

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

Appeal No.2010/4042/02

**Shri Durgaprasad R. Gupta
Ramkarnji Tiwari Akot Fail,
Ambedkar Marg, Dist. Akola.**

... Appellant

V/s

**First Appellate Officer cum General Manager
Maharashtra State Road Transport Corporation,
Mumbai – 400 008.**

... Respondent

**Public Information Officer cum Division Supervisor
Maharashtra State Road Transport Corporation,
Mumbai – 400 008.**

GROUND

This appeal has been filed under section 19(3) of the Right to Information Act, 2005. The appellant by his application dated 16.02.2008 had sought information relating to enquiry and action taken on complaint against irregularities in case of misappropriation by conductors in Jalgon Division of the Maharashtra State Road Transport Corporation.

Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant filed this second appeal before the commission. The appeal was heard on 04.01.2010. Appellant was present but the respondent was absent.

It transpired during the hearing that the appeal has already been disposed off by the commission by its order dated 30.05.2009. I therefore pass the following order.

Order

Appeal is disposed off.

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

Place: Mumbai
Date: 21.01.2010.

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

Appeal No.2010/4041/02

**Shri Umeshchandra R. Gupta
34, Datta Mandir Chowk, Amrai,
Yavatmal – 445 001.**

... **Appellant**

V/s

**First Appellate Officer cum General Manager
Maharashtra State Road Transport Corporation,
Mumbai – 400 008.**

... **Respondent**

**Public Information Officer cum Division Supervisor
Maharashtra State Road Transport Corporation,
Mumbai – 400 008.**

GROUND

This appeal has been filed under section 19(3) of the Right to Information Act, 2005. The appellant by his application dated 10.01.2007 had sought information relating to his complaint against one Shri Shrikant Chaudhari who signs for Divisional Controller, Jalgaon.

Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant filed this second appeal before the commission. The appeal was heard on 04.01.2010. Appellant was present but the respondent was absent.

It transpired during the hearing that the appeal has disposed off by the commission's order dated 13.07.2009. The appeal therefore deserves to be closed. I therefore pass the following order.

Order

Appeal is disposed off.

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

Place: Mumbai
Date: 21.01.2010.

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

Appeal No.2010/4043/02

**Shri. Vasudeo Martand Patil
Mr.C.V.Patil,
Kelkarwadi, Civil Line,
Murhzapur – 444 107.
Dist. Akola.**

... **Appellant**

V/s

**First Appellate Officer,
Law & Judiciary Department
Mantralaya, Mumbai – 400 032.**

... **Respondent**

**Public Information Officer,
Law & Judiciary Department
Mantralaya, Mumbai – 400 032.**

**Public Information Officer,
Notary, Greater Mumbai,
B-4, Chandralok Manav Mandir Rd,
Mumbai – 400 006.**

GROUND

This appeal has been filed under section 19(3) of the Right to Information Act, 2005. The appellant by his application dated 23.03.2009 had sought a certified copy of the extract of the Notary Register maintained by Shri. Vikram B Trivedi. Shri. Trivedi denied the information. The first appeal was disposed off as not maintainable because information was sought from of a person who is not a Public Information Officer.

Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant filed this second appeal before the commission. The appeal was heard on 04.01.2010. The appellant did not turn up but the respondent was present.

Case papers reveal that the appellant has been correctly informed. He should as advised apply to the Public Information Officer, Law and Judiciary Deptt, Notary section Mantralaya. I therefore close the case.

Order

Appeal is disposed off.

(Ramanand Tiwari)
State Information Commissioner, Mumbai

Place: Mumbai
Date: 21.01.2010.

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

Appeal No.2010/2633/02
Appeal No.2010/2680/02
Appeal No.2010/2634/02

Shri. Zibrail Ibrahim Diwan
15, 16, 17 Krushi Utpnna Bazar Samiti,
Akola, Dist. Akola.

... **Appellant**

V/s

First Appellate Officer,
Wilson College,
Choupati, Mumbai.

... **Respondent**

Public Information Officer,
Wilson College,
Choupati, Mumbai.

GROUND

These appeals have been filed under section 19(3) of the Right to Information Act, 2005. The appellant by his application dated 12.12.2008 & 15.12.2008 had sought information relating to properties held by the College, when did they buy, activities being under taken by them, the hostel & the Library run by them, Wilson Gymkhana ownership details, renting out of the Gymkhana etc.

Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant filed these second appeals before the commission. They were heard on 04.01.2010. The appellant did not turn up but the respondent was present.

Respondents have contended that the properties are being held by the Trust and not by the College. The College does not have the information sought by the appellant. Thus is view of the respondent's submission and the appellant's absence. I decide to close the case.

Order

Appeals are disposed off.

(Ramanand Tiwari)
State Information Commissioner, Mumbai

Place: Mumbai
Date: 21.01.2010.

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

Appeal No.2010/4051/02

**Shri. Pandurang T. Thakre
Janardan Rajaram More,
Devkrupa Ansing,
Ta.Dist. Washim – 444 507.**

... Appellant

V/s

**First Appellate Officer cum Dy Manager
(GAD), The Maharashtra State Cooperative Bank Ltd.,
9, Maharashtra Chamber of Commerce Lane,
Fort, Mumbai – 400 001.**

... Respondent

**Public Information Officer,
The Maharashtra State Cooperative Bank Ltd.,
9, Maharashtra Chamber of Commerce Lane,
Fort, Mumbai – 400 001.**

GROUNDS

This appeal has been filed under section 19(3) of the Right to Information Act, 2005. The appellant by his application dated 01.04.2009 had sought information relating to loans granted to Balaji Sahakari Sakhar Karkhana & Distillery Maslapem, taluka Risod district Washim, Maharashtra. The PIO replied that the RTI Act was not applicable to District Central Cooperative Banks and therefore information could not be furnished.

Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant filed this second appeal before the commission. The appeal was heard on 04.01.2010. Appellant and respondents were present.

The appellant has contended that the information sought is in public interest and not exempted under section 8 of the RTI Act. He therefore requested that the Bank should be directed to furnish the same.

The respondent's contention is that the RTI Act has not been made applicable to the District Central Cooperative Banks. It was therefore not possible to furnish the desired information.

After going through the case papers and considering the arguments advanced by the parties I have come to conclusion that the PIO's reply is in order. The issue has not been finally decided. The commission's own order directing District Central Cooperative Bank Ahmednagar to furnish information has been stayed by the Hon High Court, Aurangabad Bench. It is therefore not possible to direct the Bank to furnish the required information. I therefore pass the following order.

Order

Appeal is disposed off.

(Ramanand Tiwari)
State Information Commissioner, Mumbai

Place: Mumbai
Date: 21.01.2010.

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

Appeal No.2010/2772/02

Shri. Rajaram Bhau Dhage
Kondiwade, Bhoyare,
Adarmaval,
Dist. Pune.

... **Appellant**

V/s

First Appellate Officer,
Revenue Deptt.,
Mantralaya, Mumbai – 400 032.

... **Respondent**

Public Information Officer,
Revenue Deptt.,
Mantralaya, Mumbai – 400 032.

GROUND

This appeal has been filed under section 19(3) of the Right to Information Act, 2005. The appellant by his application dated 09.02.2009 had sought information relating to his complaints and personal details like Salary T.A. income tax return details of assets held by Shri Avinash B Hazare, Joint Secretary.

Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant filed this second appeal before the commission. The appeal was heard on 14.01.2010. Appellant and respondent were absent.

This is one of the many applications filed by the appellant. He has not given any reason or has not proved that these personal details are required in public interest. Personal details can be disclosed only where public interest outweighs the personal interest / privacy. The appellant has not been able to prove. I therefore close the case.

Order

Appeal is dismissed.

(Ramanand Tiwari)
State Information Commissioner, Mumbai

Place: Mumbai
Date: 20.01.2010.

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

Appeal No.2010/2770/02

**Shri. Rajaram Bhau Dhage
Kondiwade, Bhoyare,
Adarmaval,
Dist. Pune.**

... Appellant

V/s

**First Appellate Officer cum Dy Director of Police
Office of the Director General of Police
Maharashtra State, Mumbai
Mumbai – 400 003.**

... Respondent

**Public Information Officer,
Office of the Director General of Police
Maharashtra State, Mumbai
Mumbai – 400 003.**

GROUND

This appeal has been filed under section 19(3) of the Right to Information Act, 2005. The appellant by his application dated 22.10.2008 had sought information relating to his complaints, personal details like salary TA income tax returns and details of assets in respect of Mr. S.H. Dayal.

Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant filed this second appeal before the commission. The appeal was heard on 14.01.2010. The appellant did not turn up but the respondent was present.

The respondent submitted that complaints have been sent to respective PIOs under section 6 of the RTI Act, 2005. Personal information in respect of Mr. Dayal has not been furnished.

After going through the case papers and considering the arguments advanced by the parties I have come to conclusion that the action taken on the appellant application is in order. The appellant has been asking for personal information in respect of so many

officers without making any effort to show that this is in public interest. Personal information can be furnished only in cases where public interest outweighs personal interest or privacy. The appellant has failed to do so.

Order

Appeal is dismissed.

(Ramanand Tiwari)
State Information Commissioner, Mumbai

Place: Mumbai
Date: 18.01.2010.

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

Appeal No.2010/2773/02

Shri. Rajaram Bhau Dhage
Kondiwade, Bhoyare,
Adarmaval,
Dist. Pune.

... **Appellant**

V/s

First Appellate Officer,
Office of the Governors Secretary
Rajbhavan, Malbar Hill,
Mumbai – 400 035.

... **Respondent**

Public Information Officer,
Office of the Governors Secretary
Rajbhavan, Malbar Hill,
Mumbai – 400 035.

GROUNDS

This appeal has been filed under section 19(3) of the Right to Information Act, 2005. The appellant by his application dated 22.10.2008 had sought information relating action taken on his complaints and personal details in respect of Mr. Shrikant Deshpande, Secretary to the Governor of Maharashtra.

Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant filed this second appeal before the commission. The appeal was heard on 14.01.2010. The appellant did not turn up but the respondent was present.

It has been submitted by the respondent that the appellant's complaints have been sent to respective departments. Information in respect of salary and TA has been furnished and copies of income tax return etc has been denied.

After going through the case papers and considering the arguments advanced by the parties I have come to conclusion that information has been furnished. Personal information like income tax returns etc has been correctly denied. I therefore close the case.

Order

Appeal is dismissed.

(Ramanand Tiwari)
State Information Commissioner, Mumbai

Place: Mumbai
Date: 20.01.2010.

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

Appeal No.2010/2774/02

Shri. Rajaram Bhau Dhage
Kondiwade, Bhoyare,
Adarmaval,
Dist. Pune.

... **Appellant**

V/s

First Appellate Officer,
Home Deptt.,
Mantralaya, Mumbai – 400 032.

... **Respondent**

Public Information Officer,
Home Deptt.,
Mantralaya, Mumbai – 400 032.

GROUND

This appeal has been filed under section 19(3) of the Right to Information Act, 2005. The appellant by his application dated 22.10.2009 had sought information regarding action taken on his complaints. He wanted to know how the complaint has processed. He has also sought some personal information in respect of Mr. Nitin Gadre. His Income Tax Returns, his salaries etc.

Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant filed this second appeal before the commission. The appeal was heard on 14.01.2010. The appellant did not turn up but the respondent was present.

It has been submitted by the respondent that the complaints have been sent to respective departments and personal information in respect of Mr Gadre has been denied as it was personal and was not likely to serve any public purpose.

After going through the case papers and considering the arguments advanced by the parties I have come to conclusion that the appellant has been correctly informed. The case deserved to be closed.

Order

Appeal is disposed off.

(Ramanand Tiwari)
State Information Commissioner, Mumbai

Place: Mumbai
Date: 20.01.2010.

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

Appeal No.2010/4252/02

**Shri. Abdul Hamid Dulare
54, House No.60, Rahul Nagar,
Malegaon, Dist. Nasik.**

... **Appellant**

V/s

**First Appellate Officer,
General Administrative Dept. 14A
Mantralaya, Mumbai – 400 032.**

... **Respondent**

**Public Information Officer,
General Administrative Dept. 14 & 14 A 21
Mantralaya, Mumbai – 400 032.**

GROUND

This appeal has been filed under section 19(3) of the Right to Information Act, 2005. The appellant by his application dated 05.08.2008 had sought information relating to all officers, employees office bearers working in different department of Govt. from Principal Secretary to peon. He has sought copies of their appointment letter and joining reports.

Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant filed this second appeal before the commission. The appeal was heard on 18.01.2010. The appellant did not turn up but the respondent was present.

It has been submitted by the respondent that the information sought is too broad and it was not practically possible to collect and compile the information. The request has been denied under section 7(9) of the RTI Act, 2005 which says that information can be denied if it was likely to result in disproportionate use of time and energy.

After going through the case papers and considering the arguments advanced by the parties I have come to conclusion that information has been correctly denied. The information sought does not make any sense and will definite divert the energy and time

of the department disproportionately. In any case there is no department which keeps the information sought by the appellant. I therefore pass the following order.

Order

Appeal is dismissed.

(Ramanand Tiwari)
State Information Commissioner, Mumbai

Place: Mumbai
Date: 18.01.2010.

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

Appeal No.2010/4246/02

Shri. Santram Kashinath Mane-Patil
Kaheshka, 24 New S.B.H.Colony,
Jyoti Nagar, Aurangabad.

... **Appellant**

V/s

First Appellate Officer,
Home Deptt.
Mantralaya, Mumbai – 400 032.

... **Respondent**

Public Information Officer,
Home Deptt.
Mantralaya, Mumbai – 400 032.

GROUND

This appeal has been filed under section 19(3) of the Right to Information Act, 2005. The appellant by his application dated 13.06.2008 had sought the following information: -

Vehicles belonging to the Police Motor Transport Deptt. was auctioned as per Govt. Resolution, Home Deptt dated 02.01.2007. He wanted to know how much money did they fetch and whether VAT @ 12.5 % was recovered. The information pertained to Pune, Thane, Nagpur, Aurangabad, Solapur, Nanded, Amravati and other places.

Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant filed this second appeal before the commission. The appeal was heard on 18.01.2010. Appellant was present but the respondent was absent.

The appellant has contended that he has not been furnished the required information. Since the respondent was not present, it could not be verified. Case papers however show that no information has been received by the appellant. I therefore pass the following order.

Order

The appeal is allowed. Information to be furnished by PIO within 30 days failing which action under section 20 of the RTI Act will be initiated against him.

(Ramanand Tiwari)
State Information Commissioner, Mumbai

Place: Mumbai
Date: 18.01.2010.

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

Appeal No.2010/4251/02

**Shri. Shivkumar Ramdeo Joshi
Galli No.4, House No.2809,
Dhule.**

... Appellant

V/s

**First Appellate Officer,
Direct Economic Statistic
New Administrative Bldg.,
Mumbai Suburban Dist.,
8th Floor, Govt Colony,
Bandra (E), Mumbai – 400 051.**

... Respondent

**Public Information Officer,
Direct Economic Statistic
New Administrative Bldg.,
Mumbai Suburban Dist.,
8th Floor, Govt Colony,
Bandra (E), Mumbai – 400 051.**

GROUND

This appeal has been filed under section 19(3) of the Right to Information Act, 2005. The appellant by his application dated 16.06.2009 had enclosed a list of points on which he sought clarifications. His main contention is that he is being prosecuted without any reason Govt. has filed 7 Criminal cases which are pending in courts of Law.

Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant filed this second appeal before the commission. The appeal was heard on 18.01.2010. Appellant and respondents were present.

The appellant has contended that he wants answers to his queries. The respondent submitted that since cases are pending in courts of law, no clarification should be expected.

After going through the case papers and considering the arguments advanced by the parties I have come to conclusion that the appellant does not want information as such

but reasons for action against him. The RTI cannot come to his rescue more so when cases are pending in courts of law. I therefore close the case.

Order

Appeal is disposed off.

(Ramanand Tiwari)
State Information Commissioner, Mumbai

Place: Mumbai
Date: 18.01.2010.

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

Appeal No.2010/4249/02

**Shri. Digambar Deshpande
Akash Flat No.49,
N Hanuman Sahakari Grihaniram Santha,
Aurangabad.**

... Appellant

V/s

**First Appellate Officer,
Revenue & Forest Deptt.,
E-7, Mantralaya,
Mumbai – 400 032.**

... Respondent

**Public Information Officer,
Revenue & Forest Deptt.,
E-7, Mantralaya,
Mumbai – 400 032.**

GROUND

This appeal has been filed under section 19(3) of the Right to Information Act, 2005. The appellant by his application dated 14.05.2008 had sought information relating to his request for deemed date in the cadre of Aval Karkun, his representation against the Divisional Commission's decision and complaint regarding misuse of authority and misappropriation of govt. fund.

Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant filed this second appeal before the commission. The appeal was heard on 18.01.2010. Appellant and respondents were present.

The appellant has contended that he was not satisfied with the information given to him. The respondent submitted that the issue of deemed date was with the Divisional Commissioner and the appellant's representation has been sent to him.

After going through the case papers and considering the arguments advanced by the parties I have come to conclusion that appellant has been informed correctly. Every communication that he receives, he makes a representation and expects reply under the

RTI Act. This is not fair. His main issue is deemed date for which his case has been sent to the Divisional Commissioner. I think that is end of the story. I therefore close the case.

Order

Appeal is disposed off.

(Ramanand Tiwari)
State Information Commissioner, Mumbai

Place: Mumbai
Date: 18.01.2010.

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

Appeal No.2010/4248/02

**Shri. Moh. Rizwan Kureshi
Shri Krushna Complex,
1st Floor, Moulana Azad Chowk,
Nanded-4.**

... Appellant

V/s

**First Appellate Officer,
Education & Forest Deptt.,
Mantralaya,
Mumbai – 400 032.**

... Respondent

**Public Information Officer,
Education & Forest Deptt.,
Mantralaya,
Mumbai – 400 032.**

GROUNDS

This appeal has been filed under section 19(3) of the Right to Information Act, 2005. The appellant by his application dated 29.04.2008 had sought the following information: -

Govt. had given recognition to some privately managed educational institution on 'permanent no grant basis' which was modified subsequently as "no grant basis". He wanted to have names and addresses of such institutions. The information pertained to 2000-2001 to 2006-2007. He had also sought information on two related issues.

Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant filed this second appeal before the commission. The appeal was fixed for hearing on 18.01.2010. Appellant and respondent were absent.

Case papers reveal that the appellant was not furnished information by the PIO. He approached the First Appellate Authority under section 19(1) of the RTI Act 2005. The First Appellate Authority by his order dated 23.07.2008 directed that information

should be furnished within 15 days. There is nothing on record to show that this order has been complied. I therefore pass the following order.

Order

The order passed by the First Appellate Authority is confirmed. PIO to show cause why action under section 20 of the RTI Act 2005 should not be taken for not furnishing information.

(Ramanand Tiwari)
State Information Commissioner, Mumbai

Place: Mumbai
Date: 18.01.2010.

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

Appeal No.2010/4247/02

**Shri. Rana Gulabsingh Solanki
Temburni, Ahmedpur, Dist Latur.**

... Appellant

V/s

**First Appellate Officer,
Social Justice & Special Assistance Department
Mantralaya,
Mumbai – 400 032.**

... Respondent

**Public Information Officer,
Social Justice & Special Assistance Department
Mantralaya,
Mumbai – 400 032.**

GROUND

This appeal has been filed under section 19(3) of the Right to Information Act, 2005. The appellant by his application dated 28.11.2007 had sought information relating to caste validity certificates issued by caste verification committees at Mumbai, Thane, Nashik, Aurangabad, Amravati, Nagpur in respect of “Rajput Bhamata”. He wanted information to be complied from 12 divisions and furnished to him.

Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant filed this second appeal before the commission. The appeal was fixed for hearing on 18.01.2010. The appellant did not turn up but the respondent was present.

