO did not respond even after the money according to his demand was deposited. The 1st appeal has been filed after the money was deposited and the appellant has this point clearly in his 1st appeal. I therefore pass the following order.

Order

The PIO to show cause why action under section 20 of the RTI should not be initiated against him. The 1st appellate authority should show cause why a departmental proceedings against him should not be recommended. The appellant to receive information within 30 days.

(Ramanand Tiwari)
State Information Commissioner, Mumbai

Place: Mumbai
Date: 25.08.2008.

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

Appeal No.2008/684/02

**Smt. Mangla Vijay Raut
15 / B Bhatshobha Apartment,
Jivdaya Lane, Bhatwadi,
Ghatkopar, Mumbai – 400084.**

...Appellant

V/s

**First Appellate Officer cum Superintendent Engineer,
Mumbai (P.W.D) Dept.,
25 Marzaban Road, Fort,
Mumbai – 400 001**

.... Respondent

**Public Information Officer Executive Engineer,
Elakha City Section, P.W.D., Development Dept. Bldg.,
3rd Flr., Old Custom House Campus,
Mumbai - 400023**

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) Copies of all works sanctioned between 1-4-2005 to 31-3-2007 under the head 2059 or 2216.
- 2) The information to be furnished in the form attached by the appellant

The Public Information officer by his letter dated 18-1-2007 informed the appellant that since the information sought is very broad, it would take a lot of time. The appellant may inspect the documents and copies of selected documents would be provided. The appellant was not satisfied and he preferred the 1st appeal. The 1st appellate authority by his order dated 26-2-2007 informed the appellant that the appellant should inspect the documents and the PIO would furnish copies of the documents selected after inspection. The appellant by his letter dated 5-2-2007 wrote to the PIO that he would like to inspect the documents on 9-2-2007 at 11.00 a.m. The appellant has alleged that he was not shown the documents as ordered.

The case was fixed for hearing on 21-8-2008. Appellant and respondents were present. The appellant reiterated his demand of inspection and copies of documents. The respondents have taken the plea that the documents are too many and the department is overburdened with work.

I have gone through the case papers and also considered the arguments advanced by parties. The respondent's arguments that the information sought is too broad is irrelevant

because the appellant has already accepted the offer of inspection. He intimated the date of inspection but the department did nothing. This shows lack of seriousness and casual approach to the RTI Act. I pass the following order.

Order

The appeal is allowed. Since the respondent has tried to say that they are overburdened, I have decided to fix the period by which the inspection of documents could be arranged. The respondents would organize the inspection of documents between 25-8-2008 to 29-8-2008. This has been informed orally and parties agreed to it. The required information after selection should be furnished within 60 days. If the PIO does do this action under section 20 of the RTI will be initiated.

(Ramanand Tiwari)
State Information Commissioner, Mumbai

Place: Mumbai
Date: 21.08.2008.

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

Appeal No.2008/414/02

**Shri.Prabhakar Chavan
A- 36, Shivam Shoping Centre,
S.V.Road. Malad (W)
Mumbai – 400064.**

...Appellant

V/s

**First Appellate Officer cum Asst. Municipal Commissioner,
BMC, R/ South Zone,
Kandivali (W), Mumbai -400067.**

.... Respondent

**Public Information Officer Asst. Engineer,
Building & Factories,
BMC, R/ South Zone,
Kandivali (W), Mumbai -400067.**

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) Huge (Gr + 3) illegal structure is being constructed exactly opposite Kandivali Station by Mr. Vinod Lodha and associates without obtaining any permission from BMC authorities. No action has been taken by R/ South ward office. He also wanted to know whether any notice has been given to them and if so a copy of the should be furnished to him. The appellant has sought information whether any case has been filed against them and a copy of the suit no. and a copy of judgment if any. T
- 2) The PIO by his order dated 6-1-2007 informed the appellant that no permission has been granted and no notice has been issued. He was also informed that no suit was pending and a copy of the complaint cannot be provided as per section (i) (g) of the Central Right to Information Act 2005. The appellant filed the 1st appeal but no order seems to have been passed. The appellant has filed this 2nd appeal.

The case was fixed on 1-7-2008. Neither the appellant nor the respondents were present. It was again fixed on 25-8-2008. The appellant has not turned up. The respondents were present. The respondents have stated that building permission is given by BP and not by the ward office. It was because of this reason that they have replied

that no building permission was given (by them). It is clear that they have not given building permission because it is not with them. The PIO should have sent the appellant's application to the BP and informed him accordingly. He has failed to do this. The PIO has violated section 6 of the RTI Act 2005. I therefore pass the following order.

Order

The PIO is directed to send the application to the BP, obtain information and furnish to the appellant. The PIO will add information pertaining to his jurisdiction. The whole exercise of obtaining and furnishing to the appellant has to be completed within 45 days failing which action under section 20 of the RTI Act will be initiated.

(Ramanand Tiwari)
State Information Commissioner, Mumbai

Place: Mumbai
Date: 25.08.2008.

