

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

**Complaint No.2010/946/02**

**Shri. Prabhakar Choudhary  
2305 May Flower,  
Hiranandani Medoj,  
Thane – 400 610.**

**...Complainant**

**Vs**

**Public Information Officer cum Office Superintendent  
Municipal Corporation of Thane,  
Chandanwadi, Pachparwadi,  
Thane – 400 602.**

**...Respondent**

**GROUND**

This complaint has been filed u/s 18 the Right to Information Act, 2005. The complainant has stated that the Website of Thane Municipal Corporation is not updated despite instruction from the Municipal Corporation, Thane.

The complaint was fixed for hearing on 31.05.2010. The complainant and defendant were absent.

Case papers reveal that pointwise information has been furnished. This reply itself admits that there are 7 branches which have not put their information on the website. This has to be done. I therefore pass the following order.

**Order**

The complaint is allowed. PIO to comply with the existing instruction, update the website within 4 weeks and inform the complainant.

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

Place: Mumbai  
Date: 07.06.2010

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

**Complaint No.2010/951/02**

**Shri. Prakash Pawar  
Ahraddha Poly Clinic,  
Vishnu Nagar, Naupada,  
Thane – 400 602.**

**...Complainant**

**V/s**

**Public Information Officer cum Asstt Assessor & Collector  
Municipal Corporation of Greater Mumbai  
R-North Ward Office,  
Below Sudhir Phadke Fly-Over Bridge,  
J.S. Marg, Dahisar (W), Mumbai – 400 068.**

**...Respondent**

### **GROUND**

This complaint has been filed under section 18 of the Right to Information Act 2005. The complainant has complainant against the PIO Shri AM Chaphekar and the First Appellate Authority Shri Masurkar, R-North Ward Office, BMC, Mumbai. The complainant wanted to know who were working in the ward office of BMC responsible for collecting property tax from Chandralekhas CHS, Wamanrao Sawant Marg, Mumbai in the last 15 years. He was furnished information form 2000 onwards saying that R Ward came into existence from 01.01.2000 and information prior to that will have to be collected from AA & C (R/C) Prabodhankar Thakre Matyagruha building 'B' wing, 2<sup>nd</sup> Floor, Chandawarkar Rd, Borivali (W), Mumbai. The complaint is that the PIO did not send the application to the PIO of that ward as required under section 6(3) of the RTI Act. The First Appellate Authority also ignored the complainant's complaint. Hence this complaint.

The complaint was heard on 31.05.2010. Complainant & defendant were present. The complainant reiterated that the PIO has failed to discharge his duties under section

6(3) of the RTI Act. There is nothing on record to show that the PIO R North had sent the complainant's application to R Central under intimation to the complainant, although the First Appellate Authority in his order dated 08.10.2009 records so. I therefore pass the following order.

**Order**

The complaint is allowed. The PIO to show cause why action should not be initiated against him for not following the provisions of section 6 (3) of the RTI Act 2005. His reply to come within 4 weeks.

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

Place: Mumbai  
Date: 07.06.2010

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

**Appeal No.2010/4399/02**

**Shri Kaustubha Gokhale  
Siddhivinayak Prasad,  
Dr. Shama Prasad Mukherjee Rd,  
Dombivli (E), Mumbai – 421 201.**

**... Appellant**

**V/s**

**First Appellate Officer cum Registrar Inspection – I,  
High Court of Judicature of Bombay,  
Mumbai – 400 032.**

**... Respondent**

**Public Information Officer,  
High Court of Judicature of Bombay,  
Mumbai – 400 032.**

### **GROUNDS**

This appeal has been filed under section 19(3) of the Right to Information Act, 2005. The appellant by his application dated 01.09.2009 had sought a certified copy of the final report submitted by one man commission of justice A.C. Aguiar (Retired) submitted to the Hon High Court, Bombay. The Public Information Officer by her letter dated 08.09.2009 informed the appellant that in view of the proviso to Rule 9 and 19 of Bombay High Court Right to Information Rules 2006 the information in respect of judicial proceedings or record cannot be supplied under the Right to Information Act 2005. The appellant however could obtain the said information as per the procedure prescribed in the Bombay High Court Rules and orders. The appellant was not satisfied and he preferred appeal under section 19 (1) of the RTI Act 2005. The main contention of the appellant has been that the Rules cannot be inconsistent with the Right to Information Act and he deserves to be furnished the required information. The First Appellate Authority however by his order dated 16.12.2009 did not agree with the appellant and confirmed the order passed by the Public Information Officer. Being

aggrieved by the orders passed by the PIO the First Appellate Authority, the present appeal has been filed.

The appeal was heard on 04.06.2010 before the bench consisting of the Chief Information Commissioner, Maharashtra, Dr. Suresh Joshi, the State Information Commissioner Konkan Division, Shri Navin Kumar and the State Information Commissioner Mumbai, Shri Ramanand Tiwari. The appellant was present in person. The respondents were represented by Mrs U.S. Shrivastava the Public Information Officer, High Court, Bombay.

