

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

**Appeal No.2008/1602/02**

**Shri. Martha Sybil Sequeira  
"Sequilaa", 15/B Dr.Peter Dias Rd,  
Bandra, Mumbai – 400 050.**

**... Appellant**

**V/s**

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

**... Respondent**

**Public Information Officer cum Dy Registrar  
Cooperative Board (3), Grihanirman Bhavan,  
Ground Floor, Desk No. 69, Bandra (E),  
Mumbai – 400 051.**

**GROUNDS**

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

a) Whether Ms. Rita Pinto, who is a developer / builder, can be taken into the Managing Committee of the St. Sebastian Homes Co-operative Society having its Office in Sebastian House, 42 Rebello Road, Bnadra, Mumbai 400 050, as it violates the MCS Act vide Section 73 FF (I)(e)(V)1960 and our Society bye-law 2.

b) Mr. Antony D'Souza was declared a defaulter by the General Body at its Annual General Meeting of 2003 that AGM on 10<sup>th</sup> August 2003 as follows: Resolved that Mr.Anthonu D'Souza be treated as a Defaulter unless and until he regularizes his share Certificate matter and demolishes all the unauthorized construction on his plot no.77". Could he be taken as a Managing Committee Member? Since the appellant was not satisfied with responses from the Public Information Officer and the First Appellate Authority, this second appeal has been preferred before the commission.

The appeal was heard on 12.01.2009. The appellant was present. The respondent Dy. Registrar Dr V.S. Phad was also present. The appellant alleged that despite lapse of so much of time, she has not been furnished the required information. The respondent stated that the information sought is in the form of question / answer and no information

as defined in section 2 (8) of the Right to Information Act has been sought. It was also stated by him that the issue can be brought to his notice under the Maharashtra Cooperative Societies Act 1960 for remedial measures.

The appellant however pointed out that this issue has already been raised and what she is interested in is the information regarding what action has been taken by the Public Information Officer.

After going through the case papers and considering the arguments advanced by parties, I have come to the conclusion that although strictly speaking the reply expected is not 'information' as such but taking into account the importance of the issue raised, I am of the view that the information must be furnished. After all the queries are simple ones whether a developer / builder and a defaulter can become members of the Managing Committee. The appellant deserves to be told the answer as per the book. This will empower her to seek remedial measures. I therefore pass the following order.

**Order**

The appeal is allowed. Respondent to furnish the information within 15 days.

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

Place: Mumbai  
Date: 12.01.2009

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

**Appeal No.2008/1603/02**

**Smt. Triveni AnnaSaheb Mane  
Shri. Shivaji Satyavan Fansekar  
83, Laxmi Chawl, Bhimwadi,  
S.M.Rd, Wadala (E), Mumbai – 400 037.**

**... Appellant**

**V/s**

**First Appellate Officer cum Asstt. Commissioner,  
Greater Mumbai, Municipal Corporation,  
F/North Division Office, Matunga Division,  
Bhaudaji Rd, Matunga, Mumbai.**

**... Respondent**

**Public Information Officer,  
Greater Mumbai, Municipal Corporation,  
F/North Division Office, Matunga Division,  
Bhaudaji Rd, Matunga, Mumbai.**

**GROUNDS**

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant had sought information regarding encroachment on footpaths of roads in F/N ward, Matunga, Mumbai. The appellant has sought information on 14 points. The Asstt Public Information Officer by his letter dated 24.10.2007 furnished the information. The appellant was not satisfied. He preferred the first appeal under section 19(1) of the Right to Information Act 2005. The First Appellate Authority by his order dated 29.07.2007 disposed the appeal off because of the broad and non specific nature of information sought. The present appeal has been preferred against this order.

The appeal was heard on 12.01.2009. Appellant and respondent were present. The appellant reiterated the issue that he has not been provided the required information. The respondent has pleaded his inability to furnish the information.

I have gone through the case papers and also considered the arguments advanced by parties. It very clear that the information sought is very broad and non specific. The Right to Information Act ensures furnishing of available information. The Act is very clear on the point that if the exercise was likely to divert disproportionately the resources of the public authority, such request for information need not be entertained.

The present case is such a case and the First Appellate Authority has rightly refused the information. I pass the following order.

**Order**

The appeal is disposed off.

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

Place: Mumbai  
Date: 13.01.2009

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

**Appeal No.2008/1486/02**

**Sheth Gangadas Vijbhukhandas &  
Mulji Nandlal Religious & Cgaritable Trust,  
12, Babulnath Road, Gangadas Wadi,  
Mumbai – 400 007.**

**... Appellant**

**V/s**

**First Appellate Officer cum Asstt. Commissioner,  
Greater Mumbai, Municipal Corporation,  
D/Ward Office, Jobanputra Compound,  
Nana Chowk, Grant Road (W), Mumbai – 400 007.**

**... Respondent**

**Public Information Officer,  
Greater Mumbai, Municipal Corporation,  
D/Ward Office, Jobanputra Compound,  
Nana Chowk, Grant Road (W), Mumbai – 400 007.**

**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 against unauthorized construction at Shop No.5, 14 'D' Babulnath Road, Mumbai. The appellant has alleged the no permission has been taken from the appellant who is the landlord or the MCGM. The appellant fears that the unauthorized construction could endanger the structural stability of the building. Not satisfied with the responses received from the PIO and the First Appellate Authority the appellant has come in second appeal before the commission.

The appeal was heard on 22.11.2008. Appellant and respondent were there. I have gone through the case papers and also considered the arguments advanced by parties. The information furnished so far has been sketchy and evasive. The assistant engineer (B & F) 'D' Ward says that the information was not available with them and therefore could not be furnished. The Building Proposal Executive Engineer says that the information sought did not fall in the defection of information. In view of the seriousness of the allegation that the unauthorized work weight endanger the structural stability the

matter deserves to be taken seriously. I would therefore direct the ward officer to get the whole issue examined and furnish proper information to the appellant.

**Order**

The appeal is allowed. The ward officer to hear the appellant get the issues examined and furnish the relevancy information to the appellant.

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

Place: Mumbai  
Date: 17.01.2009

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

Appeal No.2008/1487/02

**Sheth Gangadas Vijbhukhandas &  
Mulji Nandlal Religious & Cgaritable Trust,  
12, Babulnath Road, Gangadas Wadi,  
Mumbai – 400 007.**

... **Appellant**

V/s

**First Appellate Officer cum Asstt. Commissioner,  
Greater Mumbai, Municipal Corporation,  
D/Ward Office, Jobanputra Compound,  
Nana Chowk, Grant Road (W), Mumbai – 400 007.**

... **Respondent**

**Public Information Officer,  
Greater Mumbai, Municipal Corporation,  
D/Ward Office, Jobanputra Compound,  
Nana Chowk, Grant Road (W), Mumbai – 400 007.**

### 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 against illegal and unauthorized construction going on at Shop No.1, 14'D' Babulnath Road, Mumbai – 400 007. The Public Information Officer by his letter dated 26.02.2008 informed the appellant that inspection of the on going work revealed that they are of tenatable nature for which no action was warranted. The appellant was not satisfied and preferred the first appeal. There is nothing on record to show whether the First Appellate Authority passed any order or not. The appellant has come to the commission in second appeal.

The appeal was heard on 22.11.2008. Appellant and respondent were present. The appellant felt that the kind of repair going on was not tenatable. He therefore raised another issue what were not tenatable works. These supplementaries could go on and on for a long time. The commission is not mandated to handle such interpretation. I am of the view that the required information has been furnished. I therefore pass the following order.

### Order

The appeal is disposed off.

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

Place: Mumbai  
Date: 17.01.2009

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

**Appeal No.2008/1657/02**

**Shri Jehangir Ardeshir Rabadi,  
3/901, Navjivan Soc. Lamington Rd,  
Mumbai – 400 008.**

**... Appellant**

**V/s**

**First Appellate Officer cum Asstt. Commissioner,  
Greater Mumbai, Municipal Corporation,  
D/Ward Office, Jobanputra Compound,  
Nana Chowk, Grant Road (W), Mumbai – 400 007.**

**... Respondent**

**Public Information Officer cum Asstt. Engineer,  
Greater Mumbai, Municipal Corporation,  
D/Ward Office, Jobanputra Compound,  
Nana Chowk, Grant Road (W), Mumbai – 400 007.**

**GROUND**

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

Details of the action taken by PIO's department for the misuse of common house gully between 145, Daruwala House & 147, Hill Height at Allibhai Premji Marg, Mumbai – 400 007 and also the certified true copy of the action papers of his department and copy of the papers sent to his department by Sr. Inspector of Licenses 'D' ward as informed in his letter no. ACD/07201168666 Dated 30.01.2008.

The Public Information Officer by his letter dated 07.04.2008 furnished him some information but the appellant was not satisfied and preferred the first appeal under section 19(1) of the RTI Act, 2005. The First Appellate Authority by his order dated 16.06.2008 passed order directing the PIO to send xerox copies of the documents required by the appellant. It seems that the information was not furnished and therefore this second appeal. The appeal was fixed for hearing on 15.01.2009. Neither the appellant nor the respondent turned up. The appeal is decided on merit.



I have gone through the case papers. There is no justification for the PIO not to send the information as directed by the First Appellate Authority. I therefore confirm the order passed by the First Appellate Authority.