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

Appeal No.2008/682/02

**Shri.Gautam Nadkarni
21/271, Ramkrishna Nagar,
S.V.Road, Khar (W),
Mumbai – 400 052.**

...Appellant

V/s

**First Appellate Officer cum Chief Officer
Co-op. Society, MHADA,
Grihnirman Bhavan,
Kalanagar, Bandra (East),
Mumbai – 400 051.**

.... Respondent

**Public Information Officer Executive Engineer
Co-op. Society, MHADA,
Grihnirman Bhavan,
Kalanagar, Bandra (East),
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 the land occupied by the consumer co-operative society at Ramkrishna Nagar, Khar (W), Mumbai. The appellant suspected that the consumer society was planning to sell this land and he wanted to know whether the respondent's permission was required for the purpose.

The case was fixed for hearing on 21-8-2008. The appellant and the respondents were present. The appellant has repeated his fear that the society might have sold out or given for development to a developer the land. The respondent has given his submission in writing. It has been stated in the submission (on record) that the land was given on rent in 1951. The respondents by their letter dated 17-1-2006 have offered to lease out the land to the society provided the lease amount and other conditions are acceptable to the consumer society. It further says that the society deposited Rs.3, 02, 37, 707 on 31-5-2007. The land has however not been handed over. The draft lease agreement has been sent to law department of the authority and their comments are awaited.

After going through the case papers and submissions made by parties it is very clear that the respondent's submission contains all the information sought by the appellant. The only difficulty seems to be that the respondent has furnished the relevant

information to the commission but not to the appellant. I therefore pass the following order.

Order

The information contained in the submission made to the commission should be given / sent to the appellant within 15 days.

(Ramanand Tiwari)
State Information Commissioner, Mumbai

Place: Mumbai
Date: 21.08.2008.

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

Appeal No.2008/661/02

**Shri. Rajan Ramchandra Gera
718/2, Radha Niwas,
5th Flr., P.D. Hinduja Marg,
Khar (W),
Mumbai – 400 052.**

...Appellant

V/s

**First Appellate Officer cum District Registrar
Co-op. Society -3,
Grihnirman Bhavan Room no. 69,
Bandra (East),
Mumbai – 400 051.**

.... Respondent

**Public Information Officer Dy. Registrar
Co-op. Society,
H / West Ward, 4th Flr., Shankar Bazar,
Kalanagar, Bandra (West),
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 following information:

- 1) Certified true copies of quarterly maintenance bill sent to Mr. Amar R.Gera from April 2002 to September 2003 and October 2004 to June 2006
- 2) Quarterly bill sent to Amar R. Gera / Rajan R.Gera from January to March 2007
- 3) Audited Balance Sheet and annual account of the society with approval in the AGM, Audit Rectification reports from 1-4-2004 to 31-3-2007.
- 4) The notices and minutes of the General Body and Managing Committee meetings held from October 2003 till date
- 5) List of present members of the Society and their areas of possession.
- 6) List of present committee members
- 7) List of Flats / Garages sold / bought since April 2004

The appellant was not happy with the responses received from the PIO and the first appellate authority and hence this second appeal.

The appeal was fixed for hearing on 21-8-2008. The appellant was fixed for hearing on 21-8-2008. The appellant was present. The PIO and the 1st appellate authority were also present.

It was revealed during the hearing that most of the issues involved are beyond the purview of the RTI Act. These are disputes between the managing committee and the appellant. Cases are pending at different levels. District Deputy Registrar, courts cases are also pending under different sections of the Maharashtra Co-Operative society Act 1960. On many points the issues are interlinked and overlapping. The appellant wanted information on his complaint and request for expulsion of certain members. This was replied in the light of the provisions of the Maharashtra Co-operative Society Act 1960. There are demands from the society, the correctness of which has been disputed by the appellant. These are complaints of unauthorized construction / extension and the appellant wanted information on these issues. After a long discussion it was agreed by parties that they will sit together, sort out issues, select the documents which are required by the appellant and the PIO will furnish or arrange to furnish the information. The time agreed was 30 days. I, therefore, conclude that matter is being sorted out between parties as agreed and there is no point in passing any specific order.

Order

The appeal is disposed off.

(Ramanand Tiwari)
State Information Commissioner, Mumbai

Place: Mumbai
Date: 21.08.2008.

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

Appeal No.2008/689/02

**Shri.A.J.Vishwasrao
7, Gangadhar Co-op Hsg.Socety.,
Ambekar Nagar, Eknath Gadi Marg,
Parel, Mumbai – 400012.**

...Appellant

V/s

**First Appellate Officer cum District Dy. Registrar
Co-op. Society, Malhotra House,
6th Floor, Opp. G.P.O.,
Mumbai – 400 001.**

.... Respondent

**Public Information Officer Dy. Registrar
F/S Zone, Mumbai Office,
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 had sought information regarding various aspects of the functioning of Gangadhar CHS, Parel. The PIO by his letter dated 22-3-2007 furnished the required information but the appellant was not satisfied. He filed the first appeal. The first appellant's order dated 14-5-2007 also did not satisfy him and hence this second appeal.

The case was fixed on 25-8-2008. The appellant has not turned up. Respondents also did not turn up. The chairman of the society who was invited for the hearing appeared before the commission. He has stated that the application under RTI by the appellant has resulted out of disputes between the society and the appellant on many issues. These disputes have been settled through the good offices of Deputy Registrar Co-operative Societies. He also pointed out that this could be one of the reasons for appellant's absence.

I have gone through the case papers. It is true that the appellant and the society have many disputes between them. A copy of the compromise worked shows that they have been sort out. Since the appellant is absent despite notice and without any explanation for absence. I decide to close the case.