The appellant has contented that the High Court Rules are not consistent with the provisions of the RTI Act. He has also brought to the commission's notice that he approached the assistant registrar, certified copy branch appellate side, High Court, Bombay as advised but was informed that his request for the certified copy of Report (Agyaiar J.) in PIL 10/04 could not be considered as on verification of papers it was found that the same papers were not available in the proceeding of the Hon High Court. The appellant has demanded that the PIO should be proceeded against under Right to Information Act for giving wrong and misleading information.

The respondents in their written submission have submitted that the appellate was not denied information but was asked to follow the route prescribed under the Bombay High Court Right to Information Rules. They have therefore pleaded that the appeal deserves to be dismissed.

We have considered the arguments advanced by parties and also perused case papers on record. The commission is of the view that information has not been denied. The appellant was asked to follow a different path. This route has been prescribed under

the Right to Information Rules framed by the Bombay High Court under section 28 of the RTI Act. It is however a fact that the appellant even after following the path shown under the rules has drawn a blank.

The main issue however remains – the appellant did not get the required information because it was not available with the certified copy branch. It transpired during the hearing that the High Court did receive a copy of the report submitted by justice Agyaiar. It is possible that it has not reached the certified copy branch. The commission has to decide how does the appellant get the required information.

As observed earlier, the Right to Information Rules have been framed under the RTI Act. They are not inconsistent with the provisions of the RTI Act in as much as they do not prohibit disclosure of information. The order of the PIO and the First Appellate Authority do not require interference. The information has to be obtained from the certified copy Branch as per the High Court Rules. Since a copy of the Report has been received it has to go to the branch to enable it to. We therefore direct that the PIO shall take steps to ensure that report is made available to the certified copy branch to enable them to take appropriate decision and the request of the appellant. We therefore pass the following order.

### **Order**

The appeal is thus disposed off.

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

**(Navin Kumar)**  
Konkan Division

**(Dr. Suresh Joshi)**  
State Information Commissioner  
Maharashtra

Place: Mumbai  
Date: 19.06.2010.

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

**Appeal No.2010/4493/02**

**Shri Kaustubha Gokhale  
Siddhivinayak Prasad,  
Dr. Shama Prasad Mukherjee Rd,  
Dombivli (E), Mumbai – 421 201.**

**... Appellant**

**V/s**

**First Appellate Officer cum Registrar Inspection – I,  
High Court of Judicature of Bombay,  
Mumbai – 400 032.**

**... Respondent**

**Public Information Officer cum Master & Assit Prothonotary  
High Court of Judicature of Bombay,  
Mumbai – 400 032.**

### **GROUNDS**

This appeal has been filed under section 19(3) of the Right to Information Act, 2005. The appellant by his application dated 11.11.2009 had sought information regarding status quo orders passed by the Hon Bombay High Court in matters of unauthorized construction in Thane district. The Public Information Officer by her letter dated 17<sup>th</sup> Nov, 2009 informed the appellant that in view of the provision to Rule 13 (f) of the Bombay High Court, Right to Information (Revised) Rules 2009 the information in respect of judicial proceedings or records cannot be supplied under the Right to Information Act, 2005. The appellant however could obtain the said information as per procedure prescribed in the Bombay High Court Rules and orders. The appellant was not satisfied and he preferred the first appeal dated 30.11.2009 under section 19 (1) of the Right to Information Act, 2005. The appellant's contention before the First Appellate Authority was that he was a party to the writ petitions no 93/2007. In accordance with the provisions contained in note to Rule 13 of the Bombay High Court Right to Information Rules 2009 in so far as decisions which are taken administratively or quasi

judicially information shall be available only to the affected persons. The appellant being an affected party was entitled to have the information under Right to Information Act. The First Appellate Authority by his orders dated 04.02.2010 concluded that PIO's order was proper and correct and no interference was called for. The appeal was dismissed. Aggrieved by the orders passed by the PIO and the First Appellate Authority the appellant has preferred this second appeal. The appeal was heard on 04.06.2010 before the bench consisting of the Chief Information Commissioner, Maharashtra Dr. Suresh Joshi, the State Information Commissioner, Konkan Division Shri Navin Kumar and the State Information Commissioner, Mumbai Shri Ramanand Tiwari. The appellant was present. The respondents were represented by Mrs U.S Shrivastava Public Information Officer, High Court, Bombay.

The appellant's main contention has been that the High Court Right to Information Rules themselves entitle him to receive the information. He has cited rule 13 which says information shall be available to the affected party and he being a party in writ petition no 93/2007, should be furnished the information. He has also emphasized the importance and overriding effect of the Right to Information Act. He has pleaded that he should not be asked to resort to the High Court Rules. The respondents in their written submission have maintained that the appellant has been informed that information was not available under the Right to Information Act and he should follow the route prescribed under the High Court Rules.



