

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

Appeal No.2008/146/02

**Mr. Hingad Shantilal  
Corporation 88 Tenament,  
“A” Building, Shop No.5,  
Rafi Ahamad Kidwai Road,  
Wadala, Mumbai – 400 031.**

... **Appellant**

V/s

**First Appellate Officer or Assistant Municipal Commissioner,  
F north Municipal Corporation Office,  
Flat no. 96, Bhau Daji Road,  
Matunga (E), Mumbai.**

... **Respondent**

**Public Information officer or Assistant Engineer,  
F north, Municipal Corporation Office,  
Flat no. 96, Bhau Daji Road,  
Matunga (E), Mumbai – 400 051.**

### **GROUND**

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant had sought information regarding report of the Engineer concerned with repair of building No. ABC at Wadala. The appeal does not contain copies of any order either from the PIO or from the First Appellate Authority. The case was fixed today for hearing. The appellate authority and the PIO were present. The appellate has remained absent. The PIO has shown to me papers regarding repair work under taken. In view of this the appeal loses its importance.

### **Order**

In view of the fact that repairs work has already been taken up. The appeal is disposed off.

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

Place: Mumbai  
Date: 02.06.2008

**Mr. Vinod Kumar L. Dhawan**  
**101, Krishna Kunj CHS Ltd,**  
**Plot No. 13, L.T. Nagar Road No. 1,**  
**Off M.G.Road, Goregaon (W),**  
**Mumbai – 400 062.**

... **Appellant**

V/s

**First Appellate Officer, Office of the Principal Secretary,**  
**Urban Development & Housing Department,**  
**Govt. of Maharashtra, Mantralaya,**  
**Mumbai – 400 032.**

... **Respondent**

**Public Information officer, Office of the Principal Secretary,**  
**Urban Development & Housing Department,**  
**Govt. of Maharashtra, Mantralaya,**  
**Mumbai – 400 032.**

### GROUNDS

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

- (i) The Action taken Report of the Govt. of Maharashtra on the judgment passed on 07.03.02 by Nirgude, J. of the Maharashtra State Co-operative Appellate Tribunal in AO No. 86 of 2001 filed by M/s Prakash Auto v. Arenja Premises
- (ii) Reasons for inaction
- (iii) Details of any affidavit filed in a Court of law by the Government of Maharashtra in the said matter
- (iv) Details of steps taken by the Government to prevent unscrupulous builders from selling open spaces
- (v) Details of any policy by the Government regarding the sale of Stilt Parking Space

The Desk Officer, department of housing under his letter dated 09.04.2008 has informed him that said order has been stayed by Hon High Court in writ petition no. 2326/2002 and it would not be possible to act upon on the judgment passed by the Maharashtra State Co-operative Appellate Tribunal.

The appeal was fixed on 29.05.2008. Appellants and respondents were present. The appellant has pleaded that it is inaction on the part of govt. which facilitated stay by the Hon. High Court. The respondents have pleaded that nothing can be done in view of the stay granted by the Hon High Court.

After going through the papers on record and submissions made by parties, I have come to the conclusion that nothing can be done at this stage in view of the stay granted by Hon High Court.

**Order**

The appeal is disposed off.

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

Place: Mumbai  
Date: 02.06.2008

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

Appeal No.2008/130/02

**Mr. Mukund Hira More**  
A-201, Gorai Jankalyan Co-op.Hsg.Ltd,  
Plat no. 22, 2<sup>nd</sup> floor Gorai (1),  
Near Navin M.H.B. Colony,  
Borivali (W), Mumbai – 400 091.

... **Appellant**

V/s

**First Appellate Officer, MHADA,**  
**Grihnirman Bhavan,**  
**Bandra (E), Mumbai.**

... **Respondent**

**Public Information officer or Secretary,**  
**Grihnirman Bhavan,**  
**Bandra (E), Mumbai.**

**GROUND**

This complaint has been filed against Shri Kailash Jadhav, Secretary, Maharashtra Area Housing & Development Authority. The complainant is a retired Deputy Collector whose pension has not yet been finalized. He was on deputation to MAHADA and MAHADA has not given “No dues Certificate to him.

The case was fixed for hearing on 03.06.2008. The complainant is present. Shri Prakash M. Mahajan Joint Chief Officer Mumbai Repairs & Reconstruction Board was also present. The Board has enquired that the complainant had made allotment of some tenements which has been disputed. It has been brought to my notice that the complainant allotted more area than entitlement. The complainant has denied. The case is pending in the court of law. RTI Act does not empower the commission to settle such disputes. In any case the matter is sub judice. I can not order that the Board must give him No dues Certificate”

**Order**

In the light of the above, the complaint is disposed off.

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

Place: Mumbai  
Date: 03.06.2008

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

**Appeal No.2008/152/02**

**Mr. Santosh Shridhar Salkar  
Laxmijyot Co. Op. Hsg. Society,  
Sector-1, B-56, Shantinagar, 004,  
Mira Road – 401 107.**

**... Appellant**

**V/s**

**First Appellate Officer or Registrar  
Sahakari Santha, R. Division, Malhotra House,  
Opp. G.P.O, Mumbai – 400 001.**

**... Respondent**

**Public Information officer or Deputy Registrar  
Sahakari Santha, R. Division, Malhotra House,  
Opp. G.P.O, Mumbai – 400 001.**

**GROUNDS**

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant had sought information regarding action taken by respondents on his applications. The case papers themselves do not reveal details of the application, copies of the order passed by the PIO or the first appellate authority. The case was fixed for hearing today. Appellant and respondents are present. The appellant has reiterated his stand that he has not been given any information. The respondent has shown me a copy of the information sent to him. I therefore pass the following order.

**Order**

The appeal is allowed. Respondents to furnish information within 48 hours free of cost. The appellant to collect the required information in person. Parties have been informed orally.

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

Place: Mumbai  
Date: 04.06.2008

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

**Appeal No.2008/157/02**

**Mr. Santosh Shridhar Salkar  
Laxmijyot Co. Op. Hsg. Society,  
Sector-1, B-56, Shantinagar, 004,  
Mira Road – 401 107.**

**... Appellant**

**V/s**

**First Appellate Officer or Registrar  
Sahakari Santha, R. Division, Malhotra House,  
Opp. G.P.O, Mumbai – 400 001.**

**... Respondent**

**Public Information officer or Deputy Registrar  
Sahakari Santha, R. Division, Malhotra House,  
Opp. G.P.O, Mumbai – 400 001.**

**GROUNDS**

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant had sought information regarding action taken by respondents on his applications. The case papers themselves do not reveal details of the application, copies of the order passed by the PIO or the first appellate authority. The case was fixed for hearing today. Appellant and respondents are present. The appellant has reiterated his stand that he has not been given any information. The respondent has shown me a copy of the information sent to him. I therefore pass the following order.

**Order**

The appeal is allowed. Respondents to furnish information within 48 hours free of cost. The appellant to collect the required information in person. Parties have been informed orally.

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

Place: Mumbai  
Date: 04.06.2008

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

Appeal No.2008/158/02

**Mr. Shriniwas Prabhalar Joshi  
Guhagar Aagar Manager Homes,  
R.P.Gohagar Aagar,  
Dist. Ratnagiri – 415 703.**

... **Appellant**

V/s

**First Appellate Officer or General Manager,  
Central Office, Maharashtra State Road Transport Corporation  
Dr, Anandrao Naiyar Marg, Mumbai – 400 008.**

... **Respondent**

**Public Information officer or Personal Officer,  
Central Office, Maharashtra State Road Transport Corporation  
Dr, Anandrao Naiyar Marg, Mumbai – 400 008.**

### **GROUND**

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant had sought information regarding his annual confidential report from 1992 to 2006 and also copies of report making sure that they have been written after assessing his performance. The PIO has denied the information under section 8(1) (J) the First Appellate Authority has partially allowed the appeal. It is against this order that this appeal has been filed.

The appeal was fixed for hearing today. The appellant did not turn up. The Public Information was present. It was submitted by him that in view of the order of the first appellate authority, the PIO has furnished the graduation list prepared for promotion. He has also submitted a copy of his communication to the commission.

After going through the case papers and considering the submission made by the respondent I have come to the conclusion that there is no need to intervene. The extent to which information should be given has been done. The application of section 8(1) (J) is also in order.

### **Order**

The appeal is disposed off.

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

Place: Mumbai  
Date: 04.06.2008

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

**Appeal No.2008/149/02**

**Mr. Vikrama Shama Shetty  
Mildred Coop. Hsg. Soc. Ltd,  
Flat No. 301, 3<sup>rd</sup> floor,  
Above Jay Anand Hospital,  
Charai, Thane (W) – 400 601.**

**... Appellant**

**V/s**

**First Appellate Officer, Assistant Commissioner of Police  
(Head Office 1), Police Commissioner's Office  
Mumbai – 400 001.**

**... Respondent**

**Public Information officer, Assistant Commissioner of Police  
(Public Relation), Police Commissioner's Office  
Mumbai – 400 001.**

**GROUNDS**

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant has requested for a copy of the letter No. 2715/1991 dated 26.11.1992 of the Theatre Branch of Greater Mumbai Police in respect of M/s Links food Pvt Ltd. Colaba Mumbai ( Link's Pavillion, KC College Hostel Building 19/21, Mahakavi Bhushan Marg), sent to the State Excise Department old custom House, Mumbai. The Public Information Officer by his letter dated 29.02.2005 has denied the information on the ground that under section 11(1) of the RTI Act no information can be disclosed without permission of the third party. The First Appellate Authority has confirmed the PIO's order. Hence this appeal.

The appeal was fixed for hearing on 03.06.2008. Appellants and respondents were present. The appellant has argued that this case does not constitute a third party information as the information / report has been furnished by the police and not by the third party. The respondent's argument is that the information relates to the third party, and has been treated as confidential and the third party has objective to its disclosure to the appellant.



I have gone through the case papers and also considered the argument advanced by parties. It is true that the information relates to the third party but the police have treated it as confidential and not the third party. It is conventional to mark almost all govt. correspondence as confidential. The RTI Act disallows disclosure in very few cases. Even section 11 provides for disclosure if the public interest in disclosure outweighs in importance any possible harm or injury to the interest of such third party under these circumstances I am the view that the appellant should be provided the information sought.

**Order**

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

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

Place: Mumbai  
Date: 05.06.2008

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

Appeal No.2008/165/02

**Mr. Chandrakant K. Naik  
Mardesh Vaje Aali, Nalasopara (W),  
Dist. Thane – 401 304.**

... **Appellant**

V/s

**First Appellate Officer or Chief Officer,  
Mumbai Building Repairing & Prohibition,  
MHADA (W), Mumbai – 400 051.**

... **Respondent**

**Public Information officer or Joint Chief Officer,  
Mumbai Building Repairing & Prohibition,  
MHADA (W), Mumbai – 400 051.**

### GROUNDS

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant wanted information regarding inspection report relating to Bimbisar Nagar, Goregaon. The record does not show any response either from PIO or from the First Appellate Authority. The case was fixed for hearing today. The appellant has not turned up. The respondent was present who promised to furnish the information. It is already too late, but I would like to give them a chance.

I pass the following order.

### Order

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

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

Place: Mumbai  
Date: 05.06.2008

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

**Appeal No.2008/164/02**

**Mr. Hemant Kondu Patil  
Mardesh Vaje Aali, Nalasopara (W),  
Dist. Thane – 401 304.**

**... Appellant**

**V/s**

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

**... Respondent**

**Public Information officer or Under Secretary,  
General Administrative Department,  
Mantralaya, Mumbai – 400 032.**

### **GROUND**

This appeal has been filed under section 19(3) of the Right to Information Act 2005. He wanted to know about Maharashtra in the India Administrative services. The PIO has informed him that this is available on internet and has also given the website. The First Appellate Authority has confirmed the order. This second appeal under section 19(3) is against this order.

The appeal was fixed for hearing on 05.06.2008. The appellant did not turn up. The PIO and the first appellate authority were present.

After going through the case papers I have come to the conclusion that the orders passed by the PIO and confirmed by the first appellate authority needs no interference.

### **Order**

The appeal is dismissed.

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

Place: Mumbai  
Date: 05.06.2008

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

**Appeal No.2008/1910/02**

**Mr. Magan Kalu Aher  
101/A, Ankur, Bhujabalwadi,  
Rambad Lane-2, Kalyan (W),  
Dist. Thane – 421 301.**

**... Appellant**

**V/s**

**First Appellate Officer,  
General Education Institute,  
Dadar, Mumbai – 400 028.**

**... Respondent**

**Public Information officer,  
General Education Institute,  
Dadar, Mumbai – 400 028.**

**GROUNDS**

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant had sought information regarding action taken on his application dated 23.01.2006. Certified copies of the audit report of N.I school URAN, recovery of money from Mrs. Kamble and other details relating to the General Education Institute Dadar, Mumbai. The Secretary of the institute in his letter dated 12.02.2008 has furnished the information to the appellant. But this has been done much after the second appeal has been filed.

The appeal was fixed for hearing on 05.06.2008. Appellant and respondent were present. The respondents promised and the appellant agreed that the required information will be furnished within 30 days. In the light of this, I pass the following order.

**Order**

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

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

Place: Mumbai  
Date: 05.06.2008

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

**Appeal No.2008/166/02**

**Mr. Vikaram Shama Shetti  
Mildred, Coop.Hsg.Soc.Ltd,  
Flat No. 301, 3<sup>rd</sup> floor,  
Above Jay Ananad Hospital,  
Charai, thane (W) – 421 601.**

... **Appellant**

V/s

**First Appellate Officer or Collector of Mumbai (MSD)  
Bandara (E), Mumbai**

... **Respondent**

**Public Information officer or The Collector & District  
Magistrate of Mumbai (MSD)  
Bandara (E), Mumbai**

**GROUNDS**

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant had sought information regarding 32 Hostel which according to him are located in restricted area and what action has been taken against them. The record does not show whether any order has been passed by PIO or the First Appellate Authority. The second appeal was heard today. Appellant and respondent are present. The appellant informed the commission that the required information has since been furnished. The respondent admitted having received but complained about delay. The respondent pleaded that the exercise involved scrutinizing 32 cases, and it took time. In the light of the above I pass the following order.

**Order**

The appeal is disposed off.

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

Place: Mumbai  
Date: 06.06.2008

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

Appeal No.2008/163/02

**Kumari. Manda Radhakrishna Kubal**  
At Post. Dandi. Tal. Malvan,  
Dist. Sindhudurg

... Appellant

V/s

**First Appellate Officer, Maharashtra State Technical Education Board, 49, Kherwadi, Bandara (E), Mumbai – 400 051.**

... Respondent

**Public Information officer, Maharashtra State Technical Education Board, 49, Kherwadi, Bandara (E), Mumbai – 400 051.**

### **GROUNDS**

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant had sought information regarding her Ms-Big certificate which has the Photo of man rather than the appellant. All her information – many in the shape of question and opinion revolve round this blunder. This is very serious matter and shows total carelessness on the part of the authority concurred papers on record do not reveal any order either from the PIO or from the First Appellate Authority.

The appeal was fixed for hearing on 05.06.2008. The appellant did not turn up. Respondent were present. They have agreed that this was blunder and needed correction. They have also agreed to get it corrected. In view of the above I pass the following order.

### **Order**

Respondent to ensure that corrected copy of the certificate is sent to the appellant within 30 days failing which action under section 20 of the RTI will be initiated against them.

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

Place: Mumbai  
Date: 06.06.2008

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

**Appeal No.2008/151/02**

**Mr. C. N. Pandey (Convener)  
Vegan (BGO),  
501, 5<sup>th</sup> floor B Wing, Shubharambh Complex,  
Ghodbandar Road, Thane (W).**

... **Appellant**

V/s

**First Appellate Officer, Maharashtra Pollution Control  
Kalpataru point, 2<sup>nd</sup>, 3<sup>rd</sup> & 4<sup>th</sup> floor,  
Opp. Cineolanet, Near Sion Circle,  
Sion(E), Mumbai – 400 022.**

... **Respondent**

**Public Information officer, Maharashtra Pollution Control  
Kalpataru point, 2<sup>nd</sup>, 3<sup>rd</sup> & 4<sup>th</sup> floor,  
Opp. Cineolanet, Near 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 had sought information regarding construction work being carried out by M/s Alok Exports at SARAVALI MIDC area. The appellant wanted to know from MPCB whether permission has been granted and which is the authority which clears cases in the CRZ Area. The PIO under his letter dated 01.09.2006 replied to the appellant. The appellant was not satisfied and preferred appeal under section 19(1) of the RTI Act. The First appellate Authority informed the appellant that MPCB has not given any permission but M/s Alok Exports have applied for consent to establish which was pending on the day the appeal was decided. The appellant has also been informed that CRZ issue is being handled by MCZM authority. The appellant is not satisfied and hence this appeal.

The case was fixed for hearing on 04.06.2008. The appellant did not turn up. The respondents were represented. They have given their written submission. After going through the papers on record and considering the arguments advanced by respondents, I

have come to the conclusion the required information has already been furnished. I pass the following order.

**Order**

The case is disposed off.

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

Place: Mumbai  
Date: 06.06.2008



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

**Appeal No.2008/153/02**

**Mr. Balbhim Nivrutti Suryavanshi  
Vijay Laxmi Apartment, Room No. 2,  
Ground floor, Santoshi Mata Mandir Road,  
Kalyan (W), Dist. Thane.**

**... Appellant**

**V/s**

**First Appellate Officer, Director of Public Prosecutions,  
Barecx No. 6, Behind Yashodhan Building,  
Near Marin Drive Police Station,  
Dinesha Vachha Road,  
Chuchgate, Mumbai – 400 020.**

**... Respondent**

**Public Information officer, Director of Public Prosecutions,  
Barecx No. 6, Behind Yashodhan Building,  
Near Marin Drive Police Station,  
Dinesha Vachha Road,  
Chuchgate, Mumbai – 400 020.**

### **GROUNDS**

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant had filed a complaint under the scheduled castes and scheduled Tribes (Prevention of Atrocities) Act 1989 to Kherwadi Police Station. The Assistant Director and Public Prosecutor, Mumbai has given opinion that no offence has been disclosed and the file should be closed. According to the appellant the said Assistant Director and Public Prosecutor has given wrong opinion because regarding the same facts CR has been registered at Azad Maidan Police Station under section 3(1) and 9 of the scheduled castes and scheduled Tribes (prevention Atrocities) Act 1989 and the case is pending before the session court where in Assistant Director and Public Prosecutor, Mumbai has opined that offence has been disclosed and charge sheet has been filed by the Investigating Officer in the sessions court. The appellant, therefore, has wanted to know whether crime has to be registered at Kherwadi Police Station and whether the offence has been disclosed or not. His application was rejected as the PIO was of the view that the request amounted to seeking opinion which can not be granted. The

appellant filed an appeal under section 19(1) of the RTI Act but the First Appellate Authority has confirmed the order passed by the PIO. Hence this appeal.

The case was fixed on 04.06.2008 for hearing. The appellant did not turn up. The PIO and the First Appellate Authority have been represented. The respondents have given their written submission which has been placed on record.

I have considered the agreement advanced by parties and also gone through the papers on record. The order passed by the PIO and the First Appellate Authority are in accordance with spirit of the RTI Act. The word opinion used in section 2 of the RTI Act can not have any other meaning except “opinion on record”. According to the conventional office procedure we record our opinion on file and submit to the appropriate authority in the hierarchy who may take that opinion into account while making final decision. PIO and First Appellate Authority can not be approached for rendering their advice or giving their opinion.

In the light of the above discussion. I am of the view that the orders passed by the PIO and the First Appellate Authority need no information. I confirm there orders.

**Order**

The appeal is disallowed

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

Place: Mumbai  
Date: 06.06.2008

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

Appeal No.2008/161/02

Mr. Anil Hamir Wasia  
254, Girnar C.H.S. Ltd. New Link Road,  
Oshiwara Park, Oshiwara,  
Jogeshwari (W), Mumbai – 400 102.

... Appellant

V/s

First Appellate Officer or Joint Chief Officer,  
Mumbai Housing and Area Development Board,  
Griha Nirman Bhavan, 3<sup>rd</sup> floor,  
Bandra (E), Mumbai – 400 051.

... Respondent

Public Information officer or Chief Officer,  
Mumbai Housing and Area Development Board,  
Griha Nirman Bhavan, 3<sup>rd</sup> floor,  
Bandra (E), Mumbai – 400 051.

**GROUND**

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant had sought information regarding conveyance deed of his residential flat in Oshiwara, Grirnar C.H.S. Ltd, New Link Road Oshiwara Park, Jogeshwari (W), Mumbai. He was informed under letter dated 22.05.2006 by the Joint Chief Officer, Mumbai Housing and Area development Board the reasons for non registration of conveyance deed. The appeal was fixed for hearing today. The appellant did not turn up. The Public Information Officer was present. He informed me that the Conveyance Deed has since been registered and appellant can obtain a copy from him

In view of the above I pass the following order.

**Order**

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

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

Place: Mumbai  
Date: 06.06.2008

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

Appeal No.2008/175/02

**Mr.Ramshankar Ayodhyaprasad Saroj  
Dhanshyamdas Chawl, Room No. 2,  
Sant Rohidas Marg,  
Kala Killa, Dharavi, Mumbai – 400 017.**

... **Appellant**

V/s

**First Appellate Officer or Assistant Commissioner,  
G/North Division Office, Harishchandra Yewale Marg,  
Dadar (W), Mumbai – 400 051.**

... **Respondent**

**Public Information officer or Senior Colony Officer,  
G/North Division Office, Harishchandra Yewale Marg,  
Dadar (W), Mumbai – 400 051.**

### **GROUND**

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant had requested for a copy of annexure II Akashdep Society. The PIO in his order dated 24.04.2008 informed the appellant that annexure II for the Akashdeep Sahakari Grihnirman Sanstha, Shivshankar Nagar, Dharavi has not been prepared and therefore the question of furnishing a copy of the same does not arise. The appellant filed the first appeal which has not been decided. This the second appeal under the RTI Act.

The case was fixed for hearing on 06.06.2008. Appellant was present. Respondent's representative was also present. It has been clarified by the respondent that annexure II of the society has not yet been finalized. The RTI Act ensures access to available information. If the information is not available it can not be furnished.

### **Order**

The appeal is dismissed.

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

Place: Mumbai  
Date: 06.06.2008

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

Appeal No.2008/140/02

**Mr.Kamlaprasad Y. Mishra**  
**Shop No 11 A/01, M.U.T.P Rehabilitation Colony,**  
**Opp. Durganagar, J.V. Link Road,**  
**Jogeshwari (E), Mumbai – 400 060.**

... **Appellant**

V/s

**First Appellate Officer or I.A.S,**  
**Addl. Metropolitan Commissioner and Project director,**  
**MUTP/MMRDA, Bandra (E) Mumbai – 400 0051.**

... **Respondent**

**Public Information officer or Chief Resettlement and Rehabilitation,**  
**MUTP/MMRDA, Bandra (E) Mumbai – 400 0051.**

### **GROUND**

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant is aggrieved because neither the PIO nor the First Appellate Authority has responded to his request. The case was fixed for hearing on 30.05.2008. The appellant was present but neither the PIO nor the first appellate authority turned up. The appellant's only plea was that he must get the information he has requested.

After going through the case papers and considering the plea of the appellant it is clear that the PIO and the first appellate authority have shown total disregard to the provisions of the RTI Act by not responding at all. I am constrained to pass the following order.

### **Order**

The appeal is allowed. Respondents to furnish information 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: 31.05.2008

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

**Appeal No.2008/178/02**

**Mr.Vijay Haridatta Tandle,  
295, Miroda Chawl, Near Plaza Theater,  
N.C.Kelkar Marg,  
Dadar (W), Mumbai – 400 028.**

... **Appellant**

V/s

**First Appellate Officer or Chief Officer,  
Repair & Reconstruction Board,  
Room No. 409, Grihanirman Bhavan,  
Bandra (E), Mumbai.**

... **Respondent**

**Public Information officer or Deputy Chief Officer,  
Room No. 307, Grihanirman & Area Development Board,  
Bandra (E), Mumbai.**

**GROUNDS**

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The information sought by the applicant has not been furnished either by PIO or the First Appellate Authority. The case was fixed today. The appellant did not turn up. Respondent is present. Respondent admits that information has not been furnished. I pass the following order.

**Order**

The PIO must furnish the required information free of cost within 30 days. Failing which action under section 20(1) of the RTI Act will be initiated against him.

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

Place: Mumbai  
Date: 09.06.2008

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

**Appeal No.2008/181/02**

**Mr. Ajay Madusudan Marathe  
504, New Sarvodaya, CHS, Sector 4, Flat no. 29 B,  
Vashi, Navi Mumbai – 400 703.**

**... Appellant**

**V/s**

**First Appellate Officer or Police Commissioner,  
Office of Navi Mumbai, Navi Mumbai.**

**... Respondent**

**Public Information officer or Deputy Police Commissioner,  
Office of Police Commissioner, Navi Mumbai.**

**GROUNDS**

This appeal has been filed under section 19(3) of the Right to Information Act 2005. 4 members of the New Sarvodaya CHS Plot no. 29 “B” Sector 4 Vashi, Navi Mumbai wrote a letter dated 10.02.2006 to the senior Inspector, Vashi Police Station, Sector 3, Vashi, Navi Mumbai to bring to his notice that their society has issued a circular dated 02.09.2004 stating that members can give their flats on leave and license without Police NOC by paying extra non occupancy charges. The applicant requested the police to look into the matter. The appellant has sought information regarding action taken by the Police on this application. The PIO in his letter dated 05.10.2006 has informed the appellant that a new administrator has been appointed to the society w.e.f. 31.01.2008 and the appellant should approach him for redressal of his grievances. The First Appellate Authority by his order dated 07.11.2006 has confirmed the PIO’s order. Hence this apped.