The respondent’s contention is that castewise information is not maintained. It was therefore not possible to furnish the desired information. Since the appellant was absent the commission did not get his input.

After going through the case papers and considering the arguments advanced by the parties I have come to conclusion that appellant has been properly informed. It is not expected that one PIO will collect information, compile it and furnished to the appellant.

Information available on record has to be furnished. The appellant however is free to approach respective committees. In view of the appellant's absence and respondent's submission the commission is constrained to close the case.

Order

Appeal is disposed off.

(Ramanand Tiwari)
State Information Commissioner, Mumbai

Place: Mumbai
Date: 18.01.2010.

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

Appeal No.2010/4245/02

Shri. Sunil Shriram Shedute
Pooja Emporium, Bus Stand, Beed.

... **Appellant**

V/s

First Appellate Officer cum Chief Executive Officer
Zilla Parishad Beed,
Dist. Beed.

... **Respondent**

Public Information Officer cum Dy Chief Executive Officer
Zilla Parishad Beed,
Dist. Beed.

GROUND

This appeal has been filed under section 19(3) of the Right to Information Act, 2005. The appellant by his application dated 08.08.2008 had sought information relating to his removal from service and the file relating the report sent by Zilla Parishad, Beed in this connection.

Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant filed this second appeal before the commission. The appeal was heard on 18.01.2010. The appellant did not turn up but the respondent was present.

The respondent submitted that the appellant has seen all relevant file and recorded the same on 18.09.2006. In the meantime he had been reinstated as per court order. Submission made by the respondent also reveal that he had also approached Hon Chief Information Commission who came to the conclusion that the appellant has misused the RTI Act.

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

Order

Appeal is disposed off.

(Ramanand Tiwari)
State Information Commissioner, Mumbai

Place: Mumbai
Date: 18.01.2010.

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

Appeal No.2010/4243/02

**Shri. Vaman Omkar Koli
Swami Housing Soc. Sakri,
Ta. Sakri, Dist. Dule.**

... **Appellant**

V/s

**First Appellate Officer,
Revenue Deptt.
Mantralaya, Mumbai – 400 032.**

... **Respondent**

**Public Information Officer,
Revenue Deptt.
Mantralaya, Mumbai – 400 032.**

GROUND

This appeal has been filed under section 19(3) of the Right to Information Act, 2005. The appellant by his application dated 06.06.2009 had sought information relating to his request for regularization of 1.74 Hectare of land Gat No.16, Mauze Kurkhali, taluka Shirpur district Dhule. The land is under the management of govt. but the appellant has been cultivating for a long time. He wanted it to be released from govt. and granted to him.

Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant filed this second appeal before the commission. The appeal was heard on 18.01.2010. The appellant did not turn up but the respondent was present.

It has been contended by the respondent that Collectors report has been received through the Divisional Commissioner and the file is being processed at govt. level. The appellant has been informed accordingly.

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

Order

Appeal is disposed off.

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

Place: Mumbai
Date: 18.01.2010.

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

Appeal No.2010/4064/02

**Shri. Sampat Pandurang Abdar
Avdhut Jaibhavani Colony, Ring Rd,
Phulewadi, Kolhapur – 416 010.**

... **Appellant**

V/s

**First Appellate Officer,
Public Work Deptt., (Road)
Mantralaya, Mumbai – 400 032.**

... **Respondent**

**Public Information Officer cum Superintendent Engineer
Public Work Deptt., (Road)
Mantralaya, Mumbai – 400 032.**

GROUND

This appeal has been filed under section 19(3) of the Right to Information Act, 2005. The appellant by his application dated 15.09.2008 had sought information regarding action taken on the order passed by the Hon High Court in PIL 189/2008 and complaint against irregularities done during the construction of Ratnagiri Kolhapur State Highway No.204 Km 117/00 to 124/00.

Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant filed this second appeal before the commission. The appeal was heard on 13.01.2010. Appellant and respondents were present.

The appellant has contended that he has not been furnished the required information. The respondent submitted that the superintending Engineer, Kolhapur was directed to take appropriate action. A letters was also sent to the chief engineer to keep the Hon High Court informed about the action taken.

After going through the case papers and considering the arguments advanced by the parties I have come to conclusion that information has been furnished. The action expected to be taken at the level of the Department has been completed. The RTI Act, 2005 however is a citizen friendly Act. The appellant is interested in knowing what

action has been taken on the Hon High Court's order in PIL No.189/2007. It is therefore directed that SE Kolhapur will inform the appellant about the action taken. I pass the following order.

Order

The appeal is allowed. Information to be furnished by PIO within 30 days from the date of receipt of this order.

(Ramanand Tiwari)
State Information Commissioner, Mumbai

Place: Mumbai
Date: 20.01.2010.

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

Appeal No.2010/4063/02

Shri. Ashok H. Dorvat
Shri Balaji Krupa Serve No.142,
Plot No.A 8, Ramchandra Appa Shete Nagar,
Laxmi Peth, Solhapur – 413 001.

... **Appellant**

V/s

First Appellate Officer cum Dy Secretary
Medical Education & Drugs Deptt.
Mantralaya, Mumbai – 400 032.

... **Respondent**

Public Information Officer cum Under Secretary
Medical Education & Drugs Deptt.
Mantralaya, Mumbai – 400 032.

GROUND

This appeal has been filed under section 19(3) of the Right to Information Act, 2005. The appellant by his application dated 18.09.2009 had sought information relating to the alleged misappropriation made by Smt. V.R. Mhaske during April 2000 to Sept, 2009.

Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant filed this second appeal before the commission. The appeal was heard on 13.01.2010. Appellant and respondents were present.

The appellant has contended that information has not been furnished. The respondent submitted that no final decision was taken and therefore no information could be furnished. It was however agreed that relevant information will be furnished within one month. I therefore pass the following order.

Order

The appeal is allowed. Information to be furnished by PIO within 30 days from the date of receipt of this order.

(Ramanand Tiwari)
State Information Commissioner, Mumbai

Place: Mumbai
Date: 20.01.2010.

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

Appeal No.2010/4065/02

Shri. Sathi Bashir Ahmed Bashamiya Sheikh
144, Sidheshwar Peth Gala No.6,
National Complex, Solhapur – 413 002.

... Appellant

V/s

First Appellate Officer cum Joint Secretary
Education Deptt.,
Mantralaya, Mumbai – 400 032.

... Respondent

Public Information Officer cum Under Secretary
Education Deptt.,
Mantralaya, Mumbai – 400 032.

GROUNDS

This appeal has been filed under section 19(3) of the Right to Information Act, 2005. The appellant by his application dated 16.07.2009 had sought information regarding action taken on the representation dated 04.07.2009 sent to the Principal Secretary, Department of School Education by Sayyad Masarat Begum Bemit Salim Shikh Tasneem Kausar Mehbooli Saah, Saiyyad Sabina M. Hanif and Khid Nilofar Ahmed.

Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant filed this second appeal before the commission. The appeal was fixed for hearing on 13.01.2010. Appellant and respondent were absent.

Case papers show that no information has been furnished. I therefore pass the following order.

Order

The appeal is allowed. Information to be furnished by PIO within 15 days from the date of receipt of this order.

(Ramanand Tiwari)
State Information Commissioner, Mumbai

Place: Mumbai
Date: 20.01.2010.

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

Appeal No.2010/4071/02

**Shri. Devendra Patil
B/203, Deepratna CHS, Versova Link Rd,
Andheri (W), Mumbai – 400 058.**

... Appellant

V/s

**First Appellate Officer,
The Divisional Controller
Satara Bus Depot,
Satara – 415 001.**

... Respondent

**Public Information Officer,
The Divisional Controller
Satara Bus Depot,
Satara – 415 001.**

GROUND

This appeal has been filed under section 19(3) of the Right to Information Act, 2005. The appellant by his application dated 04.01.2007 had sought the following information: -

1. What is the total strength of the buses?
2. Why incomplete information was been provided to my application? Dated 29.10.2007.
3. No of buses above 15 years?
4. Why bus service to Satara railway station is been discontinued?
5. How many bus stops in Satara are having proper sheds and time-table?
6. How much expenditure is incurred on the maintenance of this buses?
7. Why there is no city bus service in the Statra transport to maintain al the bus sheds and time-tables?
8. There is always illegal parking inside the compound of Satara city bus stand, so to prevent that what action has been taken?
9. How much expenditure is incurred on the maintenance of this bus sheds?

Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant filed this second appeal before the commission. The appeal was heard on 13.01.2010. Appellant and respondents were present.

It was agreed that information will be furnished within 7 days from the date of receipt of this order. Information should be sent free of cost and by registered post.

Order

The appeal is allowed. Information to be furnished by PIO within 15 days. Information to be sent by registered post and free of cost

(Ramanand Tiwari)
State Information Commissioner, Mumbai

Place: Mumbai
Date: 20.01.2010.

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

**Appeal No.2010/4059/02
Appeal No.2010/4060/02**

**Shrimati. Kalavati Kharat
Raghunath Maruti Kharat, 22/1555,
Abhuya Nagar, Mumbai – 400 033.**

... Appellant

V/s

**First Appellate Officer cum Collector
Office of the Collector, Satara,
Dist. Satara.**

... Respondent

**Public Information Officer,
Office of the Collector, Satara,
Dist. Satara.**

GROUND

This appeal has been filed under section 19(3) of the Right to Information Act, 2005. The appellant by his application dated 27.03.2008 had sought information relating to irregularities in the Saibai Bhonsale Cooperative Housing Society Ltd. Lonand district Satara resulting into non allotment a plot to the appellant.

Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant filed this second appeal before the commission. The appeal was heard on 13.01.2010. Appellant and respondents were present.

It was agreed during the hearing that available information will be furnished by the PIO within 7 days from the receipt of this order and sent free of cost and by registered post.

Order

The appeal is disposed off.

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

Place: Mumbai
Date: 20.01.2010.

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

Appeal No.2010/4221/02

Shri. Ramesh Shriram Khanvilkar
Shanta Bai Niwas, Shivaji Nagar,
Tembipada Rd, Bhandup (W),
Mumbai – 400 078.

... **Appellant**

V/s

First Appellate Officer cum Joint Director
Maharashtra State Education Reaches & Training Parishad
Sadavshiv Petha, Pune-30.

... **Respondent**

Public Information Officer cum Dy Director
Maharashtra State Education Reaches & Training Parishad
Sadavshiv Petha, Pune-30

GROUND

This appeal has been filed under section 19(3) of the Right to Information Act, 2005. The appellant by his application dated 01.08.2006 had sought information relating to the commencement of the academic year for DEd Courses, working days for the first & the second year courses and when did the academic year start and end during the academic years 2002-2003 to 2005-2006.

Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant filed this second appeal before the commission. The appeal was heard on 14.01.2010. The appellant did not turn up but the respondent was present.

The respondent has submitted that desired information has been furnished. Since the appellant remained absent, the commission could not get his valuable input.

After going through the case papers and considering the arguments advanced by the parties I have come to conclusion that information has been furnished. In fact case papers show that even his supplementaries have been attempted to be replied. I therefore decided to close the case and pass the following order.

Order

The appeal is disposed off.

(Ramanand Tiwari)
State Information Commissioner, Mumbai

Place: Mumbai
Date: 20.01.2010.

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

Appeal No.2010/4055/02

**Shri. Vilas Bhoir
Byculla District Jail,
Pratapgad, Room No.5,
3rd Floor, Mumbai – 400 008.**

... **Appellant**

V/s

**First Appellate Officer,
Jail General Directorate,
Maharashtra State, Old Central Bldg,
2nd Floor, Pune – 411 001.**

... **Respondent**

**Public Information Officer,
Jail General Directorate,
Maharashtra State, Old Central Bldg,
2nd Floor, Pune – 411 001.**

GROUNDS

This appeal has been filed under section 19(3) of the Right to Information Act, 2005. The appellant by his application dated 17.09.2007 had sought information relating to his dismissal from govt. service. He had stated that he has not been communicated the grounds on which govt. took action against him.

Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant filed this second appeal before the commission. The appeal was heard on 13.01.2010. The appellant did not turn up but the respondent was present.

The respondent has stated that grounds for dismissal was not communicated because it was not in public interest. The appellant had gone to Maharashtra Administrative Tribunal and the case was decided in his favour. The govt. however has gone to the High Court and case is sub judice.

After going through the case papers and considering the arguments advanced by the parties I have come to conclusion that the decision in the case is in order. Since the

case is pending in the High Court, the appellant should await the verdict. I therefore close the case.

Order

The appeal is disposed off.

(Ramanand Tiwari)
State Information Commissioner, Mumbai

Place: Mumbai
Date: 20.01.2010.

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

Appeal No.2010/4220/02

**Shri. Dinkar Sadashiv Kamble
40, Vanwadigaon, Pune,
Dist. Pune – 411 040.**

... **Appellant**

V/s

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

... **Respondent**

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

GROUND

This appeal has been filed under section 19(3) of the Right to Information Act, 2005. The appellant by his application dated 02.03.2009 had sought information relating to govt's approval to the appointment of City Engineer Shri Prashant Waghmare, Ward Officer & Deputy Commissioner, Social Welfare. He wanted copies relevant files to find out whether these approvals were accorded after verifying whether conditions laid down were followed.

Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant filed this second appeal before the commission. The appeal was heard on 14.01.2010. Appellant and respondents were present.

The appellant has contended that he has been given incomplete information. First Appellate Authority did not hear the appeal.

The respondent's contention is that information on point no. 1, 3 & 4 has been furnished. Information on point no 2 was not readily available.

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

PIO should make diligent search to trace the file relating to point no 2 and inform the appellant the out come of his search.

Order

The appeal is disposed off.

(Ramanand Tiwari)
State Information Commissioner, Mumbai

Place: Mumbai
Date: 20.01.2010.

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

Appeal No.2010/5197/02

**Shri. Dinkar Sadashiv Kamble
40, Vanwadigaon, Pune,
Dist. Pune – 411 040.**

... **Appellant**

V/s

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

... **Respondent**

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

GROUND

This appeal has been filed under section 19(3) of the Right to Information Act, 2005. The appellant by his application dated 09.07.2009 had sought information relating to appointments made by the Municipal Corporation of Pune without following proper procedure. This information was sought by Govt. under their letter dated 17.04.2006. The appellant wanted a copy of the information sent and also a copy of the rules framed under section 455 (1) of the Act.

Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant filed this second appeal before the commission. The appeal was heard on 14.01.2010. Appellant and respondents were present.

The appellant has contended that he has been given incomplete information and that too very late. He has also pointed out that the First Appellate Authority never decided the appeal.

The respondent's contention is that papers were first received by Desk 26 and was transferred to Desk No.22 only on 26.10.2009 and he sent the available information on 05.11.2009.

After going through the case papers and considering the arguments advanced by the parties I have come to conclusion that information has been furnished late. The First Appellate Authority has also failed to discharge his responsibilities cast on him under the RTI Act. He needs to be careful in future. I pass the following order.

Order

The appeal is allowed. Remaining information to be furnished by the PIO Desk 26, 15 days from the date of receipt of this order. He should also show cause why action should not be taken against him for keeping the papers with him resulting into late transfer to Desk No.22. His explanation to reach the commission within 4 weeks from the receipt of this order.

(Ramanand Tiwari)
State Information Commissioner, Mumbai

Place: Mumbai
Date: 20.01.2010.

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

Appeal No.2010/4215/02

**Shri. Rajendra S. Bandekar
B-5/28, Municipal Colony,
Bhandup Sankul,
Mulund (W), Mumbai – 400 082.**

... Appellant

V/s

**First Appellate Officer cum Dy Director
Arogya Seva Mandal, Pune,
New Administrative Bldg,
3rd Floor, Opp. Council Hall,
Pune – 1.**

... Respondent

**Public Information Officer,
Arogya Seva Mandal, Pune,
New Administrative Bldg,
3rd Floor, Opp. Council Hall,
Pune – 1.**

GROUND

This appeal has been filed under section 19(3) of the Right to Information Act, 2005. The appellant by his application dated 06.06.2007 had sought information relating to the treatment he received on his right eye in Grant Medical Foundation Rubi Hall Clinic, Pune.

Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant filed this second appeal before the commission. The appeal was heard on 14.01.2010. The appellant did not turn up but the respondent was present.

The appellant submitted that Grant Medical Foundation is a trust and information can be had through the Joint Charity Commissioner Pune. Since the appellant was not present he commission could not get his input.

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

Order

The appeal is disposed off.

(Ramanand Tiwari)
State Information Commissioner, Mumbai

Place: Mumbai
Date: 20.01.2010.

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

Appeal No.2010/4213/02

**Shri. B.S. Rath
4-B, Ganesh Bhawan, 434,
Senapati Bapat Marg, Mahim,
Mumbai – 400 016.**

... **Appellant**

V/s

**First Appellate Officer cum Superintendent of Police
Solhapur Gramin, Solhapur.**

... **Respondent**

**Public Information Officer cum Dy. Superintendent of Police
Solhapur Gramin, Solhapur.**

GROUNDS

This appeal has been filed under section 19(3) of the Right to Information Act, 2005. The appellant by his application dated 15.08.2008 had sought the following information: -

1. Certified copy of the FIR filed by Police constable Mr.Kshirsagar on 01.07.2008 after his visit to the House “Parvati” situated at 74/A/11, Near Ganesh Nagar, Yelavasti on the basis of telephonic message given by me at 21.00 hrs through Duty Officer, Head Constable Mr.Kale.
2. Certified copy of FIR registered on the basis of complaint dated 12.07.2008 made by Neelam Shewale.
3. Certified copy of the FIR registered on the basis of complaint dated 08.08.2008 made by Neelam Shewale.
4. Copy of the action taken on the basis protest letter dated 09.08.2008 regarding statement recorded by API Mr.Khade in the handwriting of Constable Mr.Gaikwad.
5. Copy of the photograph of Neelam Shewale taken at the instance of Sr.P.I. Mr.Sonavane.

6. Copy of the Rule on the basis of which the said photograph was taken.
7. Copy of the action taken on the basis of Affidavit filed by Mr. Shantanu Mule accepting that his family members have committed crime.
8. Copy of the statement of Mr. Shantanu Mule recorded by API Mr.Khade.
9. Copy of the Rule according to which Dr.Joshi Mr.Kawthekar, Mr.Keshav Joshi, Mr.Shantanu Mule were called at Police Station on 27.07.2008.

Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant filed this second appeal before the commission. The appeal was heard on 14.01.2010.

Case papers reveal that the Sub Divisional Police Officer Pandarpur by his letter dated 08.09.2008 has furnished pointwise information. The appellant does not seem to be satisfied. He has branded the information as irrelevant and wrong.

After going through the case papers and considering the arguments advanced by the parties I have come to conclusion that information has been furnished. The RTI Act ensures furnishing of available information. Explanation and interpretation are not expected under the Act. The Act also provides for inspection of documents. If the appellant feels that some information has not been furnished he can ask for inspection. I am of the view that the case deserves to be closed.

Order

The appeal is disposed off.

(Ramanand Tiwari)
State Information Commissioner, Mumbai

Place: Mumbai
Date: 20.01.2010.

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

Appeal No.2010/3403/02

Shri. Laxmichand B. Satra
501, Pratik CHS Ltd,
Mamlatdarwadi Main Rd,
Malad (W), Mumbai – 400 064.

... **Appellant**

V/s

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

... **Respondent**

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

GROUND

This appeal has been filed under section 19(3) of the Right to Information Act, 2005. The appellant by his application dated 17.03.2009 had sought information regarding action taken on his complaint dated 12.01.2009 against unauthorized weather shed on the first floor and unauthorized enclosure of garages in Paratik CHS, Mamlatdarwadi, Main Rd, Malad West.

Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant filed this second appeal before the commission. The appeal was heard on 28.01.2010. The appellant did not turn up but the respondent was present.

He has submitted a copy of the request by the appellant seeking withdrawal of the appeal in view of the fact that information has been furnished. Request granted.

Order

The appeal is disposed off.