We have considered the arguments advanced by parties and also perused case papers. The crucial point before the commission is whether information has been denied to the appellant. The answer is in the negative. The High Court has framed Rules under section 28 of the RTI Act 2005 and rule 13 (f) reads as follows: - Information copy / ies inspection with respect to cases pending in Court, which shall be obtained from the Court, as per the Rules and Orders in force for the time being. The appellant's argument that the Rules cannot supercede the provisions of the Right to Information Act is not valid because there is no inconsistency between the rules and the provisions of the RTI Act so far as dissemination of information is concerned. The difference is only in so far as the approach is concerned. The Central Information Commission in appeal no CIC/WB/A/2008/00422 dated 18.02.2008 has echoed the same view. The commission therefore concludes that the appellant has been properly informed. The PIO / The First Appellate Authority have not denied him the information. He has only been told to come via the High Court Rules as prescribed under Rule 13 of the Bombay High Court Right to Information (Revised) Rules 2009 framed under section 28 of the RTI Act 2005. There is no need to interfere in the orders passed by the PIO / The First Appellate Authority. We therefore pass the following order.

**Order**

The appeal is dismissed.

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

**(Navin Kumar)**  
State Information Commissioner, State Information Commissioner,  
Konkan Division

**(Dr. Suresh Joshi)**  
State Information Commissioner, State Information Commissioner,  
Maharashtra

Place: Mumbai  
Date: 19.06.2010.

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

**Appeal No.2010/4619/02**

**Shri Kaustubha Gokhale  
Siddhivinayak Prasad,  
Dr. Shama Prasad Mukherjee Rd,  
Dombivli (E), Mumbai – 421 201.**

**... Appellant**

**V/s**

**First Appellate Officer cum Dy Secretary  
Urban Development Department (12),  
Mantralaya, Mumbai – 400 032.**

**... Respondent**

**Public Information Officer cum Desk Officer  
Urban Development Department (12),  
Mantralaya, Mumbai – 400 032.**

**GROUNDS**

This appeal has been filed under section 19(3) of the Right to Information Act, 2005. The appellant by his application dated 01.09.2009 had sought a certified copy of the final report submitted by the commission headed by justice A C Aguiar in respect of unauthorized constructions in the Municipal Corporation of Kalyan Dombivali. The commission was appointed by the Hon Bombay High Court in writ petition no 10/2004. The Public Information office by his communication dated 11.09.2009 informed the appellant that the report has been submitted to the govt. as well as the Hon High Court but in view of the fact that the matter is sub judice, it was not possible to furnish a copy of the report. Being aggrieved by the decision of the PIO the appellant by his application dated 21.10.2009 preferred appeal under section 19 (1) of the Right to Information Act 2005. This appeal was heard on 18.11.2009. The appellant in his written submission had pleaded that there were no orders from the High Court to withhold disclosure of information in cases which were sub judice. The PIO's argument was that although the report was available with the govt, govt has not taken final decision in the matter and the

matter was also sub judice. The First Appellate Authority by his order dated 21.11.2009 dismissed the appeal. It is against this order that the appellant has preferred this second appeal. The appeal was heard on 04.06.2010 before the bench consisting of Dr Suresh Joshi, Chief Information Commissioner, Maharashtra, Shri Navin Kumar, State Information Commissioner, Konkan Division, Shri Ramanand Tiwari, State Information Commissioner, Mumbai. The appellant was present in person. The respondents Shri Suresh Kakani, Deputy Secretary and Shri Ashok Patil, Desk Officer, Urban Development Department, Govt. of Maharashtra were present.

The appellant's main contention was that he was an interested party to the writ petition. He also argued that the High Court has nowhere said that information should not be furnished if the matter was sub judice. He has also argued that he was himself the petitioner and it was at his request that the commission was appointed. Depriving him of the information will amount to interference in the judicial process. The appellant has cited the Supreme Court's order in writ petition (civil) no 749 of 1995 – Supreme Court Monitoring Committee Vs Missouri Dehradun Development Authority and others. In this case the Supreme Court had ordered that copies of the report submitted by District Judge pursuant to the court's order should be furnished to parties for their response. He has also quoted the Central Information Commission's order dated 07.10.2009 in Appeal no CIC/WB/A/2008/00422 dated 18.02.2008.

The respondent's contention has been that the report is being processed and the High Court itself is monitoring the progress. It was not possible to furnish a copy of the report unless the process is complete.

Our commission has consistently taken the stand that when Govt. institutes an inquiry and receives the report, the inquiry report should be made available to the public at the earliest by expeditiously completing the processing of the report.

In respect of the report sought we note that Hon. High Court itself is monitoring the progress and had issued direction to the State Govt. to deal with the report expeditiously. We therefore direct that the report should be made available to the appellant as soon as the processing is over.

**Order**

The appeal is disposed off accordingly.