The appeal was fixed for hearing on 09.06.2008. The appellant as well as respondent are present. After going through the case papers and hearing the appellant and respondent I have come to the conclusion that the appellant has to be given the information. The PIO’s and the First Appellant Authority’s order that the appellant should approach the administrator is not correct. The administrator can remedy the

situation arising out of day to day functioning of the society and will ensure that of the society is run according to the Co-operative society Act. Police NOC is a security requirement and administrator has nothing to do. In fact I would recommend that the administrator should reverse the circular issued by the society. The appellant has also brought to my notice the PIO in his order has stated that the administrator has taken change from 31.01.2007 where as the appellant has produced a copy of the charge report saying that the administrator took over on 17.01.2002. They appellant have accused the PIO of furnishing wrong information.

After going through the papers on record and considering the arguments I order that information sought by the appeal must be furnished. The appellant must be informed what action the police have taken on society member letter has dated 10.02.2005 specially doing away with the requirement of NOC from the police.

**Order**

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

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

Place: Mumbai  
Date: 09.06.2008



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

**Appeal No.2008/176/02**

**Mr.Ramshankar Ayodhyaprasad Saroj  
Dhanshyamdas Chawl, Room No. 2,  
Sant Rohidas Marg,  
Kala Killa, Dharavi, Mumbai – 400 017.**

... **Appellant**

V/s

**First Appellate Officer or Chief Executive Officer,  
SRA, 5<sup>th</sup> floor, Grihanirman Bhavan,  
Bandra (E), Mumbai – 400 051.**

... **Respondent**

**Public Information officer or Assistant Information Officer,  
SRA, Grihanirman & 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 has sought information regarding unauthorized tenements constructed in Omdatta Sahkari Grihnirman Sanstha (Maryadit) CS No. 181, Khambadev Nagar, Dharavi. He also wanted to know whether any action has been taken by slum Rehabilitation Authority. Papers on record do not show whether the PIO and the First Appellate Authority has passed any order.

The appeal was fixed for hearing on 09.06.2008. Appellant and the PIO are present. The PIO stated that the information is ready. The appellant has expressed his desire to collect the same although he resented the delay. In light of the above, I pass the following order.

**Order**

The appeal is allowed. The PIO to furnish information within 30 days. The information should be furnished free of cost. Compliance to be reported to the commission.

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

Place: Mumbai  
Date: 10.06.2008

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

**Appeal No.2008/180/02**

**Mr.Anad Kishan Kapse  
Janta Seva Mandal, Opp. Shankar Dairy Farm,  
Laxmi Bag, Sion, Mumbai – 400 022.**

... **Appellant**

V/s

**First Appellate Officer or Res. Deputy Collector,  
Old Custom House, Fort, Mumbai – 400 23.**

... **Respondent**

**Public Information officer or nayab Tahsildar,  
Office of the Collector, Old Custom House,  
Fort, Mumbai – 400 23.**

**GROUND**

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant has sought information regarding distribution of Govt. assistance to those affected by the heavy downpour in Mumbai on 26<sup>th</sup> July, 2005. The record does not show whether PIO or the First Appellate Authority has passed any order. The appeal was fixed for hearing on 09.06.2008. The appellant has not turned up. The respondents are present. They have made their written submission. They have contended that the appellant has been informed that he could collect the information after paying necessary fee. They have brought to my notice that the appellant never turned up. They have enclosed copies of letters sent to the appellant since the appellant was absent; it was not possible to verify whether he is interested in the information he had sought. In the light of the above, I pass the following order.

**Order**

The appeal is disposed off.

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

Place: Mumbai  
Date: 10.06.2008

**Mr.Dakshes Meghji Shah**  
**Flat No. 302, 3<sup>rd</sup> floor, Bhavani Shopping Central,**  
**CHS Ltd. Anand Road, Malad (W),**  
**Mumbai – 400 064.**

... **Appellant**

V/s

**First Appellate Officer or Assistant Commissioner,**  
**Municipal Corporation of Greater Mumbai,**  
**P/North Ward Office, Liberty Garden,**  
**Mamletdarwadi, Malad (W), Mumbai – 400 064.**

... **Respondent**

**Public Information officer, Office of the Assistant Commissioner,**  
**Municipal Corporation of Greater Mumbai,**  
**P/North Ward Office, Liberty Garden,**  
**Mamletdarwadi, Malad (W), Mumbai – 400 064.**

### GROUNDS

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

- 1) Whether the following property is or is not assessed to Municipal Property Tax. Full description of the property: Shop No.4, Ground floor, Hemraj Anandilal Bungalow, Behind Parasrampuriah Chambers, Anand Road, near Jain Tempal, Opposite Railway Station, P/North Ward, 348 Malad (W), Mumbai, Maharashtra (India), Pin Code – 400 064.
- 2) If the property is duly assessed to property tax, what is the amount of property tax assessed per six/twelve months? Proof of Assessment of property tax in the form of Bill/Notice required.
- 3) If the property is not duly assessed to property tax:
  - (a) Since when is the property not assessed to property tax?
  - (b) Reasons for non assessment to property tax.

- (c) The total that could have been recovered from the owner of the property till date (Including fines penalty interested)
- (d) Name of the Officer responsible for non-assessment of property top
- (e) Date from which the property-tax shall be duly charged on the property in question.

The appellant has not received any order from the PIO. The First Appellate Authority by his order dated 15.06.2006 informed the appellant that the assessment staff could not locate the property and the appellant could have a joint inspection. The appellant, however, refused saying that the RTI Act does not provide for joint inspection. The First Appellate Authority asked the appellant to provide Photographs and ordered that relevant information should be furnished on receipt of photographs.

The case was fixed for hearing on 09.06.2008. The appellant has not turned up. The respondents have handed over a copy of their letter dated 06.07.2006 informing the appellant that the properties are assessed and if he required details, he could do so on payment of required fee. It is clear that the information has been furnished.

### **Order**

The appeal is disposed off.

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

Place: Mumbai  
Date: 10.06.2008

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

**Appeal No.2008/177/02**

**Mr.Chandra Devram Kamble  
Santai Sadan, Navjivan Rahiwashi Sangh,  
S.G.Barve Marg, Kurla (E), Mumbai – 400 024.**

... **Appellant**

V/s

**First Appellate Officer or Assistant Commissioner,  
L/Ward, 1<sup>st</sup> floor, Laxmanrao Yadav Mandai,  
Kurla (W), Mumbai – 400 070.**

... **Respondent**

**Public Information officer or Assistant Engineer (Build. & Factory)  
L/Ward, 1<sup>st</sup> floor, Laxmanrao Yadav Mandai,  
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 requested for information regarding construction on Govt. land next to classic plywood in Kurla. The PIO in his letter dated 06.02.2006 has informed the appellant that the land belongs to govt. and he was not aware of the construction going on and further information can be had from the office of the collector, Mumbai suburban district. There is no order from the First Appellate Authority. Hence this appeal.

The appeal was fixed for hearing on 09.06.2008. Neither the appellant nor the respondents turned up.

I have gone through the case papers. The reply furnished by the PIO has not satisfied the appellant. It will not satisfy anyone. A citizen brings to the notice of MCGM official that some construction is going on and wants to know whether permission has been given or otherwise. His expectation is that he should get a copy of the permission or a reply which promises action against the unauthorized construction. The reply by the PIO given to him given neither because the land belongs to govt. and permission is required only when construction is to done on municipal land or private land. The fact, however, remains that any construction in the municipal area irrespective of who owns the land requires permission. A citizen can not construct anything on his own land

without permission leave aside someone indulging into unauthorized construction on govt. land. The least that could have been done was to initiate action against the unauthorized construction or inform the collector more so when the unauthorized construction has been brought to the notice of the Municipal authority. This is high time govt. should come out with a policy where by any unauthorized construction irrespective of the fact whether it is on private, Municipal or govt. land should be removed by the Municipal Corporation because the law is very clear that no construction can be done without permission from the Municipal Corporation.

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

**Order**

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

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

Place: Mumbai  
Date: 10.06.2008

**Mr.Pradeep Namdev Surve  
(Laboratory Technician)  
Medical Stores Department,  
Lokmanya Tilak Municipal  
General Hospital, Sion, Mumbai – 400 022.**

... **Appellant**

V/s

**First Appellate Officer or Deputy Municipal Commissioner,  
(GAD) Municipal Corporation,  
BMC Head Office, Annex Building,  
6<sup>th</sup> floor, Mahapalika Marg, Fort,  
Mumbai – 400 001.**

... **Respondent**

**Public Information officer or Chief Personnel Officer,  
(GAD), Municipal Corporation, BMC Head Office,  
Annex Building, 6<sup>th</sup> floor, Mahapalika Marg, Fort,  
Mumbai – 400 001.**

### GROUNDS

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant had requested for a copy of the combined seniority list of qualified laboratory technician prepared for the post of Scientific Officer. This list, according to the appellant is dated 17.09.1999. The PIO by his order dated 27.03.2006 furnished to him a copy of the seniority list. The First Appellate Authority by his order dated 07.10.2006 confirmed the order of the PIO. The appellant is not satisfied with these orders and hence this appeal.

The appeal was fixed for hearing on 09.06.2008. The appellant did not turn up. The PIO and the First Appellate Authority were present. They have made their written submission. They have contended that the list has been handed over to the appellant. The appellant is not satisfied because his name is not there.

After going through the case papers and also considering the submission made by respondents. I have come to the conclusion that the required information has been furnished. It may true that his name is not there and he should approach the appropriate

authority and find out why it is so. In the light of the above discussion I pass the following order.

**Order**

The appeal is disposed off.

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

Place: Mumbai  
Date: 10.06.2008



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

**Appeal No.2008/182/02**

**Smt. Shweta Bhalchandra Jichakar  
Y-8/116, Government Colony,  
Bandra (E), Mumbai – 400 051.**

... **Appellant**

V/s

**First Appellate Officer or Chief Engineer,  
Mumbai (PWD) Regional Division,  
25, Marban Road, Fort, Mumbai – 400 23.**

... **Respondent**

**Public Information officer or Assistant Chief Engineer,  
Mumbai (PWD) Regional Division,  
25, Marban Road, Fort, Mumbai – 400 23.**

**GROUND**

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant had requested for a copy of the Govt. circular / order authorizing the Public works Dept. Govt. of Maharashtra to allot “Y” type of 6 quarters in Bandra Govt. Colony. The PIO as well as the First Appellate Authority could not furnish the required information but maintained that the PWD has been allotting these quarters for over 40 yrs. The appellant was not satisfied with these orders and hence this appeal.

The appeal was fixed for hearing on 09.06.2008. The appellant could not attend but has made written submission. The First Appellate Authority has also made written submission and was represented during the hearing. The appellant has very elaborately and with documentary evidence tried to prove that the PWD was never authorized to allot these quarters and General Administration Department alone can allot these quarters. The respondents have relied more on convention and have tried to prove that they have been allotting these quarters for over 40 years. The appellant in the meantime approached Maharashtra Administrative Tribunal complaining that although govt. has allotted a quarter to her, she has been denied possession because the PWD was of the view that they are supposed to allot this quarter and not the GAD. The appellant has stated that

since her grievance stands redressed, she is not interested in any penal action under the RTI against any official.

After going through the case papers and considering the written submissions made by parties I have come to the conclusion that the appellant has proved her point. Her grievance has also been redressed. She is not interested in action against any against any official. I therefore pass the following order.

**Order**

The appeal is disposed off.

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

Place: Mumbai  
Date: 10.06.2008

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

**Appeal No.2008/2258/02**

**Mr.Pratap Pandurang Rane  
Saraswati Society, Irla Lane,  
Irla, Vile Parle West, Mumbai – 400 056.**

**... Appellant**

**V/s**

**First Appellate Officer or Assistant Municipal Commissioner,  
K West Ward, K West Ward Building, Paliram Road,  
off S.V.Road, Opp. Andheri Station,  
Andheri (W), ), Mumbai – 400 058.**

**... Respondent**

**Public Information officer or Assistant Engineer (Maintenance),  
K West Ward, K West Ward Building, Paliram Road,  
off S.V.Road, Opp. Andheri Station,  
Andheri (W), ), Mumbai – 400 058.**

**GROUNDS**

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant has sought information regarding widening of Irla passage Road, Ville Parle West leading to Saraswati Cooperative Housing Society. The appellant has alleged that this road is not being undertaken despite standing committee having cleared in 1977. The PIO in his order 07.07.2006 has informed the appellant that Irla passage road from Tanajee Malusare Road up to Saraswati CHS is an existing road having 30 wide sanctioned RL. There are built up structures which are coming in the way of the proposed widening of the Irla passage. The structures are under acquisition and the work can be taken only after acquisition is over. The First Appellate Authority by his order dated 31.07.2006 has disposed off the appeal. Hence this appeal.

The appeal was fixed on 10.06.2008. The appellant did not turn up. The First Appellate Authority was present and has given his written submission while repeating the earlier stand that the structures are under acquisition, he has further elaborated that the office of the Chief Engineer (DP) of MCGM has complied with the requirement of the special land acquisition officer in Nov, 2007. It means that things are moving.

In view of the above I have come to the conclusion that the required information has been furnished.

**Order**

The appeal is disposed off.

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

Place: Mumbai  
Date: 11.06.2008

**Mr. Shaikh Sikander Kasam**  
**M/s Shaikh Automobile works,**  
**R-4042, 47 Milan Club,**  
**Bhatia Estate, Opp. Vivekanand Nagar,**  
**S. V. Road, Borivali (W), Mumbai – 400 092.**

... **Appellant**

V/s

**First Appellate Officer or Additional Police Commissioner,**  
**North Region, Thakur Village,**  
**Kandivli (E), Mumbai – 400 101.**

... **Respondent**

**Public Information officer or Assistant Police Commissioner,**  
**North Region, Thakur Village,**  
**Kandivli (E), Mumbai – 400 101.**

### GROUNDS

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant has sought information regarding his complaint dated 08.01.2005 lodged with Senior Inspector, Borivali against Mrs. Bhanumati V. Shah. He wanted a certified copy of the statement given by Mrs. Shah. The information has been denied to him by the PIO as well as the First Appellate Authority. Hence this appeal.

The appeal was fixed for hearing on 10.06.2008. The appellant and respondents were present. The respondents have made their written submission. They have submitted that since the matter is pending in the Hon High Court the information has been denied. The appellant has pleaded that the pending case has nothing to do with the information sought. There are two different issues although parties are the same. The appellant has gone to the Hon High Court against the decision of the City Civil Court where as the complaint lodged by him is proposed to be filed.

After going through the case papers and considering the arguments. I have come to the conclusion that the appeal has to be allowed & information furnished to the appellant.

**Order**

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

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

Place: Mumbai  
Date: 10.06.2008

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

**Appeal No.2008/195/02**

**Mr. Anun R. Andhale  
20/6, Bhaddar Chawl, Datta Mandir Road,  
Shivadi, Mumbai – 400 015.**

... **Appellant**

V/s

**First Appellate Officer or Region Officer,  
Bhivandi Region, Office of Bhivandi,  
Dist. Thane.**

... **Respondent**

**Public Information officer or Deputy Divisional Officer,  
Bhivandi Region, Office of Bhivandi,  
Dist. Thane.**

**GROUNDS**

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant has sought information regarding unauthorized construction on SN 26, Mauze Satavali, Taluka. Vasai, belonging to Shri Raghu Bhiva Hinga, an adivasi. The additional tahasildar, Vasai under his letter dated 30.01.2006 informed the appellant that Shri Raghu Bhiva Hinga has leased this land to a non adivasi who has started commercial construction on that land. He has also informed that action has been initiated against the unauthorized construction.

The appeal was fixed for hearing on 10.06.2008. The appellant did not turn up. The Plo and the First Appellate Authority were present. They made their oral submission. In view of the fact that relevant information has already been furnished to the appellant nothing remains to be done.

**Order**

The appeal is disposed off.

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

Place: Mumbai  
Date: 10.06.2008

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

**Appeal No.2008/155/02**

**Mr. Jitendar Vasant Pise  
At & Post Jamsande-Tulshinagar  
Tal. Deogad, Dist. Sindhudurg,**

**... Appellant**

**V/s**

**First Appellate Officer or Joint Director,  
Higher Education, Mumbai Region,  
3 Mahapalika Marg, Mumbai – 400 001.**

**... Respondent**

**Public Information officer or Joint Director,  
Higher Education, Mumbai Region,  
3 Mahapalika Marg, Mumbai – 400 001.**

**GROUNDS**

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant has sought information regarding implementation of Hon High Court order in writ Petition No. 2346 of 2004 dated 22.03.2005. The Hon High Court had directed the Sahyadri College of Arts and Commerce Panchal District Ratnagiri to pay the back wages as may be due. The appellant it appears was sent a letter dated 09.11.2006 from the Principal of the College informing him about the state of implementation of the Hon High Court order. There is nothing on record to show whether the first appeal was fixed and any order passed. The hearing of this appeal was fixed on 04.06.2008. The appellant did not turn up. The respondent was present. They have submitted their written submission. It has been contended by them that Hon High Court order has been implemented as arrears of wages have been credited to the appellants account. It has been contended by them that since his reinstatement was not ordered by the Hon Court, the question of implementation is does not arise. I have also been informed that the appellant has filed contempt petition against the management and the college. In view of the above discussion and absence of the appellant, I am of the view that the required information has furnished.

**Order**

The appeal is disposed off.

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

Place: Mumbai  
Date: 11.06.2008



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

**Appeal No.2008/159/02**

**Mr. Shaikh Ahamd Musa  
Javed Clinic, 11 Nurani Building,  
Near Railway Station, Mumbra,  
Thane – 400 612.**

... **Appellant**

V/s

**First Appellate Officer, Maharashtra Homeopathy.  
Council, Mumbai – 400 001.**

... **Respondent**

**Public Information Officer, Maharashtra Homeopathy.  
Council, Mumbai – 400 001.**

**GROUND**

This appeal has been filed under section 19(3) of the Right to Information Act 2005. He had asked for a certified copy of the Board and Domicile certificate of Mr. B.G. Mathapati, Pravandhak, Maharashtra Homeopathy Council. This information has been denied to him under section 8 of the Right to Information Act 2005. The First Appellate Authority confirmed the order passed by the Public Information Officer. Hence this appeal.

The appeal was fixed for during on 05.06.2008. The appellant was present. The respondents did not turn up. The appellant has pleaded that the information sought by him can not be denied under section 8 that he requires it for public purpose as he suspects that there are two dates on these two certificates.

After going through the case papers and also considering the arguments made by the appellant I have come to the conclusion that the PIO and the First Appellate Authority have correctly denied the information. Appellant's suspicion according to me is not sufficient ground for invading some owns privacy. I am not satisfied with the intended public purpose for which the information has been sought. Following order is passed.

**Order**

The appeal is disposed off.

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

Place: Mumbai  
Date: 11.06.2008

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

**Appeal No.2008/154/02**

**Mr. Sonaji Bhaurao Sonawane  
12 F, Siddivinayak Tower,  
A Wing, Near Runwala Nagar,  
Thane – 400 601.**

... **Appellant**

V/s

**First Appellate Officer or Education Inspector.  
North Region, Topiwala Lane,  
Grant Road (E), Mumbai – 400 007.**

... **Respondent**

**Public Information Officer or Head Master,  
Sant Kakkaya Vikas Santha Sanchalit,  
Shri Ganesh Vidhya High school,  
Dharavi, Mumbai – 400 017.**

**GROUNDS**

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant had sought information from the PIO regarding distribution of grants under Savitribai Phule Scheme, Scholarship and fee reimbursement scheme for years 2003-2004, 2004-2005 and 2005-2006. The Head Master of the School under his letter dated 19.09.2006 informed the appellant that the information has been compiled and sent to the secretary of the management as well as the social welfare officer Brihan Mumbai, Chembur. The appellant not being satisfied filed the first appeal under section 19(1) of the Right to Information Act. There is nothing on record to show whether the First Appellate Authority has decided the appeal and passed any order. Hence this appeal.

The appeal was fixed for hearing on 04.06.2008. Appellants and respondents were present. The appellant has repeated his plea that he did not get the information and also complained that amounts under different schemes are never distributed to students in time. The respondent stated that information has been furnished.

I have gone through the papers on record and considered the submissions made by parties. There is nothing on record to show that information has been furnished

to the appellant. In fact the principal himself says that the relevant information has been sent to the Secretary of the management and the social welfare officer, Brihan Mumbai. This is highly objectionable. The information is sought by the appellant but is provided to the secretary of the management. It is also a serious matter that the principal says that the management has not appointed any Public Information Officer. This is a clear violation of the Right to Information Act.

In the light of the above discussion following interim order is passed.

**Order**

1. Issue show cause notice to the Management as why action should not be taken against for not appointing Public Information Officer as required under the RTI Act.
2. Issue show cause notice to the Head Master who sent information to the secretary rather than sending to the appellant. Why action should not be taken against him.
3. The appeal should be put up after 6 weeks on receipt of their reply.

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

Place: Mumbai  
Date: 11.06.2008

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

**Appeal No.2008/162/02**

**Mr. Balasaheb Manohar Kale  
Ajinkyatara, Co. CHS, A Wing,  
1<sup>st</sup> floor, Block No. 2, Vrundavan Complex,  
New Panvel. Dist. Raigad.**

**... Appellant**

**V/s**

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

**... Respondent**

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

**GROUNDS**

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant has sought information regarding recommendation of the then Managing Director, Maharashtra Charmodyoga Vikas Mahamandal to Govt. of Maharashtra saying that the corporation would not incur any loss if the piece rated workers are made permanent. The appellant has been given information by the Desk Officer, Dept. of Social Justice the latest position on the issue. The appellant and other made many representations but did not get any reply or information regarding action taken on those representations. The appellant is not satisfied with the reply and therefore he has preferred the second appeal before the commission.

The appeal was fixed for hearing on 05.06.2008. The appellant did not turn up. The Managing Director LOIDCOM was present.

I have gone through the papers on record. Govt. had issued instruction that all leather goods required by Govt. should be purchased from the corporation. This was done to promote the industry and interest of those engaged in this activity. The demand from department started getting reduced over a period of time. This led to workers not getting

adequate work. Govt. floated a scheme of compensation for them. There were demands of absorbing them permanently. The Govt. however decided that in view of their long association with the corporation and worsening of its finances, every piece rated worker should be given a compensation of Rs. One Lakh and relieved from their work. The appellant has raised a large no questions regarding this govt. decision.

Govt. decision that too a cabinet decision has been communicated to him. It is not understood what remains pending when the cabinet has taken the decision. In the light of the above discussion and also in view of the fact that RTI is not the right forum for questioning Govt. decision, I pass the following order.

**Order**

The appeal is disposed off.

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

Place: Mumbai  
Date: 11.06.2008

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

**Appeal No.2008/219/02**

**Mr. Vijayanand J. Bole  
5/6, B.M.C. Road, Opp. Lala College,  
Hajiali, Mumbai – 400 034.**

... **Appellant**

V/s

**First Appellate Officer, Maharashtra State Road  
Transport Corporation, Vahtuk Bhavan,  
Dr. Anandrao Nair Road, Mumbai – 400 008.**

... **Respondent**

**Public Information Officer, Maharashtra State Road  
Transport Corporation, Vahtuk Bhavan,  
Dr. Anandrao Nair Road, Mumbai – 400 008.**

**GROUND**

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant has sought information on 77 points. He was not satisfied with the replies of the PIO and the First Appellate Authority and hence this appeal.

The appeal was fixed for hearing on 12.06.2008. The appellant and the respondent were present. The appellant has tried to convince the commission that his question still remains unanswered. The respondent has made his written submission. He has contended that they have furnished all the information required by the appellant.

I have gone through the case papers and also considered the arguments advanced by parties. Records reveal that the respondent has done a good job. Responding to 77 queries pertaining to over a dozen departments in a huge organization like the Maharashtra State Road Transport Corporation must have been a laborious task. The MSRTC has categorized PIO department wise and tried to collect the information and furnish to the appellant. I would like to add that satisfaction under these circumstances is rather difficult. I am satisfied with effort made by the MSRTC and also advise the appellant to apply afresh if he feels that some points have remained unanswered.

**Order**

The appeal is disposed off.

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

Place: Mumbai  
Date: 13.06.2008

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

**Appeal No.2008/215/02**

**Mr. Shrikant Ramdas Ahire  
178/2770, Group No. 8/B, Tagore Nagar,  
Vikhroli (E), Mumbai – 400 083.**

... **Appellant**

V/s

**First Appellate Officer, Employment Exchange Dept.  
C.D.O Baracj No. 9, Jeevan Bima Marg,  
Opp. LIC, Mumbai – 400 020.**

... **Respondent**

**Public Information Officer, Employment Exchange Dept.  
C.D.O Baracj No. 9, Jeevan Bima Marg,  
Opp. LIC, Mumbai – 400 020.**

**GROUNDS**

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant has requested for information regarding maintenance of seniority list in the Employment Exchange, whether the submission list maintained is as per National Employment Service Manual 1 & 11 and also names of officials who were appointed to discharge official duties in matters of seniority list / submission list as per National Employment Service Manual I & II.

He is not satisfied with the responses of the PIO and the First Appellate Authority and hence this appeal.

The appeal was fixed for hearing on 12.06.2008. Appellant and Respondent were present. The appellant's main suspicion is that names are not sent according to seniority. He got his name registered in 1988 but still remains unemployed. The respondent has agreed that the list is now computerized and there is no question of names not being sent according to seniority. He has shown to me the documents as to how many times the appellant's name has been sent.