Order

The appeal is disposed off.

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

Place: Mumbai
Date: 25.08.2008.

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

Appeal No.2008/705/02

**M/s.Riddhi Siddhi S.D.V.Pvt.Ltd.
Landlord of Property, Rubyhill,
45/47/49/51/89/91 Ridge Road & 164,
Walkeshwar Road, Mumbai -400 006.**

...Appellant

V/s

**First Appellate Officer cum Asst. Municipal Commissioner
B.M.C., D Ward, Jobanputra Compound,
Nana Chawk, Mumbai – 400 007.**

.... Respondent

**Public Information Officer Sr. Inspector,
Shops & Establishment Dept.
B.M.C., D Ward, Jobanputra Compound,
Nana Chawk, Mumbai – 400 007.**

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 application to obtain license and conducting agreement or partnership deed of Rashmi Stores then new Rashmi Stores and then Roop Beauty Parlour at 45/47 Ridge Road Shop No. 11, Ground Floor, Teenbatti, Mumbai - 400006.

The PIO by his letters dated 2-3-2007 informed the appellant that the original application for obtaining registration certificate was not available and the appellant could collect a copy of the Registration Certificate under Bombay Shops and Establishment Act on payment of Rs.12 at their citizen facilitation centre counter between 10 a.m. to 1.30 p.m. on working days. The appellant was not satisfied and he filed the 1st appeal under section 19 (3) the Right to Information Act 2005. The 1st appellate authority by his order dated 30-3-2007 directed the PIO to take diligent search of the required 'E' form the record office which was submitted by the owner in April 2006 and issue copy of the same to the applicant within seven days from the receipt of his order. The PIO by his letter dated 4-4-2007 informed the appellant that despite their search for the 'E' form the same could not be traced. He however, informed the appellant that on notifying 'E' form register, party had submitted 'E' form for verifying the change vide receipt no. 1388 dated 11-8-2006 of Registration Certificate No. D-1-14081. The PIO further informed him that the changes have been duly recorded by the appropriate authority which can be

seen from the original registration certificate with the party. The appellant was not satisfied and he has filed this second appeal before the Commission.

Order

The Deputy Municipal Commissioner in charge should institute an enquiry and fix the responsibility. He should take disciplinary action these found responsible for causing loss / misplacement of the document. The appeal is disposed off.

(Ramanand Tiwari)
State Information Commissioner, Mumbai

Place: Mumbai
Date: 27.08.2008.

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

Appeal No.2008/692/02

**Shri. Atul Ramniklal Mathuria
B – 11; Shiv Chhaya; 33,
Sir M.V.Road;
Andheri (East), Mumbai 400 069.**

.....Appellant

V/s

**First Appellate Officer cum District Dy.Registrar
Co-op.Society, (3), Room No.69,
Ground Floor, MHADA Bldg.,
Bandra (East), Mumbai – 400 001.**

.... Respondent

**Public Information Officer Dy.Registrar
Co-op.Society, K East Ward, Mumbai;
Malhotra House, 6th Floor, Opp. GPO;
Fort, Mumbai – 400 001.**

GROUNDS

This appeal has been filed under section 19 (3) of the Right to Information Act 2005. This appellant by his application dated 2-4-2007 had sought information regarding action taken on the discrepancies etc. pointed out vide letter dated 5-1-2006 written by Mathuria Apartment CHSL. The PIO by his letter dated 3-4-2007 informed the appellant the information sought by the appellant does not fall within the ambit of RTI Act. The appellant was not satisfied and he filed the first appeal. The first appellate authority by his order dated 29-5-2007 disallowed the appeal on the ground that the information is not covered under the Right to Information Act 2005. The appellant has filed this second appeal against this order.

The case was fixed for hearing on 25-8-2008. The appellant did not turn up. The respondent was present. After going through the case papers it is clear that both the PIO and the first appellate authority have relied on the clarification issued by commissioner co-operation that since societies do not get substantial help from govt. they are not covered under the definition of public authorities and are beyond the scope of RTI Act. The commission's approach has been that whenever information is sought from the Dy. Registrar, the key determining factor is whether he is holding the information or whether the information is held under his control. The commission has decided many cases based on this principle. So if some one wants a copy of the documents which formed the basis for registration of the society, the commission has ordered furnishing of such information although it relates to a society which according to their perception is not a public

authority. The commission goes on the merits of each case and taking into account the spirit of the RTI Act. Since the appellant has chosen to remain absent and deprived the commission of his valuable input on an issue which is not well settled, I am constrained to pass the following order.

Order

The appeal is dismissed.

(Ramanand Tiwari)
State Information Commissioner, Mumbai

Place: Mumbai
Date: 28.08.2008.

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

Appeal No.2008/608/02

**Shri. Ahmed Taj Khan
Shivsai Nagar, Room No. 20,
Near Charlie D'souza Chawl,
Behind Sindhi Colony,
St. Francis Road,
Vile Parle (W), Mumbai – 400 056.**

.....Appellant

V/s

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

.... Respondent

**Public Information Officer Asst. Engineer
Building & Factories
K / West Zone, BMC 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 has sought the following information by his application dated 1-11-2006.