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

**(Navin Kumar)**  
State Information Commissioner, State Information Commissioner,  
Konkan Division

**(Dr. Suresh Joshi)**  
State Information Commissioner,  
Maharashtra

Place: Mumbai  
Date: 19.06.2010.

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

Appeal No.2010/6016/02

**Shri Mehmood Mehboob Shaikh  
Room No7, Dost Mohammed Chawl,  
Behind Gausia Masjid,  
Nityanand Nagar, Ghatkopar (W),  
Mumbai – 400 086.**

... **Appellant**

V/s

**First Appellate Officer cum Executive Engineer  
Municipal Corporation of Greater Mumbai,  
Office of the Asstt Municipal Commissioner,  
A Ward, Near R.B.I., Fort,  
Mumbai – 400 001.**

... **Respondent**

**Public Information Officer cum Asstt Engineer  
Municipal Corporation of Greater Mumbai,  
Office of the Asstt Municipal Commissioner,  
A Ward, Near R.B.I., 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 points contained in his application dated 30.11.2009. The appeal was fixed for hearing on 21.06.2010. The appellant has informed the commission that he has received the information and the case may be closed. The request is granted.

### **Order**

The appeal is disposed off.

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

Place: Mumbai  
Date: 23.06.2010

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

Appeal No.2010/6016/02

**Shri Mehmood Mehboob Shaikh  
Room No7, Dost Mohammed Chawl,  
Behind Gausia Masjid,  
Nityanand Nagar, Ghatkopar (W),  
Mumbai – 400 086.**

... Appellant

V/s

**First Appellate Officer cum Executive Engineer  
Municipal Corporation of Greater Mumbai,  
Office of the Asstt Municipal Commissioner,  
P/South Ward, Goregaon (W),  
Mumbai – 400 001.**

... Respondent

**Public Information Officer cum Asstt Engineer  
Municipal Corporation of Greater Mumbai,  
Office of the Asstt Municipal Commissioner,  
P/South Ward, Goregaon (W),  
Mumbai – 400 001.**

#### **GROUND**

This appeal has been filed under section 19(3) of the Right to Information Act, 2005. The appellant by his application dated 09.12.2009 had sought information on 5 points contained in his application. The appeal was fixed for hearing on 21.06.2010. The appellant has informed the commission that he has received the information and the case may be closed. The request is granted.

#### **Order**

The appeal is disposed off.

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

Place: Mumbai  
Date: 23.06.2010

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

Appeal No.2010/6018/02  
Appeal No.2010/6019/02

**Shri Pramod Waghmare**  
41 B, Daulat Soc, Patel Nagar,  
Santacruz (E), Mumbai – 400 055.

... Appellant

V/s

**First Appellate Officer cum Executive Engineer**  
**Municipal Corporation of Greater Mumbai,**  
**Office of the Asstt Municipal Commissioner,**  
**H/East Ward, Prabhat Colony, Santacruz (E),**  
**Mumbai – 400 055.**

... Respondent

**Public Information Officer cum Asstt Engineer**  
**Municipal Corporation of Greater Mumbai,**  
**Office of the Asstt Municipal Commissioner,**  
**H/East Ward, Prabhat Colony, Santacruz (E),**  
**Mumbai – 400 055.**

### GROUNDS

These appeals have been filed under section 19(3) of the Right to Information Act, 2005. The appellant had sought information regarding unauthorized structures on the storm water drains along Yograj Road, Prabhat Colony, Santacruz (E), Mumbai. He has given a list of 26 structures / shops and wanted to know how the MCGM is going to clean up the drains and how many times in a year the drain is cleaned.

The appeal was fixed for hearing on 21.06.2010. Appellant and respondent were present. After hearing the parties, I pass the following order.

### Order

The PIO is directed to furnish the required information within 30 days from the date of receipt of this order.

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

Place: Mumbai  
Date: 23.06.2010

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

Appeal No.2010/6020/02

**Shri Nipun Mathakar  
B-5, Jeevadani Krupa Chawl,  
Ramchandra Jadhavwadi,  
Vijay Nagar, Nalasopara (E),  
Thane – 401 208.**

... **Appellant**

V/s

**First Appellate Officer,  
Urban Development Department,  
4<sup>th</sup> Floor, Mantralya, Mumbai – 400 032.**

... **Respondent**

**Public Information Officer,  
Urban Development Department,  
4<sup>th</sup> Floor, Mantralya, Mumbai – 400 032.**

### **GROUNDS**

This appeal has been filed under section 19(3) of the Right to Information Act, 2005. The appellant by his application dated 04.01.2010 had sought information on points contained in his application.

The appeal was heard on 21.06.2010. The respondent was present at the time of hearing but the appellant came after the hearing was over. It was revealed during the hearing that information has been furnished. The case is therefore closed.

### **Order**

The appeal is disposed off.