I have gone through the papers and also considered the arguments. The problem is genuine but solution does not lie in the RTI Act. The Employment Exchanges no longer

enjoy the states of monopoly suppliers and Courts have given ruling that recruitment has to be through open advertisement. I am satisfied that whatever information was to be furnished has been furnished. I am constrained to pass the following order.

**Order**

The appeal is disposed off.

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

Place: Mumbai  
Date: 13.06.2008



**Mr. Selwyn Almeida**  
**G01/203, "Casa Almeida"**  
**1, St. Joseph Road,**  
**Off. St. Paul Road,**  
**Mumbai – 400 050.**

... **Appellant**

V/s

**First Appellate Officer, Office of the District**  
**Dy. Registrar Co-operative Societies, Western Suburban**  
**Room 69, MHADA Build, Ground floor,**  
**Bandra (E), Mumbai – 400 051.**

... **Respondent**

**Public Information Officer, Office of the District**  
**Dy. Registrar Co-operative Housing Societies,**  
**H/West Ward, Suburban Barar Build,**  
**4<sup>th</sup> floor Opp. Bandra Railway Station,**  
**Bandar (W), Mumbai – 400 050.**

### **GROUND**

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant had filed an application for information under RTI Act 2005 at the office of Dy. Registrar of Co-operative Housing Societies H/West on 20.09.2006. He did not receive any reply. He therefore filed an appeal at the office of the District Dy. Registrar Co-operative Housing Society (3) at Bandra (E), Mumbai. During the hearing the Dy. Registrar informed that he had sent a letter to the appellant which the latter denied having received. The Dy. District registrar ordered that a copy of the letter dated 19.08.2006 be delivered to the appellant. The same was delivered to him on 22.08.2006 and to the Salsette Catholic Co-operative Housing Society Ltd. on 29.08.2006. This second appeal is for claiming compensation.

The appeal was fixed for hearing on 12.06.2008. The appellant has repeated his plea. The respondent argued that he had not deliberately or willfully delayed the information to the appellant. During the hearing the appellant raised another issue that copies of the order have not yet been sent to other members of the Society. This was

immediately agreed upon by the respondent. Since the respondent has agreed to comply with the appellant's request and no willful or deliberate delay was caused by him. I am of the view that the case needs to be closed I pass the following order.

**Order**

The appeal is disposed off. Respondent to send copies of his order to other members within 10 days.

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

Place: Mumbai  
Date: 13.06.2008

**Mr. Deepak Kadam**  
**Sachinanad Co-operative Housing Society,**  
**Room No. 51, Kalewadi, G.D. Ambekar Marg,**  
**Parel Tank Road, Mumbai – 400 033.**

... **Appellant**

V/s

**First Appellate Officer, Employment Exchange Dept.**  
**New Administrative Building, 14<sup>th</sup> floor,**  
**Mantralaya, Mumbai – 400 032.**

... **Respondent**

**First Appellate Officer, Employment Exchange Directorate,**  
**Kokan Bhavan, Navi Mumbai.**

**Public Information Officer, Employment Exchange Dept.**  
**New Administrative Building, 14<sup>th</sup> floor,**  
**Mantralaya, Mumbai – 400 032.**

**Public Information Officer, Employment Exchange Directorate,**  
**Kokan Bhavan, Navi Mumbai.**

### **GROUND**

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant had sought information on 15 counts from the Employment Exchange Department, Govt. of Maharashtra. The PIO in his letter dated 01.12.2006 informed the application that it was not clear from his application as to what information was required by the appellant. The PIO also informed him that he could get in touch with him and gave his telephone co. to the appellant. The appellant however preferred the first appeal but was not satisfied with the out come.

The appeal was fixed for hearing on 12.06.2008. The appellant could not remain present. The respondent is present. He has made his written submission.

After going through the case papers, I have also come to the same conclusion it is not clear what precise information is required by the appellant. The order passed by the PIO could not have been different. I am in agreement with him.

### **Order**

The appeal is disposed off.

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

Place: Mumbai  
Date: 13.06.2008

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

Appeal No.2008/2273/02

**Mr. Vishvas Sitaram Nadkarni**  
A-3, Woltas Society, Siv Srushti, Nehru Nagar,  
Kurla (E), Mumbai – 400 024.

... Appellant

V/s

**First Appellate Officer, Maharashtra Rajya Vij Vitran**  
**Company LTD, Mahavitran, Prakashgad Building,**  
**Bandra (W), Mumbai – 400 051.**

... Respondent

**First Appellate Officer, Maharashtra Rajya Vij Vitran**  
**Company LTD, Mahavitran, Prakashgad Building,**  
**Bandra (W), Mumbai – 400 051.**

### GROUNDS

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant had sought information regarding his application sent to Mahavitran, date on which it was received details of the information sent, procedure for change of name in case of transfer or death of the customer. He has filed this appeal because he was not satisfied with replies given to him.

The case was fixed for hearing on 09.04.2008. Since neither the appellant nor the respondent turned, it was fixed on 12.06.2008. They have repeated their performance. I have gone through the papers on record. It appears that the appellant has been sent a letter dated 24.05.2006. It has a lot of information. Since the appellant is not present, I have no way to verify whether this is enough for the him. Under these circumstances, I order to close the case.

### Order

The appeal is disposed off.

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

Place: Mumbai  
Date: 13.06.2008

**Mr. Ashok Hiraji Chheda**  
**Ashok Stores, Shop No-10(0, S.)**  
**B. R. Gawde Market, Worli Naka,**  
**Mumbai – 400 018.**

... **Appellant**

V/s

**First Appellate Officer or Director of (E S & P),**  
**Municipal Corporation,**  
**3<sup>rd</sup> floor, Mahapalika Head Office,**  
**Fort, Mumbai – 400 001.**

... **Respondent**

**First Appellate Officer or Dy. City Eng (P & D) City,**  
**Municipal Corporation,**  
**5<sup>th</sup> floor, Mahapalika Head Office,**  
**Fort, Mumbai – 400 001.**

### GROUNDS

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

Detailed inspection report of the B. R. Gawde Market, opinion regarding the sound Conditioned market should be considered for the redevelopment or not and reply/remark on my letter dated 22.08.2006 address to Dy. City Eng. (P & D) City.

The PIO by his letter dated 18.04.2006 has furnished the desired information. The appellant's first appeal was decided and order communicated to him by Director (Engineering Service & Projects) under his letter dated 26.12.2008. The appellant has filed the second appeal because he is not satisfied with the responses from the PIO and the First Appellate Authority.

The appeal was fixed for hearing on 12.06.2008. Appellant and respondent were present. It seems that the appellant is opposed to the proposed redevelopment of B.R. Gawade Market, Worli Naka where he is having a shop. The respondent during the course of hearing informed the commission that only annexure II has been finalized and redevelopment if undertaken will be in accordance with policy formulated by the

MCGM. The appellant has also brought to my notice that the first appeal was heard by Mr. P.S Sabnis EE (P) to DIR (ES&P) instead of Dr. S. Vishwanath who is the First Appellate Authority.

After going through the record and considering the arguments I have come to the conclusion that the required information has been furnished. As far as appellant's second point the first appeal was not heard by the First Appellate Authority, the record shows that the appeal has been decided by Dr. Vishwanath. I would, however, like to place on record that the power to hear the first appeal cannot be delegated and if this happens, it will be totally wrong. I pass the following order.

**Order**

The appeal is disposed off.

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

Place: Mumbai  
Date: 13.06.2008

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

**Appeal No.2008/239 A/02**

**Mr. Gajanan Kashinath Raote  
64, P, Parel Village, Bhagwantrao  
Parelkar Road, Mumbai – 400 012.**

**... Appellant**

**V/s**

**First Appellate Officer or Public Trust Registration Officer,  
Greater Mumbai Region,  
Dharmadaya Ayukta Bhavan,  
2<sup>nd</sup> floor, 83, Annie Besant Road,  
Worli, Mumbai – 400 018.**

**... Respondent**

**Public Information Officer or Deputy Charity Commissioner,  
Dharmadaya Ayukta Bhavan,  
2<sup>nd</sup> floor, 83, Annie Besant Road,  
Worli, Mumbai – 400 018.**

### **GROUNDS**

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant has filed an application under section 41 D of the Bombay Public Trust 1950 before the joint Charity Commissioner, Mumbai. He has also by his application dated 07.04.2005 filed a case alleging commission of perjury by the opponent in that proceeding.

The case was fixed for hearing on 13.06.2008. The appellant was present and the respondent has been represented. The commission has been informed that both these case are before the Joint Charity Commissioner. The Commission has been further informed that the petition alleging perjury has also been attended to, copy of the papers was sent to the opponent and the same has been received. The replies were given to the present appellant and his rejoinder has also been received. Both these case are pending before the Joint Charity Commissioners. The present appellant has been informed.

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

**Order**

The appeal is disposed off.

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

Place: Mumbai  
Date: 15.06.2008



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

Appeal No.2008/226/02

**Mr. Shailesh R. Shah**  
**1, Bhagwan Mansion,**  
**Behind Metro Cinema,**  
**Mumbai – 400 020.**

... **Appellant**

V/s

**First Appellate Officer or Director**  
**(Engineering Services & Project),**  
**Municipal Corporation,**  
**3<sup>rd</sup> floor, Mahapalika Head Office**  
**Fort, Mumbai – 400 001.**

... **Respondent**

**Public Information Officer or Dy. City Engineer (Bridges)**  
**1<sup>st</sup> floor, Opp. Geeta Cinema,**  
**Worli, Mumbai – 400 018.**

**GROUND**

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant had sought information regarding laying of storm water pipe in Cinema Road, behind Metro, Mumbai. The PIO and the First Appellant Authorities have replied to him. He was not satisfied and has filed this appeal.

The case was fixed on 13.06.2005. The appellant did not turn up. The respondent was present.

I have examined the records and have come to the conclusion that the required information has been furnished in very clear terms. Nothing remains to be done. Since the appellant did not turn up, it was not possible to find out reasons for his dissatisfaction. I pass the following order.

**Order**

The appeal is dismissed.

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

Place: Mumbai  
Date: 15.06.2008

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

**Appeal No.2008/225/02**

**Mr. Ramchandra R. Singh  
12, Tirupati Apartments,  
Devidayal Road,  
Mulund (W), Mumbai – 400 080.**

... **Appellant**

V/s

**First Appellate Officer or Executive Engineer,  
Maharashtra State Electricity Distribution  
Co. Ltd, Kalyan (Rural) Division.**

... **Respondent**

**Public Information Officer or Dy. Executive Engineer,  
Maharashtra State Electricity Distribution  
Co. Ltd, Kalyan (Rural) Division.**

**GROUND**

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant had sought information about the procedure for increasing the load of existing farm pump sets, information regarding replacement of faulty meter, steps to prevent unauthorized tapping and whether separate meter is required for light, fan etc. The PIO in his letter dated 17.11.2006 has furnished the information. The First Appellate Authority in his order dated 29.11.2006 has confirmed the PIO's order. The appellate is not satisfied with the replies given and hence this appeal.

The hearing was fixed on 13.06.2008. Appellants and respondents were present. The appellant has stated that he is still not satisfied. The respondents have stated that point wise information has been furnished. They have also informed that appellants personal problem of up gradation of capacity of the pump set has been done.

I have gone through the case papers and also considered the arguments advanced by parties. It is revealed from records that point wise information has been furnished. It is not always possible to provide a set of document relating to queries raised by a citizen.

These are no model answers. Many time official draws information from sources/  
C:\Documents and Settings\abc\My Documents\R.Tiwari\June, 2008.doc Kamlesh

documents and try to answer. I am of the view that the required information in this case has been furnished.

**Order**

The appeal is disposed off.

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

Place: Mumbai  
Date: 13.06.2008

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

**Appeal No.2008/224/02**

**Mr. Abdul Rehman Shaikh @ Baba Shaikh  
120/122, Modi Streer, 3<sup>rd</sup> floor, R.No. 301,  
Fort, Mumbai.**

... **Appellant**

V/s

**First Appellate Officer or Deputy Commissioner of Police,  
Zone-2, Nagpada, Mumbai – 400 008.**

... **Respondent**

**Public Information Officer or Asst. Commissioner of Police,  
South Regional Division, Nagpada, Mumbai – 400 008.**

**GROUNDS**

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant had requested for information regarding action taken on the letter dated 08.03.99 written by the Executive Engineer, Mumbai Building Destruction and Repair Board. The Executive Engineer had sought Police Protection for demolition of an unauthorized strict were appellant wanted to know why the Police Protection was not given. The PIO in his order has stated that the relevant papers pertaining to that year has been destroyed in accordance with standing order No. 65 of the Mumbai Police. The first Appellate Authority has also confirmed this order. The appellant has preferred the second appeal against this order.

The appeal was fixed for hearing on 13.06.2008. Appellants and respondents are present. The appellant repeated his request for information and respondents contended that since the papers have been destroyed, it cannot be furnished. The appellants asserted that how can a paper of 2006 be destroyed to which respondents reply was that the although the appellant has requested for the information in 2006, the papers pertained to 98/99. At this stage the appellant pointed over that the latter on which police action was expected pertained to 2006 and not 1998/99. He showed to me a copy of the letter written by the Executive Engineer and copy enclosed to him. Interesting enough, the respondents

have replied to this also in their submission saying that this letter of 2006 was never received.

Thus it is clear that there were two letters one of 1999 and the other of 2006. The respondents expressed their inability to say what action has been taken on the letter written in 99 since the records have been destroyed and they say they did not receive the letter written in 2006 and therefore there was no question of acting on that letter.

The Right to Information Act ensures access to available information. If the information on any account is not available then it cannot be furnished. The letter dated 20.04.2006; Written by the Executive Engineer does not bear any Acknowledgement to prove that the letter was received by the police station. The whole situation is unfortunate but it is too late to do anything. I have no way out but to conclude that the appeal stands disposed off.

**Order**

The appeal is disposed off.

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

Place: Mumbai  
Date: 13.06.2008

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

**Appeal No.2008/241/02**

**Mr. Ajay Madusudan Marathe  
504, New Sarvodaya, CHS, Sector 4, Flat no. 29 B,  
Vashi, Navi Mumbai – 400 703.**

... **Appellant**

V/s

**First Appellate Officer or Joint Registrar Co-op. Soc.  
3<sup>rd</sup> floor, Raigad Bhavan, S.B.D. Belapur,  
Navi Mumbai – 400 614.**

... **Respondent**

**Public Information Officer, New Sarvodaya  
Co-op, HSG, Soc, Ltd, Plot No. 29-B,  
Sector 4, Vashi, Navi Mumbai – 400 703.**

**GROUND**

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant had sought information regarding action taken on nomination forms submitted by him in respect of flat No. 503 and 504, mistakes in the balance sheet of the society and what action was taken to correct them non receipt of the minutes of the managing committee meeting. He was not satisfied with replies furnished by the PIO and the First Appellate Authority and hence this appeal.

The appeal was fixed for hearing on 13.06.2008. Appellants and respondents were present. The appellant has argued that he did not get the information he wanted, some information has been furnished late and some are defective. The respondent has made written submission. It appears from the submission that the required information has been furnished. It is a fact that there has been delay.

After going through the papers and considering the arguments, I have come to the conclusion that the information has been furnished. As far as delay is concerned there is nothing on record to show that it has been deliberate. The society of which the appellant is a member seems to have under gone a turmoil. I see no compelling reason to initiate action for delay.

**Order**

The appeal is disposed off.

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

Place: Mumbai  
Date: 17.06.2008

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

Appeal No.2008/265/02

**Mr. Ramchandra R. Sing**  
**12, Tirupati Apartment, Devidayal Road,**  
**Mulund (E), Mumbai – 400 080.**

... **Appellant**

V/s

**First Appellate Officer or Deputy Municipal Commissioner,**  
**(Education) Office, 3<sup>rd</sup> floor, F/South Ward officer Build.,**  
**Dr Ambedkar Road, Mumbai – 400 032.**

... **Respondent**

**Public Information Officer or Education Officer,**  
**Municipal School Build, Hindu Colony,**  
**Dada (E), Mumbai.**

### **GROUND**

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant had asked for copies all decisions taken or order passed in regard to appointment of teachers in the primary section of Sayanand Vedic Vidyalaya, DD Road, Mumbai (W), based on order dated 31.01.2005 of the Supdt. of private primary aided school. He was not satisfied by the response from the PIO and the First Appellate Authority and hence this appeal.

The case was fixed for hearing on 16.06.2008. Appellants and respondents were present. The appellant has repeated his request that he should be provided with copies of the document a requested. The respondents have argued that the information requested is voluminous and difficult to provide. During the course of argument however the appellant requested for inspection of record and then ask for more specific information. The respondent agreed to this. I therefore pass the following order.

### **Order**

The appellant to have inspection of relevant files and then request for specific information. The same should be furnished within 3 weeks of appellant's request.

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

Place: Mumbai  
Date: 17.06.2008

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

Appeal No.2008/266/02

**Mr. Ramchandra R. Singh**  
12, Tirupati Apartment, Devidayal Road,  
Mulund (E), Mumbai – 400 080.

... Appellant

V/s

**First Appellate Officer or Deputy Secretary,**  
**Law & Judies Department,**  
**Mantralaya, Mumbai – 400 032.**

... Respondent

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

### GROUNDS

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant had asked for copies of orders / GRs/ circulars showing guideline for lodging complaints against same judicial authority and also wanted to know whether there are GRs/ circulars explaining the procedure for submitting application to the principal judge against order of the judge City Civil Court without the help of any advocate.

The PIO the First Appellate Authority have held that the Information requested does not qualify as “information” under section 2(f) of the RTI Act and more in the nature of seeking advice. The appellant has filed the second appeal against this order.

The appeal was fixed on 16.06.2005. Appellant and respondent were present. They have argued orally and reiterated their respective stand.

After going through the case papers and considering the arguments advanced by parties I have come to the conclusion that the advice sought by the appellant does not constitute “information”. The words advice or opinion referred in section 2(f) are basically opinion, or advice on record to facilitate appreciation of the decision making process. No general advice or opinion can be sought under RTI Act.

I pass the following order.

### Order

The appeal is disposed off.

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

Place: Mumbai  
Date: 17.06.2008



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

**Appeal No.2008/245/02**

**Mr. Ajay Madusudan Marathe  
504, New Sarvodaya, CHS, Sector 4, Flat no. 29 B,  
Vashi, Navi Mumbai – 400 703.**

**... Appellant**

**V/s**

**First Appellate Officer or Deputy Secretary,  
Law & Judies Department,  
Mantralaya, Mumbai – 400 032.**

**... Respondent**

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

### **GROUND**

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant has sought information regarding appointment of administrator to Co-operative Housing Society, grounds on which they can be appointed no of CHS under the control of the commissioner of Co-operative, no of administrator appointed during May 2004 to May 2006 and no of complaints received against administrations and action taken on them. The appellant is not satisfied with the replies given by the PIO and the First Appellate Authority and hence this appeal.

The case was fixed for hearing on 13.06.2008. Appellants and respondents were present. While the appellant insisted on getting the whole information respondents submitted that the available information has already been furnished.

After going through the case papers and considering the arguments advanced by parties I am of the view that available information has been furnished. The Right to Information Act 2005 ensures access to available information. The expectation that Public authority can always sort out and compile the information is not according to the RTI Act. In light of the above discussion. I pass the following order.

### **Order**

The appeal is disposed off.

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

Place: Mumbai  
Date: 17.06.2008

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

Appeal No.2008/253/02

**Mr. Amaldar Ramlakhan Thakur**  
**BLH Room No. 319,**  
**Kurla Kadam Co-op. HCS,**  
**Kurka (E), Mumbai – 400 024.**

... **Appellant**

V/s

**First Appellate Officer or Deputy Police Commissioner,**  
**Chatrapati Shivaji Market,**  
**3<sup>rd</sup> floor, M.R.L. Marg, Mumbai.**

... **Respondent**

**Public Information Officer or Assit. Police Commissioner,**  
**Office of the Commissioner, Near Crawford Market,**  
**Mumbai – 400 001.**

**GROUND**

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant has sought information regarding a telephone call made from mobile No. 00971508495053 and wanted to know from where the call originated and details of the caller. He has been denied information under section 8 (1) (g) of the Right to Information Act. The First Appellate Authority has confirmed the PIO's order. Hence this appeal.

The appeal was fixed for hearing on 16.06.2005. The appellant did not turn up. The respondents were present. It has been argued by them that the matter is being investigated by the anti extortion cell of the Mumbai Police and the details of mobile no and matters related to that cannot be furnished. I have considered the argument and other papers on record and have come to the conclusion that the orders passed by the PIO and First Appellate Authority does not need any interference.

**Order**

The appeal is dismissed.

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

Place: Mumbai  
Date: 17.06.2008

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

**Appeal No.2008/263/02**

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

... **Appellant**

V/s

**First Appellate Officer, Office of the Home Guard  
Bhrihan Mumbai, 2<sup>nd</sup> floor, Old Sachivalaya Joint Building,  
Mahatma Gandhi Marg, Mumbai – 400 032.**

... **Respondent**

**Public Information Officer, , Office of the Home Guard  
Bhrihan Mumbai, 2<sup>nd</sup> floor, Old Sachivalaya Joint Building,  
Mahatma Gandhi Marg, Mumbai – 400 032.**

**GROUNDS**

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant has sought copy of the letter allowing Shri K. S. Mani a home guard to use the designation of “Varistha Dal Sambhag Naik”. The information furnished to him has not satisfied him and hence this appeal.

The appeal was fixed on 16.06.2005. Appellant and respondents were present. The respondent has informed the commission that Shri Mani under their letter dated 21.04.2003 was allowed to use the designation but the same was cancelled by his office letter dated 28.04.2003. This information has already been supplied to the appellant.

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

**Order**

The appeal is disposed off.

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

Place: Mumbai  
Date: 17.06.2008

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

**Appeal No.2008/264/02**

**Smt. Mani Patel  
Baxter Cottage, 22 St. Martins Road,  
Mumbai – 400 05.**

... **Appellant**

**V/s**

**First Appellate Officer or Director,  
Engineering Services & Projects,  
Municipal Office Annex, 3<sup>rd</sup> floor,  
Mahapalika Marg, Mumbai – 400 001**

... **Respondent**

**Public Information Officer or Asst. Eng.  
(Bldg. & Factory Dept.)  
Western Suburbs, 1<sup>st</sup> floor,  
Bhabha Hospital Bldg,  
R.K. Patkar Marg, Bandra**

**GROUNDS**

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant had sought information regarding I.ODs, O.Cs. and B.Cs of buildings constructed in H/West Ward since 2001. The information was denied under section 7(9) of the RTI Act by the PIO and the First Appellate Authority. Hence this appeal.

The appeal was fixed for hearing on 16.06.2008. The appellant and respondents were present. During the courses of hearing the appellant brought to my notice that she has since modified her request and wanted detail of specific CTS. Nos. The respondent confirmed that the appellant has done so. Normally the appellant should file an application under section 6(1) with modified CTS. Nos. but in view of the fact that a lot of time has already been wasted. I order that the respondent must furnish the required information with reference to specific CTS Nos.

**Order**

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

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

Place: Mumbai  
Date: 17.06.2008

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

**Appeal No.2008/261/02**

**Smt. Shanteri Nagesh Nayak  
Flat No. 21, 2<sup>nd</sup> floor, Plot No. 278,  
Lata Kunj, Road No. 31, Sion (E),  
Mumbai – 400 022.**

... **Appellant**

**V/s**

**First Appellate Officer or Jt. Commissioner of Sales Tax  
(Admin), Bandra Division, Mumbai – 400 001**

... **Respondent**

**Public Information Officer or PA to Jt. Commissioner of Sales Tax  
(Admin), Bandra Division, Mumbai – 400 001**

**GROUND**

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant had sought information regarding M/s New Punjab Hotel. The PIO has furnished the information. The appellant was not satisfied and an appeal under section 19(1) of the RTI Act was filed. The appellant is not satisfied with the order passed by the First Appellate Authority hence this appeal.

The appeal was fixed on 16.06.2008. The appellant did not turn up. The respondent has been represented. It has been stated by him that all relevant information have been furnished except letter of consent by the landlady on being asked whether he has any objection to furnish this document, he responded that the PIO and the First Appellate Authority have contended that the document submitted to the sales tax dept. under has been denied under section 8(e) of the RTI Act.

After going through the case papers and considering the argument. I have come to the conclusion that the document has been wrongly denied. The appellant wants a copy of the document submitted on her behalf. There is no question of the sale tax department holding the documents in its fiduciary relation ship. I pass the following order.

**Order**

The appeal is allow. The appellant must get a copy of the consent letter on record of the sales tax department within 30 days.

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

Place: Mumbai  
Date: 17.06.2008

**Mr. Madan Mohan Mishra,  
MANGLA FLOUR MILL,  
26, Jawahar Nagar,  
Shop No. 4, Road No.4,  
Goregaon (W), Mumbai – 400 062.**

... **Appellant**

V/s

**First Appellate Officer or Chief Additional Commissioner of Police  
Anti Corruption Bureau, Madhav Industrial Estate,  
1<sup>st</sup> floor, Pandurnag Budhkar Marg,  
Worli, Mumbai – 400 013.**

... **Respondent**

**Public Information Officer or Upper Mahasanchalak  
Anti Corruption Bureau, Madhav Industrial Estate,  
1<sup>st</sup> floor, Pandurnag Budhkar Marg,  
Worli, Mumbai – 400 013.**

### GROUNDS

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant had asked for information regarding his Mangla Flour Mill – certified copies of documents relating to that and also information relating to a case under investigation against Shri. Jayant Joshi and Sanjay Jayant Joshi of Sai developers. His first case has been sent to Principal Secretary Housing and information relating to the second case has been denied under section 8(1) (h). The appellant has filed this second appeal against these findings.