(Ramanand Tiwari)
State Information Commissioner, Mumbai

Place: Mumbai
Date: 28.01.2010.

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

Appeal No.2010/3402/02

Shri. Laxmichand B. Satra
501, Pratik CHS Ltd,
Mamlatdarwadi Main Rd,
Malad (W), Mumbai – 400 064.

... **Appellant**

V/s

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

... **Respondent**

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

GROUND

This appeal has been filed under section 19(3) of the Right to Information Act, 2005. The appellant by his application dated 15.04.2009 had sought information regarding action taken on his complaint dated 09.02.2009 against unauthorized weather shed on the first floor at Gadiwan Hospital Mamlatdarwadi, Main Rd, Malad West.

Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant filed this second appeal before the commission. The appeal was heard on 28.01.2010. The appellant did not turn up but the respondent was present.

He has submitted a copy of the request by the appellant seeking withdrawal of the appeal in view of the fact that information has been furnished. Request granted.

Order

The appeal is disposed off.

(Ramanand Tiwari)
State Information Commissioner, Mumbai

Place: Mumbai
Date: 28.01.2010.

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

Appeal No.2010/3413/02

**Shri. Moh. Usman Sheikh
6/53 ncc gate no.7,
Malwani, Malad (W),
Mumbai.**

... Appellant

V/s

**First Appellate Officer cum Assessor & Collector
Municipal Corporation, (Election Deptt.)
Election Office, Old Bldg, Municipal Head Office,
Mapalika Marg, Mumbai – 400 001.**

... Respondent

**Public Information Officer,
Municipal Corporation, (Election Deptt.)
Election Office, Old Bldg, Municipal Head Office,
Mapalika Marg, Mumbai – 400 001.**

GROUNDS

This appeal has been filed under section 19(3) of the Right to Information Act, 2005. The appellant by his application dated 15.04.2009 had sought information regarding action taken on his complaint dated 30.03.2009.

Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant filed this second appeal before the commission. The appeal was heard on 28.01.2010. Appellant and respondents were present.

The appellant has contended that he had not been furnished the required information. The respondent did not have any credible answer. The issue pertains to the Election Department and Building Proposal Department also.

After going through the case papers and considering the arguments advanced by the parties I have come to conclusion that information has not been furnished. The appellant had made complaint against Shri Aslam Ramjan ali Sheikh who constructed illegal structure in open plot admeasuring 5000 square feet at Ali compound and 10000 square feet at Malwani as declared by him during the filing of nomination for the

Municipal Election, 2007. The Building Proposal Department has reported that the structures have not been permitted by them. It is therefore incumbent on the AE, B & F to initiate action. I therefore pass the following order.

Order

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

(Ramanand Tiwari)
State Information Commissioner, Mumbai

Place: Mumbai
Date: 30.01.2010.

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

Appeal No.2010/3355/02

**Shri. Shambhu Saksena
Mumbai Sathi,
Pushpa Cycle Mart,
Sant Sawta Marg,
Opp. Ray-Rd Station, Mazgaon.
Mumbai – 400 010.**

... Appellant

V/s

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

... Respondent

**Public Information Officer cum Dy Police Commissioner
Zone-2, (DCP. Zone-II), Sir J.J. Marg,
Mumbai – 400 008.**

**Public Information Officer cum Asstt Police Commissioner
South Divisional Ward, Mumbai.**

GROUND

This appeal has been filed under section 19(3) of the Right to Information Act, 2005. The appellant by his application dated 16.02.2009 had sought information regarding his complaint against Shri Kailas Bondre, Police Sub Inspector, Paidhuni Police Station Mumbai.

Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant filed this second appeal before the commission. The appeal was heard on 27.01.2010. Appellant and respondents were present.

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

The respondent's contention is that the appellant has asked answer to his questions and did not seek information as such.

After going through the case papers and considering the arguments advanced by the parties I have come to conclusion that information has not been furnished. It is

important to note that undue importance should not be given to the form rather than substance. The issue here is simple – a complaint has been made and whatever action has been taken, the appellant deserves to be informed. I therefore pass the following order.

Order

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

(Ramanand Tiwari)
State Information Commissioner, Mumbai

Place: Mumbai
Date: 30.01.2010.

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

Appeal No.2010/3554/02

Shri.Vaibhav Sadanand Palkar
54/1345, Kannamawar Nagar No.1,
Vikroli (E), Mumbai – 400 083.

... **Appellant**

V/s

First Appellate Officer cum Dy Chief Engineer
Raj legacy Near, Papers Mill Compound,
L.B.S. Marg, Vikroli (W), Mumbai – 400 083.

... **Respondent**

Public Information Officer,
Raj legacy Near, Papers Mill Compound,
L.B.S. Marg, Vikroli (W), Mumbai – 400 083.

GROUND

This appeal has been filed under section 19(3) of the Right to Information Act, 2005. The appellant by his application dated 05.03.2009 had sought information relating to the incomplete building in front of building no 138, Kannamwar Nagar – 2 Vikroli (E), Mumbai.

Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant filed this second appeal before the commission. The appeal was heard on 28.01.2010. Appellant and respondents were present.

It was agreed during the hearing the appellant will be shown relevant documents on 30.01.2010 at 11.30 am and copies of selected documents will also be furnished.

Order

The appeal is disposed off.

(Ramanand Tiwari)
State Information Commissioner, Mumbai

Place: Mumbai
Date: 28.01.2010.

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

Appeal No.2010/4241/02

**Shri.Sirsat Prabhakar Tulsiram
Sonkhede, Ta. Sonpeth,
Dist. Parbhani 431 516.**

... Appellant

V/s

**First Appellate Officer cum Additional Collector
Collector Office, Parbhani, Dist. Parbhani – 431 401.**

... Respondent

**Public Information Officer cum District Supply Officer,
Collector Office, Parbhani, Dist. Parbhani – 431 401.**

**Public Information Officer cum Under Secretary
Food, Civil Supplies & Consumer Protection Department,
Mantralaya, Mumbai – 400 032.**

GROUNDS

This appeal has been filed under section 19(3) of the Right to Information Act, 2005. The appellant by his application dated 03.04.2008 had sought information relating to allotment of Kerosene licence to members of the same family at Sonpeth, Parbhani. He had also sought information in respect of distribution of Kerosene.

Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant filed this second appeal before the commission. The appeal was heard on 18.01.2010. Appellant and respondents were present. Officers from the Food & Civil Supply were also present.

It transpired during the hearing that the information could not be furnished earlier because the file was pending with govt. The files have been received and information has been kept ready. The information was handed over to the appellant during the hearing. He appeared satisfied.

Order

The appeal is disposed off.

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

Place: Mumbai
Date: 30.01.2010.

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

Appeal No.2010/3240/02

Shri. Jethalal Patel
Vithalwadi, Azad Nagar,
Sawant Chawl, Andheri (W),
Mumbai – 400 053.

... **Appellant**

V/s

First Appellate Officer,
Collector Office,
Western Suburban, 7th Floor,
New Administrative Bldg,
Near Chetna College, Bandra (E),
Mumbai – 400 051.

... **Respondent**

Public Information Officer cum Additional Collector
Collector Office,
Western Suburban, 7th Floor,
New Administrative Bldg,
Near Chetna College, Bandra (E),
Mumbai – 400 051.

GROUND

This appeal has been filed under section 19(3) of the Right to Information Act, 2005. The appellant by his application dated 17.02.2009 had sought the following information: -

(I) Individual letter of consent in writing of 75 eligible slum dwellers as per the report of the Dy Collector dated 28.09.2008 bearing Unit IV Desk 13/33 (10/SR-P/25/98 (11) consent of Slum Dwellers obtained in any other form as required in law or rules.

Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant filed this second appeal before the commission. The appeal was heard on 25.01.2010. Appellant and respondents were present.

It was agreed during the hearing that information will be furnished within 15 days. I therefore decide to close the case.

Order

The appeal is disposed off.

(Ramanand Tiwari)
State Information Commissioner, Mumbai

Place: Mumbai
Date: 30.01.2010.

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

Appeal No.2010/4269/02

Shri. B.K. Tribhuwan
Flat No.48-B, New Shantiniketan Colony,
Jawahar Colony Rd, Aurangabad.

... Appellant

V/s

First Appellate Officer cum Dy Secretary
Cooperation and Textile Department
Mantralaya, Mumbai – 400 032.

... Respondent

Public Information Officer cum Desk Officer
Cooperation and Textile Department
Mantralaya, Mumbai – 400 032.

GROUNDS

This appeal has been filed under section 19(3) of the Right to Information Act, 2005. The appellant by his application dated 15.01.2007 had sought information relating to his promotion, supercession and deemed date. He had also sought a copy of the GAD Resolution regarding deemed date.

Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant filed this second appeal before the commission. The appeal was heard on 19.01.2010. Appellant and respondents were present.

The appellant has contended that he has not been furnished the required information. The respondent denied supercession and also submitted that relevant information has been furnished. In fact the appellant has enclosed copies of the information received.

After going through the case papers and considering the arguments advanced by the parties I have come to conclusion that information has been furnished. However copies of available govt. GRs should be sent to the appellant free of cost and by registered post.

Order

The appeal is disposed off.

(Ramanand Tiwari)
State Information Commissioner, Mumbai

Place: Mumbai
Date: 30.01.2010.

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

Appeal No.2010/4274/02

**Shri. Suresh D. Badgujar
36, Engineer Nagar,
Devpur, Dhule – 424 002.**

... Appellant

V/s

**First Appellate Officer,
Agriculture, Animal Husbandry,
Dairy Development and Fisheries Department,
Mantralaya, Mumbai – 400 032.**

... Respondent

**Public Information Officer,
Agriculture, Animal Husbandry,
Dairy Development and Fisheries Department,
Mantralaya, Mumbai – 400 032.**

GROUNDS

This appeal has been filed under section 19(3) of the Right to Information Act, 2005. The appellant by his application dated 10.07.2009 had sought information relating to his promotion from class II, to class I copies of related documents and remarks / notings etc.

Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant filed this second appeal before the commission. The appeal was heard on 19.01.2010. Appellant and respondents were present.

The appellant has contended that he has not been given the required information. The respondent submitted that the appellant was offered inspection which he did not avail of. He insisted on information and that too free of cost. Since the appellant was informed in time, information was not furnished free of cost.

After going through the case papers and considering the arguments advanced by the parties I have come to conclusion that appellant has been properly informed. The appellant's application is dated 10.07.2009 and he has been informed by The PIO's letter dated 07.08.2009. It is possible that he might have received the intimation a little late but

that alone does not entitle him to receive information free of cost. Since the respondent has stated that the appellant can still inspect documents and ask for copies of selected documents. I decide to close the case.

Order

The appeal is disposed off.

(Ramanand Tiwari)
State Information Commissioner, Mumbai

Place: Mumbai
Date: 30.01.2010.

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

Appeal No.2010/3244/02

Shri. Bhushan Malgaonkar
Plot No.122, Room No.302,
Mukesh Apts. Wadkarni Marg,
Wadala (E), Mumbai – 400 037.

... **Appellant**

V/s

First Appellate Officer cum Chairman
Maharashtra Advocate,
Welfares Fund (MAWF),
1st Floor High Court, Fort,
Mumbai – 400 032.

... **Respondent**

Public Information Officer cum Secretary
Maharashtra Advocate,
Welfares Fund (MAWF),
1st Floor High Court, Fort,
Mumbai – 400 032.

GROUND

This appeal has been filed under section 19(3) of the Right to Information Act, 2005. The appellant by his application dated 02.04.2009 had sought information relating to Maharashtra Advocates Welfare Fund.

Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant filed this second appeal before the commission. The appeal was heard on 25.01.2010. Appellant and respondents were present.

The appellant has contended that he has not been provided the required information. The respondent's representative sought an adjournment. No justification for seeking adjournment was given. The same is rejected and the following order is passed.

Order

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

(Ramanand Tiwari)
State Information Commissioner, Mumbai

Place: Mumbai
Date: 30.01.2010.

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

Appeal No.2010/3280/02

**Shri. Jitendra Patel & Other
162/5, Hill Rd, Opp Rizvi Chamber,
Near Bandra (W), Mumbai – 400 050.**

... Appellant

V/s

**First Appellate Officer cum Dy Commissioner
Police Station, Hill Rd,
Bandra (W), Mumbai – 400 050.**

... Respondent

**Public Information Officer cum Asstt Police Inspector
Zone IX, Police Station, Hill Rd,
Bandra (W), Mumbai – 400 050.**

GROUND

This appeal has been filed under section 19(3) of the Right to Information Act, 2005. The appellant by his application dated 23.03.2009 had sought the following information: -

1. Copies of the papers, letters addressed to your office by officials from BMC H/W ward office, St. Martins Rd, Bandra (W).
2. Action taken from your office alongwith present status of the matter.
3. Providing copies of letters address to Mrs. Archana Tyagi, Addl. Police Commissioner (WS), Mr. Niket Kaushik, DCP Zone IX, Mr.Kisan Singhal ACP Bandra Division, Sr Insp. of police on 18.02.2009 and copy of sanction order and others letters received from BMC Officials.
4. Action taken in response to above letters and reply submitted to BMC Officials.
5. Providing names, designation of officials attending to the matter at your end.

Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant filed this second appeal before the commission. The appeal was heard on 25.01.2010. Appellant was present but the respondent was absent.

The appellant has contended that information has not been furnished. Since the respondent was not present it could not be verified. Case papers however do not reveal that the appellant has been given any information. It is also seen that the PIO has not complied with orders of the First Appellate Authority. I therefore pass the following order.

Order

The appeal is allowed. Information to be furnished within 15 days. The PIO to show cause why penal action under section 20 of the RTI Act should not be initiated against him. His reply to come within 4 weeks from the date of the receipt of this order

(Ramanand Tiwari)
State Information Commissioner, Mumbai

Place: Mumbai
Date: 30.01.2010.

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

Appeal No.2010/3271/02

**Shri. Anil Bhadra
New Sangita CHS,
Flat No.48, 7th Rd,
Rajawadi, Ghatkoper,
Mumbai – 400 077.**

... **Appellant**

V/s

**First Appellate Officer cum Asstt Commissioner
Municipal Corporation, N Ward Office,
Mumbai.**

... **Respondent**

**First Appellate Officer,
Office of the Dy Chief Engineer
Municipal Corporation of Greater Mumbai
(Bldg Proposal Eastern Sub)
Near Raj, Legacy, LBS Marg,
Vikroli (W), Mumbai – 400 083.**

**Public Information Officer cum Asstt Police Inspector
Office of the Dy Chief Engineer
Municipal Corporation of Greater Mumbai
(Bldg Proposal Eastern Sub)
Near Raj, Legacy, LBS Marg,
Vikroli (W), Mumbai – 400 083.**

GROUND

This appeal has been filed under section 19(3) of the Right to Information Act, 2005. The appellant had sought information relating to CTS No.4709, Tika No.31, Village Vikroli, 7th Rd, Rajawadi, Ghatkoper, Mumbai. He had given reference no CE/3935/An-Year 1980. New Sangita CHS had complained against unauthorized works carried out by a ground floor occupiers. They had also submitted a copy of the plan but the same was not legible. A copy of the approved plan was sought from the Building Proposal Deptt. which reported that the file was not available.

Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant filed this second appeal before the commission. The appeal was heard on 25.01.2010. Appellant and respondents were present.

The appellant has contended that he has not been given the required information. The respondent submitted that the relevant file was not available and therefore information could not be furnished.

After going through the case papers and considering the arguments advanced by the parties I have come to conclusion that information has not been furnished. The complaint is by the society whose job is to ensure that unauthorized construction does not take place. They also presented a copy of the plan which according the ward office was not legible. This documents is basically required to initiate action against those who have indulged into illegal activities. The society's request is to initiate action. There can be more than one way of finding out whether a particular structure is unauthorized or otherwise. People who have indulged into this account of activity also owe an explanation to the ward office. It is not enough to say that the relevant file was not traceable. I pass the following order.

Order

The appeal is allowed. Asstt Commissioner 'N' ward to initiate action and inform the appellant suitable.

(Ramanand Tiwari)
State Information Commissioner, Mumbai

Place: Mumbai
Date: 30.01.2010.

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

Appeal No.2010/3439/02

**Shri.Vijay Jaiswal
35, Kauta Nicas, D.J.Rd,
Vile Parle (W),
Mumbai – 400 056.**

... Appellant

V/s

**First Appellate Officer cum Secondary Registrar &
Administrative Officer,
Office of the cum Secondary Registrar &
Administrative Officer,
Mumbai Suburban, Family Court,
Ground Floor, Bandra-Kurla Complex,
Bandra (E), Mumbai – 400 051.**

... Respondent

**Public Information Officer
Office of the cum Secondary Registrar &
Administrative Officer,
Mumbai Suburban, Family Court,
Ground Floor, Bandra-Kurla Complex,
Bandra (E), Mumbai – 400 051.**

GROUND

This appeal has been filed under section 19(3) of the Right to Information Act, 2005. The appellant by his application dated 10.03.2007 had sought inspection of records maintained by the Joint Registrar of Assurances at Bandra, Mumbai in respect of documents dated 18.04.1991 registered under serial no P/2785, P/2786, P/2787, P/2788, of 1991 tendered by Mrs Shardaben Hiralal Jaiswal or person acted on her behalf i.e. copy of power of attorney.

Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant filed this second appeal before the commission. The appeal was heard on 28.01.2010. Appellant and respondents were present.

The appellant has contended that he has not received the information he had asked for. The respondent submitted that these documents were received for registration but have not been acted upon. These documents are not traceable and a team has been

constituted to trace the documents so that required information could be furnished to the appellant. He submitted a copy of the order issued in this behalf.

After going through the case papers and considering the arguments advanced by the parties I have come to conclusion that the appellant has been properly informed. Since the documents are not traceable, the inspection / information could not be given. The appellant raised a query whether documents at all were submitted. The respondents have very clearly stated that documents were received but have been misplaced before being acted upon. He also submitted that documents to be acted upon are about 34, 000. Under these circumstances we have to wait for the report of the search team. I therefore pass the following order.

Order

The appeal is allowed. Information to be furnished after documents are located.

(Ramanand Tiwari)
State Information Commissioner, Mumbai

Place: Mumbai
Date: 31.01.2010.

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

Appeal No.2010/3521/02

Shri. Balasaheb Y. Shinde
Post J.K. Gram,
Patonapada, Yeuregaon,
Ta. Dist. Thane.

... **Appellant**

V/s

First Appellate Officer cum Director
Mumbai Housing & Area Development Board,
Grihnirman Bhavan, Kala Nagar,
Bandra (E), Mumbai – 400 051.

... **Respondent**

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

GROUND

This appeal has been filed under section 19(3) of the Right to Information Act, 2005. The appellant by his application dated 07.07.2009 had sought information regarding action taken on his application, list of members of other categories and copy of the court order.

Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant filed this second appeal before the commission. The appeal was heard on 28.01.2010. Appellant was present but the respondent was absent.

The appellant has contended that he has not furnished the required information. The respondent was not present and therefore it could not be verified. In fact the respondent did not turn up during the earlier hearing also. This shows that he has no respect for the RTI Act, 2005. I therefore pass the following order.

Order

The PIO to furnish information within 30 days. He should also show cause why action under section 20 of the RTI Act should not be taken against him.

(Ramanand Tiwari)
State Information Commissioner, Mumbai

Place: Mumbai
Date: 31.01.2010.

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

Appeal No.2010/3430/02

**Shri. Devchandra E. Randive
A-Wing, Room No.302, B.No.2,
A.K.Marg, Bandra (E),
Mumbai – 400 051.**

... Appellant

V/s

**First Appellate Officer,
Collector Office Mumbai Suburban
10th Floor, New Administrative Bldg,
Bandra (E), Mumbai – 400 051.**

... Respondent

**Public Information Officer
Collector Office Mumbai Suburban
10th Floor, New Administrative Bldg,
Bandra (E), Mumbai – 400 051.**

**Public Information Officer cum Dy Divisional Engineer
Bandra Division, Govt. Colony,
Bandra (E), Mumbai – 400 051.**

GROUNDS

This appeal has been filed under section 19(3) of the Right to Information Act, 2005. The appellant by his application dated 03.01.2009 had sought information relating to the Book Stall and periodical Book Exhibition on the ground floor of the Administrative Building, Bandra. He wanted to know whether the activities have been permitted and also sought copies of relevant documents.

Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant filed this second appeal before the commission. The appeal was heard on 28.01.2010. The appellant did not turn up but the respondent was present.

The appellant in his appeal has contentended that he has not been furnished the required information. The respondent submitted that the activity has been undertaken by

the Mumbai Upnagar Zill Mahsool Karmachari Sahakari Pat Maryadit. A copy of their application addressed to the Executive Engineer PWD has been given to the appellant.

After going through the case papers and considering the arguments advanced by the parties I have come to conclusion that available information has been furnished. The appellant is free to draw adverse inferences if he so desires. The case is being closed.

Order

The appeal is disposed off.

(Ramanand Tiwari)
State Information Commissioner, Mumbai

Place: Mumbai
Date: 30.01.2010.

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

Appeal No.2010/2771/02

Shri. Rajaram Bhau Dhage
Kondiwade, Bhoyare,
Adarmaval,
Dist. Pune.

... **Appellant**

V/s

First Appellate Officer,
Office of the Chief Minister Secretaries
Mantralya, Mumbai – 400 032.

... **Respondent**

Public Information Officer,
Office of the Chief Minister Secretaries
Mantralya, Mumbai – 400 032.

GROUND

This appeal has been filed under section 19(3) of the Right to Information Act, 2005. The appellant by his application dated 22.10.2008 had sought information relating to his complaints and personal details like Salary T.A., income tax return, details of assets held by Shri. Kshtriya, Principal Ceretary to the Chief Minister.

Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant filed this second appeal before the commission. The appeal was heard on 14.01.2010. Appellant was absent but the respondent was present.

This is one of the many applications filed by the appellant. He has not given any reason or has not proved that these personal details are required in public interest. Personal details can be disclosed only where public interest outweighs the personal interest / privacy. The appellant has not been able to prove. I therefore close the case.

Order

Appeal is dismissed.

(Ramanand Tiwari)
State Information Commissioner, Mumbai

Place: Mumbai
Date: 20.01.2010.

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

Appeal No.2010/4217/02

**Shri. Anand Venkatpati Mandya
Shri C.M. Chitte, 102/ C/29,
Bhawani Peth, Solapur – 413 002.**

... Appellant

V/s

**First Appellate Officer,
Office of the Director General of Police,
Maharashtra State Police Head Quarter,
Shahid Bhagat Singh Rd,
Coloba, Mumbai – 400 001.**

... Respondent

**Public Information Officer,
Office of the Director General of Police,
Maharashtra State Police Head Quarter,
Shahid Bhagat Singh Rd,
Coloba, Mumbai – 400 001.**

GROUND

This appeal has been filed under section 19(3) of the Right to Information Act, 2005. The appellant by his application dated 26.11.2008 had sought the following information: -

1. The details of my ACRs i.e. Names/designations of 1) Initiating Officer, 2) Reviewing Officer, 3) Accepting Authority, 4) Remarks by each of them regarding.
 - a) Ability, b) Intelligence, c) Integrity d) Fitness for filed work e) Whether “Capacity to use powers delegated” fully used, f) Fit for promotion, g) General remarks h) The Gradings A+/A, etc
- 5) The dates on which they were written, reviewed and accepted.
2. In case of “adverse” ACRs, the actual (day/month/year) on which they were written, reviewed, accepted, communicated, the date of the receipt of representation and the date on which it was expunged/ not expunged, and the date and proof of such acceptance, by me.

From 1989 – 90 to 2007 – 2008

Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant filed this second appeal before the commission. The appeal was heard on 14.01.2010. Appellant and respondent were present.

The appellant has contended that he has not been provided the required information. The respondent submitted that the information sought is covered under section 8(1) (e) & (J) of the RTI Act and hence need not be furnished.

After going through the case papers and considering the arguments advanced by the parties I have come to conclusion that details regarding Annual confidential reports like Initiating Officer, Reviewing Officer, Accepting Authority, remarks by each of them – on each of the points like ability, intelligent, Integrity Fitness for field work etc have been rightly denied. Confidential reports by its very nature are supposed to be confidential. There are, however, circumstances where the person concerned is communicated the final remarks. Thus outstanding remarks is required to be communicated. Averse remarks are also required to be communicated to enable the officer to make representation if he so desires. Even a remark which will not entitle him to promotion is to be communicated so that the officer gets a chance to improve his performance. Barring these the reports contain a lot of other details which need not be disclosed in public interest. The appellant has also sought information regarding communication of adverse remarks to him. The commission feels that it to furnished this information is necessary because the rules themselves require this to be communicated. Elaborate procedure has been prescribed in this regard. It is therefore felt that details of

the adverse remarks must be communicated to him or if communicated the related information must be furnished. I therefore pass the following order.

Order

Appeal is partially allowed. Information in respect of adverse remarks to be furnished within 30 days form the date of receipt of this order

(Ramanand Tiwari)
State Information Commissioner, Mumbai

Place: Mumbai
Date: 30.01.2010.

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

Appeal No.2010/2974/02

**Shrimati. Anita Milan Bhise
C-51/ Mittal Court,
“C” Wing, 5th Floor, Nariman Point,
Mumbai – 400 021.**

... Appellant

V/s

**First Appellate Officer,
Shrimati Nathibai Damodar Thakarsi Mahila Vidyapith,
1, Nathibai Thakarsi Rd,
Mumbai – 400 020.**

... Respondent

**Public Information Officer,
Shrimati Nathibai Damodar Thakarsi Mahila Vidyapith,
1, Nathibai Thakarsi Rd,
Mumbai – 400 020.**

**Public Information Officer cum Joint Director
Higher Education, 3 Mahapalika Marg,
Alpiston Technical High School Compound,
Mumbai – 400 001.**

GROUND

This appeal has been filed under section 19(3) of the Right to Information Act, 2005. The appellant by his application dated 26.09.2008 had sought a certified true copy of the University's approval letter for her appointment in Maharashtra Shikshan Prasark Mandal's Mahila Mahavidyalaya, Dombivali (E), District – Thane as a lectures in English on Aug 22, 1987. She required this document for getting pension and post retirement benefits.

Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant filed this second appeal before the commission. The appeal was heard on 21.01.2010. Appellant was present. The representative of the Director of Higher Education was present. Nobody turned up from the SNDT Women's University. The appellant has contentended that she has not been given the required

information. The respondent's contention has been that the desired documents are not available and therefore desired information could not be furnished. The issue of reconstruction of documents or giving ex post facto sanction was also discussed but the university appeared reluctant although the appellant tried to convince the university and this had happened in Mumbai University. It was also brought to my notice that the same issue had come before the Hon Chief Information Commission where the college was made the respondent and the order dated 24.07.2009 suggested some alternatives. It does not seem to have worked. Under these circumstances I have no option but to close the case.

Order

Appeal is disposed off.

(Ramanand Tiwari)
State Information Commissioner, Mumbai

Place: Mumbai
Date: 30.01.2010.

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

ComplaintNo.2010/499/02

**Shri Dube Vishwamitra R.
506, Adrash Janseva CHS LTD,
Vastu Enclave, Jijamata Marg,
Pump House, Andheri (E),
Mumbai – 400 093.**

...Complainant

**Public Information Officer cum Asstt Engineer (B & F)
Municipal Corporation of Greater Mumbai,
K/E Ward Office, Andheri (E),
Mumbai – 400 069.**

... Respondent

GROUND

This complaint has been filed under section 18 of the Right to Information Act 2005 in the context of the commission's order dated 18.09.2009 passed in appeal no 2009/3243/02. The facts in brief are as follows: The appellant by his application dated 24.02.2009 had sought information relating to his complaint against enclosing of galleries by occupants in Adarsh Jansev SRA, CHS, Jijamata Rd, Andheri (E), Mumbai.

Not satisfied with responses from the Public Information Officer and First Appellate Authority the complainant filed appeal under section 19 (3) of the RTI Act, 2005. The commission by its order dated 18.09.2009 directed that information should be furnished within 30 days. The present complaint is against alleged non compliance of commissions order.

The complaint was heard on 21.01.2010. The complainant was present but the defendant was absent.

The complainant has stated that the commission's order has not been complied. There is nothing on record to prove the contrary. I therefore pass the following order.

Order

The complaint is allowed. The PIO to show cause why action should not be taken under section 20 of the RTI Act for not complying with the commission's order. His reply to be received within 4 weeks from the date of receipt of this order.

(Ramanand Tiwari)
State Information Commissioner, Mumbai

Place: Mumbai
Date: 30.01.2010.

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

Appeal No.2010/3576/02

**Shri. Arjunlal M. Chabaria
Belle Vista, Opp. Lake & LIC Office,
S.V. Rd, Bnadra, Mumbai – 400 050..**

... Appellant

V/s

**First Appellate Officer cum Executive Engineer
Municipal Corporation, L Ward,
Laxman Yadav Mandai Bldg,
S.G.Barve Marg, Kurla (W),
Mumbai – 400 070.**

... Respondent

**Public Information Officer cum Asstt Engineer (Water)
Municipal Corporation, L Ward,
Laxman Yadav Mandai Bldg,
S.G.Barve Marg, Kurla (W),
Mumbai – 400 070.**

GROUNDS

This appeal has been filed under section 19(3) of the Right to Information Act, 2005. The appellant had sought information relating the complaint of his client Shri Afak A. Mandaviya Editor of Khara Rashtrawadi. It seems that copies have been endorsed to 10 other persons including the Chief Minister of Maharashtra.

Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant filed this second appeal before the commission. The appeal was heard on 28.01.2010. Appellant and respondent were present.

The appellant has contended that the reply given by the PIO was evasive misleading, improper and incorrect.

The respondent's contention is that the appellant has raised questions and wants answers.

After going through the case papers and considering the arguments advanced by parties I have come to the conclusion that information needs to be furnished. It is true that the appellant has sought answers to his queries which have nothing to do with the

RTI Act. He wanted to know whether it was a fact that no human being can survive without water for a month. One can appreciate his concern for his client. The discussion during the hearing led to central point – the appellant’s client was getting water through a 9” pipe. The same was stopped and connection was given from a 12” pipe. The appellant wanted to know the reasoning. I pass the following order.

Order

Appeal is allowed. Reason recorded on file for stopping supplies from 9” pipe and switching to 12” should be communicated within 15 days from the date of receipt of this order.

(Ramanand Tiwari)
State Information Commissioner, Mumbai

Place: Mumbai
Date: 30.01.2010.

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

ComplaintNo.2010/512/02

**Shri. Balchandra Keshav Singum
Chandan Mansion, 3rd Floor,
Room No.58, Gokhale Rd North,
Dadar (W), Mumbai – 400 028.**

...Complainant

**Public Information Officer cum Asstt Commissioner
G/N Ward Office,
Municipal Corporation of Greater Mumbai,
Harishchandra Yelve Marg,
Behinbd Plaza Cinema, Dadar (W),
Mumbai – 400 028.**

... Respondent

GROUNDS

This complaint has been filed under section 18 of the Right to Information Act 2005 in the context of the commission's order dated 17.08.2009 passed in appeal no 2009/3087/02. The complainant had sought information as to why there is difference in area of room no 5 standing in the name of Nathuram Ganpat Shedge, Fernandiswadi, Dadar, Mumbai in two documents – Annexure II dated 10.10.2005 and transfer proposal letter dated 24.04.2007.

Not satisfied with responses from the Public Information Officer and First Appellate Authority the appellant filed the second appeal before the commission. The commission passed its above dated order. The present complaint is against alleged non compliance of commission's order. The complaint was heard on 29.01.2010. Complainant and defendant were present. The defendant admitted that there is a discrepancy but was not able to explain how. It goes without saying that the area shown in Annexure II has to be supported by some documents. It is however seen that no information has been concealed or denied. The discrepancy is admitted by the defendant. The commission cannot go into the reasons as to how the discrepancy has crept in. The

complainant can draw adverse inference. The information available or record has been furnished. The RTI Act stops there. I am constrained to close the case.

Order

The complaint is filed.

(Ramanand Tiwari)
State Information Commissioner, Mumbai

Place: Mumbai
Date: 30.01.2010.

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

Appeal No.2010/3961/02

**Shri. Manmohan Singh R Anand
Paragon Motors, B G 1 (b) Konark Estates,
Opp. Poona Club, 9-Cannaught Rd, Pune – 411 001.**

... Appellant

V/s

**First Appellate Officer cum Excise Commissioner
State Excise Deptt.,
Old Custom House, 2nd Floor,
Sahid Bhagat Singh Rd,
Fort Mumbai – 400 023.**

... Respondent

**Public Information Officer cum Joint Excise Commissioner
State Excise Deptt.,
Old Custom House, 2nd Floor,
Sahid Bhagat Singh Rd,
Fort Mumbai – 400 023.**

GROUNDS

This appeal has been filed under section 19(3) of the Right to Information Act, 2005. The appellant by his application dated 09.01.2006 had sought information regarding implementation of the new staffing pattern, posting and transfer of Mr. Shelar & Mr Hedoo and copies of some govt. circulars. He has sought information on 17 points.

Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant filed this second appeal before the commission. The appeal was heard on 17.12.2010. Appellant and respondent were present.

The appellant has contended that the PIO has malafidely denied the information sought by him.

The respondent's contention is that the information sought was bulky, broad and time consuming. It was therefore not possible to furnish the same.

After going through the case papers and considering the arguments advanced by parties I have come to the conclusion that information has not been furnished. It is true that the information sought is very broad. This however cannot be the ground for non

furnishing of the required information. There are many points which are very clear like point no 2, 3, 7, 8, 9. It is to be remembered that the RTI Act ensures furnishing of available / factual / information on record. Wherever the information has an element of subjectivity it has to be discarded. I am therefore of the view that points should be examined carefully and available information furnished. I therefore pass the following order.

Order

Appeal is allowed. Information to be furnished by PIO within 30 days from the date of receipt of this order.

(Ramanand Tiwari)
State Information Commissioner, Mumbai

Place: Mumbai
Date: 30.01.2010.

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

Appeal No.2010/3371/02

**Shri. Shrikant Vasant Joglekar
304-A, Best Commercial Complex,
Opp Railway Station, Andheri (W),
Mumbai – 400 058.**

... Appellant

V/s

**First Appellate Officer cum Executive Engineer
(Spl) Zone III,
Municipal Corporation of Greater Mumbai,
K/East Ward Office, Azad Rd, Gundawali,
Andheri (E), Mumbai – 400 069.**

... Respondent

**Public Information Officer cum Asstt Engineer
(B & F), Municipal Corporation of Greater Mumbai,
K/East Ward Office, Azad Rd, Gundawali,
Andheri (E), Mumbai – 400 069.**

GROUND

This appeal has been filed under section 19(3) of the Right to Information Act, 2005. The appellant has sought information with reference the repair permission to the property no 2741 (16) previously known as Gaikwad House situated at the corner of Telli Galli and Flyover Bridge (NS Phadake Marg) Mumbai. He wanted certified copies of correspondence, orders recorded at various stages submissions to Hon Courts by the corporation etc.

Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant filed this second appeal before the commission. The appeal was heard on 27.01.2010. Appellant and respondent were present.

The appellant has contended that he was not satisfied with the information furnished to him. The respondent submitted that available information has been furnished. It was finally agreed by parties that the appellant will carryout inspection of

relevant documents and copies of selected documents will be furnished. The appellant agreed to carryout the inspection on 29.01.2010 at 12 noon. The case is therefore closed at our end.

Order

Appeal is disposed off.

(Ramanand Tiwari)
State Information Commissioner, Mumbai

Place: Mumbai
Date: 30.01.2010.

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

Appeal No.2010/4301/02

**Shri. Ajit Ramkrush Mhatre
1, Hari Prasad, Wadwali Division,
Ambarnath.**

... **Appellant**

V/s

**First Appellate Officer cum Chief Engineer
Mumbai Metropolitan Region Development Authority
Bandra-Kurla Complex,
Bandra (E), Mumbai – 400 051.**

... **Respondent**

**Public Information Officer,
Mumbai Metropolitan Region Development Authority
Bandra-Kurla Complex,
Bandra (E), Mumbai – 400 051.**

GROUND

This appeal has been filed under section 19(3) of the Right to Information Act, 2005. The appellant by his application dated 25.05.2009 had sought information relating to construction of public toilets with the financial assistance of Mumbai Metropolitan Region Development Authority in Kalyan Dombivali Municipal Corporation, Ulhasnagar Municipal Corporation Ambarnath and Kulgaon Badlapur Municipal Councils.

Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant filed this second appeal before the commission. The appeal was heard on 28.01.2010. The appellant did not turn up but the respondent was present.

It has been submitted by them that these toilets are being constructed by the respective local bodies and issues like selection of site, acquisition of and etc are required to be taken care of by them. The appellant's application has been forwarded to these local bodies and information has started flowing. It has also been stated by the respondent that if there is any specific complaint, MMRDA will look into it. In view of the submissions made by the respondent and absence of the appellant the commission comes to the conclusion that information has been furnished. The case is being closed.

Order

Appeal is disposed off.

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

Place: Mumbai
Date: 30.01.2010.

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

Appeal No.2010/4292/02

Shri. Bhushan More
310, Rahul Nagar, Parbhani.

... **Appellant**

V/s

First Appellate Officer,
Social Justice & Welfare Deptt.,
Mantralaya, Mumbai – 400 032.

... **Respondent**

Public Information Officer,
Social Justice & Welfare Deptt.,
Mantralaya, Mumbai – 400 032.

GROUNDS

This appeal has been filed under section 19(3) of the Right to Information Act, 2005. The appellant by his application dated 28.05.2009 had sought information relating to centrally sponsored scheme of Ashramshalas for boys & girls belonging to scheduled caste. The appellant feels that govt. did not consider his case while other cases have been sanctioned.

Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant filed this second appeal before the commission. The appeal was heard on 29.01.2010. Appellant and respondent were present.

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

The respondent's contention is that govt. has not sanctioned any Ashramshala after the appellant's recommendation from the Director of Social Welfare was received.

After going through the case papers and considering the arguments advanced by parties I have come to the conclusion that the appellant has been correctly informed. He was however not satisfied. The only way out for him is to inspect the relevant file and ask for copies of selected documents. I therefore pass the following order.

Order

Appeal is allowed. Appellant to be allowed inspection of relevant documents within 30 days from the date of receipt of this order.

(Ramanand Tiwari)
State Information Commissioner, Mumbai

Place: Mumbai
Date: 30.01.2010.

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

Appeal No.2010/3591/02

Shri. Maggie Soures
1st Floor, Marol Moroshi Rd,
Andheri (E), Mumbai – 400 059.

... Appellant

V/s

First Appellate Officer cum Asstt Municipal Commissioner
Bazaar, Municipal Corporation,
Mahatma Jyotiba Phule Mandai,
1st Floor, Dr. D.N. Rd,
Mumbai – 400 001.

... Respondent

Public Information Officer cum Asstt Superintendent
Bazaar, Western Suburban,
Municipal Corporation, Mahatma Jyotiba Phule Mandai,
1st Floor, Dr. D.N. Rd,
Mumbai – 400 001.

GROUNDS

This appeal has been filed under section 19(3) of the Right to Information Act, 2005. The appellant by her application dated 01.10.2009 had sought information regarding action taken on her application dated 29.05.2009. She had complained that Smt. Jamila Nazir Querishi was carrying out the business of selling mutton illegally. Her complaint was that she has not given any 'No Objection' Certificate.

Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant filed this second appeal before the commission. The appeal was heard on 28.01.2010. Appellant and respondent were present.