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

Place: Mumbai  
Date: 23.06.2010



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

**Appeal No.2010/6021/02**

**Shri Nipun Mathakar  
B-5, Jeevadani Krupa Chawl,  
Ramchandra Jadhavwadi,  
Vijay Nagar, Nalasopara (E),  
Thane – 401 208.**

**... Appellant**

**V/s**

**First Appellate Officer,  
Urban Development Department,  
4<sup>th</sup> Floor, Mantralaya, Mumbai – 400 032.**

**... Respondent**

**Public Information Officer,  
Urban Development Department,  
4<sup>th</sup> Floor, Mantralaya, Mumbai – 400 032.**

### **GROUNDS**

This appeal has been filed under section 19(3) of the Right to Information Act, 2005. The appellant by his application dated 02.01.2010 had sought information on points contained in his application.

The appeal was heard on 21.06.2010. The appellant came late but the respondent was present at the time of hearing. The appellant admitted having received the required information except from the desk dealing with Nalasopara and Cidco. I therefore pass the following order.

### **Order**

The appeal is partially allowed. The desk dealing with Nalasopara and Cidco to furnish the required information within 30 days from the date of receipt of this order.

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

Place: Mumbai  
Date: 23.06.2010

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

**Appeal No.2010/6022/02  
Appeal No.2010/6023/02**

**Shri Subhash Choudhary  
Rushikesh, E/006, Apana Ghar Soc.,  
Swami Samarth Nagar,  
Andheri (W), Mumbai – 400 053.**

**... Appellant**

**V/s**

**First Appellate Officer cum Niwasi Collector/ Tahsildar  
Office of the Tahsildar, Sinnar,  
Ta Sinnar, Dist. Nashik.**

**... Respondent**

**Public Information Officer cum Nayab Tahsildar  
Office of the Tahsildar, Sinnar,  
Ta Sinnar, Dist. Nashik.**

**GROUNDS**

These appeals have been filed under section 19(3) of the Right to Information Act, 2005. The appellant along with two others had purchased a piece of land from Shri Dilip Ramrao Shinde. He applied to the talathi of Sinnar to effect the mutation entry in his favour. This was entered into village form no 6 and numbered as 1253. The entry was never confirmed / certified. The original land owner took advantage of this, raised loans and also received compensation of the land. The appellant was informed by the tahsildar by letter dated 09.08.2007 that names of persons responsible for this lapse were being sent to the collector Nashik and SDO. The appellant says it did not happen. The Additional Collector Nashik by his order dated 29.10.2007 directed enter-alia that departmental enquiry should be started against the tahsildar and the circle officer and staff of tahsil office for keeping the mutation entry no 1253 pending for 13 yrs. The appellant says nothing happened after that also.

The appeal was heard on 21.06.2010. The appellant was present. The tahsildar, Sinnar was also present. The appellant reiterated his grievances. The respondent had no clue to any of the queries. This is very serious. Despite the additional Collector's order to initiate DE, nothing seems to have happened. The commission therefore passes the following order.

**Order**

The appeals are allowed. The Collector of Nashik is directed to let the commission and the appellant know what happened to the Additional Collector's order to fix responsibility for lapse and report to the commission within 30 days from the date of receipt of this order. The appeal is allowed.

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

Place: Mumbai  
Date: 23.06.2010

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

**Appeal No.2010/6015/02**

**Shri Dinesh Doshi  
3, Parijat Soc,  
Swami Nityanand Marg,  
Flat No.99, Panvel – 410 206.**

**... Appellant**

**V/s**

**First Appellate Officer cum Education Officer  
Raigad Zilla Parishad, Alibaug,  
Ta. Alibaug, Dist. Raigad.**

**... Respondent**

**Public Information Officer cum Principal  
Sheth L.B. High School,  
M.G.Rd, Behind Panchratn Hotel,  
Panvel – 410 206.**

**GROUND**

This appeal has been filed under section 19(3) of the Right to Information Act, 2005. The appellant by his application dated 03.03.2010 had sought information in respect of Sheth Laxmidas Nutan Gujarathi Vidyalaya, Panvel. The appeal was heard on 21.06.2010. Appellant and respondent were present. The information related to payment of provident fund / pensionary benefits. The Education Officers present explained that he has not been able to sort out the issue because of the rigid attitude of the teachers and the management.

After going through the case papers and hearing the parties I have come to the conclusion that what the appellant needs is not information but arbitration. The Education Inspector seems to have failed to sort out. The commission would not venture because we are not mandated to settle disputes or redress grievances. I therefore close the case.

**Order**

The appeal is disposed off.