The case was fixed for hearing on 13.06.2008. The appellant could not come but the respondents were present.

I have gone through the papers on record and also considered the argument advanced by respondents. I have come to the conclusion that there is no need to interfere. The department has rightly forwarded the case to the Principal Secretary Housing who is

the right person to help the appellant. The information relating to the cases under investigation has been rightly denied under section 8(1) (h) of the RTI Act. In the light of the above, I pass the following order.

**Order**

The appeal is dismissed.

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

Place: Mumbai  
Date: 17.06.2008

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

**Appeal No.2008/238/02**

**Mr. Nitin Tukaram Gawankar  
05, Gawankar Niwas,  
Shiv Vallab Road,  
Dahisar (E), Mumbai – 400 068.**

**... Appellant**

**V/s**

**First Appellate Officer or Assit. Commissioner R/North Ward,  
Below Sangeetkar Sudhir Phadke,  
Fly Over Bridge, Jaywant Sawant Marg.  
Dahisar (W), Mumbai – 400 068.**

**... Respondent**

**Public Information Officer or A.E. (Bldg. & factory)  
Office of the Assit. Commissioner,  
Below Sangeetkar Sudhir Phadke,  
Fly Over Bridge, Jaywant Sawant Marg.  
Dahisar (W), Mumbai – 400 068.**

**GROUNDS**

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant had sought information regarding unauthorized construction of galas on S.N 145, Sant Namdeo Maharaj Marg and action against Shri Namdeo Mane, councilor Ward No. 157 for indulging into unauthorized construction. The appellant is not satisfied by replies furnished by the PIO and the First Appellate Authority. Hence this appeal.

The appeal was fixed for hearing on 13.06.2008. The appellant did not turn up. The respondent was present. The respondent has contended that the required information has been furnished.

I have gone through the case papers. It is clear that the appellant had raised two issues construction of unauthorized galas on SN 145 and action against Shri Namdeo Mane, councilor Ward no. 157.



There are very sketchy answers to the queries, but appellant is absent, I order to close the case.

**Order**

The appeal is disposed off.

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

Place: Mumbai  
Date: 17.06.2008

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

**Appeal No.2008/223/02**

**Mr. Yashwant Rasam  
10B/ 207/ 208, Siddhivinayak Soc.  
Sunder Nagar Kalina  
Santacruz, Mumbai – 400 098.**

**... Appellant**

**V/s**

**First Appellate Officer cum Chief Officer  
MHADA, Kalanagar, Bandra (E)  
Mumbai – 400 051**

**... Respondent**

**Public Information Officer cum SR. Architect,  
MHADA, Kalanagar, Bandra (E)  
Mumbai – 400 051**

**GROUNDS**

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant had sought information regarding redevelopment of Siddhivinayak Society Sunder Nagar, Kalina, Santacruz (E), Mumbai.

The appeal was fixed for hearing on 13.06.2008. The appellant did not turn up. Respondents were present. It is amply clear from the record that information has been furnished.

Since the appellant is absent it is not possible to know whether the information furnished has satisfied him. I therefore close the case.

**Order**

The appeal is disposed off.

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

Place: Mumbai  
Date: 17.06.2008

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

**Appeal No.2008/242/02**

**Mr. Ashfaque Ahmed  
A/402, Vivek Apartment, V.N. Road,  
Kalian, Santacruz (E), Mumbai – 400 098.**

... **Appellant**

V/s

**First Appellate Officer cum Director Engineer (Service & Project)  
Extension Building, M.C.G.M Head Office,  
Mahapalika Marg, Mumbai – 400 001.**

... **Respondent**

**Public Information Officer cum Dy. Chief Engineer,  
Building Proposal Department, Western Suburbs,  
M.C.G.M, 1<sup>st</sup> floor, Bandra (W)  
Mumbai – 400 050.**

**GROUNDS**

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant had sought information relating to Kalina Vihar Darshan Cooperative HSG Society – copies of permission for repair etc. He was not satisfied by the answer given by the PIO and the First Appellate Authority. Hence this appeal.

The appeal was fixed on 13.06.2008. Appellants and respondents were present.

It appears from the papers on record that MCGM has not sanctioned any such proposal. The Dy. Chief Engineer in his letter dated 03.02.2007 has informed the appellant that as per office record no, proposal is found noted on plot bearing CTS no. 6934 of Village Kole Kalyan. The appellant's acknowledgement is there on record.

In view of the above the appeal is disposed off.

**Order**

The appeal is disposed off.

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

Place: Mumbai  
Date: 17.06.2008

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

Appeal No.2008/2039/02

Smt. Daya Ramesh Kori  
Smt. Hansa Kori, Amol Apartment,  
3/16, Walhduni,  
Kalyan – 400 098.

... Appellant

V/s

First Appellate Officer cum Chief Executive Officer  
Slum Rehabilitation Authority,  
Griha Nirman Bhawan,  
5<sup>th</sup> floor, Bandra (E), Mumbai – 400 051.

... Respondent

Public Information Officer,  
Slum Rehabilitation Authority,  
Griha Nirman Bhawan,  
5<sup>th</sup> floor, Bandra (E), Mumbai – 400 051.

**GROUND**

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant had sought information from SRA relating to Slum Project, Krishna Patilwadi, Survey No. 65, CTS 698 of Village Mulund. There is nothing on record to show whether the PIO or the First Appellate has passed any order. I am also not sure whether all the information sought relate to the Slum Rehabilitation Authority. Appellant's absence makes matters worse.

In these circumstances I remand the case to public Information officer who would furnish the information available with him and take action as per section 6(1) (3) of the RTI Act wherever he is not concerned.

**Order**

The appeal is disposed off.

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

Place: Mumbai  
Date: 11.06.2008

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

**Appeal No.2008/246/02**

**Mr. Narvada Prasad Mishra  
Narmada Krishna Bhavan  
Pereirawadi, Sakinaka,  
Mumbai – 400 072.**

... **Appellant**

**V/s**

**First Appellate Officer cum Asst. Municipal Commissioner,  
L-Ward, Kurla, Mumbai – 400 070.**

... **Respondent**

**Public Information Officer cum Asst. Engineer  
(Build. & Factories), Municipal Office,  
L-Ward, Kurla, 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 regarding Room No 11 at Narmada Krishna Bhavan Pereirawadi, Sakinaka, Mumbai. He wanted to know whether a pan bidi shop run from the premise has a valid license. The PIO informed him that the shop has a license in the name of Mrs. Ramila Ramesh Sirgaonkar. The shop is running since 1984 and no action has been initiated against the shop. The appellant filed the first Appeal under section 19(1) of the Right to Information Act. The First Appellate Authority confirmed the PIOs order. Hence this appeal.

The appeal was fixed for hearing on 16.06.2008. The appellant did not turn up. The respondent was present. It was stated by him that the shop has been licensed and a copy of the license has already been supplied to the appellant.

In view of the fact that the information has already been supplied, I close the case.

**Order**

The appeal is disposed off.

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

Place: Mumbai  
Date: 17.06.2008

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

**Appeal No.2008/239/02**

**Mr. Murlidhar Dattatraya Sabnis  
Anand Vaibhav CHS Ltd, 329, N.C.  
Kelkar Road, Near Plaza Cinema,  
Dadar, Mumbai – 400 028.**

... **Appellant**

V/s

**First Appellate Officer cum Assit. Municipal Commissioner,  
Harishchandra Yelve Marg,  
Dadar, Mumbai.**

... **Respondent**

**Public Information Officer cum Asst. Engineer (MKT)  
1<sup>st</sup> floor, M.J. Phule Market, D.N. Road,  
Mumbai – 400 001.**

**GROUND**

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant has asked information regarding Krantisingh Nana Patil Market Dadar near Plaza Cinema, Dadar (W), Mumbai. He has asked information on 21 counts. The PIO has furnished the information but the appellant is not satisfied. The First Appellant Authority's response also has not satisfied the appellant. He has filed this second appeal against these orders. The case was fixed on 13.06.2008. Appellant and respondents were present.

The appellant has argued that he was made to run from one agency to another agency and have been given contradictory information. It has been argued by him that the information should be furnished by one single agency as all of them are working under the same Public Authority, Municipal Corporation of Greater Mumbai.

I have gone through the papers and also considered the argument advanced by parties. I have also realized that there has been too much of unnecessary running around of course, this is also because of the no and range of question asked by the appellant. The papers on record show a lot of exchange of letters between Asst. Commissioner Marketing and G/North Ward I am aware of the fact that the administration of MCGM

divided both on functional as well as territorial basis and there could be some amount of overlapping. But I concede the appellant's point more so in this case that every one is working under the same Public Authority. I therefore pass the following order.

**Order**

The appeal is partially allowed. The prayer that the commission may direct one of the two Asst. Commissioner - A C G/North Ward or Ac, Market to examine the issue De Novo and furnish consolidated information to the appellants. I order that this should be done by AC G/N Ward. This should be done within 3 months and appellant informed. Compliance report should be sent to the commission.

The appeal is disposed off.

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

Place: Mumbai  
Date: 15.06.2008

**Mr. Shivaji Sayahirao Kakde**  
**Controller,**  
**Vaidya Mapan Shastra, Maharashtra State,**  
**Mumbai Office, Govt. Kutir No. 7,**  
**Free Press Gnarl Marg,**  
**Mumbai – 400 021.**

... **Appellant**

V/s

**First Appellate Officer cum Deputy Controller,**  
**Vaidya Mapan Shastra, Maharashtra State,**  
**Mumbai Office, Govt. Kutir No. 7,**  
**Free Press Gnarl Marg,**  
**Mumbai – 400 021.**

... **Respondent**

**Public Information Officer cum Asst. Controller,**  
**Vaidya Mapan Shastra, Maharashtra State,**  
**Mumbai Office, Govt. Kutir No. 7,**  
**Free Press Gnarl Marg,**  
**Mumbai – 400 021.**

### **GROUND**

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant has requested for a certified copy of nothings relating to the Department al enquiry against him. The appeal was fixed for hearing on 16.06.2006. Appellant and respondents were present. The respondent has stated that final decision in the matter has still not been taken and information therefore could not be furnished. The appellant has requested for a copy of the notings.

I have gone through the papers on record. No matter can be kept pending for ever to deny information under RTI Act I therefore order that decision should be taken within 3 months and required information furnished after that.

### **Order**

The appeal is allowed. Proceeds to be finalized within months and information furnished to the appellant.

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

Place: Mumbai  
Date: 16.06.2008



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

**Appeal No.2008/262/02**

**Mr. Vaman Vishnu Chawan  
76/E Lokotkrash Vachnalaya,  
Bhavani Gate, Near Mangal Society,  
Matunaga, Mumbai – 400 019.**

... **Appellant**

**V/s**

**First Appellate Officer cum Asst. Commissioner,  
F/North Division, Mahapalika Building,  
Bhau Daji Road, Matunaga, Mumbai – 400 019.**

... **Respondent**

**Public Information Officer cum Secretary of  
Mahapalika Commissioner, Annex Building,  
Mahapalika Marg, Mumbai – 400 001.**

**GROUNDS**

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant wanted to know whether the municipal corporation is likely to remove or regularize legal / illegal construction on open land along RA Kidwai (E) Road, 'F' North Ward, Mumbai. The response from the PIO and the First Appellate Authority have not satisfied him and hence this appeal.

The case was fixed on 16.06.2008 Appellant and respondents were present. After going through the case papers and considering the arguments advanced by parties. I have come to the conclusion that the information sought cannot be furnished. The appellant wants to know what the MCGM propose to do. The information sought has to be on record and no hypothetical questions need to be answered. It is expected that information seeker and should be specific and should not quiz the Public Authority. In the light of the above discussion I pass the following order.

**Order**

The appeal is dismissed.

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

Place: Mumbai  
Date: 18.06.2008

**Mr. Uttam Bagri**  
**1207/A.P.J.Towers**  
**Dalal Street, Fort,**  
**Mumbai – 400 001.**

... **Appellant**

V/s

**First Appellate Officer cum Dy.Chief Engineer**  
**(Commercial South), Head Office,**  
**Colaba, Mumbai.**

... **Respondent**

**Public Information Officer cum Supdt.Cons. South,**  
**Head Office, Colaba, Mumbai.**

### GROUNDS

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

1. List of meters along with meter number that supply electricity to the building Bagri Niwas situated at 53/55 Nath Madhav Path (Old name 1<sup>st</sup> Khattar Gali), Near C P Tank, Mumbai 400 002.
2. Name of the person in whose name the meter stands as on date of each of these meters.
3. Areas/rooms to which these meters supply electricity for each of these meters.
4. Purpose for which the electricity is consumed (in case of specific purpose like central air conditioning, etc. please mention).
5. Sanctioned load of each of these meters.
6. Billing wise units of electricity consumed by these meters.
7. Month wise units of electricity consumed by these meters for the years 2000 to 2006.
8. Details of physical locations of each of these meters.

There is nothing on record to show whether information has been furnished. The case was fixed for hearing on 18.06.2008. The appellant was present but respondents are absent. The appellant has sought information about two buildings in his application. I allow the appeal and order that the above mentioned information should be furnished within 30 days.

**Order**

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

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

Place: Mumbai  
Date: 19.06.2008

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

**Appeal No.2008/300/02**

**Mr. Allwyn Ribeiro  
34/12, Sahakar Nagar, Wadala,  
Mumabi – 400 031.**

**... Appellant**

**V/s**

**First Appellate Officer cum Asst. Municipal Commissioner,  
F/North Ward, Brihan Mumbai Mahanagar Palika,  
Bhaudaji Road, Matunga, Mumbai – 400 019.**

**... Respondent**

**Public Information Officer cum Asst. Municipal Commissioner,  
F/North Ward, Brihan Mumbai Mahanagar Palika,  
Bhaudaji Road, Matunga, Mumbai – 400 019.**

**GROUND**

This appeal has been filed under section 19(3) of the Right to Information Act 2008. He had requested for a copy of the sanctioned plan of welfare centre at Wadala – opposite building No 34, on the ground of Sahakar Nagar. He also wanted to know the purpose for which the welfare centre was constructed and the purpose for which it is being used currently.

The case was fixed for hearing on 18.06.2008. Appellants and respondents were present. The appellant has stated that he has not been given the information. The respondents have pleaded that the structure is on the municipal land and no records are available to furnish the information asked by the appellants. They, however, revealed that they have carried out the inspection and have found out the current use of the welfare centre.

After going through the papers on record and considering the arguments I have come to the conclusion that available information must be furnished to the appellant. It is sad to note that a structure has come up on municipal land and the MCGM does not know

who constructed, the building is being used and purpose other than welfare centre and the MCGM does not get even rent.

**Order**

The respondent to furnish the information 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: 18.06.2008

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

**Appeal No.2008/28/02**

**Mr. Ramesh Munnilal Kalbar  
Room No. 3, Veerchand Marwadi Chawl,  
Opp. Mehboob Bekari, Somwar Bajar,  
Malad (W), Mumbai – 400 064.**

**... Appellant**

**V/s**

**First Appellate Officer cum Asst. Municipal Commissioner,  
P/North Ward, Libarti Garden, Mamalewadi Road,  
Malad (W), Mumbai – 400 064.**

**... Respondent**

**Public Information Officer cum Asst. Engineer,  
(Buld. & Factory) Mahanagar Palika,  
P/North Ward, Libarti Garden, Mamalewadi Road,  
Malad (W), Mumbai – 400 064.**

**GROUNDS**

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant had sought information regarding encroachment in P North Ward of Mumbai Municipal Corporation, notices issued under section 351 and 354(A), no of encroachments removed and their photographs. The PIO by his order dated 03.06.2006 asked him to inspect the registers in his office and ask for copies of relevant document @ of Rs 25/- per copy. The First Appellate Authority asked the PIO to furnish the information sought by the appellant. He is not satisfied by these orders and hence this appeal.

The case was fixed for hearing on 18.06.2008. Appellant and respondents were present. The appellant repeated his demand that the information asked for has not been furnished. The respondents argued that they are willing to supply the information provided the appellant asked for specific information.

I have gone through the case papers on record and also considered the arguments advanced by parties. It is clear that the scope of information asked for is too broad. These can be no better answer than the one given by the PIO. The appellant was requested to be

specific and he agreed to inspect the registers and ask for specific information. The respondents have agreed to furnish the relevant information.

It is therefore ordered that the PIO should allow inspection of relevant registers and supply copies of relevant documents on payment of requisite fee.

**Order**

The appeal is disposed off.

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

Place: Mumbai  
Date: 19.06.2008

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

**Appeal No.2008/277/02**

**Mr. Dilip R. Gandhi  
Ground floor, Gandhi Vihar,  
Sakharam Kir Road,  
Mahim, Mumbai – 400 016.**

**... Appellant**

**V/s**

**First Appellate Officer cum Office of the Manager  
Development. B.D.D. Chawl No. 51,  
Warli, Mumabi – 400 018.**

**... Respondent**

**Public Information Officer cum Office of the  
Superintend Engineer, (PWD), 25 Marzban Road,  
Fort, Mumbai – 400 001.**

**GROUND**

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appeal was fixed for hearing on 17.06.2008. Appellant has not turned up. Respondents were present. There is nothing on record to show that the information has been furnished. In the meantime the commission has received a letter dated 16.06.2008 from the appellant saying that he is not interested in pursuing the appeal. In the light of the above, I have come to the conclusion that the appeal deserves to be disposed off.

**Order**

The appeal is disposed off.

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

Place: Mumbai  
Date: 18.06.2008



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

**Appeal No.2008/312/02**

**Mr. Sunil Madhukar Wakharkar  
E-5/B-007, Highway Park  
ThakurComplex,  
Kandivli (E), Mumbai – 400 101.**

**... Appellant**

**V/s**

**First Appellate Officer cum Office of the Superintend,  
Mumbai University,  
Mumbai – 400 0032.**

**... Respondent**

**Public Information Officer cum Office of the Superintend,  
Mumbai University,  
Mumbai – 400 0032.**

**GROUNDS**

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The PIO and the First Appellate Authority have held that the information sought is in the form of question and need not be answered under RTI Act. The First Appellate Authority has also held the same view. Hence this appeal.

The appeal was fixed for hearing on 19.06.2008. Appellant and respondents are present. The appellant has repealed his request for information. The respondent has contended that the appellant has asked question and did not seek information as such.

After going through the papers on record and also considered the arguments advanced by parties I have come to the conclusion that the information sought by the appellant does fall in the definition of information under section 2 of the RTI Act. There is no standard format for asking information. Different people seek information in different ways. It is possible that the content bring same it could be asked in so many ways. What I consider important is the content whether the information is pointed and

clear. I conclude that the information sought by the appellant is pointed and clear. The information has to be based on available record.

**Order**

I allow the appeal and direct that the information sought must be furnished within 30 days.

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

Place: Mumbai  
Date: 19.06.2008

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

**Appeal No.2008/227/02**

**Mr. Nandkumar Laxman Sade  
2/1, Bhaskar Bhavan, Chimatpada,  
Marol –Naka, Andheri-Kurla Road,  
Andheri (E), Mumabi – 400 059.**

... **Appellant**

**V/s**

**First Appellate Officer cum Dy. Commissioner of Police,  
Zone-IX, Bandra (W), Mumbai.**

... **Respondent**

**Public Information Officer cum Asst. Commissioner of Police,  
Carter Road, Bandra (W), Mumbai.**

**GROUNDS**

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant had sought information regarding action taken on his complaints to Sr. Inspector, Sahar dated 07.03.2006, to Additional Commissioner of Police dated 13.03.2006 and to Commissioner of Police dated 13.03.200. He also wanted information regarding action taken under provisions of section 4 of the Right to information Act. The PIO has furnished him information on 3 counts but was unable to respond to his queries regarding action taken under section 4 of the RTI Act. The first Appellate Authority has agreed with the PIO. The appellant not satisfied with the information provided and has filed this second appeal.

The appeal was fixed for hearing on 13.06.2008. Appellants and respondents were present. The appellant contended that no action has been taken on his complaints and no information has been furnished regarding compliance of section 4 of the RTI Act. Respondents have made written submission. They have contended that information in respect of 3 issues raised by the appellant has been furnished. The 4<sup>th</sup> issue being too broad and elaborate could not be furnished.

I have gone through the papers and also considered the arguments advanced by parties. It is revealed from the record that the appellant has been furnished information on

3 counts. The reason why he is not satisfied could be that his complaints have been registered as non cognizable and could not proceed further. The appellant's contention regarding compliance of the provisions of section 4 of RTI Act is correct. The Act casts duty on Public Authorities to carry out instructions contained in section 4 of the RTI Act. The provision, however, says that these are subject to availability of resources. Experience has shown that provisions like names and designations and other particulars of the Public Information Officer, details in respect of the information available to or held by it etc. have been prominently published. Information such as particulars of organization, functions and duties, powers and duties of its officers, the procedure following in decision making, and directory of its officers and Employees, the monthly remuneration norms set by it for the discharge of its function received by each of its officer and employees might have lagged behind. It is not that these details are not available because it is on the basis of these documents and manual that the system is run and sometimes gets bad name of red tapism. If information in regard to any of the items is sought, I am sure it will be easy for any Public Authority to provide. I am not clear whether it needs to be compiled at one place so that it is handed over to any one who asks for it. Having said that I expect the respondent to comply within a reasonable period say 3 months. In the light of the above discussion. I pass the following order.

**Order**

The appeal is disposed off.

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

Place: Mumbai  
Date: 16.06.2008

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

**Appeal No.2008/228/02**

**Mr. Nandkumar Laxman Sade  
2/1, Bhaskar Bhavan, Chimatpada,  
Marol –Naka, Andheri-Kurla Road,  
Andheri (E), Mumabi – 400 059.**

... **Appellant**

**V/s**

**First Appellate Officer cum Dy. Commissioner of Police,  
Zone-IX, Bandra (W), Mumbai.**

... **Respondent**

**Public Information Officer cum Asst. Commissioner of Police,  
Carter Road, Bandra (W), Mumbai.**

**GROUNDS**

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant had sought information regarding action taken on his complaints to Sr. Inspector, Sahar dated 07.03.2006, to Additional Commissioner of Police dated 13.03.2006 and to Commissioner of Police dated 13.03.200. He also wanted information regarding action taken under provisions of section 4 of the Right to information Act. The PIO has furnished him information on 3 counts but was unable to respond to his queries regarding action taken under section 4 of the RTI Act. The first Appellate Authority has agreed with the PIO. The appellant not satisfied with the information provided and has filed this second appeal.

The appeal was fixed for hearing on 13.06.2008. Appellants and respondents were present. The appellant contended that no action has been taken on his complaints and no information has been furnished regarding compliance of section 4 of the RTI Act. Respondents have made written submission. They have contended that information in respect of 3 issues raised by the appellant has been furnished. The 4<sup>th</sup> issue being too broad and elaborate could not be furnished.

I have gone through the papers and also considered the arguments advanced by parties. It is revealed from the record that the appellant has been furnished information on

3 counts. The reason why he is not satisfied could be that his complaints have been registered as non cognizable and could not proceed further. The appellant's contention regarding compliance of the provisions of section 4 of RTI Act is correct. The Act casts duty on Public Authorities to carry out instructions contained in section 4 of the RTI Act. The provision, however, says that these are subject to availability of resources. Experience has shown that provisions like names and designations and other particulars of the Public Information Officer, details in respect of the information available to or held by it etc. have been prominently published. Information such as particulars of organization, functions and duties, powers and duties of its officers, the procedure following in decision making, and directory of its officers and employees, the monthly remuneration received by each of its officers and employees norms set by it for the discharge of its might have lagged behind. It is not that these details are not available because it is on the basis of these documents and manual that the system is run and sometimes gets bad name of red tapism. If information in regard to any of the items is sought, I am sure it will be easy for any Public Authority to provide. I am not clear whether it needs to be compiled at one place so that it is handed over to any one who asks for it. Having said that I expect the respondent to comply within a reasonable period say 3 months. In the light of the above discussion. I pass the following order.

**Order**

The appeal is disposed off.

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

Place: Mumbai  
Date: 16.06.2008

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

**Appeal No.2008/301/02**

**Mr. Shaikh. N. Naimuddin  
Flat No. 702 "A" Wing Subhashchandra C.H.S,  
Opp.ONGC Tower, Mukund Nagar,  
Dharavi, Mumbai – 400 017.**

... **Appellant**

**V/s**

**First Appellate Officer cum CEO of the SRA,  
5<sup>th</sup> floor, MHADA Buiding,  
Bandra (E), Mumabi – 400 051.**

... **Respondent**

**Public Information Officer cum SRA,  
5<sup>th</sup> floor, MHADA Buiding,  
Bandra (E), Mumabi – 400 051.**

**GROUND**

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant had sought information regarding Chawl Plot No. FP. 181, TPS (Dharavi), papers submitted by the Chitrakut Society Grahnirman Sanstha to SRA, Area Survey plan of the Society, Area measurement plan submitted to SRA.

The case was fixed on 18 June, 2008. There is no record to show what orders have been passed by the PIO or the First Appellate Authority. The respondents during the hearing have contended that the survey plan is not available on their record and hence cannot be furnished. This is a municipal land the survey must have been carried out by the MCGM. There is another appeal by the appellant against the MGCM on the same issue. Since the information sought is not available I have no option but to close the case.

**Order**

The appeal is disposed off.