Xerox copy of his application no. ATK / RTI 56 / 06 dated 15-2-2006, progress made on his application and the current status of his application. It has been elaborated in exhibit I where he has brought to the notice of the Asst. Municipal Commissioner K / West Ward that one Mr. Anthony Salistin Misquita has carried illegal constitution and requested for action against the alleged wrong door. The Asst. Engineer (B & F) by his letter dated 7-11-2006 informed the appellant that although no action has been initiated on appellant's complaint but the unauthorized construction of house no. 121, Pond Gaothan Old Police Station Road, Vile Parle West has been demolished on 13-12-2005. The party has brought court injunction and therefore the matter stands still. The appellant approached the 1st appellate authority and the first appellate by his order dated 12-2-2007 ordered that the information should be furnished free of cost. The appellant has alleged that he had not got the information despite appellate authorities order.

The case was fixed on 8-8-2008. The appellant did not turn up. The respondents are present. It is not clear how the appellant alleges that respondents are not furnishing

the information despite first appellate authority's order. The order dated 7-11-2006 has been addressed to the appellant. If the appellant has not received the copy, he can apply fresh and get a copy under these circumstances I pass the following order.

Order

The appeal is disposed off.

(Ramanand Tiwari)
State Information Commissioner, Mumbai

Place: Mumbai
Date: 28.08.2008.

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

Appeal No.2008/693/02

**Shri. Balkisan Mohta
Director, M/s Shree Nagani Silk Mills Pvt. Ltd.
A / 104, Gokul Arcade, Sahar Road,
Vile Parle (East),
Mumbai – 400 057.**

.....Appellant

V/s

**First Appellate Officer cum Director
Engineering Service & Projects
B.M.C. Head Office, Annex Building,
4rd Flr., Municipal Head Office,
Mumbai C.S.T. – 400 001.**

.... Respondent

**Public Information Officer Asst. Engineer
Building & Factories
K / West Zone, BMC 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) Intimation of Disapproval bearing no. CE / 337 /BPES / WS dated 06-02-2001 and other development permission granted
- 2) Legal notice dated 26-12-2006 and 2-1-2007 dispatched to your office

The appellant had also requested for inspection of all the files / records / maps / plans related with above mentioned subject. The PIO by his letter dated 24-1-2007 informed the appellant that certified copies of the plans & documents available in his office would be issued on payment of Rs.25/- per copy and Rs.60/- per plan. He was also informed that charges for filing inspection will be Rs. 150/-. He requested the appellant to get in touch with him during office hours between 10.30 a.m. to 5.30 p.m. on any working day. Not satisfied with the PIO's order the appellant filed the first appeal. The first appellate authority by his order dated 22-3-2007 confirmed the order passed by the PIO. He also clarified that the appellant could pay Rs.2/- per copy if he is not interested in getting certified copies. The appellant is not happy and he has filed this second appeal.

The case was fixed for hearing on 25-8-2008. Appellant and respondents were present. Their stand during the hearing remained the same. I would therefore like the

advise the appellant to deposit money as required, do the inspection and collect copies of documents selected by him. I therefore pass the following order.

Order

The appellant to be allowed inspection of document and supplied copies of selected documents on payment of requisite charges. The appeal is disposed off.

(Ramanand Tiwari)
State Information Commissioner, Mumbai

Place: Mumbai
Date: 8.08.2008.

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

Appeal No.2008/ /02

**Shri.Narayan A. Shetty
Dipesh Co-op Housing Society Ltd.,
Gr. Flr., Rabodi 2,
Koliwada, Thane (W)
Mumbai – 400 601**

.....Appellant

V/s

**First Appellate Officer cum Director
Engineering Service & Projects
B.M.C. Head Office, Annex Building,
4rd Flr., Municipal Head Office,
Mumbai C.S.T. – 400 001.**

.... Respondent

**Public Information Officer Asst. Engineer
Building & Factories
K / West Zone, BMC Office,
Andheri (W), Mumbai – 400 058.**

GROUNDS

This appeal has been filed under section 19 (3) of the Right to Information Act 2005. He has also wanted to know what order has been passed the small causes court for breaking the lock and taking possession of his shop. He has requested for attested copies of all documents. The appellant is not satisfied with responses received from the PIO and the first appellate authority. Hence this second appeal.

The appeal was fixed for hearing on 26-8-2008. The appellant was present. The respondent did not turn up. Perusal of the case papers reveals that these are property disputes and the appellant and disputes and the appellant and others have approached different courts of law. Record also shows various orders / judgments passed by different authorities. The information sought by the appellant is arising out of a judgment by the small causes court. If the appellant is not satisfied with the judgment or the way in which it has been executed or wrong execution of a court's order, the remedy lies with the same courts or higher court as the situation demands. The consent of the appeal is grievance. I therefore close to case.

Order

The appeal is disposed off.

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

Place: Mumbai
Date: 8.08.2008.

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

Appeal No.2008/673/02

**Shri.Ajit Shankar Mahadik
301 / A (Behind).
Kamgar Nagar, Kurla (East)
Mumbai – 400 065.**

.....Appellant

V/s

**First Appellate Officer cum Asst.Commissioner,
Commission Office, Dugdhavyavasay Vikas Sanshta,
Aarey Colony, Mumbai C.S.T. – 400 001.**

.... Respondent

**Public Information Officer Principal,
Dughdhashala Vidnyan Sanstha,
Aarey Colony,
Mumbai – 400 065.**

GROUND

This appeal has been filed under section 19 (3) of the Right to Information Act 2005. The appellant had sought information regarding student's educational trip, annual get together, general meeting, student's grievance etc. The PIO in his order dated 3-10-2006 informed the appellant that he should deposit Rs.300/- to enable him to further process the case. It seems that the appellant was not satisfied. The first appellate authority has also ordered that information should be furnished within 5 days from the date of deposit of the amount. The appellant has preferred this second appeal.