**Order**

The appeal is allowed and the First Appellate Authority's order is confirmed. The PIO to furnish the information 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: 16.01.2009

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

Appeal No.2008/1656/02

**Shri Jehangir Ardeshir Rabadi,  
3/901, Navjivan Soc. Lamington Rd,  
Mumbai – 400 008.**

... **Appellant**

V/s

**First Appellate Officer cum Asstt. Commissioner,  
Greater Mumbai, Municipal Corporation,  
D/Ward Office, Jobanputra Compound,  
Nana Chowk, Grant Road (W), Mumbai – 400 007.**

... **Respondent**

**Public Information Officer cum Asstt. Engineer,  
Greater Mumbai, Municipal Corporation,  
D/Ward Office, Jobanputra Compound,  
Nana Chowk, Grant Road (W), Mumbai – 400 007.**

### 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 against the Shop keeper who extended weather frame up to main entrance of the building called Daruwalla House No 145 and did not remove despite being fined. Not satisfied with responses received from the Public Information Officer and the First Appellate Authority, the appellant has preferred this second appeal before the commission.

The appeal was fixed for hearing on 15.01.2009. Neither the appellant nor the respondents turned up. The appeal is decided on merit.

I have gone through the case papers. It appears that the PIO by his letter dated 13.05.2008, 05.07.2008 and 08.08.2008 has furnished relevant information. The appellant is not satisfied because with quality of information which according to the appellant are irrelevant and illegible. The PIO has clearly informed that the prosecution was launched and the party has been convicted. I am of the view that information has been furnished.

### Order

The appeal is disposed off.

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

Place: Mumbai  
Date: 16.01.2009

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

**Appeal No.2008/1051/02**

**Shri Balu Maruti Aavhad,  
Navjeevan Nagar, More Chawl,  
Room No.5, Ganesh Marg,  
Hariyali Village, Vikroli (E),  
Mumbai – 400 083.**

**... Appellant**

**V/s**

**First Appellate Officer,  
The Sarvodya CHS. Bank Ltd,  
Andheri (E), Mumbai.**

**... Respondent**

**Public Information Officer,  
The Sarvodya CHS. Bank Ltd,  
Andheri (E), Mumbai.**

**GROUND**

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant had sought enquiry into alleged fraudulent sanction of loan to him, its repayment and compensation for his physical, mental and financial loss. Not satisfied with responses from the Public Information Officer and the First Appellate Authority, the appellant has filed this second appeal before the commission. The appeal was heard on 23.12.2008. The appellant was present. His main contention is that he wants an enquiry into the whole issue. He is also in touch with the Reserve Bank of India Under these circumstances there is very little which the commission can offer. I am constrained to close the case.

**Order**

The appeal is disposed off.

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

Place: Mumbai  
Date: 17.01.2009

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

**Appeal No.2008/1676/02**

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

**... Appellant**

**V/s**

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

**... Respondent**

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

**GROUND**

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

Consolidated mark list of Fy Bcom (T 2 batch) class final exam in the subject of Mathematics along with all annexure Mark sheet of all final results of students of Fy Bcom (T 2 batch) class. The appeal was heard on 19.01.2009. The appellant has insisted on having the information. The respondent in his written submission has stated that the individual results / mark sheet of Fy Bsc for the academic year 2006 – 2007 are meant for students only and have been distributed to concerned students. The appellant can be provided with the consolidated Mark lists only of these students for the year 2006 – 2007 provided the appellant pays necessary charges.

After going through the case papers and considering the arguments advanced by parties I have come to the conclusion that the appellant must be given the information. Since the respondent has also agreed there was no problem in furnishing the information.

**Order**

The appeal is allowed. Appellant to be given the information within 15 days.

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

Place: Mumbai  
Date: 19.01.2009

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

Appeal No.2008/1678/02

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

... **Appellant**

V/s

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

... **Respondent**

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

### GROUNDS

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

Consolidated mark list of Sy Bsc class final exam in the subject of Maths Stats along with all annexure. Mark sheet of all final results of students of Sy Bsc (T 2 batch) class. The appeal was heard on 19.01.2009. The appellant has insisted on having the information. The respondent in his written submission has stated that the individual results / mark sheet of Fy Bsc for the academic year 2006 – 2007 are meant for students only and have been distributed to concerned students. The appellant can be provided with the consolidated Mark lists only of these students for the year 2006 – 2007 provided the appellant pays necessary charges.

After going through the case papers and considering the arguments advanced by parties I have come to the conclusion that the appellant must be given the information. Since the respondent has also agreed there was no problem in furnishing the information.

### Order

The appeal is allowed. Appellant to be given the information within 15 days.

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

Place: Mumbai  
Date: 19.01.2009

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

<b>Mrs. M.V.Joshi</b> <b>Patkar-Varde College,</b> <b>Swami Vivekanand Road,</b> <b>Goregaon (W), Mumbai – 400 062.</b>	<b>Appeal No.2008/1693/02</b>  ... <b>Appellant</b>
<b>Dr.A.G.Gadre</b> <b>HOD. Chem. Dept.</b> <b>Patkar-Varde College,</b> <b>Swami Vivekanand Road,</b> <b>Goregaon (W), Mumbai – 400 062.</b>	<b>Appeal No.2008/1715/02</b>  ... <b>Appellant</b>
<b>Shri. N.D. Kubhar</b> <b>Dept. of Political Science,</b> <b>Patkar-Varde College,</b> <b>Swami Vivekanand Road,</b> <b>Goregaon (W), Mumbai – 400 062.</b>	<b>Appeal No.2008/1711/02</b>  ... <b>Appellant</b>
<b>Shri. Sachin S. Bhagat</b> <b>Dept. of Botany,</b> <b>Patkar-Varde College,</b> <b>Swami Vivekanand Road,</b> <b>Goregaon (W), Mumbai – 400 062.</b>	<b>Appeal No.2008/1704/02</b>  ... <b>Appellant</b>
<b>Dr. S.S. Parvate</b> <b>Dept. of Sanskrit,</b> <b>Patkar-Varde College,</b> <b>Swami Vivekanand Road,</b> <b>Goregaon (W), Mumbai – 400 062.</b>	<b>Appeal No.2008/1698/02</b>  ... <b>Appellant</b>
<b>Dr. R.R. Wagh</b> <b>Dept. of Chemistry,</b> <b>Patkar-Varde College,</b> <b>Swami Vivekanand Road,</b> <b>Goregaon (W), Mumbai – 400 062.</b>	<b>Appeal No.2008/1694/02</b>  ... <b>Appellant</b>
<b>Dr. Gopinadhan S</b> <b>HOD. Commerce,</b> <b>Patkar-Varde College,</b> <b>Swami Vivekanand Road,</b> <b>Goregaon (W), Mumbai – 400 062.</b>	<b>Appeal No.2008/1700/02</b>  ... <b>Appellant</b>
<b>Dr. Trisa J. Palathingal</b> <b>Dept. of Botany,</b> <b>Patkar-Varde College,</b> <b>Swami Vivekanand Road,</b> <b>Goregaon (W), Mumbai – 400 062.</b>	<b>Appeal No.2008/1696/02</b>  ... <b>Appellant</b>

**Dr. Deepti A. Mujumdar**  
**Dept. English (HOD),**  
**Patkar-Varde College,**  
**Swami Vivekanand Road,**  
**Goregaon (W), Mumbai – 400 062.**

**Appeal No.2008/1699/02**

... **Appellant**

**Dr. A.S. Sawant**  
**Dept. of Chemistry,**  
**Patkar-Varde College,**  
**Swami Vivekanand Road,**  
**Goregaon (W), Mumbai – 400 062.**

**Appeal No.2008/1701/02**

... **Appellant**

**Dr. A.V. Waravdekar**  
**Dept. of Chemistry,**  
**Patkar-Varde College,**  
**Swami Vivekanand Road,**  
**Goregaon (W), Mumbai – 400 062.**

**Appeal No.2008/1702/02**

... **Appellant**

**V/s**

**First Appellate Officer,**  
**Chikitsak Samuha Trust,**  
**C/o The office of the Principal,**  
**Patkar-Varde College,**  
**Swami Vivekanand Road,**  
**Goregaon (W), Mumbai – 400 062.**

... **Respondent**

**Public Information Officer,**  
**Chikitsak Samuha Trust,**  
**C/o The office of the Principal,**  
**Patkar-Varde College,**  
**Swami Vivekanand Road,**  
**Goregaon (W), Mumbai – 400 062.**

### **GROUND**

These appeals have been filed under section 19(3) of the Right to Information Act 2005. The appellants have sought the following information relating to Chikitsak Samuha, a Charitable Trust registered under the Bombay Public trust Act, 1950 and having its office at 52, Sadashiva Cross Street, Goregaon, Mumbai.

- (1) Deed of Trust
- (2) Change Reports for the said period (1<sup>st</sup> April 1996 to 31<sup>st</sup> March 2007)
- (3) Profit and loss account, Balance Sheet etc submitted by the said trust to the office of the Asstt / Dy Charity Commissioner, Mumbai Region, Mumbai.

(4) List of Present trustees / present managing committee members of the said trust as per the records of the office of the asstt / Dy Charity Commissioner, Mumbai Region, Mumbai. Not satisfied with responses received from the Public Information Office and the First Appellate Authority the appellant has come in second appeal before the commission. These appeals were fixed for hearing on 21.01.2009. Appellants did not turn up. The respondent appeared through his advocate. Since these appeals are similar both in form as well as content they are being clubbed together. It has been contended by the respondent that the trust does not come within the purview of the RTI Act because it does not receive any grants from Govt. He has pleaded that these appeals should be dismissed. We are all aware that whether a trust or a society comes within the purview of the Act has not been finally settled. The Hon Karnataka High Court in its Judgement in writ petition no 16901 of 2006 has held that a society is not a public authority under the provisions of the RTI Act 2005. The Hon Mumbai High Court in writ petition no 1874 of 2008 has stayed the order passed by the Hon Chief Information Commissioner, Maharashtra directing MGM Trust to furnish certain information to the appellant in complaint no 2007/181/02.