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

Place: Mumbai  
Date: 20.06.2008

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

**Appeal No.2008/311/02**

**Mr. Gajanan Vithal Malap  
New Samadhan Dattaguru Soc,  
A/403, Flat 10, Senapayi Bapat Marg,  
Dadar, Mumbai – 400 028.**

... **Appellant**

**V/s**

**First Appellate Officer cum SRA,  
5<sup>th</sup> floor, MHADA Buiding,  
Bandra (E), Mumabi – 400 051.**

... **Respondent**

**Public Information Officer cum SRA,  
5<sup>th</sup> floor, MHADA Buiding,  
Bandra (E), Mumabi – 400 051.**

**GROUND**

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant had sought information regarding New Samadhan Dattaguru CHS, Dadar. He wanted copies of building plan, occupancy certificate etc. The PIO and the First Appellant's responses are not satisfactory and it is because of this reason that the appellant has filed this second appeal.

The appeal was fixed for hearing on 19.06.2008. The appellant and respondent were present. The appellant has stated that he is still waiting for the information. The respondent has pleaded that some information has been furnished and some have remained. I also find that at certain stage the PIO has contended that this constitutes 3<sup>rd</sup> party information under section 11 of the RTI Act.

I have gone through the case papers and also considered the arguments advanced by parties. I would like to clarify at the outset that section 11 is not at all relevant in this case. Resorting to section 11 will simply mean giving undue protection to the builder concerned. A citizen is entitled to seek information regarding building plan approval or



occupancy certificate granted more so when he stays in that building. The SRA must furnish the available information within their purview.

**Order**

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

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

Place: Mumbai  
Date: 19.06.2008

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

**Appeal No.2008/313/02**

**Mr. Jayesh Khimaji Sawala  
Apna Ghar CHS, Shop No. 8,  
Opp. Sauwadi Police Station,  
Mumbai – 400 069.**

... **Appellant**

**V/s**

**First Appellate Officer cum Deputy Engineer,  
SRA, Ghrih Nirman Bhavan, 7<sup>th</sup> floor,  
Bandra (E), Mumabi – 400 051.**

... **Respondent**

**Public Information Officer cum Chief Executive Engineer,  
SRA, Ghrih Nirman Bhavan, 7<sup>th</sup> floor,  
Bandra (E), Mumabi – 400 051.**

**GROUND**

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant had sought information regarding construction of an underground water tank in front of Saiwadi Police Chawki in Apna Ghar Society, Andheri (E) Mumbai. The appellant was not satisfied with replies given to him and hence this appeal.

The appeal was fixed for hearing on 19.06.2008. Appellant and respondent were present. The appellant has alleged that the construction of underground water tank is unauthorized and causing hard ship to him. The respondent stated that the question asked does not fit into the definition of information. He also stated that the construction is authorized.

After going through the case papers and considering the argument advanced by parties I have come to the conclusion that the information sought by the appellant does fall in the definition of 'Information'. There is no standard way of seeking information. Although a form has been prescribed, but different people use different styles of seeking information. The case here is simple-there is an underground tank in front of the

appellant's house. He feels inconvenienced and wants to know whether this construction is authorized or not.

**Order**

In the light of the above I allow the appeal. Information to be furnished within 30 days.

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

Place: Mumbai  
Date: 19.06.2008

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

**Appeal No.2008/31/02**

**Mr. Dileep B. Nevatia  
Industrial Bhavan (Worli) Ltd.  
Shashi Deep, 5-A, Worli Sea Face,  
Mumbai – 400 030.**

**... Appellant**

**V/s**

**First Appellate Officer cum Asst. Municipal Commissioner,  
Brihanmumbai Municipal Corporation,  
G/South Ward, N.M.Joshi Marg,  
Mumbai – 400 013.**

**... Respondent**

**Public Information Officer cum Asst. Engineer  
(Building & Factory),  
Brihanmumbai Municipal Corporation,  
G/South Ward, N.M.Joshi Marg,  
Mumbai – 400 013.**

**GROUNDS**

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

- a) Report of site visit, along with measurements taken, by MR. Irani and Mr. Redkar of Building & Factory Department of G/South Ward.
- b) Notice under section 351 of MMC Act issued by the Corporation to the offending party/parties.
- c) Reply to the Notice under section 351 of MMC Act received by the Corporation.
- d) Relevant Extracts of the Demolition Registers maintained by the Corporation for detection, notice and demolitions of unauthorized construction and activities at the above premises.
- e) Details of demolition of unauthorized construction and use at the premises carried out by the Corporation and their Reports.

The PIO in his order dated 12.05.2006 informed the appellant that the matter was referred to city EE (BP) who has approved the same. He also informed the appellant that

on inspection it was observed that the garage was being used for parking only. He concluded that in view of the above the questions of furnishing the required information did not arise. The appellant went in appeal under section 19(1) of the RTI Act. The first appellate Authority has tried to interpret the order passed by the PIO and came to the conclusion that what the PIO meant was that the proposal was approved by EE (BP) city and hence the matter was referred to the EE (BP) city for necessary action. Since the action was not initiated, the information required by the appellant could not be furnished. The appellant was not satisfied and hence this appeal.

The appeal was fixed hearing on 18.06.2008. The appellant has not turned up. the respondents were present.

I have gone through the case papers. The PIO has given information which the appellant has termed as false. The interpretation of the First Appellate Authority does not help the situation. The information sought by the appellant is very clear, pointed and unambiguous. The PIO order says “regarding change of user and illegal mezzanine floor at ground floor (West Wing) 1<sup>st</sup> floor the matter was referred to the Executive Engineer (Building & Project) city who has approved the same”. The First appellate Authority has tried to interpret that since no action was initiated there was no need for furnishing the information. The total approach has been very casual. I have taken it very seriously. I pass the following order.

### **Order**

The appeal is allowed. The PIO to furnish information to the respondent 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: 30.06.2008

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

**Appeal No.2008/337/02**

**Mr. Moin Akhter Oureshi**

**Baitul Akhter Bldg. 1<sup>st</sup> floor, Room No. 18/19,  
Above Delhi Darbar Hotel, P.B.Marg,  
Falkland Road, Mumbai – 400 004.**

**... Appellant**

**V/s**

**First Appellate Officer cum A.C.P South Region,  
Sir J.J Road, Byculla, Mumbai – 400 008.**

**... Respondent**

**Public Information Officer cum A.C.P South Region,  
Sir J.J Road, Byculla, Mumbai – 400 008.**

**GROUNDS**

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant had sought certified copies of the proceedings in chapter case No. 38/2005, Azad Maidan Division and criminal application No 1563/2006 filed by Shri Mehboob Khan in the Hon High Court. The PIO in his order dated 12.09.2000 has denied him the information under section 11(1) of the RTI Act so far information regarding chapter case No. 38/2005 is concerned. As far as information relating to criminal application No.1563/2006, the PIO ordered that the required information can be obtained from the Hon High Court since the application was pending there. The Appellate Authority in his appeal order dated 31.10.2006 modified the PIO's order and directed that a copy of the final order passed in chapter case No. 38/2005 should be handed over to the appellant. He confirmed the PIO's order so far it was concerned with criminal application No. 1563/06. The appellant has come in the second appeal against this order.

The appeal was fixed for hearing on 20.06.2008. Appellant and respondent were present. The appellant has stated that he must get the information asked for. The respondents have given their written submission.

I have gone through the case papers and also considered the arguments advanced by parties. It appears that the appellant is one of the complainants in the chapter case no. 38/2005 registered against one Mehboob Khan. It is also clear that the underlying issue is personal interest and rivalry. I am not clear what public interest is going to be served by furnishing a copy of the chapter proceedings. It is also important that case has since been closed and a copy of the final order has been given to the appellant. The PIO's and First Appellate Authority contention that a copy of the proceedings under criminal application No. 1563/2006 should be obtained from Hon High Court where the case is pending is correct. I do not agree that the PIO is required to collect information from Public Authority he is not connected with. In the light of the above discussion I have come to the conclusion that the order passed by the First Appellate Authority does not need any interference.

**Order**

The appeal is disposed off.

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

Place: Mumbai  
Date: 21.06.2008

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

**Appeal No.2008/354/02**

**Mr. Pramod Rajaram Pawar  
120/B/60, 'Rajgad' M.U.T.P, S.R.A.,  
TataNagar Road, Mankhurd,  
Mumbai – 400 043.**

... **Appellant**

V/s

**First Appellate Officer cum Joint Registrar,  
Co-operative Society, Raigad Bhavan,  
3<sup>rd</sup> floor, C.B.D Belapur.  
Navi Mumbai.**

... **Respondent**

**Public Information Officer cum Joint Registrar,  
Co-operative Society, Raigad Bhavan,  
3<sup>rd</sup> floor, C.B.D Belapur.  
Navi Mumbai.**

**GROUND**

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant had sought information regarding his Society copy of audit report, copies of his share certificate etc. The appeal was fixed for hearing on 20.06.2008. Neither the appellant nor the respondent has turned up. After going through the papers I have come to the conclusion that the information required should be supplied to the appellant. It is true that all the information asked for may not be with the respondent but this is being held by the society which is under the control of the Public Authority. I therefore order that the PIO should furnish the information after collecting the same from the society.

**Order**

The appeal is allowed. PIO to furnish / arrange to furnish the information within six weeks.

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

Place: Mumbai  
Date: 21.06.2008



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

**Appeal No.2008/352/02**

**Mr. Eknath Sakharam Mane,  
9/2, G, Janardhan Appt.,  
Shankar Ghanekar Road,  
Dadar (W), Mumbai – 400 028.**

**... Appellant**

**V/s**

**First Appellate Officer cum Asst. Municipal Commissioner,  
G/North Region, N. M. Joshi Road,  
Mumbai – 400 025.**

**... Respondent**

**Public Information Officer cum Municipal Corporation,  
G/North Region, N. M. Joshi Road,  
Mumbai – 400 025.**

**GROUND**

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant had sought information regarding sign boards not fixed at Nardula Tank Maidan, Kakasaheb Gadgil Marg, Mumbai and also whether MCGM has any proposal of constructing a stadium there.

The case was fixed for hearing on 20.06.2008. The appellant did not turn up. The respondents were present. The respondents have contended that the sign board has since been fixed, but MCGM has no proposal to construct a stadium on the Ground. They were asked to furnish the information to the appellant to which they agreed.

**Order**

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

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

Place: Mumbai  
Date: 21.06.2008

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

**Appeal No.2008/349/02**

**Mr. Ramshankar Ayodhya Prasad  
Ghanshyam Das Chawl,  
Room no. 2, Sant Rohidas Marg,  
Kala Killa Dharavi, Mumbai – 400 017.**

**... Appellant**

**V/s**

**First Appellate Officer cum Deputy Chief Engineer  
SRA, 5<sup>th</sup> floor, MHADA, Bandra,  
Mumbai – 400 051.**

**... Respondent**

**Public Information Officer cum Asst. Engineer  
SRA, 5<sup>th</sup> floor, MHADA, Bandra,  
Mumbai – 400 051.**

**GROUNDS**

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant had sought information regarding no of residential and commercial tenements for PAPS and for saleable components in Omdatta Co-operative Housing Society developed through Slum Rehabilitation Authority.

The case was fixed for hearing on 20.06.2008. Appellant and respondents were present. The respondent has submitted that the appellant has been supplied the information but he is willing to furnish the information once again. The appellant has contended that he has not got the information he required.

After going through the case papers and considering the argument advanced by parties I have come to the conclusion that appellant should be provided with the desired information. I pass the following order.

**Order**

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

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

Place: Mumbai  
Date: 21.06.2008

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

**Appeal No.2008/191/02**

**Mr. Shripati Gundu Naik  
Kamraj Nagar Galli no. 12,  
Highway (E), Ghatkopar,  
Mumbai – 400 077.**

**... Appellant**

**V/s**

**Public Information Officer cum Tahasildar,  
Office of Tahasil, Ajara,  
Dist. Kolhapur**

**... Respondent**

**GROUNDS**

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant succeeded the deceased Shri Gundu Ambajee Naik as a tenant on gat no. 395 of Mauje Mendholi, taluka Ajara district Kolhapur. The additional tahasildar and agriculture land tribunal passed an award on 12.12.2003 whereby 2 Hectare and 88 Hrs land was given to tenants and remaining 2 Hectare 88 Hrs was allowed to be retained by the landlord. The landlord sold out his share and the appellant has been raisings issues relating to this transaction – he had not consented to the award, the landlord could not have sold out his share as the same was given for personal cultivation etc.

The appeal was fixed for hearing on 11.06.2008. Appellants and respondents were present. It appears from the papers on record that the PIO had furnished information under his letter dated 07.05.2006. He had during the course of hearing brought some additional information and volunteered to hand over to the appellant. The appellant accepted the offer and received the information and has acknowledged it. The PIO has promised to supply any additional information required by the appellant.

In view of the above I decide to close the appeal.

**Order**

The appeal is disposed off.

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

Place: Mumbai  
Date: 21.06.2008

**Mr. S. S. Prabhu**  
**B-23, "UDYAN-PRABHA"**  
**Tejpal Scheme Road no. 2,**  
**Vile Parle (E), Mumbai – 400 057.**

... **Appellant**

V/s

**First Appellate Officer cum Deputy Registrar MHADA,**  
**Room No. 369, 2<sup>nd</sup> floor,**  
**Griha Nirman Bhavan,**  
**Bandra (E), Mumbai – 400 051.**

... **Respondent**

**Public Information Officer cum Chief Officer,**  
**Mumbai Mandal, MHADA,**  
**Griha Nirman Bhavan,**  
**Bandra (E), Mumbai – 400 051.**

### GROUNDS

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

1. Appointments of Mr. P. G. Desai and Mr. C. K Chawan as authorized officer / inquiry officer / election officer by your office during the year 2003 – 2004, 2004 – 2005 , 2005- 2006.
2. For conduction above stated work standard fee structure are fixed by your office?
3. Is your office aware that Mumbai District Housing Federation also doing this works at standard fee structure?
4. Is your office has anytime given above stated work to the Mumbai District Housing Federation? If not, the reason of not giving?
5. Report submitted to your office by Mr. P. G. Desai authority officer of the meeting conducted by him on 13.03.2005.
6. Compliance report submitted to your office by Mr. C. K. Chawan authorizes officer as per your order.
7. Action if any taken by your office on above reports.

If not reason of not taking action / cognizance on the reports?

There is nothing on record to show that either the PIO or the First Appellate Authority has responded to his queries seeking information. This case was fixed for hearing on 22.05.2008. The appellant was present but the respondent did not turn up. The appeal was adjourned to 11.06.2008. Again the appellant was present but the respondent was not present. He has not sought leave also. He also did not send someone to represent him.

I have gone through the case papers and have also considered the argument advanced by the appellant. The points on which information have been asked for are pointed and straight. There can be no reason for not responding to the queries seeking information. It appears that the PIO and the First Appellate Authority do not take RTI Act seriously. I pass the following order.

**Order**

The appeal is allowed. Information sought must be furnished free of cost within 30 days under information to the commission.

A show cause notice be issued to the PIO asking him to explain why action should not be initiated against him under section 20 of the RTI Act in view of his continuous absence and total non response to the queries raised by the appellant.

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

Place: Mumbai  
Date: 21.06.2008

**Mr. Shaikh Nawabuddin Neemuiddin**  
**Flat No. 702, "A" Wing,**  
**Subhashchandra C.H.S,**  
**Opp. ONGC Tower, Mukund Nagar,**  
**Dharavi, Mumbai – 400 017.**

... **Appellant**

V/s

**First Appellate Officer cum Secretary of SRA,**  
**5<sup>th</sup> floor, MHADA,**  
**Bandra, Mumbai – 400 051.**

... **Respondent**

**Public Information Officer cum Asst. Registrar**  
**SRA, 5<sup>th</sup> floor, MHADA, Bandra,**  
**Mumbai – 400 051.**

### GROUNDS

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

- a) Give copy of the record of allotment submitted by the above – mentioned Society to S.R.A.
- b) How many possessions of shop and rooms in the Chitrakut C. H. Society are vacant and not taken owners. Give names of the person who have not taken possession of the same. What are the reasons for not taking possession?
- c) Can the above-mentioned Society give on rent the vacant possession of the Rooms and Shops? Under what rules and regulations can the alleged Society do so? When the alleged Shop No. 5 is in dispute, how many and why has it been sub-let rent by the alleged Society?

- d) If the information cannot be given by the SRA or the concerned department of the SRA, my application should be directed to the concerned authorities or information should be obtained from the alleged Society as it is under the SRA.
- e) I want to physically inspect all files and records related to the alleged Society and also the information, which will be given to me as per my queries. I should be intimated four days in advance of the day and time.

The PIO in his order dated 31.08.2006 informed the appellant that the information sought is available with the Society and the appellant concerned and appellant should obtain the required information from the society has been informed suitably. The appellant filed the first appeal. The First Appellate Authority in his order dated 17.11.2006 disposed off appeal on being informed by the PIO that the appellant would facilitate inspection of records and hand over a copy of the list distributing tenements if the society makes it available. It is against this order that the appellant has come in second.

The appeal was fixed for hearing on 19.06.2008. Appellants and respondents were present. The arguments have been along the same line – appellant insisting on having the information as requested and the PIO expressing his inability as most of the information remains with the society.

I have gone through the case papers on record. It is true that a lot of information which the appellant has requested is with the society. It is possible that he is not in a position to access them and that is why he has resorted to RTI Act. It should be everybody's endeavor to facilitate access to available information. I therefore pass the following order.

## **Order**

The PIO to furnish the information within 6 weeks. If some information is not available he should obtain from the society. If the society does not cooperate the PIO should bring this to the notice of the commission for appropriate action.

The appeal is disposed off.

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

Place: Mumbai  
Date: 21.06.2008



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

**Appeal No.2008/328/02**

**Mr. Shaikh Nawabuddin Neemuiddin  
Flat No. 702, "A" Wing,  
Subhashchandra C.H.S,  
Opp. ONGC Tower, Mukund Nagar,  
Dharavi, Mumbai – 400 017.**

**... Appellant**

**V/s**

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

**... Respondent**

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

**GROUNDS**

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant had sought a certified copy of the Table Survey Plan related to Chawl Plot No. FP-181, T.P.S (Dharavi) and all papers submitted by the Chitrakur Society Grahnirman Santha to G/North Ward Office. This plan enlists the existing structure prior to redevelopment. The PIO has informed the appellant that the document was not available and hence it could not be furnished. The appellant has another application with the SRA and has got the same reply.

The case was fixed for hearing on 19.06.2008. Appellate and respondents were present. Their arguments have been along the same line – the appellant wanted the document and the PIO regretted his inability to furnish the same because of its non availability.

Slum rehabilitation scheme envisages rehabilitation of all eligible persons whose structures existed on or before the cut off date. This is one of the most important documents as this shows the existence of structures prior to demolition and redevelopment. The responsibility of carrying out the survey and making the plan rests with the agency who owns the land. The land in this case belonged to the MCGM.

Normally after the survey is carried out and annexure II is made and the same is sent to SRA for further action. This simply means that the survey of this society was carried out by the MCGM.

RTI Act ensures access to information. The whole purpose gets defeated if the information is reported missing or not available. This is a serious case which needs serious attempt and also intervention at the highest – level. Since the MCGM in this case is responsible for carrying out survey and sending to SRA, they alone are responsible. It is therefore directed that the Municipal Commissioner should order an internal enquiry and make all attempts to trace the record and if that does not succeed, responsibility should be fixed for the loss of this vital document and Departmental enquiry started against the delinquent. The commission can do nothing more.

**Order**

The appeal is disposed off.

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

Place: Mumbai  
Date: 21.06.2008

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

**Appeal No.2008/277/02**

**Mr. Dilip R. Gandhi,  
Ground floor Gandhi Vihar,  
Sakharam Veer Road,  
Mahim, Mumbai – 400 016.**

**... Appellant**

**V/s**

**First Appellate Officer cum Superintend Engineer,  
PWD, Fort, Mumbai – 400 001.**

**... Respondent**

**Public Information Officer cum Manager Development Dept.  
B. D. D. Chawl, no. 51,  
Warli, Mumbai – 400 018.**

**GROUNDS**

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appeal was fixed for hearing on 17.06.2008. Appellant has not turned up. Respondents were present. There is nothing on record to show the kind of information the appellant has sought. In the meantime the commission has received a letter dated 16.06.2008 from the appellant saying that he is not interested in pursuing the appeal. In the light of the above, I have come to the conclusion that the appeal deserves to be closed.

**Order**

The appeal is disposed off.

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

Place: Mumbai  
Date: 18.06.2008

**Mr. Prashant Dinkar Mahadik,  
B-10, Alankar C.H.S. Ltd, CTS No. 46.  
Sr No. 14, New Tilak Nagar,  
Chembur, Mumbai – 400 089.**

... **Appellant**

V/s

**First Appellate Officer cum Deputy Commissioner,  
GAD, Kokan Bhavan, Belapur, Navi Mumbai.**

... **Respondent**

**Public Information Officer cum Chief Officer,  
Mahad Nagarparishad, Mahad, Dist. Raigad.**

### GROUNDS

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

- i) Development control regulation as approved and application to Mahad Municipal Council since 1980 till date.
- ii) Resolution of approval of the development control Regulation
- iii) The state government resolution approving the resolution of Mahad Municipal Council proposed for adoption of development control regulation.
- iv) The floor space index as applicable for various category of construction and as application in Mahad from 1980.
- v) Department manual section 4 of Right to Information Act 2005.

The PIO has furnished the information but the appellant while satisfied with information on point 1 to 4 has alleged that the information in response to point No 5 was false and irrelevant. The appellant preferred the first appeal under section 19(1) of the Right to Information Act. The First Appellate Authority has ordered that the information required should be furnished immediately. The appellant has come in appeal against this order.

The appeal was fixed for hearing on 23.06.2008. Appellant and respondents were present. The appellant has stated that he has nothing to say about information in response to point no 1 to 4. But he wanted the PIO to be penalized for furnishing false information on point No. 5. The respondent has contended that requirement under section 4 being so huge, he is taking time to compile. He has shown me the voluminous work done by him so far. Section 4 of the RTI Act is broadly divided into two parts – 4(1) (a) and 4 (1) (b) while section 4(1) (a) requires that records must be kept in a way so that access to information is easy and smooth, section 4(1) (b) requires Public Authorities to expose themselves and their activities in greater detail. While most of Public Authority have complied with 4(1) (a) which is helping information seekers a lot, Most of them have lagged behind implementing 4(1) (b). The Municipal council is no exception I however, see no malafide and have seen him doing his job sincerely. I therefore pass the following order.

**Order**

The appeal is allowed. The PIO to furnish the information within 6 weeks.

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

Place: Mumbai  
Date: 23.06.2008

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

**Appeal No.2008/327/02**

**Mr. Motibhai Kacharabhai Patel,  
303, Om Shyam Apts., Plot No. 10,  
X Road No. 1, Pushpa Park,  
Malad (E), Mumbai – 400 016.**

**... Appellant**

**V/s**

**First Appellate Officer cum Asst. Medical Officer,  
Municipal Office Building,  
Liberty Garden, P/N Ward,  
Malad (W), Mumbai – 400 064.**

**... Respondent**

**Public Information Officer, Municipal Office Building,  
Liberty Garden, P/N Ward,  
Malad (W), Mumbai – 400 064**

**GROUND**

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant asked for certified copies of registration certificate of chemist and Drugs Shop License No. 58939 issued to Shri B. B. Kothari on 17.08.1982 and License No 23924 dated 27.12.96 issued in favour of Heerachand C. Jain. The PIO has informed the appellant that a license has been issued to Shri B. B. Kothari for the trade of chemist in the year 1982. He also informed the appellant that original papers are not traceable as considerable time has lapsed. The appellant in appeal under section 19(1) of the Right to Information Act but the Appellate Authority failed to issue any order. Hence this second appeal.

The appeal was fixed on 19.06.2008. The appellant did not turn up but the respondent was there. After going through the case papers it is obvious that the PIO has

not furnished the full information in respect of Heerachand C. Jain. It is therefore ordered that the PIO must furnish the required information within 30 days.

**Order**

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

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

Place: Mumbai  
Date: 22.06.2008

**Mr. Melwyn J.V. D'costa**  
**201, Shalaka Co-op. HSG. Soc. Ltd,**  
**Telli Galli Gross Lane,**  
**Behind Vihar Punjab Restaurant,**  
**Andheri (E), Mumbai – 400 069.**

... **Appellant**

V/s

**First Appellate Officer cum Asst. Municipal Commissioner,**  
**BMC, K/East Ward, Andheri (E), Mumbai.**

... **Respondent**

**Public Information Officer, (Build. & Factory)**  
**BMC, K/East Ward, Andheri (E), Mumbai.**

### GROUNDS

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

- a. Please give me the name of the officer from K/East Ward officer who was required to co-ordinate with the BMC legal officer to get the stay vacated in court? Please give me Xerox copies of all correspondence between the BMC K/East Ward and BMC legal Department in matter of all above – mentioned cases.
- b. The judgment in all the cases was passed by the City Civil Court on 21.06.2006 and protection was granted for further one month only to give time for appeal. Please give me Xerox copies of any further stay orders submitted by the tenants to the BMC or please give me day to day action taken report by the BMC after 21.07.2006.
- c. Please give me the name of the officer responsible for carrying out the demolitions of illegal toilets and bathroom built alongside the walls for which no stay order was asked either by the tenants or granted by the court.



The PIO did not respond. The appellant went in appeal under section 19(1) of the RTI Act. The First Appellate Authority in his order dated 21.11.2006 directed the PIO to furnish the required information within 2 days. It is seen from the available record that the PIO has by his letter dated 13.11.2006 furnished the information. The appellant is obviously not satisfied and hence this appeal.