The appellant has contended that she was not satisfied with the information give to her. The respondent submitted that after the death of the tenant Shri Nazir Fakir Rehman the shop has transferred in the name of his wife Mrs. Jamila Nazir Querishi. She has paid the requisite fee fro 2009-2010.

In view of the above discussion I close the case.

Order

Appeal is disposed off.

(Ramanand Tiwari)
State Information Commissioner, Mumbai

Place: Mumbai
Date: 30.01.2010.

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

Appeal No.2010/3578/02

Shri. Maggie Soures
1st Floor, Marol Moroshi Rd,
Andheri (E), Mumbai – 400 059.

... Appellant

V/s

First Appellate Officer cum Asstt Municipal Commissioner
Municipal Corporation,
K/E Ward, 2nd Floor, Room No.206, Azad Rd,
Gundavali, Andheri (E),
Mumbai – 400 069.

... Respondent

Public Information Officer cum Asstt Collector & Assessor
Municipal Corporation,
K/E Ward, 2nd Floor, Room No.206, Azad Rd,
Gundavali, Andheri (E),
Mumbai – 400 069.

GROUNDS

This appeal has been filed under section 19(3) of the Right to Information Act, 2005. The appellant by his application dated 30.09.2009 had sought information regarding action taken on her application dated 05.08.2009. She had written to the department concerned for refund of water charges paid twice amounting to Rs.1340/-

Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant filed this second appeal before the commission. The appeal was heard on 28.01.2010. Appellant and respondent were present.

The appellant has contended that she has not received the information she had sought. The respondent submitted that she has been kept informed about the movement of the file and information available has thus been furnished.

After going through the case papers and considering the arguments advanced by parties I have come to the conclusion that technically the information has been furnished. It simply says the location of the file. It seems strange that the authorities are not willing to adjust this amount in her water bills. They are trying to find out whether there was any

budget provision for refunding the amount. The RTI Act aims at promoting transparency and accountability so essential for good governance. I therefore direct that the Chief Accountant (Water supply and sewerage Deptt) should do the needfeel within 4 weeks and inform the appellatant.

Order

Appeal is allowed. Information to be furnished by PIO after getting in touch with Chief Account (Water supply and sewerage Deptt) within 4 days from the date of receipt of this order.

(Ramanand Tiwari)
State Information Commissioner, Mumbai

Place: Mumbai
Date: 30.01.2010.

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

ComplaintNo.2010/4280/02

**Dr. Kamble Vishvnath Narhari
Sunil Niwas, Narli Baug,
Behind Bharti Provision,
Aurangabad.**

...Complainant

**Public Information Officer,
MPSC, Bank of India Bldg,
Mahatma Gandhi Marg,
Mumbai – 400 001.**

... Respondent

GROUNDS

This complaint has been filed under section 18 of the Right to Information Act 2005 in the context of the State Information Aurangabad order dated 25.04.2008 passed in appeal no 2007/1121. He has sought copies of the application form and other relevant papers submitted by Kumari Suchita Naghath Bharani for the Pre & Main Examination 2006.

Not satisfied with responses from the Public Information Officer and First Appellate Authority the appellant filed appeal under section 19(3) of the RTI Act, 2005. The commission by its order dated 25.04.2008 directed that the information being third party, the third party should be notified and asked to reply within 10 days.

The present complaint is against alleged non compliance of commissions order.

The complaint was heard on 20.01.2010. Complainant and defendants were present.

The complainant has stated that the order has not been complied. The respondent says that the order has been complied. The third party was notified, response received and complaint informed accordingly.

After considering the arguments advanced by parties and going through the file I have come to the conclusion that the commission's order has been complied. The MPSC by their letter dated 14.11.2008 has informed the complainant. The case is therefore being closed.

Order

The complaint is filed.

(Ramanand Tiwari)
State Information Commissioner, Mumbai

Place: Mumbai
Date: 30.01.2010.

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

Appeal No.2010/3462/02

**Shri. Jagdish V. Gursahani
B/12/18, 5th Floor,
Gautam Arcade CHS Ltd,
Thane (E) – 400 603.**

... Appellant

V/s

**First Appellate Officer cum Superintendent
Survey & Land Records,
Section – I, 1st Floor,
Office of the Collector,
Old Custom House, Shahid Bhagat Singh Rd,
Mumbai – 400 001.**

... Respondent

**Public Information Officer,
Survey & Land Records,
Section – I, 1st Floor,
Office of the Collector,
Old Custom House, Shahid Bhagat Singh Rd,
Mumbai – 400 001.**

GROUNDS

This appeal has been filed under section 19(3) of the Right to Information Act, 2005. The appellant by his application dated 26.05.2009 had sought the following information: -

- a) Certified and clear copies of the (i) action taken reports on the above referred application dated 13.01.2004 of Exh. 'A' and
- b) Certified and clear copies of the subsequent entries of M/s Star Enterprises made in the Survey Register for the "Town and Island of Bombay" U/s 282 of the Maharashtra Land Revenue Act, 1966 and / or any other relevant Survey Register, as per Exh. 'A' referred.
- c) Inspection of original file notings. Records and register pertaining to the action taken report for the application dated 13.01.2004 referred at Exh. 'A' hereinabove & then to taken certified copies the required documents at my cost.

d) The information sought at point no. (3) (B) (a-i iii) is required by Regd. Post & the inspection of documents by personal visit.

Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant filed this second appeal before the commission. The appeal was heard on 04.01.2010. Appellant and respondent were present.

The appellant has contended that he has not been furnished the required information. He has pleaded for action against the PIO.

The respondent's contention is that available information has been furnished.

After going through the case papers and considering the arguments advanced by parties I have come to the conclusion that information has been furnished. The appellant's main contention is that he wanted to know what action has been taken on his application dated 13.01.2004. His application dated 13.01.2004 is reproduced below.

To

The Superintendent,

Mumbai City Survey & Land Revenue,

Records, Old Customs House, Fort,

S.B.S. Rd, Mumbai.

Dear Sir,

Sub: - Cadastral Survey No.147, 1/147 Slat Pan

Division: Matunga Division – F/N /Ward.

We shall be obliged to you, if you grant us the certified copy of the Property Card of the aforesaid Survey Nos. as they are required to be produced before the concerned authorities.

We are ready to pay the necessary fees for the same and we are also prepared to produce original receipt and necessary court fees stamp at the time of delivery.

Kindly do the needful and issue us the certified copy at the earliest.

It is very clear that the appellant wanted a copy of the property card of CT Survey no 147, 1/147 salt pan Division, Maling Division F/N Mumbai. It is therefore seen that the application dated 31.01.2004 is not for effecting the transfer although throughout the hearing the appellant kept on asking what happened to his application for transfer. Application for a copy and request for transfer are entirely two different issues. They seem to have been mixed. I am however very clear the letter dated 13.01.2004 has been acted upon and information furnished. If the appellant had applied for effecting the charge or getting his name entered, he should pursue his application. I am therefore closing the case.

Order

Appeal is disposed off.

(Ramanand Tiwari)
State Information Commissioner, Mumbai

Place: Mumbai
Date: 30.01.2010.

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

Appeal No.2010/3495/02

**Shri. Dilip Mestri
205, Neptune CHS Ltd,
Kashinath Dhuru Marg,
Dadar (W), Mumbai – 400 028.**

... Appellant

V/s

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

... Respondent

**Public Information Officer cum Govt. Labour Officer
Office of the Labour Commissioner,
Commerce Centre, Taddeo,
Mumbai – 400 034.**

GROUNDS

This appeal has been filed under section 19(3) of the Right to Information Act, 2005. The appellant by his application dated 01.06.2009 had sought the following information: - Complaints, redressal of complaints and issuance / renewal of licence are done by the Govt. Labour Office / Asstt Commissioner of Labour ward wise. Despite this, one Asstt Commissioner of Labour has been assigned the above activities for the whole sub urban district of Mumbai. The appellant wanted to know the reasons for this arrangement.

Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant filed this second appeal before the commission. The appeal was heard on 27.01.2010. Appellant and respondent were present.

The appellant has contended that he was not satisfied with the information furnished to him. He has stated that he has not been given copies of any govt. instruction supporting this arrangement.

The respondent's contention is that this has been done according to the long standing practice. The Labour Officer / Asstt Labour Commissioner under whose jurisdiction the company's Headquarters located have been assignment the work relating to implementation of the provisions of the contract Labour Act, 1970.

After going through the case papers and considering the arguments advanced by parties I have come to the conclusion that information has been furnished. It was clarified during the hearing that there was no govt. instruction supporting the arrangement and it was being done according to the long standing practice. The appellant has questioned the validity of such arrangement. It is to be remembered that validity of the arrangement is beyond the scope of the RTI Act. The Act ensures furnishing of the available information. The commission cannot pass verdict regarding legality or otherwise of the arrangement. I therefore close the case.

Order

Appeal is disposed off.

(Ramanand Tiwari)
State Information Commissioner, Mumbai

Place: Mumbai
Date: 30.01.2010.

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

Appeal No.2010/4070/02

**Dr. Nirmala Jaywant Patil
201, Gagangad,
IIT Bombay Staff CHS Ltd,
Powai, Mumbai – 400 076.**

... Appellant

V/s

**First Appellate Officer cum Registrar
District & Court Kolhapur.**

... Respondent

**Public Information Officer,
District & Court Kolhapur.**

GROUND

This appeal has been filed under section 19(3) of the Right to Information Act, 2005. The appellant by his application dated 08.04.2009 had sought a copy of the summons sent to the accused in cri case no 722/2007 at his Pune address. He also wanted a copy of the rozanama.

Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant filed this second appeal before the commission. The appeal was heard on 13.01.2010. Appellant and respondent were present.

The appellant has contended that he did not get the information he had sought. He also stated that he did not get a copy of the judgment but only letter. He is also aggrieved about the fact that he was made to pay Rs.40/- although the information was furnished after the First Appellate Authority directed the PIO to do so.

After going through the case papers and considering the arguments advanced by parties I have come to the conclusion that the required information has been furnished. The appellant wanted a copy of the summons sent to the accused at his Pune address. The summonses in fact were sent to the accused at his kagal address. The appellant claims that he was orally informed by the dealing clerk that summons could not be served

because it was sent at Pune address. The clerk has denied having said so and affirms that those summons were sent to the accused at his Pune address. This is borne out by available record. The means that the appellant's is looking for a copy of the documents which did not exist. The contention of the appellant is not accepted. His assertion that he did not receive a copy of the order passed by the First appellant is also not supported by facts. He has himself attached a copy of the communication dated 04.07.2009. He does not seem to be satisfied with the format but that does not mean that he has not received a copy of the order. His contention is not accepted. As far as charging Rs.40/- is concerned, his say that he should not have been made to pay because the information was furnished as per the order of the First Appellate Authority is not correct. The First Appellate Authority in his order does not say that information should be furnished free of cost. Case papers show that he was asked to pay Rs.40/- on 18.08.2009, deposited the amount the same day and information was also furnished on the same day. In the light of the above discussion I come to the conclusion that the appeal deserves to be dismissed. I therefore pass the following order.

Order

Appeal is dismissed.

(Ramanand Tiwari)
State Information Commissioner, Mumbai

Place: Mumbai
Date: 30.01.2010.

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

Appeal No.2010/3036/02

**Secretary, Shastrinagar Shivneri CHS,
Shastri Nagar Rd No.3,
Opp. Sports Ground,
Goregaon (W), Mumbai – 400 104.**

... **Appellant**

V/s

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

... **Respondent**

**Public Information Officer cum Estate Manager-4
Mumbai Housing & Area Development Board,
Bandra (E), Mumbai – 400 051.**

GROUNDS

This appeal has been filed under section 19(3) of the Right to Information Act, 2005. The appellant by his application dated 13.03.2008 had sought information regarding refund of the service charges paid by Shastrinagar Shevneri Cooperative House Society, Goregaon (W), Mumbai. The appellant claims that service charges amounting to Rs.75, 776/- was for the period when the building was already handed over to the society.

Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant filed this second appeal before the commission. The appeal was heard on 25.01.2010. Appellant was present but the respondent was absent.

The appellant has contended that he was informed by the respondent's office to collect the cheque for Rs.75, 776/- and the same was not handed over. Since the respondent is absent, it could not be verified. Case papers however do not show that the information has been furnished. I therefore pass the following order.

Order

The PIO to furnish required information within 30 days. He should also show cause why action under section 20 of the RTI Act 2005 should not be taken for not furnishing information to the appellant. His reply should be sent to the commission within 4 weeks of the receipt of this order. The appeal is allowed. Information to be furnished by PIO within 30 days.

(Ramanand Tiwari)
State Information Commissioner, Mumbai

Place: Mumbai
Date: 30.01.2010.

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

Appeal No.2010/4100/02

**Shri. Prafulchandra Madhukar Shelke
Madhukar Soc, Chincholi Bundar Rd,
Malad (W), Mumbai.**

... **Appellant**

V/s

**First Appellate Officer,
Saswad Police Station, Pune,
Ta. Purander, Dist Pune – 412 301.**

... **Respondent**

**Public Information Officer,
Saswad Police Station, Pune,
Ta. Purander, Dist Pune – 412 301.**

GROUND

This appeal has been filed under section 19(3) of the Right to Information Act, 2005. The appellant by his application dated 27.12.2007 had sought copies of first information report, charge sheet and other relevant documents against Shri Digambar Sambhajee Vanave – his father in law.

Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant filed this second appeal before the commission. The appeal was fixed for hearing on 12.01.2010. Appellant and respondent were absent.

Case papers reveal that the Police Inspector, Saswad Police Station Pune has given the necessary information under his letter dated 29.12.2007. The case is therefore closed.

Order

The appeal is disposed off.

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

Place: Mumbai
Date: 30.01.2010.

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

Appeal No.2010/2919/02

Shri. M.B. Lall

**Flat No.64, Sixth Floor, Bldg No.24,
Anand Sagar CHS Soc.,
Bandra Reclamation (W),
Mumbai – 400 050.**

... **Appellant**

V/s

**First Appellate Officer cum Dy Registrar
Cooperative Societies,
(MHADA) Dept. of Cooperation,
MHADA Bldg, R.No.369,
Bandra (E), Mumbai – 400 051.**

... **Respondent**

**Public Information Officer cum Cooperation Officer
Cooperative Societies,
(MHADA) Dept. of Cooperation,
MHADA Bldg, R.No.369,
Bandra (E), Mumbai – 400 051.**

GROUND

This appeal has been filed under section 19(3) of the Right to Information Act, 2005. The appellant by his application dated 27.12.2008 had sought information on points contained in his application and marked as Annexure A.

Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant filed this second appeal before the commission. The appeal was heard on 25.01.2010. Appellant was present but the respondent was absent.

Since the respondent has remained absent. I pass the following order.

Order

The PIO to furnish information within two weeks from the receipt of this order failing which action under section 20 of the RTI Act will be initiated.

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

Place: Mumbai
Date: 30.01.2010.

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

Appeal No.2010/4067/02

**Shri. Ramakant A. Veer
865/34, Vyankteshwer,
Ring Rd, Kalamba,
Kolhapur.**

... Appellant

V/s

**First Appellate Officer cum Joint Secretary
Higher & Technical Education Deptt.
Mantralaya, Mumbai – 400 032.**

... Respondent

**Public Information Officer,
Higher & Technical Education Deptt.
Mantralaya, Mumbai – 400 032.**

GROUNDS

This appeal has been filed under section 19(3) of the Right to Information Act, 2005. The appellant by his application dated 04.02.2008 had sought information relating to his application for fixation of pay. He has endorsed copies his letter to so many authority and wanted to know what action has been taken.

Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant filed this second appeal before the commission. The appeal was heard on 13.01.2010. Appellant and respondent were present.

The appellant has contended that he has not been furnished the information he had sought. The respondents submitted that information has been furnished but the appellant is not satisfied because it has not been done the way he wanted.

After going through the case papers and considering the arguments advanced by parties I have come to the conclusion that information has been furnished. The First Appellate Authority has passed detailed order. The commission is not mandated to settle disputes regarding pay fixation. If the appellant is not satisfied he will have to represent

before the competent authority or approach the appropriate Court of Law. I therefore conclude that available information has been furnished.

Order

Appeal is disposed off.

(Ramanand Tiwari)
State Information Commissioner, Mumbai

Place: Mumbai
Date: 30.01.2010.

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

Appeal No.2010/3919/02

**Shri. Nyanchandra Shridhar Patil
'Sheetal', Near Dhamani High School,
Chandani Chowk, Sangali.**

... **Appellant**

V/s

**First Appellate Officer cum Joint Commissioner (Food)
Food & Drugs Administration,
Maharashtra State,
Survey No.341, Bandra-Kurla Complex,
Bandra (E), Mumbai – 400 051.**

... **Respondent**

**Public Information Officer cum Asstt Commissioner (Food)
Food & Drugs Administration,
Maharashtra State,
Survey No.341, Bandra-Kurla Complex,
Bandra (E), Mumbai – 400 051.**

GROUND

This appeal has been filed under section 19(3) of the Right to Information Act, 2005. The appellant by his application dated 14.11.2008 had sought information in respect of the office of the Food & Drug Administration. He sought information on 7 points and also wanted copies of some documents.

Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant filed this second appeal before the commission. The appeal was heard on 15.12.2010. The appellant did not turn up but the respondent was present.

The respondent in their written submission have stated that the appellant was asked to deposit Rs.59/- but the same was not received. He took up the matter with the First Appellate Authority who ordered that information should be given free of cost. The

order has been complied and information furnished. In view of the respondent's submission and appellant's absence. I decide to close the case.

Order

Appeal is disposed off.

(Ramanand Tiwari)
State Information Commissioner, Mumbai

Place: Mumbai
Date: 30.01.2010.

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

Appeal No.2010/3518/02

**Shri. Jogendra L. Gajbhiye
New Ambewadi Room no.564/6/10,
Jawahar Nagar, Santacruz (E),
Mumbai – 400 055.**

... **Appellant**

V/s

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

... **Respondent**

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

**Public Information Officer cum Du Collector
SRA, 5th 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 by his application dated 17.04.2009 had sought information action taken on his representation made to Shri Amarjit Singh Manhas, Chairman, Mumbai Housing and Area Development Authority. He wanted copies of notings, reports and certified copies of all documents.

Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant filed this second appeal before the commission. The appeal was heard on 27.01.2010. Appellant and respondent were present.

The appellant has contended that he has not been furnished the required information. He was informed that his application was sent to the Dy Collector but that was also not done according to the provisions contained in section 6(3) of the RTI Act.

The respondent present had no clue. It was however clear that the appellant had sought information regarding Annexure II which has been prepared by MHADA. The

application therefore should have been sent to MHADA rather than to the Dy Collector. The PIO has also not followed the provisions contained in section 6(3) of the RTI Act. I therefore pass the following order.

Order

The PIO will collect the information from MHADA and furnish to the appellant. This is done because the PIO has not followed the provisions of section 6(3). He should also show cause why action should not be taken against him under section 20 of the RTI Act for the omissions pointed out above. Directions be complied within 4 weeks from the date of receipt of this order.

(Ramanand Tiwari)
State Information Commissioner, Mumbai

Place: Mumbai
Date: 30.01.2010.

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

Appeal No.2010/4085/02

**Shri. Prabhakar Ramkrishna Nene
Shrimati Asmita Mahesh Vertak,
Harishchandra Yevle Marg,
Near C/North Municipal Office,
Dadar, Mumbai – 400 028.**

... Appellant

V/s

**First Appellate Officer cum Upper Commissioner of Additional
Commissioner for Co-op Deptt (Finance)
3rd Floor, Office of the Co-op Commissioner,
Central Bldg, Pune – 411 001.**

... Respondent

**Public Information Officer cum Asstt Registrar of Coop Societies
Office of the Co-op Commissioner,
Central Bldg, Pune – 411 001.**

GROUND

This appeal has been filed under section 19(3) of the Right to Information Act, 2005. The appellant by his application dated 09.04.2008 had sought information relating to the liquidation / Merger of the Suvarna Sahakari Bank Ltd non payment of his dues- FD and interest thereupon on suspension of banking transaction with effect from 15.09.2006. He had sought information on 20 points.

Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant filed this second appeal before the commission. The appeal was heard on 11.01.2010. The appellant did not turn up but the respondent was present.

The respondent has made detailed submission in writing. It has been stated by him that available information has been furnished. Those not available or not expected to be with the public authority could not be furnished.

In view of the appellant's absence and respondent's submission on I decide to close the case.

Order

Appeal is disposed off.

(Ramanand Tiwari)
State Information Commissioner, Mumbai

Place: Mumbai
Date: 30.01.2010.

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

Appeal No.2010/4273/02

**Shri. Iqbal R Mirza & Other
Kajilaba Darga, Subhedari Vasti, Ward No.2,
Shrirampur, Dist. Ahmadnagar.**

... Appellant

V/s

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

... Respondent

**Public Information Officer cum Executive Engineer
Elakha City Ward, Mumbai
PWD Mandal, Mumbai.**

GROUNDS

This appeal has been filed under section 19(3) of the Right to Information Act, 2005. The appellant had sought information relating to services of Deputy Engineers at PWD Service Centers in Mumbai Circle.

Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant filed this second appeal before the commission. The appeal was heard on 09.01.2010. Appellant and respondent were present.

The appellant has contended that he has been given the required information late and information in respect of Central Mumbai Division has been given partially and no information has been furnished in respect of North Mumbai Division. The respondents agreed to furnish the information.

After going through the case papers and considering the arguments advanced by parties I have come to the conclusion that information as far as the issue of delay is

concerned, there is nothing on record to show that was done deliberately or mischievously. Remaining information to be furnished within 15 days from the date of receipt of this order.

Order

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

(Ramanand Tiwari)
State Information Commissioner, Mumbai

Place: Mumbai
Date: 30.01.2010.

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

Appeal No.2010/4300/02

**Shri. Shripad Bhavaji Dhure
Ravaji Andherkar Chawl No.2/8,
Shankarwadi, Jogeshwari (E),
Mumbai – 400 060.**

... Appellant

V/s

**First Appellate Officer cum Dy Commissioner
Municipal Corporation,
Madhyavarti Kharedi Pradhikarn,
N.M. Joshi Marg,
Byculla, Mumbai – 400 011.**

... Respondent

**Public Information Officer cum Dy Chief Engineer
Municipal Corporation,
Madhyavarti Kharedi Pradhikarn,
N.M. Joshi Marg,
Byculla, Mumbai – 400 011.**

GROUND

This appeal has been filed under section 19(3) of the Right to Information Act, 2005. The appellant by his application dated 11.08.2009 had sought information relating to the Central Purchase Authority – no of employees, persons who have passed MSCIT, no of persons having knowledge of computers and related issues. He sought information on 7 points.

Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant filed this second appeal before the commission. The appeal was heard on 28.01.2010. Appellant and respondents were present.

The appellant has contended that he has been given the information late by 8 days. He has also pointed out some inaccuracies in the list of persons who have cleared MS CIT. The respondent submitted that available information has been furnished and the delay is negligible. This was caused because information had to be collected and compiled.

After going through the case papers and considering the arguments advanced by parties I have come to the conclusion that information has been furnished. The appellant however has pointed out persons at Sr. no. 13, 21 and 29 have not passed MSCIT although the list given to him shows that they have passed. It is therefore directed that this should be verified and the outcome communicated to the appellant. I therefore pass the following order.

Order

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

(Ramanand Tiwari)
State Information Commissioner, Mumbai

Place: Mumbai
Date: 30.01.2010.

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

Appeal No.2010/3245/02

**Shri. Shivkumar Agarwal
215, Agarwal Nagar,
Vashi Naka, R.C. Marg,
Chembur, Mumbai – 400 074.**

... **Appellant**

V/s

**First Appellate Officer cum Dy Collector
Chembur, P.Y. Thorat Marg,
Welfare Central, Bldg, Chembur (W),
Mumbai – 400 089.**

... **Respondent**

**Public Information Officer cum Dy Chief Engineer
Chembur, P.Y. Thorat Marg,
Welfare Central, Bldg, Chembur (W),
Mumbai – 400 089.**

GROUND

This appeal has been filed under section 19(3) of the Right to Information Act, 2005. The appellant by his application dated 17.04.2009 had sought information relating to persons affected by Anik Panjarpol Connecting road. He had sought copies of documents in respect of action taken by the Deputy Collector encroachment removal and related issues.

Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant filed this second appeal before the commission. The appeal was heard on 25.01.2010. The appellant did not turn up but the respondent was present.

The respondent has submitted a copy of the letter dated 11.05.2009 requesting him to deposit Rs.1718 for 859 pages of information. This has been acknowledged by the appellant.

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

Order

Appeal is disposed off.

(Ramanand Tiwari)
State Information Commissioner, Mumbai

Place: Mumbai
Date: 30.01.2010.

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

Appeal No.2010/3333/02

**Shri. Divakar Kotiyan
Shop No.4/10, Mohammed Jan Munir Chawl,
Saiwadi, Andheri (E), Mumbai – 400 069.**

... **Appellant**

V/s

**First Appellate Officer cum Executive Engineer (Special)
K/East Ward, Municipal Corporation,
Andheri (E), Mumbai – 400 069.**

... **Respondent**

**Public Information Officer cum Asst Engineer
K/East Ward, Municipal Corporation,
Andheri (E), Mumbai – 400 069.**

GROUNDS

This appeal has been filed under section 19(3) of the Right to Information Act, 2005. The appellant by his application dated 26.02.2009 had sought information regarding action taken on the Chief Engineer's letter dated 04.06.2005 against those concerned. The appellant wanted a copy of the action taken report.

Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant filed this second appeal before the commission. The appeal was heard on 27.01.2010. Appellant and respondents were present.

The respondent has contended that he has not been furnished the required information. The First Appellate Authority directed the PIO to furnish the information within 8 days but the appellant did not receive the information. The respondent has made written submission. It has been reported by them that the drainage of two rehab buildings on plot bearing CTS no.412 to 415, 417 to 424 and 467 Village Gundavli, Telegalli, Andheri (E) were found connected to manwholes of SWD situated on NS Phadake Marg. The developer was directed to avail of the proposed strut connection by horizontal drilling and connection to the SWD had to be discontinued. Records show that this did

not succeed and finally it was decided to construct a septic tank. The same was done but inspection showed that the developer had not done it as per the approved plan. Residents continue to face problems.

After going through the case papers and considering the arguments advanced by parties I have come to the conclusion that the appellant has all the information he needs. The real issue is that his problem has not been sorted out. This cannot be resolved under the RTI Act. The RTI Act ensures furnishing of available information. After prolonged discussion it was decided that the appellant should be informed what action / remedial action has been taken by the Developer on the letter dated 04.06.2007 written by the Executive Engineer, Sewerage Project PL II WS. I therefore pass the following order.

Order

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

(Ramanand Tiwari)
State Information Commissioner, Mumbai

Place: Mumbai
Date: 30.01.2010.

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

Appeal No.2010/4058/02

**Shri. Sandeep Keshav Patil
A-1/11, Sahyadrinagar, Charkop,
Kandivali (W), Mumbai – 400 067.**

... **Appellant**

V/s

**First Appellate Officer cum Commissioner
Sangli Miraj Kupwad City,
Municipal Corporation, Sangli.**

... **Respondent**

**Public Information Officer cum Dy Commissioner
Sangli Miraj Kupwad City,
Municipal Corporation, Sangli.**

GROUND

This appeal has been filed under section 19(3) of the Right to Information Act, 2005. The appellant by his application dated 09.07.2008 had sought information from Sangli Miraj Kupwad Municipal Corporation regarding names sent by the office of the District Resettlement Officer, Sangli. These names were sent for employment by the corporation and the appellant wanted to know why was he not called for interview.

Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant filed this second appeal before the commission. The appeal was heard on 13.01.2010. Appellant and respondents were present.

The appellant has contended that although his name was sent by the office of the District Resettlement Officer Sangli, he was not called for interview by the Sangli Miraj Kupwad Corporation.

The respondent's contention is that this case has been decided by the State Information Commissioner, Pune.

After going through the case papers and considering the arguments advanced by parties I have come to the conclusion that the appellant deserves to be informed. I would

like to add that why was he not called for interview is not strictly speaking information but there must be some reason for not calling him. The same should be intimated to him.

Order

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

(Ramanand Tiwari)
State Information Commissioner, Mumbai

Place: Mumbai
Date: 30.01.2010.

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

Appeal No.2010/3796/02

**Shri. Sahebrao N. Wagh
r/0 2/201, Shivsrusti Complex,
Mohane, Kalyan, Dist. Thane.**

... Appellant

V/s

**First Appellate Officer,
Special Land Acquisition Officer
National Highways Project, Nashik,
Nashik.**

... Respondent

**Public Information Officer,
Special Land Acquisition Officer
National Highways Project, Nashik,
Nashik.**

GROUND

This appeal has been filed under section 19(3) of the Right to Information Act, 2005. The appellant by his application dated 27.01.2009 had sought information relating to acquisition of land from gat no.20, wakad district Nashik. He wanted to know how much area was acquired, a copy of panchanam, statements, copy of the award and related documents.

Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant filed this second appeal before the commission. The appeal was heard on 04.12.2009. Appellant and respondents were present.

The appellant has contended that he has not been furnished therequired information. Case papers also reveal that no information has been furnished. I therefore pass the following order.

Order

The appeal is allowed. Information to be furnished within 30 days. PIO to show cause why action under section 20 of the RTI Act 2005 should not be initiated for not furnishing the required information within the stipulated time. His reply to reach the commission within 6 weeks.

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

Place: Mumbai
Date: 30.01.2010.

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

Appeal No.2010/3733/02

Shri. Madanlal Bhavsar
Rajkamal CHS, B Wing, Ground Floor,
Chanabori Naka, Papadi, Vasai (W),
Dist. Thane – 401 207.

... **Appellant**

V/s

First Appellate Officer cum Manager
Forest Development Corporation,
Nagpur.

... **Respondent**

Public Information Officer,
Forest Development Corporation,
Nagpur.

GROUND

This appeal has been filed under section 19(3) of the Right to Information Act, 2005. The appellant by his application dated 11.12.2008 had sought information relating to the air travel undertaken by the Managing Director and Regional Manager of Forest Corporation of Maharashtra Ltd. The appellant also wanted to know whether bonus is distributed by FDCM how much bonus was distributed 1978.79 to 2007-2008.

Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant filed this second appeal before the commission. The appeal was heard on 01.12.2009. Appellant was present but the respondent was absent.

The appellant has contended that he has not received the information required by him. Since the respondent was not present. I pass the following order.

Order

The appeal is allowed. PIO to furnish information within 3 weeks from the date of receipt of this order. He should also explain why action under section 20 of the RTI Act should not be taken against him. His reply to reach the commission within 4 weeks.

(Ramanand Tiwari)
State Information Commissioner, Mumbai

Place: Mumbai
Date: 30.01.2010.

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

Appeal No.2010/3990/02

**Shri. Vikas Haribhau Tundalwar
Shri Vyankteshwer Industrial
94, Chikhali Industrial Area,
Kalmana Market Rd,
Nagpur – 440 035.**

... **Appellant**

V/s

**First Appellate Officer cum
Agriculture Animal Husbandry,
Dairy Development and Fisheries Department,
Mantralaya, Mumbai – 400 032.**

... **Respondent**

**Public Information Officer,
Agriculture Animal Husbandry,
Dairy Development and Fisheries Department,
Mantralaya, Mumbai – 400 032.**

GROUND

This appeal has been filed under section 19(3) of the Right to Information Act, 2005. The appellant by his application dated 24.04.2009 had sought information on 23 points relating the Maharashtra Agro Industries Development Corporation, Commissioner of Agriculture and Director, Agriculture.

Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant filed this second appeal before the commission. The appeal was heard on 21.12.2009. The appellant was present. The respondent sought adjournment. The same is being rejected because the information sought and finally allowed by the First Appellant Authority are clear and straight. I therefore pass the following order.

Order

The appeal is allowed. Order passed by the First Appellate Authority is confirmed. Information to be furnished in the light of the order dated 02.07.2009 passed by the First Appellate Authority within 15 days from the date of receipt of this order.

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

Place: Mumbai
Date: 30.01.2010.

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

Appeal No.2010/3536/02

**Shri. Dilip Nanavati
Ratna, 32, Jaihind Soc.,
NS Rd-11, JVPD Scheme,
Vile Parle (W), Mumbai – 400 049.**

... Appellant

V/s

**First Appellate Officer cum
Borivali Education Soc.,
Sheth G.H. High School,
Mahatma Gandhi Rd,
Borivali (E), Mumbai – 400 066.**

... Respondent

**Public Information Officer,
Borivali Education Soc.,
Sheth G.H. High School,
Mahatma Gandhi Rd,
Borivali (E), Mumbai – 400 066.**

GROUNDS

This appeal has been filed under section 19(3) of the Right to Information Act, 2005. The appellant by his application dated 31.03.2009 had sought the following information in respect of the Borivali Education Trust, Mumbai.

1. Name and Address of “Trustees”
2. Name and Address of all Committee Members.
3. i.e. Period of last 5 Years.
4. Total Teachers available.
5. Average S.S.C. results of last 5 years.

Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant filed this second appeal before the commission. The appeal was fixed for hearing on 27.01.2010. Appellant and respondent were absent.

The appellant has sought information from the Borivali Education Trust. Trusts are not covered under the RTI Act in view of the Hon High Court's (Nagpur Bench at Nagpur) in writ petition No.5294 of 2009. I therefore pass the following order

Order

The appeal is disposed.

(Ramanand Tiwari)
State Information Commissioner, Mumbai

Place: Mumbai
Date: 30.01.2010.

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

Appeal No.2010/4291/02

**Shri. Chikse Dhondiram
Gramin Arogya Prashikshan Pathak Savner,
Ta. Savner, Dist. Nagpur.**

... **Appellant**

V/s

**First Appellate Officer,
Directorate of Medical Education & Research,
St. George's Hospital Compound,
Mumbai – 400 001.**

... **Respondent**

**Public Information Officer,
Directorate of Medical Education & Research,
St. George's Hospital Compound,
Mumbai – 400 001**

GROUND

This appeal has been filed under section 19(3) of the Right to Information Act, 2005. The appellant had sought the information regarding death of Smt Z.C. Chavan, complaint against Shri Janardan Shahane, Shri Bhairao Nade, Shri Eknath Mantri and the appellant. The appellant holds Shri A.P. Kulkarni responsible for Mrs. Chavan's death.

Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant filed this second appeal before the commission. The appeal was fixed for hearing on 21.01.2010. Appellant and respondent were absent.

Case papers show that information has been furnished by the office of the Dean, Govt. Medical College, Aurangabad. In any case the kind of information sought does not fit into the definition of information. Copies & relevant documents have been furnished. The case is therefore closed.

Order

The appeal is dismissed.

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

Place: Mumbai
Date: 30.01.2010.

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

Appeal No.2010/4079/02

Shri. Shankar Dhoke
Police Superintendent Bintali Sandesh,
Western Division, Pune – 411 008.

... **Appellant**

V/s

First Appellate Officer cum Special Inspector General
Office of the Director General,
Maharashtra State, Mumbai.

... **Respondent**

Public Information Officer cum Senior Dy Asstt Inspector General
Office of the Director General,
Maharashtra State, Mumbai.

GROUNDS

This appeal has been filed under section 19(3) of the Right to Information Act, 2005. The appellant sought clarification in respect of the Govt. Resolution no.Home /P/M/N-0397/CR 474/Pol-5 dated 11.01.2001.

Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant filed this second appeal before the commission. The appeal was heard on 11.01.2010. Appellant and respondents were present.

The appellant has contended that he was not satisfied with information furnished. The respondent submitted that available information has been furnished.

After going through the case papers and considering the arguments advanced by parties I have come to the conclusion that information has been partly furnished. The appellant pointed out that he has not been informed about the action taken on Director of Police (wireless) proposal dated 06.09.2008. This proposal was sent to the Director General of Police and the appellant wanted to know what action has been taken on that. This has to be furnished to the appellant.

Order

The appeal is allowed. Information regarding action taken on proposal dated 06.09.2008 to be furnished by PIO within 15 days.

(Ramanand Tiwari)
State Information Commissioner, Mumbai

Place: Mumbai
Date: 30.01.2010.

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

Appeal No.2010/3524/02

**Shri.Vishvas Vasant Tamhankar
Tagornagar, Chawl No.156,
Room No.2585, Group No.5/B,
Vikroli (E), Mumbai – 400 083.**

... Appellant

V/s

**First Appellate Officer cum Police Dy Commissioner
Office of the Municipal Police Commissioner,
Mumbai – 400 001.**

... Respondent

**Public Information Officer cum Asstt Police Commissioner
Office of the Municipal Police Commissioner,
Mumbai – 400 001.**

GROUNDS

This appeal has been filed under section 19(3) of the Right to Information Act, 2005. The appellant by his application dated 23.03.2009 had sought information relating to disciplinary action against govt. servants and related issues. He has sought information on 25 points. The same seems to have been circulated to 15 officers.

Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant filed this second appeal before the commission. The appeal was heard on 28.01.2010. Appellant and respondents were present.

The appellant has contended that he has not been given satisfactory replies / information. He has also raised the issue of delay.

The respondent's contention is that available information has been furnished. The delay was caused because of the nature of information sought. There was no intention of delaying or denying the information.

After going through the case papers and considering the arguments advanced by parties I have come to the conclusion that information has been furnished. The appellant wants his queries to be replied and doubts cleared. The RTI Act ensures furnishing of

available information. It is not expected to reply to queries or clarify the issues. I therefore decide to close the case.

Order

Appeal is disposed off.

(Ramanand Tiwari)
State Information Commissioner, Mumbai

Place: Mumbai
Date: 30.01.2010.

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

Appeal No.2010/3475/02

Shri.D.S. Padwal
52/505, Sai Prasad CHS.,
Sgree Chatrapati Shivaji Raje Complex,
Mhada Colony,
Kandivali (W), Mumbai – 400 067.

... **Appellant**

V/s

First Appellate Officer cum District Dy Registrar
Room No.69, Ground Floor,
Coop. Societies (3), Mumbai.
MHADA Bldg, Ground Floor, Bandra,
Mumbai – 400 050.

... **Respondent**

Public Information Officer,
Office of the Dy Registrar,
K/W Ward, Coop. Societies (3), Mumbai.
MHADA Bldg, Ground Floor, Bandra,
Mumbai – 400 050.

GROUND

This appeal has been filed under section 19(3) of the Right to Information Act, 2005. The appellant by his application dated 12.06.2009 had sought the following information: -

“Copies of all the papers / documents of M/S. Cool Home Versova CHS Ltd i.e. Registration file, any other file, papers and proceedings of all actions taken by your office under any provisions and / or on any other account, including orders passed pertaining to any case including Court Cases and any enquiry u/s 83, or inspection u/s 84, orders u/s 102 & 103. Any appeal u/s 104, action taken u/s 105 etc. of the Maharashtra Cooperative Societies Act, 1960 all the correspondences, notice received and or sent by you, action taken if any, reports, office notes and memos etc.”

Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant filed this second appeal before the commission. The

appeal was heard on 27.01.2010. The appellant did not turn up but the respondent was present.

The respondent has contended that the PIO has furnished the information and the first appeal has been disposed off. Since the appellant was not present, the commission did not have the benefit of his input. In view of the respondent's submission and appellant's absence. I pass the following order.

Order

Appeal is disposed off.

(Ramanand Tiwari)
State Information Commissioner, Mumbai

Place: Mumbai
Date: 30.01.2010.