The hearing of the appeal was fixed on 21-8-2008. The appellant has alleged that he is yet to get the information sought by him. The respondents showed willingness to furnish the required information. I therefore pass the following order.

Order

Appellant to deposit the required amount and respondent to furnish the desired information. The order passed by the first appellate authority is confirmed.

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

Place: Mumbai
Date: 21.08.2008.

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

Appeal No.2008/391/02

**Shri. Sureshchandra Mahadev Deo
8, Sudarshan Engineering
60/6, Tarun Bharat Complex, Sahar Road,
Swami Samarth CHS Ltd. Andheri (E),
Mumbai – 400 099.
V/s**

.....Appellant

**First Appellate Officer cum Chief Engineer
(HQ) MIDC Udyog Sarthi,
Mahakali Caves Road,
Marol (East), Mumbai – 400093.**

.... Respondent

**Public Information Officer Executive Engineer
(HQ) MIDC Udyog Sarthi,
Mahakali Caves Road,
Marol (East), Mumbai – 400093.
Mumbai – 400 065.**

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) Copy of Code / Rule then enforce for powers delegated to SE in clause 30 duly certified. Board Resolution Copy
- 2) Certified Copy of Rejection (Negative) reports of the then SE, MIDC as an arbitrator against demanded compensation in respect of Nagpur and Mahad Pump tender as par CE (HQ)'s letter no 2079, dated 28-10-2003

The PIO by his letter dated 2-2-2007 informed the appellant that the power delegated to SE in Clause 30 are mentioned in para 224 (Page No.89-90 of the MPW Manual). He was also informed that there was no Board Resolution of MIDC where in powers regarding decision of SE to be final have been delegated to SE under Clause 30. The PIO informed the appellant that SE report as an arbitrator was not available in their office record. However a note of the then SE (E & M) Mumbai recommending rejection of claim regarding escalation payment for original time limit and the letter dated

7-8-2000 of SE, MIDC Nagpur recommending rejection of the interest claims were available and same were enclosed. The appellant was not satisfied and he filed the first appeal under section 19 (1) of the RTI Act 2005. The first appellate authority by his letter dated 25-6-2008 has made detailed submission where each and every point raised by the appellant has been replied. The appellate authority by his order dated 21-2-2007 disposed off the case. It is against this order that the appellant has filed this second appeal.

The case was fixed on 26-8-2008. The appellant was present in person. Respondents were also present. The appellant has been disputing the information furnished by the PIO. The PIO in his reply had informed the appellant that SE's report as an arbitrator was not available in his office record. The appellant quotes a communication dated 28-10-2003 from the Chief Engineer (HQ) MIDC Mumbai which reads as follows

“Since the points mentioned by you (the appellant) have already been examined by the then superintending Engineer who was the arbitrator as per provisions of the contract and given decision in negative, claims in question cannot be entertained, which may please be noted.”

The appellant has been harping on this point that when the Chief Engineer says that the case has been rejected by SE as an arbitrator, how can the SE say that there are no papers regarding SE's report as an arbitrator. The first appellate authority however clarifies the point. In his submission to the commission he states that there was no such rejection report of the then SE as an arbitrator. The letter no. 2079 dated 28-10-03 of the CE HQ, MIDC is issued on the basis of the internal note processed by CE (HQ) for advice in the matter from Legal Department of MIDC. The appellant's interpretation of the CE (HQ)'s letter is not correct. The first appellate authority has further clarified that

the available information i.e. letter of SE MIDC, Nagpur dated 7-8-2000 and note of SE (E & M) (C) Mumbai were provided to the appellant by the PIO.

I have gone through the case papers on record and also considered the arguments advance by parties. It is clear that the appellant's perception based on the CE HQ letter is not appropriate. I have seen the reference made to the legal department. It is the legal department which for the first time uses the word 'arbitrator' and confers this non existent adjective on the SE which led to the misunderstanding. It is also very clear that the dispute is basically for compensation for delay for which the appellant claims he was not responsible. Recourse to RTI seems to be an attempt to get some stick to beat the respondent. It is not possible for the commission to help the appellate in this regard. I am very clear and candid that the information required and available with the PIO has been furnished. It may not be the way the appellant would have liked it to be but RTI guarantees access to available information and redressal of grievances / settlement of claims have not been mandated. I therefore pass the following order.

Order

The appeal is disposed off.

(Ramanand Tiwari)
State Information Commissioner, Mumbai

Place: Mumbai
Date: 26.08.2008.