The case was fixed for hearing on 19.06.2006. Appellants and respondents were present. It appears that out of 3 issues raised by the appellant issue no one has been replied. The information furnished in response to issue No 2 and 3 are not adequate and proper. It is not enough to say that the documents required may be had on payment of requisite charges. These documents are not standardized and there no fixed charges. The PIO is expected to find out how much will the document cost and inform the appellant about the exact no of pages and the charges. The PIO should inform him where to deposit the amount and under what head. None of these points has been covered in the PIO's order. It is therefore ordered that the PIO must furnish information within 3 weeks on points No 2 and 3. It has to be free of cost in view of the fact that considerable time has already elapsed. I pass the following order.

**Order**

The appeal is partially allowed. PIO to furnish information free of cost within 3 weeks failing which action under section 20 of the RTI Act will be initiated

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

Place: Mumbai  
Date: 21.06.2008

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

**Appeal No.2008/278/02**

**Mr. Shubhash M. Gandhi  
15/16, Bhupen Chambers,  
Ground Floor, 9, Dalal Street,  
Fort, Mumbai – 400 001.**

... **Appellant**

**V/s**

**First Appellate Officer cum Deputy Commissioner of Police,  
Zone – II Opp. Hume High School,  
Sir J. J. Road, Nagpada, Mumbai – 400 008.**

... **Respondent**

**Public Information Officer cum Asst. Commissioner of Police,  
South Region, Byculla,  
Mumbai – 400 008.**

**GROUNDS**

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

- 1) Please let me know whether to erect a Ganpati Mandap, the Owners N.O.C. is required or not?
- 2) Please let me know whether to erect any structure like scaffolding / temporary shed / construction screen / ramp on a private property owners N.O.C. is required or not?
- 3) I find that a construction screen with scaffolding and a ramp along with a Kutcha shed is construction on the above mentioned 40' Wide Road. Please let me know whether you have given permission for the same or not.
- 4) I also find a Ganpti Mandap Construction on the above mentioned 40' Wide Road. Please let me know whether you have given permission for the same or not.
- 5) It in above mentioned case/s, no permission is given, Have you taken any action? Please give me details.
- 6) You are requested to give inspection forthwith of the files and papers pertaining to above, matters.

7) I know the charges; I am ready to pay the fee / charges for the same as provided in the Rules.

The PIO in his communication dated 20.09.2006 furnished the required information on point's No. 1 to 5 and denied inspection on the ground that it concerns the third party. The First Appellate Authority in his order dated 01.12.2006 ordered that a copy of the permission be furnished to the appellant and the appellant should also be informed on the point of the existence of alleged construction. The appellant has filed the 2<sup>nd</sup> appeal against this order.

The case was fixed on 17.06.2008. Appellant and respondents were present. They have made their written submissions which have been kept on record.

I have gone through the related papers. It is clear that the PIO has furnished the relevant information. The denial of information as far as inspection of documents is concerned is not correct Section 11 of the RTI Act is very clear. It simply says that where a PIO intends to disclose any information which relates to or has been supplied by a third party and has been treated as confidential by that third party. The PIO will give notice to that third party and invite written submission asking whether the information should be disclosed or not. In any case if the police came to the conclusion that this relates to disclosure of a third party information, procedure prescribed in the RTI Act has to followed. The request cannot be denied by saying that the information sought relates to a third party and hence denied. I am also, however, aware as how such permissions are granted. I do not think this normally involves very detailed enquiry before permission is granted or denied. Most of these Mandals are registered with respective police stations who know them – their organisms their antecedents. I am raising these issues because after getting replies to query no 1 to 5 whether is any need to inspect the file. But since we cannot ask parties. “Why” I would like to pass my judgment.

In the light of the above discussion I hold that denial of inspection of relevant record in this case is not proper. I also hold that section 11 of this case. I therefore pass the following order.

**Order**

The appeal is allowed. Information on point no 6 should be facilitated within 30 days.

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

Place: Mumbai  
Date: 24.06.2008

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

**Appeal No.2008/343/02**

**Mr. Shantaram Bhikoba Bodhe,  
5, Haripad Soc., Near Jay-Vijay Soc,  
Parsiwada, Sahar Road,  
Vile Parle (E), Mumbai – 400 099.**

... **Appellant**

V/s

**First Appellate Officer cum Commissioner  
& Regional Director,  
Office of the Nagarpalika Prashasan,  
Vidhan Bhavan, Pune – 411 001.**

... **Respondent**

**Public Information Officer cum Principal,  
Panchgani Giristan Nagarpalika,  
Mahableshwar, Dist. Satara – 412 805.**

**GROUNDS**

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant had sought information regarding property tax levied on the first floor of his property bearing final plot No. 479/94. He claims that the first floor is not fully constructed and nobody stays there. Under these circumstances property tax should not have been levied on that portion. The respondent Chief Officer has assessed that property on residential and lived the tax.

The appeal was fixed for hearing on 20.06.2008. Appellant and respondent were present. The respondent at the outset information the commission that the Municipal Council has reconsidered the issue and decided not to levy property tax on the first floor of the property from the year 2008 – 2009. This information has been furnished to the appellant.

In the light of the above discussion, the case is closed.

**Order**

The appeal is disposed off.

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

Place: Mumbai  
Date: 21.06.2008

**Mr. Lalji Ramrasha Mishra  
Jai Bhavani Chawl, Anand Nagar,  
New Link Road, Oshiwara,  
Jogeshwri (W), Mumbai – 400 102.**

... **Appellant**

V/s

**First Appellate Officer cum Secretary, SRA,  
Griha Nirman Bhavan, 5<sup>th</sup> floor, MHADA,  
Bandra, Mumbai – 400 051.**

... **Respondent**

**Public Information Officer Asst. Registrar  
Griha Nirman Bhavan, 5<sup>th</sup> floor, MHADA,  
Bandra, Mumbai – 400 051.**

### GROUNDS

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant had sought information regarding the proposed Om Shri Jai Ambe CHS, SNo 31, Cts No 155, Oshiwara Village, Anand Nagar, Jogeshwri (W). The appellant had requested for certified copies of documents relating the proposed society. The PIO by his letter dated 03.11.2006 informed him that this information is not available with them and the appellant can approach the society for the same. The appellant's first appeal was decided on 20.01.2007 whereby he was informed that there was a society named Shri Jai Ambe SRA CHS, Sn 41 part CTS 1, Village Oshiwara, Jogeshwri (W) and the appellant could have the relevant information of this society as the society named by him has not yet been registered. The appellate authority disposed off the appeal.

The case was fixed for hearing on 24.06.2008. The appellant did not turn up. The respondent was present. He has made his written submission. The respondent informs me

that the society has since been registered (on 31.05.2007) and he has no problem in furnishing the details of Om Shri Jai Ambe CHS, Oshiwara.

**Order**

The PIO is directed to furnish information relating to Om Shri Jai Ambe CHS to the appellant. The appeal is disposed off.

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

Place: Mumbai  
Date: 24.06.2008

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

**Appeal No.2008/305/02**

**Mr. Manohar Sakharam desai  
Varad Laxmi, 4<sup>th</sup> floor,  
Room No. 406, Gokhale Marg,  
Mulund (E), Mumbai – 400 081.**

... **Appellant**

**V/s**

**First Appellate Officer cum Commissioner of  
Brihan Mumbai Mahanagarpalika,  
Mahapalika Road, Mumbai – 400 001.**

... **Respondent**

**Public Information Officer cum Dy. Chief Engineer (Build)  
4<sup>th</sup> floor, Municipal Garage Build., Near B.E.S.T Bus Depo.  
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 has asked for information regarding approval of building plan of Shri Page despite the fact that his land was likely to be affected by the proposed widening of Gopal Krishna Gokhale Marg. The PIO informed him that he could collect the relevant information on any working day between 3 to 5 pm. He did not respond to the communication sent by the Public Information Office. He filed the 1<sup>st</sup> appeal but no order has been passed. Hence this second appeal.

The case was fixed for hearing on 16.06.2008. The appellant has informed that he was not in a position to attend because of his ill health. The respondents were present. Respondents have made written submission.

After going through the file it is clear that the appellant was informed to visit the PIO and the First Appellate Authority. He did not respond. I am, however, inclined to conclude that the letters sent to the appellate authority are not specific. It does not say



whether information is ready and how money is to be deposited. I am therefore of the view that the information required by the appellant must be furnished. I pass the following order.

**Order**

Respondent PIO to furnish information within 6 weeks. He should keep the information ready, inform the appellant how much money he should deposit and hand over the information on production of receipt of deposit.

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

Place: Mumbai  
Date: 18.06.2008

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

**Appeal No.2008/348/02**

**Mr. Satish Hanumant Kolate  
21, Manali Apart. Hanuman Cross Rd no.2  
Vile Parle (E), Mumbai – 400 057.**

**... Appellant**

**V/s**

**First Appellate Officer cum Director  
(Engineering Services & Projects),  
3<sup>rd</sup> floor, Mahapalika Marg,  
Fort, Mumbai – 400 001.**

**... Respondent**

**Public Information Officer cum Dy. Chief Engineer,  
(B.P) W.S. 1<sup>st</sup> floor, R.K.Patkar Marg,  
Bandra (W), Mumbai – 400 050.**

**GROUNDS**

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant had asked for a copy of the plan approved by MCGM under No CE/7795/13511/Ah of 20<sup>th</sup> may 1983. The PIO had returned the application saying it was not in proper format. The First Appellate Authority has allowed the appeal but the application did not receive the information. Hence this appeal.

The appeal was fixed for hearing on 20.06.2008. The appellant did not turn up. the respondents were present. It was revealed during the discussion that the relevant file is now available and appellant could be furnished the required information.

**Order**

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

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

Place: Mumbai  
Date: 21.06.2008

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

**Appeal No.2008/346/02**

**Mr. Subhash Sonu More  
Desk No. 1, Tourism & Cultural Affairs Department  
Mantralaya, Mumbai – 400 032.**

**... Appellant**

**V/s**

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

**... Respondent**

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

**GROUNDS**

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant had asked for a copy of the common seniority list of assistants in Mantralaya. The information furnished to him was that it was not ready. The appeal was fixed for hearing on 20.06.2008. Appellant and respondents were present. Respondent have informed that the common seniority list has now been finalized the appellant's name is there in the list. He is soon likely to be considered for promotion as Desk Officer. This has satisfied the appellant.

**Order**

The appeal is disposed off.

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

Place: Mumbai  
Date: 21.06.2008

**Mr. Kirti B. Soni**  
**Kirti Arts,**  
**20, Neelkanth Parab Chawl,**  
**Poddarwadi, Shahji Raje Mrag,**  
**Koldongri – Vile Parle (E)**  
**Mumbai – 400 057.**

... **Appellant**

V/s

**First Appellate Officer cum Chief Executive Officer,**  
**SRA, Griha Nirman Bhavan, 5<sup>th</sup> floor, MHADA,**  
**Bandra, Mumbai – 400 051.**

... **Respondent**

**Public Information Officer cum Executive Engineer,**  
**SRA, Griha Nirman Bhavan, 5<sup>th</sup> floor, MHADA,**  
**Bandra, Mumbai – 400 051.**

#### **GROUND**

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

- a) Survey report of the site visit done by Mr. Shaikh on fated 31.01.2006 at 11.30 am.
- b) On which base the building No. 7 has been constricted as there is order passed by the Hon. High Court of Bombay to “Maintain status quo”
- c) Whether the tenants are liable or the possession in the Building which doesn't have occupation certificate.

The PIO in his order dated 06.03.2006 informed him that there was no report of site visit on record and building plans have been approved in accordance with the amended DCR 1991. The First Appellate Authority Confirmed the PIO's order. Hence this appeal.

The appeal was fixed on 18.06.2008. Appellants and respondents were present. It has been brought to my notice that the same information was sought by the appellant in

his appeal no 2008/1933/02 and the same has been disposed off. Since the appellant has not brought any new point I decide to close the case in view of the fact that the available information has been furnished.

**Order**

The appeal is disposed off.

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

Place: Mumbai  
Date: 25.06.2008

**Mr. Vaman Vishnu Chawan**  
76/E, Lokotkarsh Vachanalaya & Pan Bidi Shop,  
Near Bhavani Gate Mangal Soc, Matunga,  
Mumbai – 400 019.

... **Appellant**

V/s

**First Appellate Officer cum Asst. Commissioner,**  
F Division, Mahanagarpalika Building,  
Bhau Daji Road, Matunga,  
Mumbai – 400 019.

... **Respondent**

**Public Information Officer cum officer.**  
F Division, Mahanagarpalika Building,  
Bhau Daji Road, Matunga,  
Mumbai – 400 019.

### GROUNDS

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant had asked for documentary evidence showing the area of structure with Lokotkarsha Vachanalaya & Pan Bidi Shop in the records of estate Department. The Information was furnished by the PIO but he was not satisfied. The First Appellate Authority's order also did not satisfy him. Hence this second appeal.

This appeal was fixed for hearing on 24.06.2008. Appellants and respondents were present. After going through the papers on record it is clear that the PIO by his letter dated 11.10.2006 informed the appellant that the land under reference at 16-E, Bhawani Gate, Near Mangal Society, Matunga was a VLT land allotted in the name of Lokotkash Vachanalayas on 01.09.1975 and area of the said plot has been shown 10" X 15". The PIO also informed him that the agreement of the same was not found in his office and therefore could not be furnished. It is not clear to me what agenda the appellant has in his mind. He showed to me notice from MCGM regarding acquisition of this land for road winding, also complained that he faces difficulties while seeking permission for repair

and land along the same RL has not been notified for acquisition. These issues may be very important to him but they have nothing to do with his application under Right to Information Act. I am therefore of the view that the required and available information has been furnished.

**Order**

The appeal is disposed off.

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

Place: Mumbai  
Date: 25.06.2008

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

**Appeal No.2008/373/02**

**Mr. Vaman Vishnu Chawan  
76/E, Lokotkarsh Vachanalaya & Pan Bidi Shop,  
Near Bhavani Gate Mangal Soc, Matunga,  
Mumbai – 400 019.**

**... Appellant**

**V/s**

**First Appellate Officer cum Asst. Commissioner,  
F Division, Mahanagarpalika Building,  
Bhau Daji Road, Matunga,  
Mumbai – 400 019.**

**... Respondent**

**Public Information Officer cum Administrative officer.  
F Division, Mahanagarpalika Building,  
Bhau Daji Road, Matunga,  
Mumbai – 400 019.**

**GROUNDS**

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant had asked for documentary evidence showing the area of structure with Lokotkarsha Vachanalaya & Pan Bidi Shop in the records of estate Department. The Information was furnished by the PIO but he was not satisfied. The First Appellate Authority's order also did not satisfy him. Hence this second appeal.

This appeal was fixed for hearing on 24.06.2008. Appellants and respondents were present. After going through the papers on record it is clear that the PIO by his letter dated 11.10.2006 informed the appellant the land under reference at 16-E, Bhawani Gate, Near Mangal Soc, Matungas was a VCT land allotted in the name of Lokotkash Vachanalayas on 01.09.1975 and area of the said plot has been shown 10" X 15". The PIO also informed him the agreement of the same was not found in his office and therefore could not be furnished. It is clear to me what agenda the appellant has in his mind. He showed to me notice from MCGM regarding acquisition of this land for road winding, also complained that he faces difficulties while seeking permission for repair



and land along the same RL has not been notified for acquisition. These issues may be very important to him they have nothing to do with his application under Right to Information Act. I am therefore of the view that the required and available information has been furnished.

**Order**

The appeal is disposed off.

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

Place: Mumbai  
Date: 25.06.2008

**Mr. Madan Mohan Mishra**  
18/20, Jawahar Nagar, Taru Vill Bidg,  
Jawahar Nagar, S.V. Road,  
Goregaon (W), Mumbai – 400 062.

... **Appellant**

V/s

**First Appellate Officer cum Asst. Municipal Commissioner,**  
P 'South Ward, Mitha Nagar,  
Mumbai – 400 062.  
**Deputy municipal Commissioner Off.Build,**  
Near Swimming Pool, Kandivali 9W),  
Mumbai – 400 067.

... **Respondent**

**Public Information Officer cum Asst. Municipal Commissioner,**  
P 'South Ward, Mitha Nagar,  
Mumbai – 400 062.  
**Deputy municipal Commissioner Off.Build,**  
Near Swimming Pool, Kandivali 9W),  
Mumbai – 400 067.

### GROUNDS

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

- 1) How many order's under section 488 of B.M.C Act & rules issued from period 1<sup>st</sup> Jan, 1995 to 1<sup>st</sup> Sept, 2006. Address: Piramal Nagar to western railway up to Ram Mandir (Baidyanath Tiwari Road) Railway crossing up to Right side of S.V. Road, Covering full portion of Jawahar Nagar.
- 2) How many speaking order's issued by your office towards demolition of unauthorized structure's from 1<sup>st</sup> Jan, 1995 to 1<sup>st</sup> Sept, 2006.
- 3) How many structures have been demolished by your office after obtaining the Police protection.
- 4) How many speaking order's are pending during the period from 1<sup>st</sup> Jan, 1995 to 1<sup>st</sup> Sept, 2006.

5) Why you have not been implemented the pending speaking orders have not been implemented by your office. Please specify the reason for non demolition of pending speaking order's

6) There are nearly approximate 450 building including Tenanted Building & Society's Building comes under Welfare association of Jawahar Nagar Co-op. Hsg. Soc. Ltd.

Does all of them follows the Norms of B.M.C. Act & rules.

1) Does it complies with compulsory open space.

2) Whether Garages have been built according to B.M.C. Approved plan that is final amended plan.

3) How many Garages have been misused as commercial premises, Action taken against such misuse of Garages give certified copies & list of action taken against such so called commercially converted Garage's.

4) Why legal Action have not been initiated against a Jain Temple which have been built at the gate of Modi Kutir, plot No. 185, Jawahar Nagar, Road No. 11, Goregaon (W) Mumbai – 400 062. Control Room Complaint No. 1916 dated 24.04.2006 and receive by your office.

5) What Action you have taken against Dilip Patel (local Corporate) complained given on (1916) BMC Control by dated 27.04.2004 received by your office. Complaint No. YO-29229015.

Why action was not taken according to B.M.C Act & Rules who are the officer's of B.M.C responsible for that Lavish Jain Temple. Height 30 ft. approx why actions have not been taken against them specify.

Does it comes under existence under action is in existence prior to 17.04.1964.

How – Specify.

Xerox copy of my letter attached information asked for may be supplied to me.

The PIO by his letter dated 22.12.2008 has informed the appellant he has been informed under their letter No ACPS/12547/AE/B&F dated 12.10.2006 and he had nothing to add. His appeal has been transferred to the Asstt. Commissioner P/South and the appellant has been informed. There is nothing on record to show that the appellate authority has passed any order.

The appeal was fixed for hearing on 18.06.2008. Appellants and respondents were present. The appellant insisted on the information applied for and the respondent pleaded that the information available has been given. I have gone through the case papers on record: It goes without saying that the information sought is not pointed and focussed. It is too vast. It is true that the RTI Act ensures access to available information. It is however expected that the information sought should be straight so that the provider has no problem in furnishing the same. It is interesting to have a look at question no 6. It says that there are nearly 450 buildings including the tenanted buildings and society building coming under welfare association of Jawaharnagar CHS and then the appellant raises five sub questions. It is going to involve tremendous amount of time, energy and money. In fact the Karnataka Information Commission has made regulation to prescribe that one application can have only one point of information. It is necessary to save public money and energy and to ensure that the whole system does not go out of gear in responding to spontaneous flashes of appellants.

In view of the above I have come to the conclusion that nothing needs to be done. The appeal is closed.

**Order**

The appeal is disposed off.

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

Place: Mumbai  
Date: 25.06.2008

**Mr. Pundlik Kashinath Raut  
The Railway Goods Clearing & Forwarding,  
Establishment Lebar Board for Greater Mumbai,  
Masjid, Mumbai – 400 009.**

... **Appellant**

V/s

**First Appellate Officer, the Railway Goods Clearing & Forwarding,  
Establishment Lebour Board for Greater Mumbai,  
Masjid, Mumbai – 400 009.**

... **Respondent**

**Public Information Officer, the Railway Goods Clearing & Forwarding,  
Establishment Lebour Board for Greater Mumbai,  
Masjid, Mumbai – 400 009.**

### **GROUNDS**

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant wanted to know what action has been taken by the Railway Goods Clearing and Forwarding Establishment Labour Board for the Greater Mumbai on his petition dated 22.08.2006. The PIO has given information on all the points but the appellant was not satisfied. He preferred the 1<sup>st</sup> appeal under section 19(1) RTI Act. There is nothing on record to show that the First Appellate Authority has passed any order. It is because of this reason that the appellant has filed this 2<sup>nd</sup> appeal.

The appeal was fixed for hearing on 20.06.2008. Appellant and respondents were present. It appears that although the PIO has given point wise reply, the appellant is not satisfied. In fact his main grievance is that he has not been promoted to the post of Supervisor / Inspector. Any answer short of promotion is not likely to satisfy him. The respondents have stated that he is within the zone of consideration. Records also show his attempts at getting his problem solved through courts of law.

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

**Order**

The appeal is disposed off.

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

Place: Mumbai  
Date: 21.06.2008

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

**Appeal No.2008/383/02**

**Mr. Subhash Anant Parsekar,  
15/613, D. N. Nagar, J. P. Road,  
Andheri (W), Mumbai – 400 053.**

... **Appellant**

V/s

**First Appellate Officer cum Chief Security & Prevention Officer  
Security & Prevention Division, BEST Bhavan,  
Kulaba, Mumbai – 400 001.**

... **Respondent**

**Public Information Officer cum Deputy Chief Security & Prevention Officer  
Security & Prevention Division, BEST Bhavan,  
Kulaba, Mumbai – 400 001.**

**GROUND**

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant has asked for a copy along with other papers of the complaint dated 13.10.2006 lodged by the Secretary, D.V. Nagar Ltd. Andheri (W) against Shri Laxman Anant Parsekar conductor batch no. 198581 in the office of the Bombay Electrical Supply and Transport (BEST) Ltd.

The PIO by his letter dated 29.12.2006 informed the appellant that since the information sought is not related to either the transport service carried out by the BEST or with any public interest it was not necessary to furnish the same. It is not clear from the papers on record that the First Appellate Authority has passed any order. The appellant has preferred this second appeal.

The case was fixed for hearing on 25.06.2008. The appellant did not turn up. The respondent was there. He informs me that the said complaint filed by the secretary, D.N. Nagar, Durvakar CHS has been closed. He has no objection in furnishing the same to the appellant.

It is therefore ordered that the required information be furnished to the appellant.

**Order**

Appeal allowed. Information to be furnished within four weeks.

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

Place: Mumbai  
Date: 26.06.2008



**Mr. Ajitkumar Punjabi  
Ramjan Bhatar Chawl,  
Chawl No. 263/5, Dr. Ambedkar Chowk,  
Takyaward, Kurla (W),  
Mumbai – 400 070.**

... **Appellant**

V/s

**First Appellate Officer cum Asst. Commissioner,  
H/West Division Building,  
Sent Martins Road, Behind Bandra Police Station,  
Bandra (W), Mumbai – 400 050.**

... **Respondent**

**Public Information Officer cum Asst. Commissioner,  
H/West Division Building,  
Sent Martins Road, Behind Bandra Police Station,  
Bandra (W), Mumbai – 400 050.**

#### **GROUND**

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant had sought information regarding repair work, drainage work, paver blocs, road repair works and other works being undertaken in the jurisdiction of the Asstt. Commissioner, H/W, Mumbai. He has also requested for copies of the work order, names of contractor and the amount for which contract has been awarded. The appellant was informed by the Asstt. Engineer H/W that the required information was kept ready and he should deposit Rs. 2, 250/- in his office to facilitate furnishing of the information. He filed an appeal under section 19(1) of the RTI Act, but there is nothing on record to show that the First Appellate Authority has decided his appeal. Hence this 2<sup>nd</sup> appeal.

The case was fixed for hearing on 24.06.2008. The appellant the respondents were present.

I have gone through the case papers on record and come to the conclusion that the order passed by the PIO does not need any intervention. The appellant requested for information which is quite broad and voluminous. The PIO's order is clear and specific. The appellant should deposit the required amount and collect the information. I pass the following order.

**Order**

The appeal is dismissed.

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

Place: Mumbai  
Date: 24.06.2008

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

**Appeal No.2008/84/02**

**Mr. Anil Laxman Kambli,  
BMC Stall Licence No. 12427,  
Chunam Lane, Near Pandit Build,  
Off Dr. Bhadkamkar Marg,  
Grant Road, Mumbai – 400 007.**

... **Appellant**

**V/s**

**First Appellate Officer cum Dy. Municipal Commissioner,  
Municipal Corporation of Greater Mumbai,  
Bandra (W), Mumbai – 400 050.**

... **Respondent**

**Public Information Officer cum Superintendent of Licence,  
Shri. Chatrapati Shivaji Maharaj Mandai,  
Fhaltan Road, Mumbai – 400 001.**

**GROUNDS**

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant had sought information regarding to his Stall No. 12427. He is not satisfied with the order passed and therefore he has filed this second appeal.

The appeal was fixed for hearing on 20.05.2008 but neither the appellant nor the respondent turned up. It was adjourned to 25.06.2008. The appellant did not turn up but the respondent was present. The respondent informs me that the appeal has already been disposed off by the Chief Information Commissioner. He should to me the copy on his record. He has also informed me that the appellant has been furnished the information required.

Thus in view of the fact that the information has been furnished an order passed by the Chief Information Commissioner. The case is being closed.

**Order**

The appeal is dismissed.