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

Appeal No.2010/3461/02

**Shri. Anil Pandurang Kedare
Samyak Vichar Sangh,
Near Gandhkuti Vihar,
Mata Ramabai Ambedkar Nagar,
Ghatkopar (E), Mumbai – 400 075.**

... **Appellant**

V/s

**First Appellate Officer cum Executive Engineer
Municipal Corporation,
N Ward, 2nd Floor, Jawahar Rd,
Ghatkopar (E), Mumbai – 400 077.**

... **Respondent**

**Public Information Officer cum Asstt Engineer
Municipal Corporation,
N Ward, 2nd Floor, Jawahar Rd,
Ghatkopar (E), Mumbai – 400 077.**

GROUND

This appeal has been filed under section 19(3) of the Right to Information Act, 2005. The appellant by his application had sought information regarding money spent in ward No.126 from the councilors fund during 2007-2008 & 2008-2009.

Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant filed this second appeal before the commission. The appeal was heard on 27.01.2010. Appellant and respondents were present.

The respondent has contended that he has been provided incomplete information. The amount spent is shown to be more than the amount under councilors fund during the year.

The respondent's contention is that the expenditure is more because expenditure incurred from normal budget grants might have been added. He promised to reconcile and inform the appellant. As far as an expense under the disaster management is concerned, the respondent pointed that it was being done centrally.

After going the case papers and considering the arguments order that the following information should be furnished.

1. Break up of expenses – councilor fund and normal budget grant should be given.
2. Expenses incurred from the Disaster Management Fund in ward No 126 to be intimated.
3. Point No.5- ownership of MMC or Collector should be clarified.

Order

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

(Ramanand Tiwari)
State Information Commissioner, Mumbai

Place: Mumbai
Date: 30.01.2010.

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

Appeal No.2010/3997/02

Shri. Lalitrao Patil
New Colony,
Behind Mahapalika Zone Office 10,
Nagpur-1.

... **Appellant**

V/s

First Appellate Officer,
Nagpur Municipal Corporation,
Nagpur, Dist Nagpur.

... **Respondent**

Public Information Officer,
Nagpur Municipal Corporation,
Nagpur, Dist Nagpur.

GROUND

This appeal has been filed under section 19(3) of the Right to Information Act, 2005. The appellant by his application dated 27.12.2007 had sought information regarding action taken on the application dated 19.11.2007 requesting to remove the unauthorized structure constructed by Shri Ram Prasad Yadav.

Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant filed this second appeal before the commission. The appeal was fixed for hearing on 21.12.2009. The appellant and respondent were absent.

Case papers reveal that the appellant has been informed by Nagpur Municipal Corporation's letter dated 09.05.2008. The case therefore is closed.

Order

Appeal is disposed off.

(Ramanand Tiwari)
State Information Commissioner, Mumbai

Place: Mumbai
Date: 30.01.2010.

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

Appeal No.2010/3997/02

Shri. Lalitrao Patil
New Colony,
Behind Mahapalika Zone Office 10,
Nagpur-1.

... **Appellant**

V/s

First Appellate Officer,
Nagpur Municipal Corporation,
Nagpur, Dist Nagpur.

... **Respondent**

Public Information Officer,
Nagpur Municipal Corporation,
Nagpur, Dist Nagpur.

GROUND

This appeal has been filed under section 19(3) of the Right to Information Act, 2005. The appellant by his application dated 27.12.2007 had sought information regarding action taken on the application dated 19.11.2007 requesting to remove the unauthorized structure constructed by Shri Ram Prasad Yadav.

Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant filed this second appeal before the commission. The appeal was fixed for hearing on 21.12.2009. The appellant and respondent were absent.

Case papers reveal that the appellant has been informed by Nagpur Municipal Corporation's letter dated 09.05.2008. The case therefore is closed.

Order

Appeal is disposed off.

(Ramanand Tiwari)
State Information Commissioner, Mumbai

Place: Mumbai
Date: 30.01.2010.

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

Appeal No.2010/3772/02

**Dr. Deepak S Amale
Nupur CHS,
Bldg, Nn.3, Flat No.1,
Room No.1540, P.N.P. Nagar,
Alibag, Dist Raigad – 402 201.**

... Appellant

V/s

**First Appellate Officer,
Director of Health,
Arogya Bhavan,
St. George's Hospital Compound,
Mumbai – 400 001.**

... Respondent

**Public Information Officer,
Director of Health,
Arogya Bhavan,
St. George's Hospital Compound,
Mumbai – 400 001.**

GROUND

This appeal has been filed under section 19(3) of the Right to Information Act, 2005. The appellant by his application dated 31.03.2009 had sought in respect of the working of Dr. Muskawad, District Hospital, Thane,

Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant filed this second appeal before the commission. The appeal was heard on 02.12.2009. Appellant and respondents were present.

The appellant has contended that he was not satisfied with the information furnished to him. In fact he has given a rejoinder.

The respondent's contention is that available information has been furnished.

After going through the case papers and considering the arguments advanced by parties I have come to the conclusion that information has not been furnished. Prima facie it looks that the information sought is personal. This is not so. It is totally in public

interest and needs to be furnished. The appellant has enclosed proof of Dr. Muskawad working in a private Hospital. The appellant has furnished details of the payment received by him. He needs to be informed whether a doctor working in govt. Hospital can do so. I therefore pass the following order.

Order

The appeal is allowed. After taking into account appellant's rejoinder information to be furnished by PIO within 30 days from the date of the receipt of this order.

(Ramanand Tiwari)
State Information Commissioner, Mumbai

Place: Mumbai
Date: 30.01.2010.

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

Appeal No.2010/3815/02

Appeal No.2010/3816/02

Appeal No.2010/3851/02

**Mr. Ravikant L. Tajne
Plot No.297, Bahadure Bldg,
Near Ambedkar Bank,
Laxminagar, Nagpur-22.**

... Appellant

V/s

**First Appellate Officer,
Director of Medical Education & Research,
Govt. Dental College of Hospital Bldg,
St. George's Hospital Compound,
Mumbai – 400 001.**

... Respondent

**Public Information Officer,
Director of Medical Education & Research,
Govt. Dental College of Hospital Bldg,
St. George's Hospital Compound,
Mumbai – 400 001.**

GROUNDS

These appeals have been filed under section 19(3) of the Right to Information Act, 2005. The appellant by his application dated 24.02.2009 had sought direction from the Central Information Commission, New Delhi to the Director of Medical Education and Research, Maharashtra for furnishing copies of question papers in respect of PGM-CET 2009. The same was sent to the State Information Commission, Maharashtra for taking appropriate action in the matter. The PIO as well as the First Appellate Authority have denied information sought by the appellant on the ground that the information was confidential. Hence the appeal. The appeal was fixed for hearing on 07.12.2009. Appellant and respondents were present. The main contention of the appellant has been that he has been denied the information wrongly. He has pleaded that larger interest of candidates and their guardians warrants disclosure of Question Paper of PGM-CET 2009. The respondent has submitted that the issue has been settled by the Hon High Court,

Bombay Aurangabad Bench at Aurangabad in writ petition no 1798/2002 and it has been held that copies of question papers need not be given. Again the Hon High Court in writ petition nos. 1446/2002, 1558/2002, 1467/2002, 1472/2002, 1473/2002, 1512/2002 and 1496/2002 has held that there was nothing illegal, arbitrary or unreasonable in not disclosing the question papers.

I have gone through the case papers and also considered the arguments advanced by parties. It is clear that the judgments quoted by the respondents are prior to the coming into force of the Right to Information Act, 2005- which in its very Preamble says that the Act aims at setting out the practical regime of right to information for citizens to secure access to information under the control of public authority in order to promote transparency and accountability in the working of every public authority.... In fact the only exceptions are contained in section 8 and 9 of the Act which read as follows:

“Section 8: Exemption from disclosure of information – 1) Notwithstanding anything contained in this Act, there shall be no obligation to give any citizen –

- a) Information, disclosure of which would prejudicially affect the sovereignty and integrity of India, the security, strategic, scientific or economic interests of the State, relating with foreign State or lead to incitement of an offence;
- b) Information which has been expressly forbidden to be published by any court of law or tribunal or the disclosure of which may constitute contempt of court;
- c) Information, the disclosure or which would cause a breach of privilege of Parliament or the State Legislature;
- d) Information inclosing commercial confidence, trade secrets or intellectual property, the disclosure of which would harm the competitive position of a third

- party, unless the competent authority is satisfied that larger public interest warrants the disclosure of such information;
- e) Information available to a person in his fiduciary relating, unless the competent authority is satisfied that the larger public interest warrants the disclosure of such information;
 - f) Information received in confidence from foreign Government;
 - g) Information, the disclosure of which would endanger the life or physical safety of any person or identify the source of information or assistance given in confidence for law enforcement or security purposes;
 - h) Information which would impede the process of investigation or apprehension or prosecution of offenders;
 - i) Cabinet papers including records of deliberations of the Council of Ministers, Secretaries and other officers;

Provided that the decision of Council of Ministers, the reasons thereof, and the material on the basis of which the decisions were taken shall be made public after the decision has been, and the matter is complete, or over.

Provided further that those matters which come under the exemptions specified in this section shall not be disclosed;

- j) Information which relates to personal information the disclosure of which has no relationship to any public activity or interest, or which would cause unwarranted invasion of the privacy of the individual unless the Central Public Information Officer or the State Public Information Officer or the appellate Authority, as the

case may be, is satisfied that the larger public interest justified the disclosure of such information;

Provided that the information which cannot be denied to the Parliament or a State Legislature shall not be denied to any person.

2) Notwithstanding anything in the Official Secrets Act, 1923 (19 of 1923) nor any of the exemptions permissible in accordance with sub-section 1) a public authority may allow access to information, if public interest in disclosure outweighs the harm to the protected interests.

3) Subject to the provision of clauses (a), (c) and (i), of sub-section (1), any information relating to any occurrence, event or matter which has taken place, occurred or happened twenty years before the date on which any request is made under section 6 shall be provided to any person making a request under that section.

Provided that where any question arises as to the date from which the said period of twenty years has to be computed, the decision of the Central Government shall be final, subject to the usual appeals provided for in this Act.

“Section 9: Grounds for rejection to access in certain cases: - Without prejudice to the provisions of section 8, a Central Public Information Officer or a State Public Information Officer, as the case may be, may reject a request for information where such a request for providing access would involve an infringement of copyright subsisting in a person other than the State.

In fact the need to bring transparency in dealings of public authorities is not new. The appellant has cited the direction issued by the Hon High Court, Bombay to the

respondent in “Jimmy Abraham Thomas and others Vs State of Maharashtra and others
“(reported in 2002 – Act Maharashtra Law Reporter). The directions were as follows: -

- 1) “With a view to bring in transparency and to avoid such a situation in future, the Director of Medical Education is directed to consider publishing questions and correct answer in words and their appropriate key position (a, b, c, d) within one week of the examination for all the versions.
- 2) The Director of Medical Education will examine and above a better and more satisfactory method of verification of answer books.
- 3) As we have seen from a number of judgments noted earlier, such situations of requiring additional seats at the last moment have emerged often and there is need to have a mechanism to deal with such situation. We direct the Medical Council of India to evolve such appropriate scheme within six months hereof so that any such eventuality hereafter can be taken care of.”

This has, however, been settled by their lordships in the writ petitions cited above as under

“As for as the contention of the learned counsel for the petitioners that respondent no.2 the Director of Medical Education was directed to disclose even the question papers as per directions given in the aforesaid “Jimmy Abraham Thomas (supra), if one were to see the directions, the Director of Medical Education of Research was directed “to consider publishing questions and correct answers”. Accordingly the Director of Medical Education of Research respondent no.2 has considered all aspects and taking into account the pros and cons and finally the expert body has decided to disclose only model answer key and actual answer sheet of the petitioners and not the question papers. In the above,

we do not find anything irrational and arbitrary on part of the respondents declining to provide the question papers.”

It is interesting to note that the respondent has no problem in supplying copies of answer sheets and model answer. His objection to the disclosure of question papers has been quoted as follows.

We have begun the Common Entrance Test in Maharashtra just four years ago. Every year the students are given 200 multiple – choice questions. However these questions are of complex nature, Question Bank cannot be formulated at this juncture. Therefore, if the question paper is put on website it may be little problematic. Since questions are limited, there is likelihood of repetition of questions in the ensuing years. Therefore giving of question papers to the students may not be advisable. In addition, the confidentiality and fairness may get adversely affected. Besides, in no competitive examinations like MPSC, PMT, USMLE or IIT examinations, question papers is given to the candidates, probably due to the above mentioned ground.

This simply means that his inability to have a question bank to avoid repetition is depriving the appellant from his right under the RTI Act. The question of confidentiality has undergone drastic change after the Right to Information has come into force.

Section 22 of the Act gives an overriding effect to the RTI Act and says as follows: -

“The provisions of this Act shall have effect notwithstanding anything inconsistent therewith contained in the Official Secrets Act, 1923 (19 of 1923), and any other law for the time being in force or in any instrument having effect by virtue of any law other than this Act.

I am also given to understand that the Maharashtra Public Service Commission and the Union Public Service Commission have started putting their questions papers on their website. It is therefore desirable for the respondent to consider whether his inability should come in the way of a citizen's right to information under the Act. The need is to empower oneself to cope up with the demands of the RTI Act.

Having made these observations the fact remains that the Hon High Court through various orders have held that copies of the question papers need not be given. In fact section 8 (1) (b) clearly says that there shall be no obligation to give any information which has been forbidden to be published by any Court of Law... I therefore dismiss the appeals.

Order

The appeals are dismissed.

(Ramanand Tiwari)
State Information Commissioner, Mumbai

Place: Mumbai
Date: 30.01.2010.

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

Appeal No.2010/4006/02

**Shri Prakash Pant
D-1, Sanjay Apt.,
274, Dharmapeth Annex,
Shivaji Nagar, Nagpur – 440 010.**

... Appellant

V/s

**First Appellate Officer,
Maharashtra State Electricity Generation Company Ltd,
Prakashgad, Flat No.G.09,
Bandra (E), Mumbai – 400 051.**

... Respondent

**Public Information Officer cum Managing Director
Maharashtra State Electricity Generation Company Ltd,
Prakashgad, Flat No.G.09,
Bandra (E), Mumbai – 400 051.**

GROUNDS

This appeal has been filed under section 19(3) of the Right to Information Act, 2005. The appellant by his application dated 30.03.2009 had sought information regarding his complaint dated 22.12.2008 and action taken by the office of the Managing Director, Mahanirmiti.

Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant filed this second appeal before the commission. The appeal was heard on 22.12.2009. Appellant and respondents were present.

The appellant has contended that information has not been furnished by the Public Information Officer. The PIO has violated section 7 of the Right to Information Act, 2005. He has pleaded that this appeal has been filed requesting that the PIO should be penalized.

The respondent has made written submission. It has been submitted that information has been furnished and copies of correspondence have been enclosed. The appellant has been kept informed from time to time.

After going through the case papers and considering the arguments advanced by parties I have come to the conclusion that information has been furnished. It is to be remembered the information sought was not available with the PIO. The report was called from the Chief General Manager (Tech. Estt) Chief Vigilance Officer. A copy of the Report was sent to the appellant under PIO's letter dated 06.06.2009. It is seen from the report of the CVO that all the issues raised by the appellant has been clarified. It is possible that the appellant may not be in agreement with the findings but the commission is not mandated to examine the report and give its own finding. There has been no deliberate attempt to delay or deny the information. I therefore pass the following order.

Order

The appeal is dismissed.

(Ramanand Tiwari)
State Information Commissioner, Mumbai

Place: Mumbai
Date: 30.01.2010.

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

Appeal No.2010/3564/02

**Shri Yashvant S. Apte
E-43/8, Shrirang Soc.,
Thane (W) – 400 601.**

... **Appellant**

V/s

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

... **Respondent**

**Public Information Officer cum Desk Officer (23)
Urban Development Deptt.,
Mantralaya, Mumbai – 400 032.**

GROUNDS

This appeal has been filed under section 19(3) of the Right to Information Act, 2005. The appellant by his application dated 18.11.2008 had sought information relating to Shri Rang Cooperative Housing Society. The society's balance land was developed by M/s R.M. Enterprises and named Vrindavan Sahakari Grihnirman Sanstha. The developer indulged into all kinds of irregularities including violation FSI. There have been a lot correspondence and representation by councilors? members. The appellant wanted to see the file and sought copies of relevant documents.

Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant filed this second appeal before the commission. The appeal was heard on 13.11.2009. The appellant was represented by Shri Y.S. Apte. Respondents were also present.

It appears that the appellant was given copies of representations received in this regard. The First Appellate Authority also directed that additional information if available should be furnished within 3 days. The first appeal on point no 2 was heard by the Deputy Secretary UD and the First Appellate Authority. He records in his order that

the appellant's representative was shown the available file but he said that he had seen the file and had obtained copies of relevant documents. The First Appellate Authority disposed off the appeal. It is thus seen that available information has been furnished. The appellant is looking for something which is not available on record. The RTI Act ensures furnishing of available information. Under these circumstances I have no option but to close the file.

Order

The appeal is disposed off.

(Ramanand Tiwari)
State Information Commissioner, Mumbai

Place: Mumbai
Date: 30.01.2010.

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

Appeal No.2010/3983/02

**Shrimati Nirmala Vasanta Rohankar
New Colony, (Gadheghat)
Behind Mahanagarpalika Office Zone 10,
Nagpur.**

... Appellant

V/s

**First Appellate Officer cum Dy Commissioner-I
Nagpur Mahanagarpalika, Nagpur,
Dist. Nagpur.**

... Respondent

**Public Information Officer cum Asstt Commissioner
Zone No.10.
Nagpur Mahanagarpalika, Nagpur,
Dist. Nagpur.**

GROUNDS

This appeal has been filed under section 19(3) of the Right to Information Act, 2005. The appellant by his application dated 04.06.2009 had sought information on points contained in her application. The Public Information Officer by his letter dated 07.07.2009 furnished information on some points and offered inspection of relevant documents. The First Appellate Authority by his order dated 27.07.2009 directed that information should be furnished within 8 days.

Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant filed this second appeal before the commission. The appeal was heard on 21.12.2009. Appellant and respondents were present.

The appellant has contended that the information furnished/ replies given are wrong. It has been pointed out that there was no provision for inspection and her application was not transferred under section 6(3) of the RTI Act, 2005.

The respondent's contention was that available information was furnished. The scope of information was broad and therefore inspection was offered.

After going through the case papers and considering the arguments advanced by parties I have come to the conclusion that available information was furnished. Balance information was furnished during the hearing of the appeal. The appellant was not satisfied but the RTI Act guaranties furnishing of available information only. I therefore pass the following order.

Order

The appeal is disposed off.

(Ramanand Tiwari)
State Information Commissioner, Mumbai

Place: Mumbai
Date: 30.01.2010.

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

Appeal No.2010/3977/02

**Shri. Sharad B. Patil
Babu Park, Bahirewadi, Panhala,
Dist. Kolhapur – 416 113.**

... **Appellant**

V/s

**First Appellate Officer cum Secretary
Maharashtra Pollution Control Board,
Opp. Senior Planet, Sion Circle,
Sion (E), Mumbai – 400 022.**

... **Respondent**

**Public Information Officer,
Maharashtra Pollution Control Board,
Opp. Senior Planet, Sion Circle,
Sion (E), Mumbai – 400 022.**

GROUNDS

This appeal has been filed under section 19(3) of the Right to Information Act, 2005. The appellant by his application dated 18.03.2009 had sought the information regarding action taken on his application dated 05.01.2009 alleging breach of conditions laid down by the Supreme Court of India in Public Interest Litigation no 36/2003 by Tatyah Sahih Kore Warna Sakhar Kharkhana Ltd., Warnanager and other units of its ownership.

Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant filed this second appeal before the commission. The appeal was heard on 18.12.2009. Appellant and respondents were present.

The appellant has contended that he has been given misleading information, the PIO did not mention the details of the First Appellate Authority, he was not informed well in advance for the hearing before the First Appellate authority. He has pleaded for imposing fine on those responsible.