In the Light of the above discussion my conclusion is that the trust is not a public authority since nothing contrary has been brought to our notice, the commission therefore closes the case.

**Order**

The appeals are dismissed.

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

Place: Mumbai  
Date: 21.01.2009



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

<b>Shri Santosh Gangurde</b> Dept of Sociology, Patkar-Varde College, Swami Vivekananda Road, Goregaon (W), Mumbai – 400 062.	<b>Appeal No.2008/1709/02</b>  ... <b>Appellant</b>
<b>Dr. G.B. Sonkamble</b> Dept of Hindi, Patkar-Varde College, Swami Vivekananda Road, Goregaon (W), Mumbai – 400 062.	<b>Appeal No.2008/1708/02</b>  ... <b>Appellant</b>
<b>Dr. Vinodkumar Dhavan</b> Dept of Chemistry, Patkar-Varde College, Swami Vivekananda Road, Goregaon (W), Mumbai – 400 062.	<b>Appeal No.2008/1710/02</b>  ... <b>Appellant</b>
<b>Prof. Giridhar Shetty</b> Dept of Physics, Patkar-Varde College, Swami Vivekananda Road, Goregaon (W), Mumbai – 400 062.	<b>Appeal No.2008/1712/02</b>  ... <b>Appellant</b>
<b>Prof. Harish Rao</b> Dept of Physics, Patkar-Varde College, Swami Vivekananda Road, Goregaon (W), Mumbai – 400 062.	<b>Appeal No.2008/1713/02</b>  ... <b>Appellant</b>
<b>Shri. J.V. Zopade</b> Dept of Zoology, Patkar-Varde College, Swami Vivekananda Road, Goregaon (W), Mumbai – 400 062.	<b>Appeal No.2008/1714/02</b>  ... <b>Appellant</b>
<b>Dr. Nana J. Dhurge</b> Dept of Physics, Patkar-Varde College, Swami Vivekananda Road, Goregaon (W), Mumbai – 400 062.	<b>Appeal No.2008/1695/02</b>  ... <b>Appellant</b>
<b>Shri. R.S. Yamgar</b> Dept of Chemistry, Patkar-Varde College, Swami Vivekananda Road, Goregaon (W), Mumbai – 400 062.	<b>Appeal No.2008/1703/02</b>  ... <b>Appellant</b>

**Smt. Manisha S. Gangurde**  
**Dept of Mathematic,**  
**Patkar-Varde College,**  
**Swami Vivekananda Road,**  
**Goregaon (W), Mumbai – 400 062.**

**Appeal No.2008/1705/02**

... **Appellant**

**Smt. Anagha S. Renapurkar**  
**Dept of Mathematic (HOD),**  
**Patkar-Varde College,**  
**Swami Vivekananda Road,**  
**Goregaon (W), Mumbai – 400 062.**

**Appeal No.2008/1706/02**

... **Appellant**

**Shri. Amit G. Gawade**  
**Dept of Mathematic,**  
**Patkar-Varde College,**  
**Swami Vivekananda Road,**  
**Goregaon (W), Mumbai – 400 062.**

**Appeal No.2008/1707/02**

... **Appellant**

**V/s**

**First Appellate Officer,**  
**Chikitsak Samuha Trust,**  
**C/o The office of the Principal,**  
**Patkar-Varde College,**  
**Swami Vivekanand Road,**  
**Goregaon (W), Mumbai – 400 062.**

... **Respondent**

**Public Information Officer,**  
**Chikitsak Samuha Trust,**  
**C/o The office of the Principal,**  
**Patkar-Varde College,**  
**Swami Vivekanand Road,**  
**Goregaon (W), Mumbai – 400 062.**

### **GROUNDS**

These appeals have been filed under section 19(3) of the Right to Information Act 2005. The appellants have sought the following information relating to Chikitsak Samuha, a Charitable Trust registered under the Bombay Public trust Act, 1950 and having its office at 52, Sadashiva Cross Street, Goregaon, Mumbai.

- (1) Deed of Trust
- (2) Change Reports for the said period (1<sup>st</sup> April 1996 to 31<sup>st</sup> March 2007)
- (3) Profit and loss account, Balance Sheet etc submitted by the said trust to the office of the Asstt / Dy Charity Commissioner, Mumbai Region, Mumbai.
- (4) List of Present trustees / present managing committee members of the said trust as per the records of the office of the asstt / Dy Charity Commissioner, Mumbai Region, Mumbai. Not satisfied with responses received from the Public Information Office and the First Appellate Authority the appellants have come in

second appeal before the commission. These appeals were fixed for hearing on 21.01.2009. I have received a bunch of applications saying that the intimation letter was received by them on 16.01.2009 and since they had previous commitment, they were not in a position to attend the hearing. It is very clear that intimation was received by them 5 days in advance. These cases are not complicated and in fact require no preparation. I therefore reject their applications for adjournment and decide on merits. Again these appeals are similar both in form as well as contents they are being clubbed together. The respondent appeared through his advocate. It has been contended by the respondent that the trust does not come within the purview of the RTI Act because it does not receive any grants from Govt. He has pleaded that these appeals therefore should be dismissed. We are all aware that the issue whether a trust or a society comes within the purview of the Act has not been finally settled. The Hon Karnataka High Court in its Judgement in writ petition no 16901 of 2006 has held that a society is not a public authority under the provisions of the RTI Act 2005. The Hon Mumbai High Court in writ petition no 1874 of 2008 has stayed the order passed by the Hon Chief Information Commissioner, Maharashtra directing MGM Trust to furnish certain information to the appellant in complaint no 2007/181/02.

In the Light of the above discussion my conclusion is that the trust is not a public authority. Since nothing contrary has been brought to our notice, the commission therefore closes the case.

**Order**

The appeals are dismissed.

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

Place: Mumbai  
Date: 22.01.2009

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

**Smt. Uma M.Nabar  
Dept. of Sociology (HOD),  
Patkar-Varde College,  
Swami Vivekanand Road,  
Goregaon (W), Mumbai – 400 062.**

**Appeal No.2008/1697/02**

**... Appellant**

**V/s**

**First Appellate Officer,  
Chikitsak Samuha Trust,  
C/o The office of the Principal,  
Patkar-Varde College,  
Swami Vivekanand Road,  
Goregaon (W), Mumbai – 400 062.**

**... Respondent**

**Public Information Officer,  
Chikitsak Samuha Trust,  
C/o The office of the Principal,  
Patkar-Varde College,  
Swami Vivekanand 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 sought the following information relating to Chikitsak Samuha, a Charitable Trust registered under the Bombay Public trust Act, 1950 and having its office at 52, Sadashiva Cross Street, Goregaon, Mumbai.

- (1) Deed of Trust
- (2) Change Reports for the said period (1<sup>st</sup> April 1996 to 31<sup>st</sup> March 2007)
- (3) Profit and loss account, Balance Sheet etc submitted by the said trust to the office of the Asstt / Dy Charity Commissioner, Mumbai Region, Mumbai.
- (4) List of Present trustees / present managing committee members of the said trust as per the records of the office of the asstt / Dy Charity Commissioner, Mumbai Region, Mumbai. Not satisfied with responses received from the Public Information Office and the First Appellate Authority the appellant has come in second appeal before the commission. The appeal was fixed for hearing on

21.01.2009. Neither the appellant nor the respondent turned up. The appeal is decided on merit. We are all aware that the issue whether a trust or a society comes within the purview of the Act has not been finally settled. The Hon Karnataka High Court in its Judgement in writ petition no 16901 of 2006 has held that a society is not a public authority under the provisions of the RTI Act 2005. The Hon Mumbai High Court in writ petition no 1874 of 2008 has stayed the order passed by the Hon Chief Information Commissioner, Maharashtra directing MGM Trust to furnish certain information to the appellant in complaint no 2007/181/02.

In the Light of the above discussion my conclusion is that the trust is not a public authority. Since nothing contrary has been brought to our notice, the commission therefore closes the case.

**Order**

The appeal is dismissed.

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

Place: Mumbai  
Date: 22.01.2009

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

Appeal No.2008/1769/02

**Shri Kurhan Ahamad Shaikh  
Macchindra Pandurang Gade,  
Kumbhar Galli, Near Netaji School,  
Ta. Mohale, Dist. Solapur.**

... **Appellant**

V/s

**First Appellate Officer cum Library Director,  
Maharashtra State, Mumbai.**

... **Respondent**

**Public Information Officer cum Assitt. Library Director,  
Desk B, New Govt. Central Building, Pune,  
Pune City – 1**

**GROUND**

This appeal has been filed under section 19(3) of the Right to Information Act 2005. He had sought information on 47 points relating to grants to libraries, the selection process and the eligibility criterion etc. Not satisfied with responses from the Public Information officer and the First Appellate Authority, the appellant has preferred this second appeal.

The appeal was heard on 29.01.2009. The appellant could not make it. Respondents were present. Respondents have stated that they have furnished the information except that the appellant wanted the mark list to be certified but was furnished an uncertified copy. They agreed to furnish a certified copy. I therefore pass the following order.

**Order**

The appeal is partially allowed. Respondent PIO to furnish certified copy of the mark list to the appellant within 15 days

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

Place: Mumbai  
Date: 29.01.2009

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

**Appeal No.2008/1766/02**

**Shri. Ravikant Sakharam Dukhande,  
34/243, M.H.B Colony, Sarvodaya Nagar,  
Jogeshwari (E), Mumbai – 400 060.**

**... Appellant**

**V/s**

**First Appellate Officer cum Dy. Chief Officer,  
Mumbai Housing & Area Development Board,  
Estate Manager (II) Officer,  
Mhada Mumbai Board, Bandra, Mumbai – 400 051.**

**... Respondent**

**Public Information Officer,  
Mumbai Housing & Area Development Board,  
Estate Manager (II) Officer,  
Mhada Mumbai Board, Bandra, Mumbai – 400 051.**

### **GROUND**

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant had sought information relating to construction of a Mandap in Sarvodaya Nagar EWS Maidan and whether MHADA has permitted the same. The Estate Manager of by his letter no 22.07.2008 informed the appellant that the information sought is not related to his branch and may be sought from Executive Engineer, Bandra. There is noting on record to show that the First Appellate Authority has passed any order. Hence this second appeal.