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

Place: Mumbai  
Date: 25.06.2008

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

**Appeal No.2008/256/02**

**Mr. Firoz A. Ansari,  
127, 1<sup>st</sup> floor, Islamia Manzil,  
B. R. Street, Mumbai – 400 008.**

... **Appellant**

V/s

**First Appellate Officer cum Chief Executive Officer,  
Maharashtra State WAKF Board, Pavan Chakki  
Aurangabad – 431 002.**

... **Respondent**

**Public Information Officer cum Asstt. Chief Executive Officer,  
Maharashtra State WAKF Board, Mumbai.  
Majestic Amadar Niwas, 300/310,  
3<sup>rd</sup> floor, Kulaba, Mumbai – 400 039.**

**GROUNDS**

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

Italics of show cause Notice dated 22<sup>nd</sup> April, 2004 No MSB/Enquiry/48/1579/2004 duly issued by Chief Executive Officer, Aurangbad to company M/S Antilia Commercial Pvt. C/o Reliance Industries Ltd. Reliance Centres W.H. Marg, Bellard Street, Mumbai – 400 038. The case was fixed for hearing on 16.06.2008. There is nothing on record to show whether PIO has passed any order and whether appeal against that order if an has been preferred under section 19(1) of the Right to Information Act 2005. The appellant has not relevant papers to facilitate proper appreciation of the appeal. In any case appeal under section 19(3) is not maintainable unless he has approached the First Appellate Authority. The appeal is not maintainable.

**Order**

The appeal is dismissed.

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

Place: Mumbai  
Date: 25.06.2008

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

**Appeal No.2008/291/02**

**Mr. Sunil Madukar Wakharkar,  
E-5/ B 007 Highway Park Thakur,  
Sankul, Kandiwali (W), Mumbai – 400 101.**

**... Appellant**

**V/s**

**First Appellate Officer cum Registrar  
Mumbai University,  
Mumbai – 400 001**

**... Respondent**

**Public Information Officer, Mumbai University,  
Mumbai – 400 001**

**GROUNDS**

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant wanted information regarding existence of any rule / regulation allowing principal of one college to act as principal of another college and sign documents. The replies furnished by the PIO and the First Appellate Authority have not satisfied him. Hence this 2<sup>nd</sup> appeal.

The case was fixed for hearing on 17.06.2008. The appellant and respondents were present. The appellant raised the same issue whether there are rules / regulation in this regard and whether documents signed by the principal of another college are valid. Respondents have stated that there are no rules to the country also. It has been stated by them that it is a common practice to allow Principal of one College to work as Principal of another College specially it they happen to be under the same management.

I have gone through the papers and also considered the arguments advanced by them. It is possible that there are no rules in this regard but as pointed by respondents there has been a practice. I am of the view that the time has come to convert such practice into rules / regulations. One of the problems a fast developing Society faces is the gap between theory and practice. There are rules but they are not in practice and there are practice not backed by rules. Going on leave is not uncommon in any organization.

People have to take someone's permission and the person who allow leave has to ensure

that the work does not come to a halt. He will definitely ask someone to look after his work. This is very well established in Govt. departments. I would therefore urge the university authorities to get this examined and frame suitable rules to bring transparency. In fact the RTI Act does expect public authorities to organize their organization in away so that access to information is easy.

In the light of the above observation. I am constrained to close the case.

**Order**

The appeal is disposed off.

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

Place: Mumbai  
Date: 21.06.2008

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

**Appeal No.2008/330/02**

**Mr. Jai Prakash Sharma  
D-203, Veena Nagar, S.V. Road,  
Malad (W), Mumbai – 400 064.**

**... Appellant**

**V/s**

**First Appellate Officer cum Joint Municipal Commission  
(Improvement), Municipal Corporation of Greater Mumbai. ... Respondent**

**Public Information Officer cum Vigilance Officer (Special Duty),  
Municipal Corporation of Greater Mumbai.**

**GROUNDS**

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The Vigilance department (Octroi) of MCGM made certain inquiries at appellant's residential and business premises on the basis of anonymous complaints. The appellant has asked for the details of the informer and whether the MCGM has verified the bonafides of the complainant before making inquiries. The PIO in his order dated 11.08.2006 informed the appellant that the Vigilance cell did not get any complaint against the appellant regarding evasion of octroi after January 2006 and the cell made no inquiries of his business premise or residence. The appellant filed the first appeal under section 19(1) of the Right to Information Act. The First Appellate Authority under his order dated 17.10.2006 informed the appellant that the Vigilance cell acted correctly and it was normal for any Vigilance cell to make inquiry if it received any complaint even anonymous. He also ordered that the PIO should make diligent search and if old records are found copies may be furnished to the appellant. The appellant was not happy with this decision and hence this appeal.

The appeal was fixed for hearing on 19.06.2008. Neither the appellant nor the respondent turned up.

I have gone through the papers on record and have come to the conclusion that the order passed by the First Appellate Authority does not need any interference. As rightly pointed out, it normal for any Vigilance organization to make inquires in case they received any complaint. The First Appellate Authority has also asked to the PIO to search for related papers and furnish copies to the appellant.

In the light of the above observation, I close the case.

**Order**

The appeal is disposed off.

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

Place: Mumbai  
Date: 21.06.2008



**Mr. Vijay P. Bang**  
4/12, Gold Mohur VHS Ltd.  
174, Princess Street,  
Mumbai – 400 002.

... **Appellant**

V/s

**First Appellate Officer cum Dist. Dy. Registrar,**  
**Co-operative Societies, Mumbai – (1) City,**  
**Malhotra House, fort, Mumbai – 400 001.**

... **Respondent**

**Public Information Officer cum Asst. Registrar – “C” Ward,**  
**Co-operative Societies, Mumbai – (1) City,**  
**Malhotra House, fort, Mumbai – 400 001.**

### GROUNDS

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant had sought information on 18 count relating to Gold Mahur CHS Society, Princes Street, Mumbai. The PIO has furnished the information but the appellant was not satisfied. He preferred the 1<sup>st</sup> appeal under section 19(1) of the RTI Act. The first Appellate Authority in his order dated 13.12.2006 furnished some more information and requested the appellant to secure the balance information from the society. Being aggrieved by this decision, the appellant has come in appeal.

The case was fixed for hearing on 17.06.2008. The appellant and respondents were present. The appellant has stated that he was not given full information. The respondents have contented that whatever information was available at their level, have been furnished and the balance could be procured form the society.

I have gone through the case papers and also considered the arguments advanced by parties. It is very clear that the range of information is very broad. Many of them are not supposed to be with the PIO or the First Appellate Authority. The appellant has requested certified copies of his original maintenance bill from April 2005 till June 2006. He has also requested for certified copy of the minutes of the Balcony Holders Meeting

held on 21 February 2006. The PIO and the First Appellate Authority have furnished the information available with them and have rightly directed to approach the society for the balance information. The District Dy. Registrar must come to his help if he comes to the conclusion that the society is not furnishing the information the member is entitled to seek.

**Order**

The appeal is disposed off.

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

Place: Mumbai  
Date: 21.06.2008

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

**Appeal No.2008/394/02**

**Mr. Abaji Bali Chawan  
12, Manji Dhanji Patel Chawl,  
Khot kuwa Road, Dhanaji Wadi,  
Malad (W), Mumbai – 400 097.**

... **Appellant**

V/s

**First Appellate Officer cum 1) Secretary 2) Dy. Chief Engineer  
SRA, 5<sup>th</sup> floor, Ghrih Nirman Bhavan  
Bandra (W), Mumbai – 400 051.**

... **Respondent**

**Public Information Officer cum Chief Executive Officer,  
SRA, 5<sup>th</sup> floor, Ghrih Nirman Bhavan  
Bandra (W), Mumbai – 400 051.**

**GROUND**

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant had sought information on 4 points. The replies by the Public Information Officer and the First Appellate Authority have not satisfied him. Hence this appeal.

The appeal was fixed for hearing on 27.06.2008. The appellant as well as the respondents were present. The appellant has stated that he has not been provided with the required information. The respondents have contended that they have furnished the information available and offered inspection of records to the appellant to enable him to seek information on points which are clear and pointed.

I have gone through the papers and also considered the arguments advanced by parties. After going through the application of the appellant one comes to the conclusion that the range of information sought is really vast. The respondents have really pointed out that they are vague and would involve enormous amount of resources and energy. They have rightly offered the facility of inspection to enable the appellant to be more for cussed. I therefore feel that there is no need to interfere with the order passed by the PIO.

The appellant should avail of and the PIO should facilitate inspection of records and furnish the required information.

**Order**

The appeal is disposed off.

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

Place: Mumbai  
Date: 30.06.2008

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

**Appeal No.2008/385/02**

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

... **Appellant**

**V/s**

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

... **Respondent**

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

**Public Information Officer, Employment Office,  
Maharashtra State, 3 Church Road, Pune – 411 001**

**Public Information Officer, Special District Employment,  
Mumbai, Administrative Building, 4<sup>th</sup> floor,  
Chemburkar Marg, Mumbai – 400 071.**

**GROUNDS**

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant had sought information regarding ‘Vimochit Samaj Sahakari Grihnirman Sanstha Ltd’, S. G. Varve Marg, Kurla (E), Mumbai. The appellant wanted to know whether the society affairs are being run according to Govt. instruction and if not who is responsible. The appellant’s own membership of the society is also one of the points on which he requested for information. The application was decided by the PIO whose replies did not satisfy him. The First Appellate Authority’s decision dated 17.02.2007 also did not satisfy him and hence this appeal.

The appeal was fixed for hearing on 26.06.2008. The appellant was present but respondents were absent. The appellant’s main argument was that he wrote to the Secretary, Social justice Department requesting to take action on certain points. He wanted to know what has been done to his representation. The PIO and the First Appellate Authority have held that he should get in touch with Director Social welfare

and find out what happened to his application. The application was presented to the secretary who himself wanted it to be put up to him. Whether he gets report from the Director or from any other officer has nothing to do with the appellant.

It is the duty of the Department to inform him what action has been taken on his application. So informing him that his application has been sent to the Director and he should get in touch with him is not “information” in the true spirit of the RTI Act.

It is therefore ordered that the PIO must furnish information to the appellant specially to points No 1 his application addressed to Secretary Social justice.

**Order**

The appeal is partially allowed. Information to be furnishing within 6 weeks.

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

Place: Mumbai  
Date: 27.06.2008

**Mr. Vatsala N. Patel,  
Critanwadi Rahivasi Sangh,  
Sampada Salabh Soc.,  
Bank of India Soc, Teligulli Cross Rd,  
Andheri (E), Mumbai.**

... **Appellant**

V/s

**First Appellate Officer cum Dy. Registrar,  
Co-operative Soc, K/E Ward, Malhotra House,  
6<sup>th</sup> floor, Opp. GPO, Fort, Mumbai – 400 001.**

... **Respondent**

**Public Information Officer cum Dy. Registrar,  
Co-operative Soc, K/E Ward, Malhotra House,  
6<sup>th</sup> floor, Opp. GPO, Fort, Mumbai – 400 001.**

### GROUNDS

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant had asked for certified copies of document / correspondence leading to the bifurcation of the Bank of India Sampada CHS Ltd and the Shalaka CHS Ltd. The appellant did not get satisfactory replies from the PIO and the First Appellate Authority and hence this 2<sup>nd</sup> appeal.

The appeal was fixed for hearing on 19.06.2008. The appellant did not turn up. The PIO was present. The PIO has made written submission.

I have gone through the papers on record and also submission made by the respondent. The respondent states that he had already informed the appellant that papers / information asked for was not available with him & the appellant could obtain it from the Society. I have also gone through the elaborate order passed by the Dy. Registrar of cooperative Society K/E Ward. This bifurcation has been ordered under section 17 of the Maharashtra Co-operative Society Act 1960. The order passed by the Dy. Registrar records that the society had passed resolution in 1984 and the same was revalidated in 1990. The section also requires that Dy. Registrar has to be satisfied with certain conditions.

In any case this is a formal order based on the resolution passed by the Society and submitted to the Dy. Registrar. It is not fair to say that documents are not available with the Dy. Registrar and the same can be had from the society. I pass the following order.

**Order**

The appeal is allowed. Respondent to furnish information within 30 days failing which action under section 20 of the RTI Act will be initiated against him.

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

Place: Mumbai  
Date: 27.06.2008



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

**Appeal No.2008/353/02**

**Mr. Dyanad Mahadev Choudhri  
204, Devdarshan, Yashvant Nagar,  
Vakola, Santaruz (E), Mumbai – 400 055.**

... **Appellant**

V/s

**First Appellate Officer cum Supt. Engineer,  
Panchayat Samiti Kudal, Dist. Sindhudurg.**

... **Respondent**

**Public Information Officer cum Gramvikas Officer,  
Gram Panchayat Walawal, Ta. Kudal,  
Dist. Sindhudurg.**

**GROUNDS**

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant had sought information regarding minutes of the Gram Sabha Meetings, Public Works taken up by the Gram Panchayat and distribution of utensils to beneficiary of backward classes. This information pertained to village Panchayat Walawal, taluka Kudal, district Sindhudurg. The PIO by his letter dated 09.10.2006 furnished the information. The appellant was not satisfied and he preferred the 1<sup>st</sup> appeal. The First Appellate Authority passed his order dated 12.12.2006. The appellant was not satisfied and hence this 2<sup>nd</sup> appeal.

The appeal was fixed for hearing on 20.06.2008. The appellants and the PIO were present. The appellant stated that the information furnished to him is incomplete irrelevant and he has been charged more money than required. The respondent contended that what ever information was available have been furnished.

I have gone through the papers on record. It appears that the PIO has furnished the information required by the appellant. In his covering letter dated 09.10.2006 he says that information regarding all major points have been furnished. He has kept below huge bunch of papers containing the information. The First Appellate Authority has even ordered refund because the appellant has alleged that he has been charged for documents

he did not need. When the range of information is not very specific, it is possible that some irrelevant information might have crept in. I am not convinced that this was done deliberately to charge few rupees extra. The village officers do not function in an ideal way. It can go a long way if information sought is more specific and pointed. I have come across cases where people raise such large no of issues that it becomes difficult for the public authority specially at the lowest level to handle. The State Information Commission of Karnataka has framed rules to ensure that one application should contain only one information.

Thus taking into account the fact that a lot of information has been furnished and I have not across anything to suspect any malafide on the part of the PIO I am of the view that this chain of information, supplementary information, refund of fee already paid must be broken. If some information has remained the appellants should approach the PIO afresh. I close the case.

**Order**

The appeal is disposed off.

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

Place: Mumbai  
Date: 25.06.2008

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

**Appeal No.2008/2088/02**

**Mr. Arun Ganesh Dev  
Geeta Estate, 12-138, Jai Prakash Road,  
Andheri (W), Mumbai – 400 058.**

... **Appellant**

V/s

**First Appellate Officer cum Dy Chief Engineer,  
SRA, 5<sup>th</sup> floor, Grih Nirman Bhavan,  
Bandra (E), Mumbai – 400 051.**

... **Respondent**

**Public Information Officer cum Asstt. Engineer,  
SRA, 5<sup>th</sup> floor, Grih Nirman Bhavan,  
Bandra (E), Mumbai – 400 051.**

**GROUND**

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant had sought information regarding Slum Rehabilitation Scheme at chunabhatti Daulat Nagar Santacruz. The information sought relates to transit accommodation permanent accommodation, Mandir, Masjid, Church Balwadi etc. The Public Information Officer by his letter dated 12.06.2006 informed him that the required information would be available on payment of Rs. 114. The PIO also volunteered to facilitate inspection of records. The appellant went in appeal under section 19(1) of the RTI Act. It is not clear whether the First Appellate Authority has passed any order.

The case was fixed on 25.06.2008. The appellant did not turn up. The PIO is present. He informs me that the appellant has still not collected the information after payment of requisite fee.

In view of this nothing needs to be done at commission's level. The case is closed.

**Order**

The appeal is disposed off.

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

Place: Mumbai  
Date: 25.06.2008

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

**Appeal No.2008/18/02**

**Mr. Prakash Govind Nawathe  
204, Rajbag, Flat No. 271,  
Sir Bhalchandra Marg,  
Matunga, Mumbai – 400 019.**

... **Appellant**

V/s

**First Appellate Officer cum Director (E S & P)  
Brihan Mumbai Mahanagar Palika Building,  
Mahapalika Marg, Mumbai - 400 001.**

... **Respondent**

**Public Information Officer cum Dy. Chief Engineer (Build)  
Brihan Mumbai Mahanagar Palika,  
E Ward, Byaculla, Mumbai - 400 008.**

**GROUNDS**

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant had sought information regarding occupancy certificate granted to redeveloped property Daluchand Niwas CS No. 258/10, Dadar, Matunga Mumbai. He had also sought information regarding legality of the extension of Balconies in the building, payment of property tax etc. The PIO in his communication dated 29.10.2005 and also 27.04.2006. Has been informed the appellant that the MCGM has given completion certificate to the building after obtaining 'no objection' from MHADA. He has also been informed that the flat No 204 has been allotted to Shri Prakash Nawathe and two balconies form part of the approved plan. The appellant is not satisfied and hence this appeal.

The case was fixed for hearing on 10.06.2008. The appellant was present. The respondents were also present. The appellant continues to be dissatisfied with the information provided to him. He feels that the information furnished to him is not according to his request. He wanted to know whether occupancy certificate has been granted but the MCGM informs him that building completion certificate has been given. The respondents have clarified that they do not issue occupancy certificate where completion certificate has been issued. They have admitted that the DCR requires that

both certificates have to be issued. The respondents have added that this has been the practice for so many years and authorities moved to change the system. The other information sought by the appellant are in the nature of grievances which can be redressed by respective departments.

I have gone through the papers on record and also considered the arguments advanced by parties. It is true that occupancy certificate has not been issued but the respondents have explained why this was so. Respondent's clarification regarding balcony in flat No. 204 is satisfactory. I also agree with them that other information are really in the nature of grievances which does not come within the purview of RTI Act.

Under these circumstances I pass the following order.

**Order**

The appeal is disposed off.

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

Place: Mumbai  
Date: 30.06.2008

**Mr. Shivaji Sambhaji Boinwad,  
C-202/12, Sagar Co. CHS  
Sector –II, Charkop,  
Kandivali (E), Mumbai – 400 067.**

... **Appellant**

V/s

**First Appellate Officer, City Civil and Sessions Court,  
Mumbai – 400 032.**

... **Respondent**

**Public Information Officer cum Registrar  
City Civil and Sessions Court,  
Mumbai – 400 032.**

### GROUNDS

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant had sought information on about 20 points. The same remained unattended because the Hon High Court had asked all Judicial Officers to keep all application under RTI pending sine die till they receive further communication from the Hon High Court. The appellant was also impressed upon that the issues raised by him seeking information were not clear and he needed to be specific. The appellant by his letter dated 14.02.2007 submitted points numbering 20 and wanted information on all these points. The 1<sup>st</sup> Additional Registrar City Civil Court, Bombay under his letter dated 18.07.2007 informed the appellant that he should deposit Rs. 4, 100/- and collect the available information. He was also informed that the court was unable to provide certain information because the issue was still not clear. It is against this order that the appellant has come in the 2<sup>nd</sup> appeal.

The appeal was fixed for hearing on 17.06.2008. The appellant as well as the Public Information Officer were present. The PIO has given her detailed submission. The PIO has given a detailed history of the case and steps taken by the PIO and others to respond to the appellants request for information. It has been submitted by the PIO that the information sought by the appellant was too general in nature and also related to

promotions, appointments made by the appropriate selection committee. The submission further says that any grievance against alleged irregularity or otherwise can be remedied by the appropriate legal frame work already in place. The appellant continued to be aggrieved for not getting the information which he had sought.

After going through the file and considering the arguments advanced by parties, it appears that the PIO's contention that the range of information sought was too wide is correct. There is need to impress upon people that it is in everybody's interest to be pointed, specific and brief. It can help both information seekers as well as the information provider. The State Information Commission of Karnataka has framed rules to ensure that one application should have only one point of information sought.

This case remained pending for reasons beyond anybody's control. After evaluating everything on record I am of the view that the appellant has already been informed that he can collect the available information on payment of requisite fee. There is no case for free of cost supply of information. The appellant may approach the appropriate authority if he feels that some information has remained be furnished.

In the light of the above discussion I decide o close the case.

**Order**

The appeal is disposed off.

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

Place: Mumbai  
Date: 27.06.2008

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

**Appeal No.2008/272/02**

**Smt. Kusum Lahanu Patil  
Banganga Dispensary Quarters,  
Room No. 41, Walkeshwar.  
Mumbai – 400 006.**

... **Appellant**

V/s

**First Appellate Officer cum Asstt. Commissioner,  
Bhruhan Mumbai, Mahanagarpalika,  
Nair Dental Hospital, Mumbai Central,  
Mumbai – 400 008.**

... **Respondent**

**Public Information Officer cum Executive Health Officer,  
F/North Office, Bhruhan Mumbai, Mahanagarpalika,  
Dr. Ambedkar Road, Parel, Mumbai – 400 012.**

**GROUND**

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant has sought information regarding sub letting of staff quarters allotted to Dr. Kiran Harsora and Dr. P. C. Mehta at Banganga Municipal Dispensary Building, Walkeshwar, Mumbai and internal changes carried out by them without permission and copies of permission if granted.

The appellant was not satisfied with the responses of the PIO and the First Appellate Authority and hence this appeal.

The appeal was fixed on 17.06.2008. The appellant and respondents were present. The appellant is still not satisfied. Respondent's have argued that the information has already been furnished. The quarters have been allotted in accordance with the procedure, the enquiry reveals these quarters have not been sub let and Mr. Mehta has since retired and handed over the quarter to Mumbai corporation. They have given documentary evidence to show how quarters were allotted and also report showing that they have not been sublet. In the light of the above discussion and papers submitted by respondent I have come to the conclusion that the required information has been furnished.

**Order**

The appeal is disposed off.

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

Place: Mumbai  
Date: 27.06.2008



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

**Appeal No.2008/36/02**

**Mr. Arun Ganesh Dev  
Geeta Estate, 12-138, Jai Prakash Road,  
Andheri (W), Mumbai – 400 058.**

... **Appellant**

V/s

**First Appellate Officer cum Dy Chief Engineer,  
SRA, 5<sup>th</sup> floor, Grih Nirman Bhavan,  
Bandra (E), Mumbai – 400 051.**

... **Respondent**

**Public Information Officer cum Asstt. Engineer,  
SRA, 5<sup>th</sup> floor, Grih Nirman Bhavan,  
Bandra (E), Mumbai – 400 051.**

**GROUNDS**

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant had sought information regarding Slum Rehabilitation Scheme at chunabhatti Daulat Nagar Santacruz. The information sought relates to transit accommodation permanent accommodation, Mandir, Masjid, Church Balwadi etc. The Public Information Officer by his letter dated 12.06.2006 informed him that the required information would be available on payment of Rs. 114. The PIO also volunteered to facilitate inspection of records. The appellant went in appeal under section 19(1) of the RTI Act. It is not clear whether the First Appellate Authority has passed any order.

The case was fixed on 25.06.2008. The appellant did not turn up. The PIO is present. He informs me that the appellant has still not collected the information after payment of requisite fee.

In view of this nothing needs to be done at commission's level. The case is closed.

**Order**

The appeal is disposed off.

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

Place: Mumbai  
Date: 25.06.2008

**Mr. Mohanlal Udhavdas Chhabria  
Sangeeta Electronics, 113/A,  
S. P. Road, Bangalore – 2.**

... **Appellant**

V/s

**First Appellate Officer cum Asstt. Registrar,  
Sahkari Santha, F-N Division,  
Malhotra House, 6<sup>th</sup> floor,  
Opp. G.P.O, Mumbai – 400 001.**

... **Respondent**

**Public Information Officer cum Secretary  
Shadham Co CHS. Ltd, Registration No. B.O.M/ H.S.G/1664,  
Sion, Mumbai.**

### **GROUND**

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant had sought information regarding the ownership of the premises occupied by the post office and also shop no 3 in Sham Dham Co-operative Housing Society SION (W), Mumbai. He also wanted to know in whose name these properties stood and copies of documents which formed the basis of these changes. The Public Information Officer by his letter dated 19.08.2006 informed him that since the Society does not get any financial help from the Govt. his office could not furnish the information because the RTI Act did not apply in this case.

The case was fixed for hearing on 30.06.2008. Neither the appellant nor the respondent was present, although intimated.

I have gone through the case papers on record. The commission does not agree with the PIO as far as the applicability of the RTI Act is concerned. We in the commission hold the view that the Public Authority who holds the information or the information is held under whose control must furnish the same to the Information seeker. The commission has been taking up cases of Cooperative Housing Societies. As we know Cooperative Housing Societies are regulated by the Maharashtra Cooperative Housing

Societies Act 1960. The Act provides for certain control by the District Deputy Registrar of Cooperative Societies. The Societies according to per are covered under the RTI Act.

After having said that, I come to examine whether the information sought is held by the office of the District Deputy Registrar. From the description of the information sought, it is very clear that the office of the District Deputy Registrar has nothing to do. Transfer of property from one member to another member and the documents prescribed for such transfers are seen and done by the Society. If the society is not transacting its business according to the Act or by its own bye laws the District Deputy Registrar have power to step in. The points on which information has been sought have nothing to do with the District Deputy Registrar.

In the light of the above discussion, I have come to the conclusion that appeal deserves to be dismissed.

**Order**

The appeal is dismissed.