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

Appeal No.2008/694/02

**Shri. Jayesh Manubhai Shah
104, Prashant Chambers, 74/78,
Bhandari Street,
Mumbai – 400 003.**

.....Appellant

V/s

**First Appellate Officer cum District Dy.Registrar,
Co-op Housing Society, (3) Western Suburb,
MHADA, Ground Floor, No. 69,
Bandra (East), Mumbai – 400051.**

.... Respondent

**Public Information Officer Dy.Registrar,
Co-op Housing Society, H/ West Zone,
MMRDA Bldg., Near Bandra Kurla Complex,
Mumbai – 400 051.**

GROUNDS

This appeal has been filed under section 19 (3) of the Right to Information Act 2005. The information sought relates to premises situated at flat no. 2, Panchsheel CHS Ltd., 213, waterfield Road, Bandra (West), Mumbai. The information has been sought on the following points:

- 1) Details regarding transfer of premises situated at flat No.2 Panchsheel C.H.S. Ltd., 213 Waterfield Road, Bandra (W), Mumbai 400 050.
- 2) Details as to Payment of transfer charges in respect of flat No. 2
- 3) Details as to Notice of intention to transfer share and interest in the capital / property of the society, in respect of flat No.2.
- 4) Details of the Secretary's intimation to the member for grant of NOC; on a member complying with the requirements listed in clause (d) of section 45 (7) of the Bye –laws.
- 5) Details of documents registered with the Society, and in respect of the Register of Members and List of Share Holders.
- 6) Details as to payment of stamp duty charges, in respect of Flat No.2.

The case was fixed for hearing on 25-8-2008. The appellants and the respondents were present. It appears that most of the information relates to the society. It is still not clear whether societies are public authority or not. The Commission however has been taking up these cases where it is convinced that the information sought is available with the District Deputy Registrar of Co-operative Societies. If someone demand copies of

papers which formed the basis for registration of a society, the commission has been asking the Dy. Registrar to furnish. Similarly copies of the annual financial statement passed by the annual general body meeting of a society is required to be with Dy. Registrar and a copy can be furnished to the information seeker. In the present case most of issues like payment of transfer changes, notice of intimation to the member for grant of NOC etc have nothing to do with the Dy. Registrar. It is advisable that the appellant should seek these information from the society concerned.

In the light 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: 25.08.2008.

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

Appeal No.2008/714/02

**Shri. (C.A.) Kinjal Shah
202, Lotus Court, Derasar Lane,
Parshva Prabhu Chowk, Haridas Nagar,
Borivali (W), Mumbai – 400 092.**

.....Appellant

V/s

**First Appellate Officer cum Dy. Charity Commissioner,
Dharmaday Ayukta Bhavan, 3rd Floor,
83, Dr.Anie Basent Raod,
Worli, Mumbai – 400018.**

.... Respondent

**Public Information Officer Office of the Charity Commissioner
Dharmaday Ayukta Bhavan, 3rd Floor,
83, Dr.Anie Basent Raod,
Worli, Mumbai – 400018.**

GROUNDS

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

- 1) Number of trusts in relation to which complaints have been received for mismanagement or otherwise inquiry for mismanagement has been initiated in the state of Maharashtra
- 2) Number and details of Jain trusts in relation to which complaints have been received for mismanagement or otherwise inquiry for mismanagement has been initiated in the state of Maharashtra
- 3) Number of trusts, trustees whereof have been proved to be indulging in mismanagement in the state of Maharashtra
- 4) Number and details of Jain trusts, trustees whereof have proved to be indulging in mismanagement in the state of Maharashtra
- 5) Details of charges proved against the trustees of each of the relevant Jain Trust in the state of Maharashtra
- 6) Number of trusts wherein trustees / Admin Off./ CEO by whatever name called are appointed directly or indirectly by the Government or any Government Authority in the state of Maharashtra
- 7) Number of trusts, wherein trustees / Admin Off./ CEO by whatever name called are appointed directly or indirectly by the Government, Charity Commissioner or any Government Authority, in relation to which complaints have received for

mismanagement or otherwise inquiry of mismanagement has been initiated in the state of Maharashtra

- 8) Number of trusts, wherein trustees are appointed by the Government, Charity Commissioner or any Government Authority, trustees whereof have been proved to be indulging in mismanagement in the state of Maharashtra
- 9) Details of charges proved against the trustees of the trusts, wherein trustees are appointed by the Government, Charity Commissioner or any Government Authority in the state of Maharashtra.

The PIO by his order dated 28-10-2006 informed him that the required information has not been compiled and hence cannot be furnished the appellant preferred the first appeal. The first appellate authority by his order dated 5-2-2007 informed the appellant that the information furnished by the PIO was correct there was no consolidated information available in his office.

The case was fixed for hearing on 28-8-2005. The appellant by his letter dated 17-8-2008 has requested for adjournment as he was out of town. The respondent also did not turn up. I have gone through the case papers. It is clear from the appellant's application, he has requested information from 1948 to 2005. It also has so many sub sections * of Jain temples, trusts were govt. appoints trusts, no. of trusts prosecuted etc. Taking into account the nature of application and other circumstances no useful purpose will be served if the appeal is adjourned I therefore refuse the request of the appellant. As for merits of the case is concerned. It is true that the information is too broad and complex. Section 8 (9) clearly says that an information shall ordinarily be provided in the form in which it is sought unless it would disproportionately direct the resources of the public authority. This case fits into this category. RTI guarantees access to available information with the public authority. It would take a lot of time and energy to compile information for 5 decades in a format in which it has not been kept. I therefore confirm the order of the first appellate authority.

Order

The appeal is disallowed.

(Ramanand Tiwari)
State Information Commissioner, Mumbai

Place: Mumbai
Date: 30.08.2008.