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

Place: Mumbai  
Date: 23.06.2010

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

**Appeal No.2010/6074/02**

**Shri Bhupesh Mude  
2/704, Shri Shashwat Complex,  
Plezer Park, Mira-Bhaindar Rd,  
Mira Rd, Dist. Thane – 401 107.**

**... Appellant**

**V/s**

**First Appellate Officer cum Dy Secretary  
Higher & Technical Education Deptt.  
4<sup>th</sup> Floor, Room No.433, Mantralaya,  
Mumbai – 400 032.**

**... Respondent**

**Public Information Officer cum Desk Officer  
Higher & Technical Education Deptt.  
4<sup>th</sup> Floor, Room No.433, Mantralaya,  
Mumbai – 400 032.**

### **GROUNDS**

This appeal has been filed under section 19(3) of the Right to Information Act, 2005. The appellant by his application dated 04.01.2009 had sought information relating to implementation of the recommendations of the 6<sup>th</sup> pay commission to NON NET/NON SET teachers. He wanted to know the legal basis of the decision.

Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant filed this second appeal before the commission. The appeal was heard on 22.06.2010. Appellate and respondents were present.

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

The respondent's contention is that the information sought does not fit into the definition of information and hence could not be furnished.

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

RTI Act ensures furnishing of available information and why a particular action was taken or not taken cannot be covered under the Right to Information Act. The appellant has been allowed inspection of relevant files. The case therefore deserves to be closed. I therefore pass the following order.

**Order**

The appeal is disposed off.

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

Place: Mumbai  
Date: 24.06.2010.

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

Appeal No.2010/6086/02

**Shri Bhupesh Mude**  
2/704, Shri Shashwat Complex,  
Plezer Park, Mira-Bhaindar Rd,  
Mira Rd, Dist. Thane – 401 107.

... **Appellant**

V/s

**First Appellate Officer cum Dy Secretary**  
**Higher & Technical Education Deptt.**  
4<sup>th</sup> Floor, Room No.433, Mantralaya,  
Mumbai – 400 032.

... **Respondent**

**Public Information Officer cum Desk Officer**  
**Higher & Technical Education Deptt.**  
4<sup>th</sup> Floor, Room No.433, Mantralaya,  
Mumbai – 400 032.

#### GROUNDS

This appeal has been filed under section 19(3) of the Right to Information Act, 2005. The appellant by his application dated 01.01.2010 had sought information relating to the corrigendum No NG-C 2009/043/093-UNI-1 dated 19.11.2009 issued by the Department of Higher and Technical Education, Govt. of Maharashtra. The appellant wanted to know whether 6<sup>th</sup> pay commission was applicable to Non-NET/SET candidates and if so a copy of the govt. relevant instructions from the State / Central Govt. should be given to him.

Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant filed this second appeal before the commission. The appeal was heard on 22.06.2010. Appellate and respondents were present.

It was decided during the hearing that the appellant should be allowed inspection of relevant files and copies of documents selected by him should also be given.

#### Order

The appeal is allowed. Order to be implemented within 15 days from the date of receipt of this order.

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

Place: Mumbai  
Date: 24.06.2010.

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

**Appeal No.2010/6084/02**

**Shri Bhupesh Mude  
2/704, Shri Shashwat Complex,  
Plezer Park, Mira-Bhaindar Rd,  
Mira Rd, Dist. Thane – 401 107.**

**... Appellant**

**V/s**

**First Appellate Officer cum Dy Secretary  
Higher & Technical Education Deptt.  
4<sup>th</sup> Floor, Room No.433, Mantralaya,  
Mumbai – 400 032.**

**... Respondent**

**Public Information Officer cum Desk Officer  
Higher & Technical Education Deptt.  
4<sup>th</sup> Floor, Room No.433, Mantralaya,  
Mumbai – 400 032.**

### **GROUNDS**

This appeal has been filed under section 19(3) of the Right to Information Act, 2005. The appellant by his application dated 01.01.2009 had sought information relating to corrigendum No NG-C 2009/ (243/097) UNI-I dated 19.11.2009. The appellant wanted to know whether recommendations under the 6<sup>th</sup> pay commission were applicable to non NET-SET teachers appointed on Ad HOC basis in view of the Govt. of India letter dated 31.12.2008.

Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant filed this second appeal before the commission. The appeal was heard on 22.06.2010. Appellate and respondents were present.

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

The respondent's contention is that the information sought does not fit into the definition of information.



After going through the case papers and considering the arguments advanced by parties I have come to the conclusion that information needs to be furnished RTI Act ensures furnishing of documentary information available on record. I therefore pass the following order.

**Order**

The appeal is allowed. Inspection of relevant file to be allowed and copies of selected documents to be given free of cost within 15 days from the date of receipt of this order.

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

Place: Mumbai  
Date: 24.06.2010.

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

Appeal No.2010/6085/02

**Shri Bhupesh Mude**  
2/704, Shri Shashwat Complex,  
Plezer Park, Mira-Bhaindar Rd,  
Mira Rd, Dist. Thane – 401 107.

... **Appellant**

V/s

**First Appellate Officer cum Dy Secretary**  
**Higher & Technical Education Deptt.**  
4<sup>th</sup> Floor, Room No.433, Mantralaya,  
Mumbai – 400 032.