The appeal was heard on 29.01.2009. Appellant was present. The respondent came late. I have heard them. After seeing the case papers and listening to them, I have come to the conclusion that the required information needs to be furnished. I therefore direct the Estate Manager II to collect the required information and furnish to the appellant.

### **Order**

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

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

Place: Mumbai  
Date: 29.01.2009

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

**Appeal No.2008/1726/02**

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

... **Appellant**

V/s

**First Appellate Officer cum Secretary,  
SRA, 5th Floor, Grihanirman Bhavan,  
Bandra, Mumbai – 400 051.**

... **Respondent**

**Public Information Officer cum Dy. Collector,  
SRA, 5th Floor, Grihanirman Bhavan ,  
Bandra, Mumbai – 400 051.**

**GROUND**

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

- (1) When was the Lottery at the Rehab allotment at tenement.
- (2) Nearly 90% Rehab tenements are illegally sold out for 30, 00, 000/- (Thirty Lakhs each) will the SRA give list at Sold Tenements and what step's are taken against the Tenement Holders who have Sold their Tenements to outsiders? (as the selling at Rehab tenements before ten years is violahon at SRA Godliness)

Not satisfied with responses received from the Public Information Officer and the First Appellate Authority, the appellant has preferred this second appeal before the commission.

The appeal was heard on 22.01.2009. The appellant did not turn up. The respondent was present. It appears that the appellant is concerned about the illegal sale but has furnished no details and therefore making it difficult to furnish any information. If the expectation is to find out or carry out the survey, the intention being noble will be outside the Mandate of the RTI Act. I therefore decide to close the case.

**Order**

The appeal is disposed off.

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

Place: Mumbai  
Date: 29.01.2009



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

Appeal No.2008/1771/02

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

... **Appellant**

V/s

**First Appellate Officer cum Assitt. Commissioner,**  
**Municipal Corporation, K/West ward Officer,**  
**Gundvali, Andheri (E), Mumbai – 400 069.**

... **Respondent**

**Public Information Officer cum Assitt. Engineer,**  
**(B & F), Municipal Corporation, K/West ward Officer,**  
**Gundvali, Andheri (E), Mumbai – 400 069.**

### GROUNDS

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant had sought information regarding Hotel Siver Inn, Marol Maroshi Road, Andheri (E). Not satisfied with responses from the Public Information Officer and the First Appellate Authority, the appellant has filed this second appeal before the commission.

The appeal was heard on 29.01.2009. Appellant and respondent were present. It transpired during the hearing that the PIO had sent the information but the appellant had not received. The appellant was handed over a copy in front of me and the appellant seemed satisfied. I therefore decide to close the case.

### Order

The appeal is disposed off.

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

Place: Mumbai  
Date: 29.01.2009.

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

**Appeal No.2008/1743/02**

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

... **Appellant**

V/s

**First Appellate Officer cum Assist. Commissioner,  
Municipal Corporation, R/South Ward,  
Near S.V.P. Swimming Pool, M.G. Cross Road,  
Kandivali (W), Mumbai – 400 067.**

... **Respondent**

**Public Information Officer cum Dy. Collector,  
Municipal Corporation, R/South Ward,  
Near S.V.P. Swimming Pool, M.G. Cross Road,  
Kandivali (W), Mumbai – 400 067.**

**GROUND**

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant had sought the information in respect of two restaurants – Hotel Delicacy and Hotel Suruchi belonging to the same owner. He had sought information regarding misuse of open space, sanitary inspectors report, pending court cases and action taken against them for violation of licence conditions. Not satisfied with responses from the Public Information officer and the First Appellate Authority the appellant has filed this appeal before the commission. The appeal was heard on 27.01.2009. Appellants and respondents were present. The appellant is aggrieved because he is not getting the information despite rampant violations of conditions. The respondent stated that required information has been furnished to the appellant. After going through the case papers and considering the argument advanced by parties, I have come to the conclusion that the order passed by the First Appellate Authority meets the ends of justice. I therefore confirm the order.

**Order**

The appeal is allowed. The First Appellant order is confirmed. PIO to act in accordance with directions within 4 weeks.

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

Place: Mumbai  
Date: 29.01.2009

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

**Appeal No.2008/1755/02**

**Mr. Gite Balasaheb Parasram  
V.K. Marvalikar (S.M.S),  
Agriculture Science Center,  
Latur Road, Tuljapur, Dist. Osmanabad**

**... Appellant**

**V/s**

**First Appellate Officer cum Secretary,  
Maharashtra Lokseva Ayog, Bank of India Build,  
Mahatma Gandhi Marg, Mumbai – 400 001.**

**... Respondent**

**Public Information Officer cum Dy. Secretary,  
Maharashtra Lokseva Ayog, Bank of India Build,  
Mahatma Gandhi Marg, Mumbai – 400 001.**

**GROUNDS**

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant had sought information regarding his request for revaluation of his papers (Political science 2004, MPSC Main Exam). Not satisfied with responses from the Public Information Officer or the first Appellate Authority, he has preferred this second appeal. The appeal was heard on 28.01.2009. Appellant and respondent were present. The appellate has stated that he did well at the political science examination but marks obtained make him feel that the paper has not been evaluated properly. He therefore asked for revaluation of his paper. The respondent has stated that MPSC does not allow revaluation because the exam is not for award of degree or diploma but for getting a place in the complete examination where there is no cut off to apply for passing or failing a candidate. It is therefore not possible to accede to the appellant's request.

After going through the case appears and considering the arguments advanced by parties I have come to the conclusion that the request made by the appellant cannot be acceded to. I therefore pass the following order.

**Order**

The appeal is disposed off.

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

Place: Mumbai  
Date: 28.01.2009.

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

**Appeal No.2008/1494/02**

**Mr. Pravin Mahadev Dali,  
A/603, Mauli CHS, Mithanagar,  
Near BMC School, M.Gandhi Road,  
Goregaon (W), Mumbai – 400 062.**

... **Appellant**

V/s

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

... **Respondent**

**Public Information Officer cum Chairman,  
Mumbai District CHS Federation,  
103, Vikas Premises, 11, Nyaymurti. J.N. Vaidya Marg,  
Fort, Mumbai – 400 001.**

**GROUND**

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant had sought information from the Mumbai District Cooperative Housing Federation Ltd relating to various omissions and commission by his Cooperative Housing Society. Not satisfied with responses from the Public Information Officer and the First Appellate Authority, the appellant has filed this second appeal before the commission. The appeal was heard on 24.12.2008. Appellant and respondent were present. The respondent at the outset has raised the issue of applicability of RTI to the federation in view of the fact that govt. has no administrative control over it and it simply renders guidance to Cooperative Housing Societies. I am of the view that what the federation has stated is true. The housing federation which is not controlled by govt. and only renders advice is not a public authority. I therefore pass the following order.

**Order**

The appeal is disposed off.

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

Place: Mumbai  
Date: 29.01.2009.

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

**Appeal No.2008/1491/02**

**Mr. Shantaram Vithal Malap,  
D.D. Thakur Wadi, Agar Bazar,  
S.K.Bole Road, Dadar (W),  
Mumbai – 400 028.**

... **Appellant**

V/s

**First Appellate Office,  
SRA, 5<sup>th</sup> Floor, Grihanirman Bhavan,  
Bandra (E), Mumbai – 400 051.**

... **Respondent**

**Public Information Officer,  
SRA, 5<sup>th</sup> Floor, Grihanirman Bhavan,  
Bandra (E), Mumbai – 400 051.**

### **GROUND**

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant has sought information regarding action taken on his application for calling a special general body meeting of Swarupanand Cooperative Housing Society, Thakurwadi, Dadar. Not satisfied with responses from the Public Information Officer and the First Appellate Authority, he has preferred this appeal before the commission. The appeal was heard on 24.12.2009. Appellant and respondent were present. After going through the case papers and considering the arguments advanced by parties I have come to the conclusion that the information sought must be furnished. I therefore pass the following order.

### **Order**

Appeal is allowed. Appellant must be furnished information within 15 days.

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

Place: Mumbai  
Date: 29.01.2009.

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

**Appeal No.2008/1655/02**

**Mr. Ratan Dattu Dhangar  
V/2, Chembur, Shri Sidhivinayak CHS Ltd,  
T.B.46/B, Mahatma Jyotiba Phule Nagar,  
Tilak Nagar, Chembur, Mumbai – 400 089.**

**... Appellant**

**V/s**

**First Appellate Office cum Dy. Registrar  
Cooperative Board, Grihanirman & Area Development,  
Grihanirman Bhavan,  
Bandra (E), Mumbai – 400 051.**

**... Respondent**

**Public Information Officer cum Cooperative Officer,  
Cooperative Board, Grihanirman & Area Development,  
Grihanirman Bhavan, Bandra (E), Mumbai – 400 051.**

**GROUND**

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant had sought information regarding list of members, its registration, the bye laws in respect of Shri Sidhivinayak Cooperative Housing Society, Mahatma Jyotiba Phulenagar, Tilaknagar, Chembur, Mumbai. Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant has preferred this second appeal. The appeal was heard on 15.01.2009. Appellant and respondent were present. The main contention of the appellant is that he was asked to visit the PIO's office to collect the information but the same was not furnished. The First Appellant Authority directed the PIO to furnish the information but the same was not furnished. The respondent has pleaded that the required information was not readily available. I have taken a serious note of this. If the information was not available then how was the appellant asked to visit the PIO and collect the same. It simply means that the communication was sent to the appellant without verifying the availability of information. This is carelessness. I therefore pass the following order.