The respondent has submitted that information has been furnished in time. Copies of all notings / correspondence, reports from relevant file has been furnished. He also pleaded that there was no lapse on any count and the question of punishment did not arise.

I have gone through the case papers and also considered the arguments advanced by parties. The appellant in his second appeal has nowhere pointed out how the information furnished was misleading. He wants the PIO / the First Appellate Authority to be punished because he was not informed well advance. According to his own admission he received intimation on 11.05.2009 for the hearing dated 14.05.2009. Case papers also reveal that copies of nothings, correspondence and reports have been furnished to the appellant. The respondent has enclosed copies which have been kept on record. The RTI Act ensures furnishing of available information and not expected to furnish replies to queries. I therefore conclude that available information has been furnished. I pass the following order.

Order

The appeal is disposed off.

(Ramanand Tiwari)
State Information Commissioner, Mumbai

Place: Mumbai
Date: 30.01.2010.

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

Appeal No.2010/3526/02

**Shri. Vijay Daji Shirke
28/71, B.D.D. Chawl,
N.M. Joshi Marg,
Mumbai – 400 032.**

... Appellant

V/s

**First Appellate Officer cum Executive Engineer
Public Work Deptt,
Worli, Mumbai – 400 018.**

... Respondent

**Public Information Officer cum Manager
Mumbai Development Division Chali,
Worli, Mumbai – 400 018.**

GROUNDS

This appeal has been filed under section 19(3) of the Right to Information Act, 2005. The appellant by his application dated 13.01.2009 had sought information relating to repair works carried out in BDD Chawl, Worli Mumbai. The appellant had sought information as to how many trucks of debris were lifted during 2007-2008, the amount paid details of GI pipes used use firewood purchased for asphaltting roads.

Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant filed this second appeal before the commission. The appeal was heard on 31.10.2009. Appellant and respondents were present.

The appellant has contended that he was not satisfied with the information furnished. The respondent submitted that available information has been furnished.

After going through the case papers and considering the arguments advanced by parties I have come to the conclusion that complete information has not been furnished. The appellant has raised important issues like if the contractor was to do the asphaltting of roads, where was 12000 KG of fire woods used. He also sought copies of bills passed. It is to be noted that the basic objective of the RTI Act is to bring transparency and

accountability in the working of public authorities. This information has to be furnished.

I therefore pass the following order.

Order

The appeal is allowed. Information to be furnished by PIO within 30 days failing which action under section 20 of the RTI Act will be initiated.

(Ramanand Tiwari)
State Information Commissioner, Mumbai

Place: Mumbai
Date: 30.01.2010.

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

Appeal No.2010/4268/02

**Shri. Navnath V. Ghuge
Loni, Shirur, Dist Beed,
Shri Satish Gavare Housing Board Colony,
Dhanora Rd, Beed.**

... Appellant

V/s

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

... Respondent

**Public Information Officer,
Finance Deptt,
Mantralaya, Mumbai – 400 032.**

GROUNDS

This appeal has been filed under section 19(3) of the Right to Information Act, 2005. The appellant by his application dated 07.05.2008 had sought information relating to promotions from Zilla Parishad Service to Maharashtra Finance & Accounts Service Class II, how many had cleared Maharashtra Finance & Accounts Service Class III and of the result. The information pertained to the period 1971-1991.

Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant filed this second appeal before the commission. The appeal was heard on 19.10.2009.

The appellant was represented by Shri D.M. Vidyasagar. Respondents were present.

The appellant's contention is that he was asked the purpose for which the information was sought which is prohibited under the Right to Information Act, 2005. He was asked irrelevant questions like – his citizenship of India etc. Respondents submitted that the information is actually required by Shri Vidyasagar but to avail of the

benefit of free information, he had sought information through the appellant. Who was a BPL. They were willing to furnish the required information.

I have gone through the case papers and also considered the arguments advanced by parties. The appellant himself has admitted that the information was being sought for Mr. Vidyasagar. It is true that the RTI Act does not allow the public authorities to ask for the purpose for which the information is sought. The disclosure however is interesting. As case papers reveal this was done so that Mr. Vidyasagar gets information free of cost as the appellant belongs to BPL category. This is gross misuse of the provisions of the RTI Act. The second issue which has disturbed the commission is the approach of Mr.P.R. Harchande, the PIO. He has asked irrelevant questions to delay and deny furnishing of the information. The appellant by no stretch of imagination gives an impression of a foreigner. The PIO has asked him to prove his citizenship. This not required by law. The PIO prima facie is guilty of obstructing / delaying furnishing of information sought. The commission has taken a serious note of this. I therefore pass the following order.

Order

The appellant should be furnished information on payment of required fee because the information is actually required Shri Vidhya Sagar who is not entitled to information free of cost. The commission is not mandated to take action against fraud and therefore this well meet the ends of justice. The information should be furnished within 30 days.

The PIO to show cause why action should not be taken against him for violating the provisions of the RTI Act by asking irrelevant information to delay / deny furnishing of information. His reply to reach the commission within 4 weeks.

(Ramanand Tiwari)
State Information Commissioner, Mumbai

Place: Mumbai
Date: 30.01.2010.

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

Appeal No.2010/249/02

**Shri. J.N. Sandanshiv
1/1, Zakir Manzil,
Anand Nagar, Opp Saaz Cinema,
Bhandup (W), Mumbai – 400 078.**

... Appellant

V/s

**First Appellate Officer cum Director
Municipal Corporation, Head Office,
3rd Floor, Mahapalika Marg,
Mumbai – 400 001.**

... Respondent

**Public Information Officer cum Dy Chief Engineer
Municipal Corporation, Near BEST Depot,
4th floor, Pantnagar, Ghatkopar (E),
Mumbai – 400 075.**

GROUNDS

This appeal has been filed under section 19(3) of the Right to Information Act, 2005. The appellant by his application dated 20.10.2006 had sought information relating to Vimochit Samaj Sahakari Grihnirman Sanstha Maryadit, S.G. Varve Rd, Kurla (E), Mumbai. The appellant had sought information on 14 points – building permission, water supply, property tax, unauthorized construction by the society, details of the developer and other related issues.

Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant filed this second appeal before the commission. The appeal was heard on 09.11.2009. The appellant did not turn up but the respondent was present.

The appellant has contended that he was asked to pay despite the fact that he should have been given information free of cost. He has also questioned the procedure followed by the First Appellate Authority.

The respondent's contention is that available information has been furnished. The PIO also reports that a set of papers was also handed over to the appellant during the hearing of the second appeal before the Chief Information Commissioner.

After going through the case papers and considering the arguments advanced by parties I have come to the conclusion that information has been furnished. The case papers reveal that the PIO furnished information by his letter dated 14.11.2006. Information has been furnished by the property tax department. There is nothing to suggest that deliberate attempt has been made to delay or deny the information. I therefore pass the following order.

Order

The appeal is disposed off.

(Ramanand Tiwari)
State Information Commissioner, Mumbai

Place: Mumbai
Date: 30.01.2010.

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

ComplaintNo.2010/387/02

**Shri. J.N. Sandanshiv
1/1, Zakir Manzil,
Anand Nagar, Opp Saaz Cinema,
Bhandup (W), Mumbai – 400 078.**

...Complainant

Vs

**Public Information Officer,
Social Welfare Directorate
Central Bldg, 3 Church Rd,
Pune – 411 001.**

**Public Information Officer cum Special District Social Welfare Officer
Administrative Bldg, 4th Floor,
Chemburkar Marg, Mumbai – 400 0071.**

... Respondent

GROUNDS

This complaint has been filed under section 18 of the Right to Information Act 2005 in the context of the commission's order dated 27.06.2008 passed in appeal no 2008/385/02. The facts in brief are as follows: The present complainant had sought information regarding Vimochit Samaj Sahakari Grihnirman Sanstha Ltd, S.G. Varve Marg, Kurla (E), Mumbai. The appellant had sought information on 7 points.

Not satisfied with responses from the Public Information Officer and First Appellate Authority the complainant filed appeal under section 19 (3) of the RTI Act, 2005. The commission by its order dated 27.06.2008 directed that information should be furnished within 6 weeks. The present complaint is against alleged non compliance of commissions order.

The complaint was heard on 30.10.2009. Complainant and defendants were present.

The complainant has stated that he was not satisfied with the information furnished to him. He says that the commissions order has not been complied. The complainant has given his submission in writing.

The defendant's contention was that the commissions order has been complied. In his written submission he says that information has been sent to the complainant in

compliance of the commission's order dated 27.06.2008 and in response to the application dated 18.12.2006.

After considering the arguments advanced by parties and going through the file I have come to the conclusion that the commission's order has been complied. The defendant has given a copy of his reply and annexure to the complainant. It is clear that available information has been furnished and whether was not available has not been furnished. The RTI Act ensures furnishing of available information. The commission's order has been complied and i therefore decide to close the case.

Order

Complaint is field.

(Ramanand Tiwari)
State Information Commissioner, Mumbai

Place: Mumbai
Date: 30.01.2010.

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

Appeal No.2010/3829/02

**Shri. Kishor V. Deshpande
Sarhak Gat No.200/3,
Flat No.12/B, Anandban Colony,
Pripala (Jalgaon),
Dist Jalgaon – 425 002.**

... Appellant

V/s

**First Appellate Officer,
Corporation & Textile Deptt.,
Mantralaya, Mumbai – 400 032.**

... Respondent

**Public Information Officer,
Corporation & Textile Deptt.,
Mantralaya, Mumbai – 400 032.**

GROUND

This appeal has been filed under section 19(3) of the Right to Information Act, 2005. The appellant by his application dated 05.07.2008 had sought information relating to his missing Equated Monthly Instalments. He was sanctioned and disbursed housing loan of Rs.88320/- to be recovered in 192 instalment @ Rs.460/- per month.

Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant filed this second appeal before the commission. The appeal was heard on 08.12.2009. Appellant and respondents were present.

The appellant has contended that he has not been furnished details of the payment made by him. He says he has been paying regular instalment but they have not been accounted for.

The respondent has submitted detailed written say. It has been stated by him that the responsibility to deduct the EMI lies with drawing and disbursing officer. Enquiry has revealed that the appellant's EMI have been wrongly credited to Head 7610 rather than 6216. He has enclosed copies of letters exchanged between Tahsildar, Yaval and

Asstt Accounts Officer, Department of Cooperation, Govt. of Maharashtra The letter dated 07.12.2009 from Tahsildar, Yaval shows that the work of reconciliation has been taken up. The commission hopes that it will be settled soon. The information stands furnished.

Order

The appeal is disposed off.

(Ramanand Tiwari)
State Information Commissioner, Mumbai

Place: Mumbai
Date: 30.01.2010.

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

ComplaintNo.2010/482/02

**Shri. Sheikh Muhammad Jaweed
101, Ruby Tower, Sahakar Rd,
Behind Allahwali Masjid,
S.V. Rd, Jogeshweri (W),
Mumbai – 400 102.**

...Complainant

Vs

**Public Information Officer Dy Sales Tax Commissioner
Sales Tax Office,
Salas Tax Bhavan, Mazgaon, Mumbai – 400 010.**

... Respondent

GROUND

This complaint has been filed under section 18 of the Right to Information Act 2005 in the context of the commission's order dated 18.07.2008 passed in appeal no 2008/516/02. The facts in brief are as follows: The present complainant had sought information regarding reimbursement of his Medical bill.

Not satisfied with responses from the Public Information Officer and First Appellate Authority the complainant filed appeal under section 19 (3) of the RTI Act, 2005. The commission by its order dated 18.07.2008 directed that information should be furnished within 30 weeks. The present complaint is against alleged non compliance of commissions order.

The complaint was heard on 23.12.2009. Complainant and defendants were present.

The complainant has stated that he was not satisfied with the information furnished given to him. The defendant submitted that available information has been furnished.

After considering the arguments advanced by parties and going through the file I have come to the conclusion that the commission's order has been complied. The defendant has submitted copies of documents furnished to the complainant. In fact the complainant feels that he has been paid Rs.13, 705/- less than his entitlement. The defendant has explained through documents how they arrived at the amount paid to the complainant. In fact what the complaint requires is not information but arbitration. The commission is not mandated to arbitrate. I therefore conclude that commission's order has been complied and the complaint deserves to be closed. I therefore pass the following order.

Order

The complaint is filed.

(Ramanand Tiwari)
State Information Commissioner, Mumbai

Place: Mumbai
Date: 30.01.2010.

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

ComplaintNo.2010/480/02

**Shri. Ravindra Murlidhar Kalekar
103/A, Amin Darshan Soc.,
Dadabhai X Rd, No.3, Vileparle (W),
Mumbai – 400 056.**

...Complainant

Vs

**Public Information Officer cum Water Engineer
Municipal Corporation Greater Mumbai.**

... Respondent

GROUNDS

This complaint has been filed under section 18 of the Right to Information Act 2005 in the context of the commission's order dated 29.12.2009 passed in appeal no 2008/1376/02. The facts in brief are as follows: The present complainant by his application dated 05.03.2008 had wanted to know what action was taken on his letter dated 18.12.2007.

Not satisfied with responses from the Public Information Officer and First Appellate Authority the complainant filed appeal under section 19 (3) of the RTI Act, 2005. The commission by its order dated 29.12.2009 directed that information should be furnished within 15 days. The present complaint is against alleged non compliance of commissions order.

The complaint was heard on 21.12.2009. Complainant and defendants were present.

The complainant has stated that he was given information late by 40 days and the PIO should be penalized. The defendant submitted that the complainant received the memo asking him to deposit Rs.40/- on 02.04.2008. He however did not let the PIO know whether the amount was deposited. He instead applied on 17.04.2008 to the Dy

Commissioner for information. This information was received by the Executive Engineer from the Dy Engineer (Water Works) on 29.04.2008. The information was given to the complainant on 15.05.2008.

After considering the arguments advanced by parties and going through the file I have come to the conclusion that information has not been furnished in time. It is true that the appellant did not inform the PIO whether he had deposited the required amount. Case papers however reveal that information was received by the Executive Engineer on 29.04.2008. It shows that the information was not available with the PIO on 02.04.2008 when he asked to deposit money. It is clear that the required information was collected and furnished to the complain on 15.05.2008. I therefore pass the following order.

Order

The PIO to show cause why he should be made to pay Rs.10, 000/- as penalty for furnishing the information late by 40 days. His reply to reach the commission within 4 weeks from the date of receipt of this order.

(Ramanand Tiwari)
State Information Commissioner, Mumbai

Place: Mumbai
Date: 30.01.2010.

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

ComplaintNo.2010/3038/02

**Shri. Charles Gonsalves
12, Chinchpokali Rd,
Bandra (W), Mumbai – 400 050.**

...Complainant

Vs

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

... Respondent

GROUNDS

This complaint has been filed under section 18 of the Right to Information Act 2005 in the context of the commission's order dated 22.01.2009 passed in appeal no 2008/1546/02. The facts in brief are as follows: The complainant had sought information regarding unauthorized construction of a temple at Gonsalveswadi Chinchpokali Rd, Mumbai

Not satisfied with responses from the Public Information Officer and First Appellate Authority the complainant filed appeal under section 19 (3) of the RTI Act, 2005. The commission by its order dated 29.12.2009 directed that the First Appellate Authority should hear appeal and decide within 45 days.

The complaint was heard on 24.08.2009. Complainant and defendants were present.

The complainant has stated that the commission's order has not been complied.

The defendant's contention was that the appeal was decided on 24.03.2009 and commissions order has been complied. A copy of the order is on record.

After considering the arguments advanced by parties and going through the file I have come to the conclusion that the commission's order has been complied. I therefore pass the following order.

Order

The complaint is filed.

(Ramanand Tiwari)
State Information Commissioner, Mumbai

Place: Mumbai
Date: 30.01.2010.

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

ComplaintNo.2010/368/02

**Shri. Noor Mohammed S. Siddhiki
Royal Communication Center Hill No.2,
Gairnshah Dargah Rd, Narayan Nagar,
Ghatkoper (W), Mumbai – 400 086.**

...Complainant

Vs

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

... Respondent

GROUNDS

This complaint has been filed under section 18 of the Right to Information Act 2005 in the context of the commission's order dated 14.01.2009 passed in appeal no 2008/1521/02. The facts in brief are as follows: The Deputy Registrar Maharashtra Housing Area Development authority by his letter dated 05.04.2007 had issued an order under section 89 A of the Maharashtra Cooperative Societies Act, 1960 against Kurla Kamaga Seva Cooperative Housing Society. The appellant wanted to know whether documents were submitted to the Deputy Registrar for inspection and what action has been taken against the society.

Not satisfied with responses from the Public Information Officer and First Appellate Authority the complainant filed appeal under section 19 (3) of the RTI Act, 2005. The commission by its order dated 29.12.2009 directed that the First Appellate Authority should hear the first appeal within 45 days and pas order as per law.

The complaint was heard on 22.07.2009. Complainant and defendants were present.

The complainant has stated that he was not called for hearing and no order has been passed. The complainant by his letter dated 31.12.2009 further informed the commission that he was called for hearing on 14.01.2008 but he received the intimation on 15.01.2008. He requested to be called again but did not hear anything. There is nothing on record to show that the First Appellate Authority has passed any order. The matter is simple but very important. The Deputy Registrar notice under section 89 A has to be complied. The complainant has all the right to know whether the society had responded or not. In case the complainant failed to appear, he should have been given another date. I therefore pass the following order.

Order

The complaint is allowed. The First Appellate Authority to show cause why disciplinary action should not be recommended against him for not complying with the commission within 4 weeks from the date of receipt of this order.

(Ramanand Tiwari)
State Information Commissioner, Mumbai

Place: Mumbai
Date: 30.01.2010.

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

Appeal No.2010/3581/02

**Mrs. Sarina Esmeralada Lopez
302, Wahedna Apt, Hill Rd,
Bandra, Mumbai – 400 050.**

... **Appellant**

V/s

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

... **Respondent**

**Public Information Officer cum Horticultural Asstt
Municipal Corporation Greater Mumbai,
H/West Ward, Bandra (W),
Mumbai – 400 050.**

GROUND

This appeal has been filed under section 19(3) of the Right to Information Act, 2005. The appellant by his application dated 25.05.2009 had sought information relating to Wahedna Apartments, 75 Hill Rd, Bandra, Mumbai. The appellant wanted to know whether the society can indulge into cutting / trimming / hacking of trees growing on roads and pavements.

1. What action has been taken by your department with regard to my complaint dated 2nd May, 2009. Your complaint no. allotted as A.M. 720556994 dated 04.05.2009?
2. Has an FIR been lodged by you, as required by Maharashtra Tree Preservation Act for cutting trees without require permission and adequate and adequate notice to public?
3. can a private individual cut / hack / trim trees growing on BMC land i.e. roads and pavements?

Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant filed this second appeal before the commission. The appeal was heard on 04.11.2009. Appellant and respondents were present.

The appellant has contended that she was not satisfied with the information furnished to her. She has pointed out that copies of the correspondence relating to the matter was not given to her.

The respondent's contention is that available information has been furnished. Papers were sent to the Superintendent of Gardens and therefore copies could not be furnished.

After going through the case papers and considering the arguments advanced by the parties I have come to conclusion that information has been partially furnished. A copy of the warning letter issued to the society has been given to the appellant. The appellant does not seem to be satisfied with the action taken. It is however to be pointed out that the RTI Act ensures furnishing of available information. The adequacy or otherwise of the action taken cannot be sorted out under the RTI Act. It is however seen that the appellant has not been given copies of the correspondence on the ground that the same has been sent to the superintendent of Garden. This is not correct. The PIO is not supposed to have all the information. He has to arrange to furnish the required information. I therefore pass the following order.

Order

The appeal is partially allowed. The PIO to get the correspondence from the Supdt of Garden and furnish copies to the appellant free of cost as the same has not been done earlier. The exercise to be over within 30 days from the date of receipt of this order.

(Ramanand Tiwari)
State Information Commissioner, Mumbai

Place: Mumbai
Date: 30.01.2010.