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

Place: Mumbai  
Date: 30.06.2008

**Mr. Ramprakash Sakharam Avchar**  
**Administrative Officer,**  
**Maharashtra State Electricity Board,**  
**2<sup>nd</sup> floor, Prakashganga, Bandra – Kurla Complex,**  
**Flat No. C-19, Balak, Bandra (E), Mumbai - 400 051.**

... **Appellant**

V/s

**First Appellate Officer cum Chief General Manager,**  
**Prakashganga, Bandra – Kurla Complex,**  
**Flat No. C-19, Balak, Bandra (E), Mumbai - 400 051**

... **Respondent**

**Public Information Officer cum Joint Director,**  
**Prakashganga, 7<sup>th</sup> floor, Bandra – Kurla Complex,**  
**Flat No. C-19, Balak, Bandra (E), Mumbai - 400 051**

### **GROUND**

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant has sought information regarding promotion to the post of Deputy General Manager at the HQ of MAHATRSCO. The information furnished by the PIO and the First Appellate Authority did not satisfy the appellant hence this 2<sup>nd</sup> appeal.

The appeal was fixed on 17.06.2008 for hearing. The appellant did not turn up. First Appellate Authority was present. He has submitted his say in writing.

I have gone through the papers on record and the written submission made by the respondent. It is clear that the appellant has been furnished an exhaustive and detailed information. One of the reasons for non satisfaction in such cases is that the appellant wants to find out solutions under the RTI Act. It is not intended to provide any solution. The information sought in many cases is already known to the person. The forum to get solution lies else where.

In the light of the above discussion I see no reason interfere with the order passed by the PIO or the First Appellate Authority.

### **Order**

The appeal is dismissed.

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

Place: Mumbai  
Date: 25.06.2008

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

**Appeal No.2008/199/02**

**Mr. Hemant Madhusudan Chavan  
603 B/Wing Ashoka Complex,  
Rande Road, Dadar (W), Mumbai – 400 028.**

... **Appellant**

V/s

**First Appellate Officer cum Deputy Secretary,  
Finances Department, Mantralaya, Mumbai – 400 032.**

... **Respondent**

**Public Information Officer,  
Finances Department, Mantralaya, Mumbai – 400 032**

**GROUND**

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant had sought information whether the Finances Dept. had rejected the proposal of circle officer, talathi and police. Whether any other committee had also rejected the proposal and whether Govt. finally accepted the proposal if yes on what basis and according to which regulation etc.

The PIO by his letter dated 06.11.2006 informed the appellant that Finance Department offered its remarks on the files of Revenue and Home Department and the appellant should approach those departments for getting the desired information. For other information the appellant was informed that the information has been kept on the website [www.maharashtra.govt.in](http://www.maharashtra.govt.in) and the appellant was advised to visit the site. The appellant preferred the 1<sup>st</sup> appeal under section 19(1) of the RTI Act but the First Appellate Authority confirmed the PIO's order. The appellant has filed this 2<sup>nd</sup> appeal against this order.

The appeal was fixed for hearing on 12.06.2008. The appellant and the respondents were present. The respondents have made their written submissions which have been kept on record.

I have gone through the papers on record and also considered the arguments advanced by parties. The PIO has held that the information has been sought in the shape

of questions which is not correct according to the provisions of the RTI Act. The appellant has argued that if the PIO came to the conclusion that information sought is available with Revenue and Home departments his application should have been sent to them according to the provisions of the RTI Act. The appellant is correct on this count and the PIO should have more careful. This could be ordered by the commission but it has no relevance in view of the fact that govt, despite Finance Departments opposition has accepted the proposal under these circumstances I propose to close the case as reopening the case of this stage will serve no purpose.

**Order**

The appeal is disposed off.

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

Place: Mumbai  
Date: 27.06.2008

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

**Appeal No.2008/326/02**

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

... **Appellant**

V/s

**First Appellate Officer, Maharashtra Fisheries  
Development Corporation, 3<sup>rd</sup> floor, International House,  
178, Backbay Reclamation, Babubahi M. Chinal Marg,  
Mumbai – 400 020.**

... **Respondent**

**Public Information Officer, Maharashtra Fisheries  
Development Corporation, 3<sup>rd</sup> floor, International House,  
178, Backbay Reclamation, Babubahi M. Chinal Marg,  
Mumbai – 400 020.**

**GROUNDS**

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant had sought information regarding advertisement made for recruitment to class III & IV by the Maharashtra Fisheries Development Corporation. Most of the information sought related to appointments, officer who made them and whether they conform to the guidelines issued by the Supreme Court. The PIO and the First Appellate Authority furnished the information but the appellant was not satisfied. He has therefore filed this 2<sup>nd</sup> appeal.

The appeal was fixed for hearing on 19.06.2008. Appellant was present but respondents did not turn up. After going through the papers on records it appears that the First Appellate Authority in his order dated 31.10.2006 has given very exhaustive and detailed reply. Taking into account the complex nature of information sought, the First Appellate Authority has done a good job. The order does not need any interference. I therefore pass the following order.

**Order**

The appeal is disposed off.

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

Place: Mumbai  
Date: 27.06.2008

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

**Appeal No.2008/323/02**

**Mr. Ramshiromani G. Mishra  
TX-69-3/10, Mohammad Ali Chawl,  
Pandit (SRA) Co-op. HSG. Soc. Ltd,  
Shastrinagar, B. R. Road,  
Mulund (W), Mumbai – 400 080.**

**... Appellant**

**V/s**

**First Appellate Officer cum C.E.O of SRA  
5<sup>th</sup> floor Griha Nirman Bhavan,  
Bandra, Mumbai – 400 051.**

**... Respondent**

**Public Information Officer cum C.E.O of SRA  
5<sup>th</sup> floor Griha Nirman Bhavan,  
Bandra, Mumbai – 400 051.**

**GROUNDS**

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant had sought information regarding Pandit Cooperative Housing Society Ltd, Shastrinagar, Bal Rajshwer Road, Mulund, Mumbai. He was not satisfied with the responses from the PIO and the First Appellate Authority had therefore filed this second appeal.

The appeal was fixed for hearing on 19.06.2008. The appellant was present. The respondent was also present. The respondent informs the commission that the appellant has been provided with all the information he had sought. The appellant agreed with him. In view of the above the case is closed.

**Order**

The appeal is disposed off.

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

Place: Mumbai  
Date: 27.06.2008



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

**Appeal No.2008/320/02**

**Mr. Rajesh Malik  
Rajdhni Dairy Farm,  
Besant Road, Khotwadi,  
Santacruz (W), Mumbai – 400 054.**

**... Appellant**

**V/s**

**First Appellate Officer cum Asstt. Mahanagarpalika Commissioner  
H/West Division, Mahanagarpalika,  
Bandra, Mumbai – 400 050.**

**First Appellate Officer cum Secretary,  
SRA, 5<sup>th</sup> floor, Griha Nirman Bhavan,  
Bandra, Mumbai – 400 051.**

**... Respondent**

**Public Information Officer cum Colony officer,  
H/West Ward, Mahanagarpalika,  
Bandra, Mumbai – 400 050.**

**Public Information Officer cum Dy. Collector,  
SRA, 5<sup>th</sup> floor, Griha Nirman Bhavan,  
Bandra, Mumbai – 400 051.**

**GROUNDS**

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant had sought information on his letters to the Colony Officer requesting him to correct the entry in regard to his property which has been wrongly shown as open land. The appellant claims that his land is not open land but has structures which have not been shown on the plan. Record shows lot of correspondence between colony officer and the architect. It is basically for correcting the plan. The PIO and the First Appellate Authority have replied to the appellant but he is not satisfied. Hence this second appeal.

The appeal was fixed for hearing on 19.06.2008. The appellant was present. Respondents were also present. It was clear during the course of argument that the real issue was correction of the plan. We are all aware that such issues cannot be tackled under the RTI Act. There are however channels for getting it sorted out. It is a nice idea to put up an application under the RTI Act asking for information which involves huge

decision making process with large no of people associated with it. The point is that the information providers under the Act may not have anything to do with the decision making process.

**Order**

The appeal is disposed off.

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

Place: Mumbai  
Date: 27.06.2008

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

**Appeal No.2008/271/02**

**Smt. Kusum Lahanu Patil  
Banganga Dispensary Quarters,  
Room No. 41, Walkeshwar.  
Mumbai – 400 006.**

... **Appellant**

**V/s**

**First Appellate Officer cum Asstt. Commissioner,  
Bhruhan Mumbai, Mahanagarpalika,  
Nair Dental Hospital, Mumbai Central,  
Mumbai – 400 008.**

... **Respondent**

**Public Information Officer cum Executive Health Officer,  
F/North Office, Bhruhan Mumbai, Mahanagarpalika,  
Dr. Ambedkar Road, Parel, Mumbai – 400 012.**

**GROUND**

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant has sought information regarding Mehdi Classes being run by Mrs. Harsora from the official quarters allotted to Dr.Kiran Harsora. She wanted to know whether permission was granted for this activity and if not what action has been taken against her. Not satisfied with responses from the PIO and the First Appellate Authority. She has preferred this second appeal.

The case was fixed for hearing on 17.06.2008. The appellant and the respondent were present. The appellant has repeated here demand and complaint of not getting the desired information. The respondents have stated that they have verified facts and the appellant has been informed that Mrs. Harsora does not run Mehdi Classes from her official quarters. If the appellant still believes or has the information that Mrs. Harsora is running Mehdi Classes from there she can approach appropriate authority for taking action against her.

In view of the above, I close the case. The information available has been furnished.

**Order**

The appeal is disposed off.

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

Place: Mumbai  
Date: 30.06.2008

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

**Appeal No.2008/276/02**

**Mr. Ajit Sankarrao Mahadik,  
30/A, Kamgar Nagar, Kurla (E),  
Mumbai – 400 024.**

**... Appellant**

**V/s**

**First Appellate Officer cum Dean, Veterinary College,  
Parel, Mumbai – 400 012.**

**... Respondent**

**Public Information Officer cum Associate Dean, Veterinary College,  
Parel, Mumbai – 400 012.**

**GROUND**

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant has sought information on wide range of topics – Admission. les examination, various meetings and their minutes. They also relate to various institutions under the Dairy Development. The appellant is not satisfied with responses from the PIO and the First Appellate Authority and hence this appeal.

The appeal was fixed on 17.06.2008. The appellant and the respondents were present. I have gone through the papers on record and seen that a lot of effort has been made to furnish the information. Information has been called and furnished from Mumbai, Pusad and Nagpur. Most of the information are in the nature and shape of questions and many of them cannot be admissible under the Right to Information Act. Answers to Hypothetical questions are not expected under the Act. After going through the file. I am of the view that the available information has been furnished. O do not intend to interfere in the order passed at lower rules

**Order**

The appeal is disposed off.

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

Place: Mumbai  
Date: 27.06.2008

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

**Appeal No.2008/196/02**

**Mr. Rashmi Govind Nawathe  
Raj Baug, Block No. 203,  
2<sup>nd</sup> floor, Daluchand Co-op. HSG. Soc. Ltd,  
271, Sir Bhalchandra Road,  
Matunga, Mumbai – 400 019.**

**... Appellant**

**V/s**

**First Appellate Officer cum Joint Chief Secretary,  
Dy. Chief Engineer, M.B.R. & R. Board,  
Dadar (E), Mumbai – 400 014.**

**... Respondent**

**Public Information Officer cum Resident Executive Engineer,  
M.B.R & R. Board,  
Bandra (E), Mumbai.**

**GROUNDS**

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant had sought information regarding redevelopment of Daluchanda Niwas, CS No. 258/10, Matunga Division, Mumbai. The appellant wanted information on 72 points and had addressed his letter to PIO, M B R & R Board. Since redevelopment is not looked after by them, they forwarded his application to MCGM. The PIO under his letter dated 05.12.2006 has furnished information on all 72 points. The First Appellate Authority confirmed the order of the PIO. Hence this second appeal.

The appeal was fixed for hearing on 12.06.2008. The appellant was present. Respondents did not turn up.

I have gone through the papers on record and also considered the argument advanced by the appellant. The appellant is still not satisfied with the information furnished. I am, however, of the view that the supplementary information required are in the nature of grievances like quality of plastering etc. I am convinced that the available information has been furnished. I pass the following order.

**Order**

The appeal is dismissed.

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

Place: Mumbai  
Date: 30.06.2008

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

**Appeal No.2008/371/02**

**Mr. Dilipkumar J. Shah  
405, Bhagalaxmi Building, Rehabilitation CHS Ltd,  
Opp. Chowpatty Post Office, Kennedy Bridge,  
Opera House, Mumbai – 400 004.**

... **Appellant**

V/s

**First Appellate Officer cum Additional Registrar  
(Recovery & planning), The commissioner for  
Co-operative & Registrar, Co-op. Society,  
2<sup>nd</sup> floor, New Central Annexe Building, Pune – 411 001.**

... **Respondent**

**Public Information Officer cum Addl. Commissioner for  
Co-operative & Registrar, Co-op. Society,  
2<sup>nd</sup> floor, New Central Annexe Building, Pune – 411 001.**

**GROUND**

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant has sought information regarding his letter dated 22.01.2005 addressed to the Commissioner for Cooperative and Registrar, Cooperative Societies, Maharashtra State Central Annexure, Pune. It appears that the appellant has some dispute with A-1, CHS Ltd, M G road, Kandivili (W), Mumbai. His application dated 22.01.2005 was sent to the District Deputy Registrar of Cooperative Society, Mumbai for necessary action. The District Deputy Registrar in turn has forwarded appellants papers to Deputy Registrar, Cooperative Society “R” ward Mumbai in whose jurisdiction the society falls for necessary action. It also appears that the appellant has filed his complaint with the Police Commissioner, Mumbai. Record also in shows that there have been cases in City Civil Court and also the Hon High Court, Mumbai. The sum and substance of these complaints and litigation is alleged occupation of the office of the A-1 CHS Society by a group of Society member who in the eyes of the appellants are intruders. There does not seem to be any record of any order passed either by the PIO or by the First Appellate Authority.

The case was fixed for hearing on 24.06.2008. The appellant was present. The Asstt. Registrar from office of the commissioner for Cooperative, Pune was also present.

I have gone through the case papers. It appears that the issues are complex and if I may say so beyond the RTI Act. The original communication on which the appellant is trying to build his case is dated 22.01.2005 much before the RTI act became operational. It was also addressed to the commissioner for cooperation who was not the right person

as per the RTI Act. This happened because the application dated 22.01.2005 was not at all under the RTI Act. This was sent to the highest ranking officer in the commissioner ate. It finally landed with the Dy. Registrar Cooperation “R” ward who is the right person. The appellant is also aggrieved that the commissioner’s officer instead of taking decision has sent it down. This is largely because the original application addressed to the commissioner was sought to be converted into a RTI application. The Act requires that every office will have its PIO and the First Appellate Authority. Accordingly the commissioner has its own set of hierarchy but they are not competent to provide information available at local level. He is not having the information. The confusion is because of a normal application for grievance redressal being converted into a RTI application. After analyzing the situation I have come to the conclusion that the remedy in this cases does not lie under RTI Act. It can be taken care of under the Maharashtra cooperative societies Act 1960 which is adequately armed to take care of such cases. If the appellant still wants to take recourse to RTI, he must follow the procedure prescribed under the Act. He has to approach the local PIO and if not satisfied with his decision the First Appellate Authority. The appeal under 19(3) can be entertained only after the prescribed procedure has been followed. I therefore pass the following order.

### **Order**

The appeal is dismissed.

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

Place: Mumbai  
Date: 30.06.2008

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

**Appeal No.2008/390/02**

**Mr. Krishnachand Rampat Yadav  
3/504, Shyam Sunder Co.op. HSG. Society,  
Keshavrao Kadam Marg,  
Mumbai Central, Mumbai – 400 008.**

**... Appellant**

**V/s**

**First Appellate Officer cum Joint Chief Officer,  
Mumbai Building Repairs and Reconstruction Board  
(MHADA), Ghiha Nirman Bhavan,  
Bandra (E), Mumbai – 400 051.**

**... Respondent**

**Public Information Officer cum Dy. Chief Officer,  
Co.Op.Cell,  
Mumbai Building Repairs and Reconstruction Board  
(MHADA), Ghiha Nirman Bhavan,  
Bandra (E), Mumbai – 400 051.**

**GROUND**

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant had made an application for transfer of tenements on 29.03.2006 and the transfer was done on 27.09.2006. The appellant feels that although his work has been done it was delayed. He wants to have information regarding movement of his file from one table to another table.

The PIO in his communication has informed him that transfer of tenements involve verifying various facts which take time and he has enclosed extracts of information (Not available on this file)

The case was fixed for hearing on 26.06.2008. The appellant was present but the PIO and the First Appellate Authority were absent. The appellant's main contention is delay and suspicion that his file was deliberately delayed. After going through the papers an record and considering the arguments advanced by the appellant I have come to the conclusion that although there has been some delay, I have not come across anything to prove that this was done deliberately to harass the appellant. Since his work has been



done and I find no deliberate attempt on the part of the PIO or the First Appellate Authority to harass him my conclusion is that no action is warranted. I close the case.

**Order**

The appeal is disposed off.

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

Place: Mumbai  
Date: 27.06.2008

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

**Appeal No.2008/397/02**

**Smt. Shakuntala S. Kedia  
Kedia Kunj. Flat no. 10/11,  
11<sup>th</sup> floor, 23 J. B. Nagar,  
Andheri (E), Mumbai – 400 059.**

**... Appellant**

**V/s**

**First Appellate Officer, The Mumbai Metropolitan  
Region Iron & Steel Market Committee,  
Central Facility Bldg, Kalamboli,  
Tal. Panvel, Dist. Raigad, Navi Mumbai – 410 218.**

**... Respondent**

**Public Information Officer, The Mumbai Metropolitan  
Region Iron & Steel Market Committee,  
Central Facility Bldg, Kalamboli,  
Tal. Panvel, Dist. Raigad, Navi Mumbai – 410 218.**

**GROUNDS**

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant was allotted Plot No. 1192 admeasuring 25 m<sup>2</sup> in the Kalamboli Iron and Steel warehouse Complex. Some disputes arose between the appellant and the Mumbai Metropolitan Region Iron & Steel Market Committee regarding payment of the amount due to the appellant. The appellant made 3 payments and was given receipts also. The bone of contention is the way in which these amounts have been accounted for by the Market committee. The market committee first credited to the account of DPC and the balance was treated as market fee. This the committee says is according to the Market Committees resolution date 05.01.1998. The appellant has sought copies of documents which the respondents claim to have furnished.

The case was fixed for hearing on 27.06.2008. The appellant and respondents were present. I have gone through the papers on record also considered the argument advanced by parties. I have come to the conclusion that available documents have been furnished. It is not uncommon to adjust DPC first and then the principal amount. This is

done by so many organizations. It is high time the appellant should concentrate on development of the plot.

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

**Order**

The appeal is dismissed.

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

Place: Mumbai  
Date: 27.06.2008

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

**Appeal No.2008/315/02**

**Smt. Vaishali Avinash Kakade  
Medical Education & Darks Dept.  
Mantralaya, Mumbai – 400 032.**

**... Appellant**

**V/s**

**First Appellate Officer, Institute of Distance Education  
University of Mumbai, Kalina,  
Mumbai.**

**... Respondent**

**Public Information Officer, University of Mumbai,  
Kalina, Mumbai.**

### **GROUND**

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant had sought information regarding causes of delay in getting transfer certificate from KANKAWALI College, Kankawali by the Institute of Distance Education, University of Mumbai and what action has been taken by the University against the person responsible for the delay. Kumari Mayuri Ramanand Mule got admitted into the institute of Distance Education after passing her S.Y.B.A. The University declared the result of TYBA but her result was withheld on the ground that her transfer certificate has not been sent by Kankawali College. Her enquiry with the college revealed that the university had not requested for the transfer certificate. As per the existing practice the university sends the requisite fee to the college and asks for the transfer certificate. Further enquiry revealed that all papers for onward transmission to the college were sent to the accounts section and it remained pending for a bout 10 months. The university has tried to explain that there are no regular staff, there is too much of work and the delay was not deliberate and intended. The appellant has come in second appeal seeking the causes of delay and the action taken.

The appeal was fixed for hearing on 19.06.2005. The appellant was present. The First Appellate Authority was also present. Both of them have submitted their say in writing.

I have gone through the papers on record and also considered the arguments advanced by parties. I am not inclined to accept the argument put forth by the university. There has been abnormal delay on the part of the university. This has caused tremendous amount anxiety and inconvenience to the student. This is also routine matter. Every year students must be coming from outside and the university must be sending the requisition to college. This makes me believe that this delay may not be onetime and accidental. The university must look into this and correct it immediately. This a fit case for action under section 20 of the RTI Act. In the light of the above discussion I have come to the conclusion that this a fit case for recommending department action against the person who sat over the file about 10 months.

I therefore recommend that action be initiated against the person concerned in accordance with service rules application to him / her.

**Order**

The appeal is disposed off.

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

Place: Mumbai  
Date: 27.06.2008

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

**Appeal No.2008/400/02**

**Mr. Sitaram Moreshwer Shiposkar alias Sutar,  
2/4, Kedar Apartment, Bandargali,  
Ledi Jamshetji Road,  
Mahim, Mumbai – 400 016.**

**... Appellant**

**V/s**

**First Appellate Officer cum Tahsildar,  
Officer of Tahsildar, Lanja.  
Dist. Ratnagiri.**

**... Respondent**

**Public Information Officer cum Tahsildar,  
Officer of Tahsildar, Lanja.  
Dist. Ratnagiri.**

**GROUND**

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant has sought information regarding entry No. 4571, copies of documents which formed the basis of this entry and any other relevant information. He is not satisfied with responses from the PIO and the First Appellate Authority and hence this appeal.

The appeal was fixed for hearing on 30.06.2008. The appellant did not turn up. The PIO was present and has made his written submission. He has submitted that the land in question stood in the name of one Shri Kashinath Moreshwer Shiposkar alias Sutar. An application was received from one Shri Sitaram Moreshwer Shiposkar alias Sutar by the tahsildar Lanja, Ratnagiri stating there in that Shri Kashinath Shiposkar alias Sutar has gone insane and is absconding. The record of rights should be changed in the name of Shri. Sitaram Moreshwer Shiposker alias Sutar. The tahsildar sent this application to talathi by his letter No.RTS/WS/2337 dated 06.04.76. The talathi entered the name of Shri Sitaram Moreshwer Shiposker alias Sutar on 20.02.77. It is interesting to note the appellant and this gentleman (Sitaram Moreshwer Shiposker alias Sutar) are the same. He

claims that it was not he who wrote to the tahsildar. He also wants a copy of the medical certificate declaring Shri Kashinath insane which formed the basis of mutation entry no. 4571 dated 20.02.77. The PIO says that the Mutation entry registrar being permanent has been retained but the document which formed the basis for the entry has been destroyed.

I have gone through the papers on record. It is clear that the mutation entry no 4571 replacing the name of Shri Sitaram Moreshwer Shiposker alias Sutar (the present appellant) seems to have been challenged and that is the reason the applicant wants the documents which formed the basis of this entry. I am not able to appreciate the motive behind seeking such information. If he feels that his name has been wrongly entered, he can approach the sub Divisional officer who has the power to cancel the entry. It is also not understood why should someone be interested in canceling a mutation entry done in his favour. In any case PIO has given him the correct position and nothing more needs to be done.

**Order**

The appeal is dismissed.

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

Place: Mumbai  
Date: 30.06.2008

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

Appeal No.2008/78/02

**Mr. Chandrakant Balu Koyande**  
**14 Bhagavati Niwas, Samarth Nagar,**  
**Quwari Road, Bhandup (W), Mumbai - 400 078.**

... **Appellant**

V/s

**First Appellate Officer cum Tahsildar,**  
**Officer of the Tahsildar, Devgad,**  
**Dist. Sindhudurg**

... **Respondent**

**Public Information Officer cum Talathi,**  
**Devgad, Dist. Sindhudurg**

### **GROUNDS**

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant had asked for copies of 7/12 and 16 A relating to Survey No 54 of Village KALVI tahsil Devgad Dist. Sindhudurg. His application was sent to the Village talathi Saza Dabhole and he did not get the required information.

The case was fixed for hearing on 06.06.2008. The appellant was present Tahsildar Dabhole was also present.

The appellant is entitled to have the information sought. PIO is directed to furnish the same within 30 days.

### **Order**

The appeal is allowed.

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

Place: Mumbai  
Date: 30.06.2008



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

**Appeal No.2008/335/02**

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

... **Appellant**

**V/s**

**First Appellate Officer,  
Municipal Main Office,  
3<sup>rd</sup> floor, Extension Bldg,  
Mumbai – 400 001.**

... **Respondent**

**Public Information Officer,  
Bldg. Proposal Dept. Near Baba Hospital,  
R.K. Patkar Marg, Bandra (W), Mumbai – 400 050.**

**GROUNDS**

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

- 1) Details about the conditions if not fulfilled or complied then why no action has been initiated vide BMC Act 1888.
- 2) Name of the officer responsible for ensuring the condition levied whether they have been fulfilled levied wide your letter CE/2524/WS/AK of 22.03.93 and what action has been taken against him for failing or dereliction to perform the duty.
- 3) Name of the officer superior then in column 3 (c) above.s

The PIO has replied that information meant documents and the appellant should have inspection of the documents and then seek information which would be furnished. The First Appellate Authority has confirmed the order of the PIO and hence this appeal.

The appeal was fixed on 20.06.2008. The appellant did not turn up. The respondents were present. After examining the papers on record I come to the conclusion that information has not been denied. The appellant has been extended the facility of

inspection and would be given copies of whatever records he wants. The appellant should take advantage of this.

**Order**

The appeal is disposed off.

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

Place: Mumbai  
Date: 30.06.2008