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

Appeal No.2008/721/02

**Shri. Dr. Prakash Shrichand Khatavani
Room no. III / 29,
E.S.I.S. Government Hospital,
Near Marol Bus Depot,
Andheri (East), Mumbai – 400093.**

.....Appellant

V/s

**First Appellate Officer cum Medical Superintendent
E.S.I.S. Hospital,
Near Marol Bus Depot,
Andheri (East), Mumbai – 400093.**

.... Respondent

**Public Information Officer Medical Superintendent
E.S.I.S. Hospital,
Near Marol Bus Depot,
Andheri (East), Mumbai – 400093.**

GROUNDS

This appeal has been filed under section 19 (3) of the Right to Information Act 2005. The appellant had sought information regarding his arrears of pay, reasons for not being allotted a particular quarter, functioning of ophthalmology department, doctors who were allotted night shift during the last 3 years, no. of eye surgeries done etc. The PIO by his order dated 9-3-2007 furnished the information except on points no. 3, 4 and 5 because it was according to the PIO not in public interest. The appellant was not satisfied and he filed the first appeal. The first appellate authority by his order dated 31-5-2007 has furnished all the information including those denied by the PIO. The order has a huge annexure to satisfy the appellant. The appellant, however continued to be dissatisfied and has filed this second appeal.

The case was fixed for hearing on 28-8-2008. The appellant was present.

The respondent was also present. The appellant has contented that he did not get the information. The respondent has stated that the information was sent to him but he was not available at his address. It is also revealed that the appellant has mixed public and personal issues. The first appellate authority has still furnished

the required information. In the light of the above observation I decide to close the case as relevant information has been furnished. I would however request the first appellate authority to hand over a copy of his order and get his

acknowledgement. This direction is being given in view of the fact that the whole argument during the hearing revolved round the respondent's claim of having sent the information and appellant's allegation of having not received.

Order

The appeal is dismissed.

(Ramanand Tiwari)
State Information Commissioner, Mumbai

Place: Mumbai
Date: 29.08.2008.

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

Appeal No.2008/701/02

**Shri. Nadeem M. Oomerbhoy
Nariman Building, 6th Floor,
Flat 12A, 162 M.K.Road,
Mumbai – 400 021.**

.....Appellant

V/s

**First Appellate Officer cum Dy. Chief Engineer(DS),
BEST Undertaking, Vidyut Building,
1st floor, Phatakwadi, Mumbai – 400002.**

.... Respondent

**Public Information Officer Superintendent Consumer
(South), BEST Undertaking, Vidyut Building,
1st floor, Phatakwadi, Mumbai – 400002.**

GROUND

This appeal has been filed under section 19 (3) of the Right to Information Act 2005. The appellant had requested for copies of all correspondence / agreements interest into between Ahmed Oomerbhoy Oil Mill and BEST regarding the Electric Supply Station in their property. The PIO as well as the first appellate authority have denied the information on the ground that it has no relationship to any public interest or activity and such disclosure is exempted under Right to Information Act. The appellant has preferred appeal against this order.

The case was fixed for hearing on 27-8-2008. The appellant has insisted that they must get the information. The respondent in his written submission has stated that the file pertains to 1949 and was not readily available. The file is now available and they have informed the appellant that BEST was willing to offer inspection of the relevant file and would also furnish copies of selected document. In view this nothing remains.

Order

Best to facilitate inspection of the relevant file and also furnish copies of selected documents. The appeal is disposed off.

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

Place: Mumbai
Date: 30.08.2008.

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

Appeal No.2008/713/02

**Shri. Sushil N. Harlalka
216, Jaferbhoy Industrial Premises Co-op.Soc. Ltd.
111 – H, Andheri Kurla Road, Marol Naka,
Andheri (East), Mumbai – 400 059 (INDIA)
Tel : 28597155 / 40983333**

.... Appellant

V/s

**First Appellate Officer cum Collector
Mumbai City, Old Custom House, Gr. Floor,
Shahid Bhagat Singh Road,
Fort, Mumbai – 400001.**

.... Respondent

**Public Information Officer cum Collector
Mumbai City, Old Custom House, Gr. Floor,
Shahid Bhagat Singh Road,
Fort, Mumbai – 400001.**

GROUNDS

This appeal has been filed under section 19 (3) of the Right to Information Act 2005. The appellant had sought the following information. True copy of the current lease deed with any amendments / conditions (if any) relating to the land on which Bombay Hockey Association, 'D' Road, Marine Drive, Mumbai 400020 is situated. The PIO, Collecterate informed him that the lease deed has not yet been finalised and therefore it was not possible to furnish a copy of the same. In another communication dated 9-6-2007 the PIO, Collectorate says that the land in reference belongs to the Govt. but has been granted by the Public Works Department, Presidency Division, Mumbai. The PWD in its communication dated 3-7-2007 says that all papers relating to Bombay Hockey Association have been handed over to the Department of Social Welfare, Cultural activities, sports and tourism. In yet communication the under Secretary, Revenue & Forest department informs the appellant that his application has been sent to Collector, Mumbai and he should get in touch with him. The net result is that the appellant is where he was. It highly deplorable. It is not understood why are PIO's scared of furnishing such a simply and straightforward information. This clearly shows that they have not understood the spirit of the RTI Act.