**Order**

The appeal is allowed. The PIO to take steps to locate the file and furnish the required information within 30 days. The PIO to show cause why action against him should not be taken under section 20 of the RTI Act 2005. His explanation to reach within 4 weeks.

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

Place: Mumbai  
Date: 31.01.2009.

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

Appeal No.2008/1493/02

Mr. J.N. Sandanshiv,  
1/1, Zakir Manzil, Anand Nagar,  
Opp. Saaz Cinema, Sardar Pratap Singh Marg,  
Bhandup (W), Mumbai – 400 078.

... Appellant

V/s

First Appellate Office cum Charity Dy. Commissioner,  
Greater Mumbai Division, Mumbai,  
Charity Commissioner Bhavan, 2<sup>nd</sup> Floor, 83,  
Dr. Ani Bezant Rd, Worli, Mumbai – 400 018.

... Respondent

Public Information Officer,  
Public Trust & Registration Office,  
Greater Mumbai Division, Mumbai,  
Charity Commissioner Bhavan, 2<sup>nd</sup> Floor, 83,  
Dr. Ani Bezant Rd, Worli, Mumbai – 400 018.

### GROUNDS

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant was not satisfied with responses received from the Public Information Officer or the First Appellate Authority. He has therefore preferred this second appeal which was heard on 24.12.2008. The appellant by his letter dated 18.12.2008 has informed the commission that he has since received the information and wanted this to be filed. The requested is granted.

### Order

The appeal is disposed off.

(Ramanand Tiwari)  
State Information Commissioner, Mumbai

Place: Mumbai  
Date: 31.01.2009.

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

Appeal No.2008/1180/02

**Mr. Prabhakar Gopal Vaishapayan  
Smt.Megha Joshi, C/101, Prashal CHS,  
Sant Janabai Marg, Vile Parle (E),  
Mumbai – 400 057.**

... **Appellant**

V/s

**First Appellate Office cum Assit. Commission  
(Property), Greater Mumbai,  
Municipal Corporation, Shivaji Maharaj Mandai,  
Fhaltan Rd, Mumbai – 400 001.**

... **Respondent**

**Public Information Officer,  
(Property), Greater Mumbai,  
Municipal Corporation, Shivaji Maharaj Mandai,  
Fhaltan Rd, Mumbai – 400 001.**

### **GROUND**

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant has sought information regarding transfer of quarters built on Lands granted / leased by Municipal Corporation to non employees of the corporation. Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant has preferred this second appeal before the commission.

The appeal was heard on 23.12.2005. Appellant and respondent were present. It is very clear that the information sought is very simple and straight. Every agency which grants land – whether it is Govt. or Cidco or MHADA has conditions attached to it. It invariably contains clauses regarding transfer. It is not understood why the PIO is finding it difficult to furnish the information. I therefore pass the following order.

### **Order**

The appeal is allowed. PIO to furnish information within 15 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: 31.01.2009.



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

Appeal No.2008/1497/02

**Mr. Altaf Suleman Shaikh  
Poddar Hospital, Worli,  
Mumbai – 400 018.**

... **Appellant**

V/s

**First Appellate Office cum Dean  
Poddar Hospital, Worli,  
Mumbai – 400 018.**

... **Respondent**

**Public Information Officer,  
Poddar Hospital, Worli,  
Mumbai – 400 018.**

### GROUNDS

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant had sought information regarding his application dated 02.01.2007, 27.07.2007 and 03.10.2007 for release of advance increment for outstanding work. Not satisfied with responses from the Public Information Officer and the First Appellate Authority, the appellant has preferred this second appeal. The appeal was heard on 24.12.2008. Appellant and respondent were present. The respondent has stated that although his performance has been outstanding, he has not been given advance increment. The respondents has given his written submission. They have contended that they have sent replies to appellant's letters and they can only recommend to the higher authorities.

After going through the case papers and considering the arguments advanced by parties, I have come to the conclusion that the required information has been furnished. It appears that he is not interested in information but advance increment which the commission is not mandated to do. I therefore close the case.

### Order

The appeal is dismissed.

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

Place: Mumbai  
Date: 04.01.2009.

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

**Appeal No.2008/1654/02**

**Mr. Ansari Mehmood Parvaiz  
Baug e Ansar, 19/23 A,  
3<sup>rd</sup> Ghelabai Street, Madanpura,  
Mumbai – 400 008.**

**... Appellant**

**V/s**

**First Appellate Office cum Nivasi Dy. Collector  
Office of the Collector & District Magistrate,  
Old Custom House, Shahid Bagat Sing Marg,  
Fort, Mumbai – 400 001.**

**... Respondent**

**Public Information Officer,  
Office of the Collector & District Magistrate,  
Old Custom House, Shahid Bagat Sing Marg,  
Fort, Mumbai – 400 001.**

**GROUND**

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant had sought information regarding issuance of caste certificate to Muslim OBC. Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant has filed this appeal before the commission. The appeal was heard on 15.01.2009. Appellant and respondent were present. After going through the case papers and considering the arguments advanced by both the parties, I have come to the conclusion that appeal deserves to be allowed. The request is simple-inspection of records. I therefore pass the following order.

**Order**

The appeal is allowed. PIO to facilitate inspection of relevant record and copies of selected documents.

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

Place: Mumbai  
Date: 31.01.2009.

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

**Appeal No.2008/1658/02**

**Smt. Sugandha Balu Navale  
Rajeev Gandhi Colony,  
Railwayline Zopadpatti,  
Jakeria Bandar Road, Shivdi,  
Mumbai – 400 015.**

**... Appellant**

**V/s**

**First Appellate Office cum Assit. Commissioner,  
Municipal Corporation, F/North Division,  
Dr.B.A.Road & Bhatankar Marg Junction,  
Parel, Mumbai – 400 012.**

**... Respondent**

**Public Information Officer cum Assit. Engineer,  
Municipal Corporation, F/North Division,  
Dr.B.A.Road & Bhatankar Marg Junction,  
Parel, Mumbai – 400 012.**

**GROUND**

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant had requested to know what happened to her application for including her name in the list of eligible persons who were entitled to get alternative dwelling unit in case the existing unit was demolished. The appeal was heard on 15.01.2009. The appellant did not turn up. Respondents were present. In their written submission they have informed the commission that her name was not included because she produced no proof to establish that hut existed prior to 01.01.2000. 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: 31.01.2009.

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

Appeal No.2008/1499/02

**Shri. Bhaskar Balkrushan Sawant**  
**Room No.5, Sadekar Chawl, R.B. Mehata Marg,**  
**Patel Chowk, Ghatkopar (E), Mumbai – 400 077.**

... **Appellant**

V/s

**First Appellate Office cum Superintend,**  
**Land Acquisition, Mumbai Suburban District,**  
**10<sup>th</sup> Floor, Govt. Building, Bandra (E),**  
**Mumbai – 400 051.**

... **Respondent**

**Public Information Officer cum City Survey Officer,**  
**Ghatkopar, Mumbai Suburban District,**  
**Topiwala College Building, Mulund (W),**  
**Mumbai – 400 080.**

### **GROUND**

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant had asked for copies of documents submitted by Shri Sitaram Pandurang Sawant for getting his name entered in the property card relating to survey no 178 city survey no 822, RB Mehta Marg, Ghatkopar, Mumbai. He had also asked information on two more points. He was informed that papers relating to entry of shri Sitaram Pandurang Sawant name was not available but remaining information could be obtained on payment of Rs.567/-. The appellant was not satisfied with this. He was also not satisfied with the First Appellate Authority order and hence this appeal.

The appeal was heard on 24.12.2008. Appellant and respondents were present. After hearing the parties and examining the papers on record I am of the view that the appellant should deposit Rs.567/- and collect the available information. The PIO should make diligent search to locate the papers relating to information on point no 1. I therefore pass the following order.

### **Order**

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

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

Place: Mumbai  
Date: 31.01.2009.

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

Appeal No.2008/1661/02

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

... Appellant

V/s

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

... Respondent

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

### GROUNDS

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant has asked for a copy of the Departmental enquiry file and enquiry report in respect of Mr.Owais, a non teaching staff of Maharashtra College, Mumbai. Not satisfied with responses from the Public Information Officer and the First Appellate Authority, the appellant has filed this appeal before the commission. The appeal was heard on 15.01.2009. The appellant was present but the respondent was absent. After going through the case papers and considering the arguments advanced by the appellant I have come to the conclusion that the appeal deserves to be allowed.

### Order

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

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

Place: Mumbai  
Date: 31.01.2009

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

Appeal No.2008/1660/02

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

... Appellant

V/s

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

... Respondent

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

### GROUNDS

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant has asked for a copy of the Departmental enquiry file and enquiry report in respect of Mr.Mateen, a non teaching staff of Maharashtra College, Mumbai. Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant has filed this appeal before the commission. The appeal was heard on 15.01.2009. The appellant was present but the respondent was absent. After going through the case papers and considering the arguments advanced by the appellant I have come to the conclusion that the appeal deserves to be allowed.