... **Respondent**

**Public Information Officer cum Desk Officer**  
**Higher & Technical Education Deptt.**  
4<sup>th</sup> Floor, Room No.433, Mantralaya,  
Mumbai – 400 032.

#### **GROUND**

This appeal has been filed under section 19(3) of the Right to Information Act, 2005. The appellant by his application dated 12.01.2010 had sought as to what action is taken against those from the University / Directorate who make appointments in contravention of govt. orders.

Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant filed this second appeal before the commission. The appeal was heard on 22.06.2010. Appellate and respondents were present.

It was decided during the hearing that information has to be furnished. I therefore pass the following order.

#### **Order**

Information to be furnished within 15 days from the date of receipt of this order.

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

Place: Mumbai  
Date: 24.06.2010.

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

Appeal No.2010/6082/02

**Shri Bhupesh Mude**  
2/704, Shri Shashwat Complex,  
Plezer Park, Mira-Bhaindar Rd,  
Mira Rd, Dist. Thane – 401 107.

... **Appellant**

V/s

**First Appellate Officer cum Dy Secretary**  
**Higher & Technical Education Deptt.**  
4<sup>th</sup> Floor, Room No.433, Mantralaya,  
Mumbai – 400 032.

... **Respondent**

**Public Information Officer cum Desk Officer**  
**Higher & Technical Education Deptt.**  
4<sup>th</sup> Floor, Room No.433, Mantralaya,  
Mumbai – 400 032.

#### GROUNDS

This appeal has been filed under section 19(3) of the Right to Information Act, 2005. The appellant by his application dated 04.01.2009 had sought information relating to corrigendum No NG C 2009/ (243/09) UNI-1 dated 19.11.2009. This corrigendum has been issued to the original GR dated 12.08.2009 and the appellant wanted to know why was this done.

Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant filed this second appeal before the commission. The appeal was heard on 22.06.2010. Appellate and respondents were present.

It was decided during the hearing that the appellant should be allowed inspection of the relevant files and copies of the selected documents should be given to him free of cost.

#### Order

The appeal is allowed. Order to be complied within 15 days from the date of receipt of this order.

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

Place: Mumbai  
Date: 24.06.2010.

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

**Appeal No.2010/6081/02**

**Shri Bhupesh Mude  
2/704, Shri Shashwat Complex,  
Plezer Park, Mira-Bhaindar Rd,  
Mira Rd, Dist. Thane – 401 107.**

**... Appellant**

**V/s**

**First Appellate Officer cum Dy Secretary  
Higher & Technical Education Deptt.  
4<sup>th</sup> Floor, Room No.433, Mantralaya,  
Mumbai – 400 032.**

**... Respondent**

**Public Information Officer cum Desk Officer  
Higher & Technical Education Deptt.  
4<sup>th</sup> Floor, Room No.433, Mantralaya,  
Mumbai – 400 032.**

**GROUNDS**

This appeal has been filed under section 19(3) of the Right to Information Act, 2005. The appellant by his application dated 04.01.2009 had sought information relating to corrigendum No NG C 2009/ (243/09) UNI-1 dated 19.11.2009. The appellant wanted to know whether the Finance Department had permitted the above corrigendum to the original GR of 12.08.2009 and if yes a copy of the same should be furnished to him.

Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant filed this second appeal before the commission. The appeal was heard on 22.06.2010. Appellate and respondents were present.

The appellant has contended he has not been provided the required information.

The respondent's contention is that the information sought does not fit into the definition of information and hence it could not be furnished.

After going through the case papers and considering the arguments advanced by parties I have come to the conclusion that the appellant should be given the required

information. He should be allowed to inspect the relevant files and copies of selected documents should be given to him.

**Order**

The appeal is allowed. Inspection should be facilitated within 15 days from the date of receipt of this order.

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

Place: Mumbai  
Date: 24.06.2010.

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

Appeal No.2010/6083/02

**Shri Bhupesh Mude**  
2/704, Shri Shashwat Complex,  
Plezer Park, Mira-Bhaindar Rd,  
Mira Rd, Dist. Thane – 401 107.

... **Appellant**

V/s

**First Appellate Officer cum Dy Secretary**  
**Higher & Technical Education Deptt.**  
4<sup>th</sup> Floor, Room No.433, Mantralaya,  
Mumbai – 400 032.

... **Respondent**

**Public Information Officer cum Desk Officer**  
**Higher & Technical Education Deptt.**  
4<sup>th</sup> Floor, Room No.433, Mantralaya,  
Mumbai – 400 032.

#### **GROUND**

This appeal has been filed under section 19(3) of the Right to Information Act, 2005. The appellant by his application dated 01.01.2009 had sought information relating to the corrigendum No NG C 2009/ (243/09) UNI-1 dated 19.11.2009.

Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant filed this second appeal before the commission. The appeal was heard on 22.06.2010. Appellate and respondents were present.