The appeal was fixed for hearing on 28-8-2008. The appellant was present. The respondent did not care to attend. The case papers show that the application / request have been shutting from one place to another. It is true that the process of lease renewal passes through different department. It is true that matters relating to land a large no. of

departments are involved. Having said that I am also aware that the final authority and all powers rest with the District Collector. It is also to be understood that the information has to be furnish by the public who holds the information under or under whose control is held. The PIO Collectorate has failed miserably in responding to the aspirations and spirit of the RTI Act. I therefore pass the following order.

Order

The PIO Collector ate to furnish the required information to the appellate. If the lease has not been renewed, a copy of the old lease deed should be furnished. The appellatant should also be informed about the stage at which the matter stands today. The time allowed is 30 days.

(Ramanand Tiwari)
State Information Commissioner, Mumbai

Place: Mumbai
Date: 29.08.2008.

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

Appeal No.2008/683/02

**Shri. Ajit Shankar Mahadik
30/A, (behind) Kamgar Nagar,
Kurla (East), Mumbai – 400 024.**

.....Appellant

V/s

**First Appellate Officer cum Dy. Commissioner,
Office of the commissioner, Dairy Development,
Worli, Sea face, Mumbai – 400 018.**

.... Respondent

**Public Information Officer Principal,
Dairy, Science Institution, Aarey,
Aarey colony, Mumbai – 400 065.**

GROUNDS

This appeal has been filed under section 19 (3) of the Right to Information Act 2005. The appellant had asked for inspection of the Muster Roll and copies of the Muster Roll of technical and office staff. The PIO by his letter dated 13-10-06 asked the appellant to deposit Rs.2620 for getting the information. The appellant filed the 1st appeal. The first appellate authority by his order dated 27-4-2007 directed the PIO to furnish the required information charging the fee prescribed by the Govt. The appellant is not happy with this order and has filed the second appeal before the commission.

The case was fixed for hearing on 21-8-2008. The appellant was present. The respondent was present. The main contention of the appellant was that he has not been allowed inspection of document the amount demanded by the PIO is exorbitant. The respondent has contended that the information sought huge and amount demanded is correct. After going through the case papers it is revealed that the PIO has not applied his mind while dealing with this case. It has been pointed out by him that the appellant had not explained the reasons for which he wanted the information. I would like to draw his attention to Section 6 (2) of the RTI Act which clearly says that ‘an applicant making request for information shall not be required to give any reason for requesting the information or any other personal details except those that may be necessary for

contracting him.’ Similarly the rate of Xeroxing has been fixed and it cannot be charged at will. In the light of the above observation I pass the following order.

Order

The appeal is allowed. The appellant shall be allowed inspection of document and copies of documents selected by him after inspection. The rate as fixed by Govt. i.e. Rs.2/- per page will only be charged. The whole exercise of inspection and furnishing of copies of selected documents to be over within 30 days.

(Ramanand Tiwari)
State Information Commissioner, Mumbai

Place: Mumbai
Date: 29.08.2008.

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

Appeal No.2008/724/02

**Shri. Nitin Murlidhar Acharekar
C/o. Shri. Kundan S. Agaskar,
176 / A, Vaishali Apartment, Dadar,
Mumbai – 400014.**

.... Appellant

V/s

**First Appellate Officer cum Joint Secretary,
Vidhanmandal Sachivalaya, Vidhan Bhavan
Mumbai – 400 032.**

.... Respondent

**Public Information Officer cum Under Secretary,
Vidhanmandal Sachivalaya, Vidhan Bhavan
Mumbai – 400 032.**

GROUNDS

This appeal has been filed under section 19 (3) of the Right to Information Act 2005. The Vidhan Sabha Celebrated its golden Jubilee during the year 1987-88. An exhibition was also organized on the occasion. The librarian of Vidhan Sabha wrote to Shri. Anil Acharekar that it would add to the grade of the exhibition if the oil painting created by the famous painter Shri. H. R. Acharekar depicting the creation of the State of Maharashtra is loaned to the Vidhan Sabha for display in the exhibition. The letter adds that the painting will be returned as soon as the exhibition was over. The appellant complied but the respondent has not yet discharged his responsibilities. The respondent has informed the appellant that the painting now adorns the YASHWANT RAO CHAVAN CENTRE. The appellant wanted to know how and why the painting landed there. The respondent has no clue.

The case was fixed for hearing on 28-8-2008. Appellants and respondents were present. The appellant is insisting to know how without his consent the painting has landed at the centre. The respondent has stated that they are looking into the matter. In his letter dated 21-3-2008, the librarian has informed the appellant that there was nothing on record to find out how and by whose order the painting has gone to the YASHWANT RAO CHAVAN CENTRE. In fact he has asked the appellant to get in touch with the centre to retrieve the painting.

After going through the case papers and considering the arguments. I have come to the conclusion that the information has not been furnished. It is true that fortunately painting is not lost but his case that unless he is given the information as to how the painting was sent to the centre, it will not be easy for him to retrieve the same.

The appellant informed the Commission that he was already in touch with the centre. In the light the above observation. I pass the following order.

Order

The appeal is allowed. Respondent to take diligent search and track down the movement of the painting from Vidhan Bhavan to the centre. Appellant to be informed as soon it is available. The appeal is disposed off.

(Ramanand Tiwari)
State Information Commissioner, Mumbai

Place: Mumbai
Date: 30.08.2008.