### Order

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

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

Place: Mumbai  
Date: 31.01.2009

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

Appeal No.2008/1628/02

**Shri.Vaman Nilkantha Deshpande**  
**MIG, 24/4 Bhamri-Parsodi,**  
**Housing Board Colony, Trimurti Nagar,**  
**Ring Road, Nagpur 22.**

... **Appellant**

V/s

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

... **Respondent**

**Public Information Officer,**  
**Housing 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 wanted to know whether Maharashtra Housing and Are Development Authority's resolution no 3094 is applicable in his case or not. He was informed that the clarification could not be furnished under Right to Information Act. He preferred the first appeal. The First Appellate Authority confirmed the PIO's order hence this appeal. The appeal was heard on 31.01.2008. Appellant and respondent were present. The appellant has sated that the definition of information includes 'opinion'. He was explained that the opinion there means opinion recorded on file and not one's personal opinion. He was not convinced I am however of the view that the reply furnished is in order.

### **Order**

The appeal is dismissed.

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

Place: Mumbai  
Date: 31.01.2009

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

**Appeal No.2007/1716/02**

**Shri.Vincent Joseph Fernandes  
26, Chuim Village,  
Khar (W),  
Mumbai – 400 052.**

**.... Appellant**

**V/s**

**First Appellate Officer cum Asstt. Commissioner  
Municipal Corporation of Greater Mumbai  
H /West Ward, Bandra,  
Mumbai – 400 050.**

**.... Respondent**

**Public Information Officer Asstt. Engineer  
(Building & Factories)  
Municipal Corporation of Greater Mumbai  
H /West Ward, Bandra,  
Mumbai – 400 050.**

**GROUNDS**

This appeal has been filed under section 19 (3) of the Right to Information Act 2005. The appellant has sought information regarding unauthorized construction on plot no. D/979, Chuim Village Khar, Mumbai. Not satisfied with the responses from the Public Information Officer and the First Appellate Authority, the appellant has preferred this second appeal before the Commission.

The appeal was heard on 22.01.2007. Appellant and respondent were present. It is revealed from perusal of case papers that the First Appellate Authority has directed the Public Information / Asstt. Engineer, Building & Factories to allow the inspection of documents and furnish copies of selected ones. I see no reason to interfere. I decide to confirm the orders of the First Appellate Authority.

**Order**

The appeal is allowed. The order passed by the First Appellate Authority is confirmed. Public Information Officer to organize inspection within 30 days and furnish copies of selected documents.

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

Place: Mumbai  
Date: 30.01.2009.



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

**Appeal No.2007/1083/02**

**Shri.Kanihyalal C. Jalgaonkar  
19/1, 'Rajlakshmi', Radhakrishnanagar,  
Dudh Federation Road,  
Jalgaon – 425001.**

**..... Appellant**

**V/s**

**First Appellate Officer cum Chief Officer  
The Maharashtra Co-op. Bank Ltd.,  
Maharashtra Chamber of Commerce,  
Fort Lane, Mumbai – 400 023.**

**.... Respondent**

**Public Information Officer  
The Maharashtra Co-op. Bank Ltd.,  
Maharashtra Chamber of Commerce,  
Fort Lane, Mumbai – 400 023.**

**GROUNDS**

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant has sought information regarding sanctioning of a Lift Irrigation Scheme which was rejected by National Bank of Agricultural Development (NABAD). The appellant was informed that Co-operative banks are not public authorities under the RTI Act. The appellant was not happy and he has preferred this second appeal. The appeal was fixed for hearing on 23.12.2008. The appellant could not make it. The respondent was represented. The Maharashtra Information Commission does not undertake cases relating to Co-operative Banks as some of its cases have been challenged in the Hon. High Court and no verdict has been passed by the Hon. High Court. 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: 29.01.2009.

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

**Appeal No.2007/1502/02**

**Smt.Anita A. Singh  
14, Setu Dattatray Road,  
Santacruz (W), Mumbai – 400 054.**

**..... Appellant**

**V/s**

**First Appellate Officer cum Addl. Registrar,  
Co-operative Societies Central Bldg.,  
Near Railway Station, Pune.**

**.... Respondent**

**Public Information Officer Divisional Asstt. Registrar  
Co-operative Societies Central Bldg.,  
Near Railway Station, Pune.**

**GROUND**

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant has sought a copy of the final order in the matter of revision application no. 14 of 2005. Greenfield Co-operative Housing Societies Ltd. V/s The District Deputy Registrar, Co-operative Societies, MHADA (3) & Others. Not satisfied with responses from the Public Information Officer & the First Appellate Authority, the appellant has preferred the second appeal before the Commission. The appeal was heard on 24.12.2009. Appellant was not present. The respondent was present. Case papers reveal that the Public Information Officer by his letter dated 07.02.2008 had informed the appellant that the records were not available and required information would be furnished as soon records are traced. It is also revealed that the case pertains to the year 2005. This is not very old and if the record is not found, those in charge of records should be held responsible. They must locate the file and furnish the required information from the respective file. I therefore, pass the following orders.

**Order**

The appeal is allowed. Public Information Officer to furnish the required information within 30 days.

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

Place: Mumbai  
Date: 29.01.2009.

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

**Appeal No.2008/1675/02**

**Prof. Patankar Nisarali Mohammad  
2/204, Aghadi Nagar,  
Andheri (East), Mumbai – 400 093.**

**....Appellant**

**V/s**

**First Appellate Officer cum Secretary  
Khairul Islam Higher Education Society,  
Maharashtra College of Arts, Science & Commerce,  
2, Prince Court, 53/B Clare Road, Byculla,  
Mumbai – 400 008.**

**.... Respondent**

**Public Information Officer cum Principal  
Khairul Islam Higher Education Society,  
Maharashtra College of Arts, Science & Commerce,  
2, Prince Court, 53/B Clare Road, Byculla,  
Mumbai – 400 008.**

### **GROUNDS**

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

‘Complete Grievance Cell all enquiry file of Prof. Mrs.Abida Khushtar, the teaching staff of Maharashtra College.’ The appeal was heard on 19.01.2009. The appellant has insisted that he must get a copy of the enquiry file. The respondent in his written submission has submitted that information pertaining to a service record of a person which relates to personal information the disclosure of which has no relationship to any public activity or interest are exempted according to section 8 1(J) of the RTI Act 2005. Moreover, the concerned teacher Mrs. Abida Khushtar retired long back in 2004 and only relevant service record has been preserved and rests of the papers are routinely disposed off. The respondent has contended that no such record was available for giving it to the appellant.

I have gone through the case papers and also considered the arguments advanced by parties. It is true that the information sought is personal and has no content of public interest. Its disclosure as rightly contended by the respondent is not likely serve any public purpose. I therefore think that this information need not be furnished.

**Order**

The appeal is disposed off.

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

Place: Mumbai  
Date: 19.1.2009.

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

Appeal No.2008/1674/02

**Prof. Patankar Nisarali Mohammad**  
2/204, Aghadi Nagar,  
Andheri (East),  
Mumbai – 400 093.

....Appellant

V/s

**First Appellate Officer cum Secretary**  
**Khairul Islam Higher Education Society,**  
**Maharashtra College of Arts, Science & Commerce,**  
**2, Prince Court, 53/B Clare Road, Byculla,**  
**Mumbai – 400 008.**

.... Respondent

**Public Information Officer cum Principal**  
**Khairul Islam Higher Education Society,**  
**Maharashtra College of Arts, Science & Commerce,**  
**2, Prince Court, 53/B Clare Road, Byculla,**  
**Mumbai – 400 008.**

### GROUNDS

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

Shubhchintak's unsigned letter included in the Departmental Enquiry against the appellant. The appeal was heard on 19.01.2009. The appellant was present. The respondent has given his submission in writing. The appellant has stated that since the letter has been attributed to him although it is unsigned and forms a part of charges against him, he deserves to have a copy of the same. The respondent in his written submission has stated that the information has already been furnished during the departmental enquiry against the appellant.

I have gone through the case papers and also considered the arguments advanced by parties. It may be true that the appellant has been furnished a copy of the letter during the departmental enquiry but that in no way cancels his right under the Right to Information Act. I therefore hold that information must be furnished as requested.

### Order

The appeal is allowed. A certified copy of the information to the furnished to the appellant within 15 days.

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

Place: Mumbai  
Date: 19.1.2009.

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

Appeal No.2008/1490/02

**Shri. Shantaram Vitthal Malap  
D.D.Thakurwadi, Agar Bazar,  
S.K.Bole Road,  
Dadar (W), Mumbai – 400 028.**

....Appellant

V/s

**First Appellate Officer  
Slum Rehabilitation Authority,  
5<sup>th</sup> Floor, Grihnirman Bhavan,  
Bandra (E), Mumbai – 400 051.**

.... Respondent

**Public Information Officer cum Asst. Registrar  
Slum Rehabilitation Authority,  
5<sup>th</sup> Floor, Grihnirman Bhavan,  
Bandra (E), Mumbai – 400 051.**

### GROUNDS

This appeal has been filed under section 19 (3) of the Right to Information Act 2005. The appellant had requested for information as to what action has been taken by the Asstt. Registrar, Co-operative Societies on his complaints dated 05.07.2007, 18.05.2007 and 08.08.2007. Not satisfied with responses from the Public Information Officer and the First Appellate Authority, the appellant has preferred second appeal before the Commission. The appeal was heard on 24.12.2008. Appellant and respondent were present. The Asstt. Registrar by his letter dated 23.01.2008 informed the appellant that no action was taken on his complaints. Technically the information stands furnished. Obviously this reply will not satisfy anyone. The RTI Act however has limitations. The appellant will have to take up the issue under the Maharashtra Co-operative Societies Act 1960. I therefore pass the following order.

### Order

The appeal is disposed off.

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

Place: Mumbai  
Date: 19.1.2009.

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

**Appeal No.2008/1492/02**

**Shri. Savio Lobo  
2/26, D.D. Thakur Niwas,  
S.K.Bole Road, Agar Bazar,  
Dadar (W), Mumbai – 400 028.**

**....Appellant**

**V/s**

**First Appellate Officer  
Slum Rehabilitation Authority,  
5<sup>th</sup> Floor, Grihnirman Bhavan,  
Bandra (E), Mumbai – 400 051.**

**.... Respondent**

**Public Information Officer cum  
Slum Rehabilitation Authority,  
5<sup>th</sup> Floor, Grihnirman Bhavan,  
Bandra (E), Mumbai – 400 051.**

**GROUND**

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

- 1) Please inform from your office record whether conditions nos. 3, 4 & 5 are complied with by M/s S.B. Bros. Developers & Architects as only 4 months time was granted.
- 2) If not, what action is initiated by your office against them may please be informed.

Not satisfied with responses from the Public Information Officer and the First Appellate Authority, the appellant has come in second appeal before the Commission. The appeal was heard on 24.12.2008. Appellant and respondent were present. After going through the case papers and considering the arguments advanced by parties, I have come to the conclusion that information must be furnished I therefore pass the following order.

**Order**

The appeal is allowed. Public Information Officer to furnish information within 15 days failing which action under section 20 of the RTI will be initiated against him.

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

Place: Mumbai  
Date: 19.1.2009.

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

Appeal No.2008/1489/02

Shri.Vishwas Mahadev Jadhav  
D.D.Thakur Wadi, Agar Bazar,  
S.K.Bole Road, Dadar (W),  
Mumbai – 400 028.

....Appellant

V/s

First Appellate Officer  
Engineering Section  
Slum Rehabilitation Authority,  
5<sup>th</sup> Floor, Grihnirman Bhavan,  
Bandra (E), Mumbai – 400 051.

.... Respondent

Public Information Officer  
Engineering Section  
Slum Rehabilitation Authority,  
5<sup>th</sup> Floor, Grihnirman Bhavan,  
Bandra (E), Mumbai – 400 051.

### GROUNDS

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

- 1) What are the requirements of which are to be completed by a Builder / Architect before obtaining a completion certificate for a building under SRA scheme?
- 2) What are the guidelines given by the government for issue of completion certificate by SRA officials for a building under SRA scheme?

Not satisfied with responses from the Public Information Officer and the First Appellants Authority, the appellant has come in second appeal before the Commission. The appeal was heard on 24.12.2009. Appellant and respondent were present. After going through the case papers and considering the arguments advanced by parties. I have come to the conclusion that the required information must be furnished.

I therefore pass the following order.

### Order

The appeal is allowed. Public Information Officer to furnish information within 15 days him.

(Ramanand Tiwari)  
State Information Commissioner, Mumbai

Place: Mumbai  
Date: 17.1.2009.



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

Appeal No.2008/1727/02

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

....Appellant

V/s

**First Appellate Officer cum Dy. Registrar**  
**Slum Rehabilitation Authority,**  
**5<sup>th</sup> Floor, Grihnirman Bhavan,**  
**Bandra (E), Mumbai – 400 051.**

.... Respondent

**Public Information Officer**  
**Slum Rehabilitation Authority,**  
**5<sup>th</sup> Floor, Grihnirman Bhavan,**  
**Bandra (E), Mumbai – 400 051.**

### **GROUND**

This appeal has been filed under section 19 (3) of the Right to Information Act 2005. The appellant had sought information regarding sale of tenements in Shitaldevi Co-operative Housing Society, D.N. Nagar, Opposite Indian Oil Nagar, Andheri (W). He also wanted the original list of allotment – both rehab and commercial. Not satisfied with responses from the Public Information Officer and the First Appellate Authority, the appellant has come in second appeal before the Commission.

The appeal was heard on 22.01.2009. The appellant did not turn up. The respondent was present. The respondent states that no details of illegal sale of SRA flats have been furnished and therefore information sought by the appellant cannot be furnished. He has however stated that list of allottees can be obtained from the society and handed over to the appellant. I therefore pass the following orders.

### **Order**

The appeal is partially allowed. List of allottees to be obtained from the society and furnished to the appellant within 15 days.

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

Place: Mumbai  
Date: 23.1.2009.

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

**Appeal No.2008/1659/02**

**Prof. Patankar Nisarali Mohhammad  
2/204, Aghadi Nagar,  
Andheri (East), Mumbai – 400 093.**

**....Appellant**

**V/s**

**First Appellate Officer cum Secretary  
Khairul Islam Higher Education Society,  
Maharashtra College of Arts, Science & Commerce,  
2, Prince Court, 53/B Clare Road, Byculla,  
Mumbai – 400 008.**

**.... Respondent**

**Public Information Officer cum Principal  
Khairul Islam Higher Education Society,  
Maharashtra College of Arts, Science & Commerce,  
2, Prince Court, 53/B Clare Road, Byculla,  
Mumbai – 400 008.**

**GROUND**

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

‘Complete Grievance Cell enquiry file of Prof. Mohd. Hussain Navlur the teaching staff of Maharashtra College.’ The appeal was heard on 19.01.2009. The appellant has insisted that he must get a copy of the enquiry file. The respondent in his written submission has submitted that information pertaining to a service record of a person which relates to personal information the disclosure of which has no relationship to any public activity or interest are exempted according to section 8 1(J) of the RTI Act 2005. Moreover, the concerned teacher Mrs. Abida Khushtar retired long back in 2004 and only relevant service record has been preserved and rests of the papers are routinely disposed off. The respondent has contended that no such record was available for giving it to the appellant.

I have gone through the case papers and also considered the arguments advanced by parties. It is true that the information sought is personal and has no content of public interest. Its disclosure as rightly contended by the respondent is not likely serve any public purpose. I therefore think that this information need not be furnished.

**Order**

The appeal is disposed off.

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

Place: Mumbai  
Date: 19.1.2009.

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

Appeal No.2008/1729/02

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

....Appellant

V/s

**First Appellate Officer cum Dy. Registrar**  
**Slum Rehabilitation Authority,**  
**5<sup>th</sup> Floor, Grihnirman Bhavan,**  
**Bandra (E), Mumbai – 400 051.**

.... Respondent

**Public Information Officer**  
**Slum Rehabilitation Authority,**  
**5<sup>th</sup> Floor, Grihnirman Bhavan,**  
**Bandra (E), Mumbai – 400 051.**

### **GROUND**

This appeal has been filed under section 19 (3) of the Right to Information Act 2005. The appellant had sought information regarding sale of tenements in Loknayak Nagar Co-operative Housing Society, D.N. Nagar, New Juhu Versova Link Road, New Kapaswadi, Andheri (W), Mumbai – 400 053. CTS No. 195 (pt), 30 (pt), 31(pt). He also wanted the original list of allotment – both rehab and commercial. Not satisfied with responses from the Public Information Officer and the First Appellate Authority, the appellant has come in second appeal before the Commission.

The appeal was heard on 22.01.2009. The appellant did not turn up. The respondent was present. The respondent states that no details of illegal sale of SRA flats have been furnished and therefore information sought by the appellant cannot be furnished. He has however stated that list of allottees can be obtained from the society and handed over to the appellant. I therefore pass the following orders.

### **Order**

The appeal is partially allowed. List of allottees to be obtained from the society and furnished to the appellant within 15 days.

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

Place: Mumbai  
Date: 23.1.2009.

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

**Appeal No.2008/1730/02**

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

**....Appellant**

**V/s**

**First Appellate Officer cum Dy. Registrar  
Slum Rehabilitation Authority,  
5<sup>th</sup> Floor, Grihnirman Bhavan,  
Bandra (E),  
Mumbai – 400 051.**

**.... Respondent**

**Public Information Officer  
Slum Rehabilitation Authority,  
5<sup>th</sup> Floor, Grihnirman Bhavan,  
Bandra (E),  
Mumbai – 400 051.**

### **GROUND**

This appeal has been filed under section 19 (3) of the Right to Information Act 2005. The appellant had sought information regarding sale of tenements in Patelwadi Co-op Hsg. Society, A.B.Nair Road, Opp. Hotel Tourist, Near Hotel Holiday Inn, Juhu, Mumbai – 400049. CTS No. – 561 (pt), 165(pt). He also wanted the original list of allotment – both rehab and commercial. Not satisfied with responses from the Public Information Officer and the First Appellate Authority, the appellant has come in second appeal before the Commission.

The appeal was heard on 22.01.2009. The appellant did not turn up. The respondent was present. The respondent states that no details of illegal sale of SRA flats have been furnished and therefore information sought by the appellant cannot be furnished. He has however, stated that list of allottees can be obtained from the society and handed over to the appellant. I therefore pass the following orders.

### **Order**

The appeal is partially allowed. List of allottees to be obtained from the society and furnished to the appellant within 15 days.

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

Place: Mumbai  
Date: 23.1.2009.

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

**Appeal No.2008/1728/02**

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

**....Appellant**

**V/s**

**First Appellate Officer cum Dy. Registrar  
Slum Rehabilitation Authority,  
5<sup>th</sup> Floor, Grihnirman Bhavan,  
Bandra (E), Mumbai – 400 051.**

**.... Respondent**

**Public Information Officer  
Slum Rehabilitation Authority,  
5<sup>th</sup> Floor, Grihnirman Bhavan,  
Bandra (E), Mumbai – 400 051.**

**GROUND**

This appeal has been filed under section 19 (3) of the Right to Information Act 2005. The appellant had sought information regarding sale of tenements in Shivnagar Co-op Housing Society, New Kapaswadi, New D.N.Nagar, N.Dutta Road, Andheri (W), Mumbai – 400 053. CTS No. 195(pt), Survey No.106 A and 106. He also wanted the original list of allotment – both rehab and commercial. Not satisfied with responses from the Public Information Officer and the First Appellate Authority, the appellant has come in second appeal before the Commission.

The appeal was heard on 22.01.2009. The appellant did not turn up. The respondent was present. The respondent states that no details of illegal sale of SRA flats have been furnished and therefore information sought by the appellant cannot be furnished. He has however, stated that list of allottees can be obtained from the society and handed over to the appellant. I therefore pass the following orders.

**Order**

The appeal is partially allowed. List of allottees to be obtained from the society and furnished to the appellant within 15 days.

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

Place: Mumbai  
Date: 23.1.2009.

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

**Appeal No.2008/1663/02**

**Prof. Patankar Nisarali Mohhamad  
2/204, Aghadi Nagar,  
Andheri (East), Mumbai – 400 093.**

**....Appellant**

**V/s**

**First Appellate Officer cum Secretary  
Khairul Islam Higher Education Society,  
Maharashtra College of Arts, Science & Commerce,  
2, Prince Court, 53/B Clare Road, Byculla,  
Mumbai – 400 008.**

**.... Respondent**

**Public Information Officer cum Principal  
Khairul Islam Higher Education Society,  
Maharashtra College of Arts, Science & Commerce,  
2, Prince Court, 53/B Clare Road, Byculla,  
Mumbai – 400 008.**

**GROUND**

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant has sought attested copies of all pages from salary muster pertaining to Dr. Sakeel Hurzuk for the period June 1975 to December 1992. Not satisfied with the responses received from the Public Information Officer and the First Appellate Authority, the appellant has come in second appeal before the Commission. The appeal was heard on 15.01.2009. The appellant was present. The respondent did not turn up. I have gone through the case papers. It is true that section 4 (1) (b) requires every public authority to publish a directory of its officers and employees and monthly remuneration received by them. The appellant wants details of 17 years which is very broad and vast. This information is purely personal and I doubt whether it is likely to serve any purpose. I therefore think that this information need not be furnished.

**Order**

The appeal is disposed off.

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

Place: Mumbai  
Date: 19.1.2009.

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

**Appeal No.2008/1747/02**

**Smt. Divya Vyas  
402, Gaurav Tower,  
ONGC Colony, Vadodara,  
Gujrat.**

**....Appellant**

**V/s**

**First Appellate Officer  
N.M.I.M.S. University,  
V.L.Mehta Road,  
Vile Parle (W),  
Mumbai – 400 056.**

**.... Respondent**

**Public Information Officer cum Registrar,  
N.M.I.M.S. University,  
V.L.Mehta Road,  
Vile Parle (W),  
Mumbai – 400 056.**

**GROUND**

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant had asked for names of all students who appeared in papers Macro Economics & IT for Management under PGDHRM II (Distance Learning) exam held in December, 2004. Not satisfied with responses from the Public Information Officer and the First Appellate Authority, the appellant has filed this appeal. The appeal was heard on 28.01.2009. The appellant did not turn up. The respondent was present. It transpired during the hearing that the appellant by her letter dated 23.01.2009 has informed the Commission that she is no longer interested in proceeding with the appeal and wanted to withdraw. The request is granted.

**Order**

The appeal is disposed off.

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

Place: Mumbai  
Date: 31.1.2009.

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

**Appeal No.2008/1735/02**

**Shri. Govind L.Khedekar  
12, Gurukrupa Co-op. Hsg. Society Ltd.,  
R.T.O.Lane, Four Bunglow,  
Andheri (W), Mumbai – 400 053.**

**....Appellant**

**V/s**

**First Appellate Officer Dist. Dy. Registrar,  
Co-op. Society (3),  
Gr.Floor Mhada Bhavan Room – 69,  
Bandra (E), Mumbai – 400 051.**

**.... Respondent**

**Public Information Officer cum Dy. Registrar,  
Co-op. Society (3),  
Gr.Floor Mhada Bhavan Room – 69,  
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 furnishing of bonds by the Managing Committee of 12, Gurukrupa Co-operative Housing Society, RTO Lane, Charbunglow, Andheri (W), Mumbai. The Public Information Officer by his letter dated 18.06.2008 informed him that his office had not received intimation regarding furnishing of or copies of the bond and the appellant might obtain from the society. The appellant filed an appeal under section 19 (1) of the RTI Act. The First Appellate Authority by his order dated 7.8.2008 dismissed his appeal on the ground that the information has been furnished. Hence this appeal.

The appeal was heard on 27.1.2009. Appellant and respondent were present. The main issue here is that the managing committee has not informed the District Dy. Registrar regarding execution of bond. This is required to be done. Section 73 (1AB) of the Maharashtra Co-operative Societies Act not only requires the managing committee to executive the bond but Rule 58 A of the Maharashtra Co-operative Societies Rule 1961 requires the Managing Committee to inform the District Dy. Registrar. The appellant has been furnished part information that the committee has not informed them. We are aware of the consequences of non execution the bond. I am of the view that the District Dy. Registrar is the only authority to monitor this. It is not enough to ask the committee to furnish the information to the appellant. The appellant rightly wants to know what action has been taken against the managing committee. I therefore, pass the following order.



**Order**

The appeal is partially allowed. The Public Information Officer to find out from the managing committee whether they have furnished the bond and if the answer is in the negative, initiate appropriate action against the committee. The Public Information Officer should inform the appellant about the information received from the managing committee and the action taken against them in case they have not executed the bond. This should be done within 30 days.

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

Place: Mumbai  
Date: 31.1.2009.

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

**Appeal No.2008/1738/02**

**Shri. Ceiril P. D'souza  
Goodluck Chawl, Room No. 18,  
Sai Sankalp Bldg.,  
Opp. B.M.C. Colony,  
Malvani Block No. 3,  
Malad (W), Mumbai – 400 095.**

**....Appellant**

**V/s**

**First Appellate Officer  
Slum Rehabilitation Authority,  
5<sup>th</sup> Floor, Grihnirman Bhavan,  
Bandra (E), Mumbai – 400 051.**

**.... Respondent**

**Public Information Officer cum Chief Executive Officer,  
Slum Rehabilitation Authority,  
5<sup>th</sup> Floor, Grihnirman Bhavan,  
Bandra (E), Mumbai – 400 051.**

**GROUND**

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant has sought information on eight points relating to Mahakali Co-operative Housing Society, Malvani Village, Marve Cross Road, Malad, Mumbai. Not satisfied with responses from the Public Information Officer and First Appellate Authority. The appellant has come in appeal before the Commission. The appeal was heard on 27.01.2009. The appellant was not present. The respondent was present. The main contention of the appellant seems to be to have all relevant information relating to the redevelopment of CTS No. 2841, Malad. He wanted to have a copy of the letter of intent, transit camps, annexure II etc. There is absolutely no problem for SRA to furnish the information. I therefore pass the following order.

**Order**

The appeal is allowed. Public Information Officer to furnish the relevant information within 15 days.

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

Place: Mumbai  
Date: 31.1.2009

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

**Appeal No.2008/1759/02**

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

**....Appellant**

**V/s**

**First Appellate Officer  
Maharashtra Slum Area (IC & R) Tribunal  
Tribunal, MHADA Bldg.,  
Bandra (E),  
Mumbai – 400 051.**

**.... Respondent**

**Public Information Officer  
Maharashtra Slum Area (IC & R) Tribunal  
Tribunal, MHADA Bldg.,  
Bandra (E),  
Mumbai – 400 051.**

**GROUNDS**

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant has sought information from the Maharashtra Slum Area Tribunal regarding its organization, function duties, no. of posts, method of recruitment. Not satisfied with responses from the Public Information Officer or the First Appellate Authority, the appellant has preferred the second appeal before the Commission.

The appeal was heard on 28.01.2009. The appellant and respondents were present. The appellant has stated that he did not get the required information. The respondents initially have taken the plea that they have not understood what information was required. The tribunal is a small organisation. It has also been contended by them that they do not recruit staff and most of the recruitments are done through the Housing Department.

After going through the case papers and considering the arguments advanced by parties, I have come to the conclusion that the appellant should inspect the relevant documents and ask for whatever documents are required. The respondent will furnish copies of selected documents.

**Order**

The appeal is allowed. Respondent to organise inspection of documents in the office of the tribunal and furnish copies of selected documents within 30 days.

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

Place: Mumbai  
Date: 31.01.2009

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

Appeal No.2008/182/02

Smt. Martha Fernandes  
Balkrishna House,  
Behind Canara Store,  
Khar –Danda (W),  
Mumbai – 400 052.

....Appellant

V/s

First Appellate Officer Asstt. Commissioner,  
Asstt. Municipal Commissioner Office,  
Brihan Mumbai Mahanagar Palika,  
'H' – West Ward, St. Martin Road,  
Bandra (W), Mumbai – 400 050.

.... Respondent

Public Information Officer  
Asstt. Municipal Commissioner Office,  
Brihan Mumbai Mahanagar Palika,  
'H' – West Ward, St. Martin Road,  
Bandra (W), Mumbai – 400 050

### GROUNDS

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant had sought information regarding action taken by the Ward Officer H/ W ward, Mumbai on her application dated 13.08.2004. Not satisfied with responses from the Public Information Officer and the First Appellate Authority, she has come in appeal before the Commission. The appeal was heard on 17.12.2008. Appellant and respondent were present. After going through the case papers I have come to the conclusion that no information as such has been sought. The appellant wanted her grievance to be redressed which the Commission is not mandated to do. Since the appellant wanted to know what happened to her application dated 13.08.2007, which she is entitled to know, I am passing the following order.

### Order

The appellant is allowed. The Public Information Officer to inform the appellant as to what action has been taken on her application dated 13.08.2007 within 30 days.

(Ramanand Tiwari)  
State Information Commissioner, Mumbai

Place: Mumbai  
Date : 31.1.2009