It was decided during the hearing that the appellant should be allowed inspection of relevant documents and copies of selected one should be given free of cost.

#### **Order**

The appeal is allowed. Order to be complied within 15 days from the dated of receipt of this order.

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

Place: Mumbai  
Date: 24.06.2010.

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

**Appeal No.2010/6079/02**

**Shri Bhupesh Mude  
2/704, Shri Shashwat Complex,  
Plezer Park, Mira-Bhaindar Rd,  
Mira Rd, Dist. Thane – 401 107.**

**... Appellant**

**V/s**

**First Appellate Officer cum Dy Secretary  
Higher & Technical Education Deptt.  
4<sup>th</sup> Floor, Room No.433, Mantralaya,  
Mumbai – 400 032.**

**... Respondent**

**Public Information Officer cum Desk Officer  
Higher & Technical Education Deptt.  
4<sup>th</sup> Floor, Room No.433, Mantralaya,  
Mumbai – 400 032.**

**GROUNDS**

This appeal has been filed under section 19(3) of the Right to Information Act, 2005. The appellant by his application dated 04.01.2009 had sought information regarding additional financial burden on the exchequer because of the implementation of the recommendations of the 6<sup>th</sup> pay commission in respect of Non NET / Non SET teachers.

Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant filed this second appeal before the commission. The appeal was heard on 22.06.2010. Appellate and respondents were present.

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

The respondent's contention is that the information sought does not fit into the definition of information. It has also been stated that the exact financial burden on the exchequer was not available.

After going through the case papers and considering the arguments advanced by parties I have come to the conclusion that the information needs to be furnished. The appellant should be allowed inspection of relevant files and copies of selected documents should also be provided free of cost. I pass the following order.

**Order**

The appeal is allowed. Inspection to be facilitated within 15 days from the date of receipt of this order.

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

Place: Mumbai  
Date: 24.06.2010.



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

Appeal No.2010/6080/02

**Shri Bhupesh Mude**  
2/704, Shri Shashwat Complex,  
Plezer Park, Mira-Bhaindar Rd,  
Mira Rd, Dist. Thane – 401 107.

... **Appellant**

V/s

**First Appellate Officer cum Dy Secretary**  
**Higher & Technical Education Deptt.**  
4<sup>th</sup> Floor, Room No.433, Mantralaya,  
Mumbai – 400 032.

... **Respondent**

**Public Information Officer cum Desk Officer**  
**Higher & Technical Education Deptt.**  
4<sup>th</sup> Floor, Room No.433, Mantralaya,  
Mumbai – 400 032.

### GROUNDS

This appeal has been filed under section 19(3) of the Right to Information Act, 2005. The appellant by his application dated 04.01.2009 had sought information relating to corrigendum No NGC 2009 (243/09) UNI-1 dated 19.11.2009 issued by the Department of Higher and Technical Education, Govt. of Maharashtra. He wanted to know whether this corrigendum had the approval of the Law and Judiciary and the Council of Ministers.

Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant filed this second appeal before the commission. The appeal was heard on 22.06.2010. Appellate and respondents were present.

It was decided during the hearing that the appellant should be allowed inspection of relevant files and copies of selected documents should be given free of cost.

### Order

Order to be implemented within 15 days from the date of receipt of this order.

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

Place: Mumbai  
Date: 24.06.2010.

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

**Appeal No.2010/6087/02**

**Shri Ramesh Zhade  
3/703, Shri Shashwat Complex,  
Plezer Park, Mira-Bhaindar Rd,  
Mira Rd, Dist. Thane – 401 107.**

... **Appellant**

**V/s**

**First Appellate Officer cum Dy Secretary  
Higher & Technical Education Deptt.  
4<sup>th</sup> Floor, Room No.433, Mantralaya,  
Mumbai – 400 032.**

... **Respondent**

**Public Information Officer cum Desk Officer  
Higher & Technical Education Deptt.  
4<sup>th</sup> Floor, Room No.433, Mantralaya,  
Mumbai – 400 032.**

**GROUNDS**

This appeal has been filed under section 19(3) of the Right to Information Act, 2005. The appellant by his application dated 05.03.2010 had sought information regarding no of Mphil and Ph D Lecturers appointed in different universities of Maharashtra. He wanted university wise information.

Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant filed this second appeal before the commission. The appeal was heard on 22.06.2010. Appellate and respondents were present.

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

The respondent's contention is that the consolidated information was not available with them and universities have been directed to furnish the required information to the appellant. The appellant has been informed accordingly.

After going through the case papers and considering the arguments advanced by parties I have come to the conclusion that the appellant has been correctly informed. The requirement of section 6 (3) of the RTI Act 2005 has been fully complied. The appellant has to pursue with universities.

**Order**

Appeal is disposed off.

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

Place: Mumbai  
Date: 24.06.2010.

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

Appeal No.2010/6088/02

**Shri Ramesh Zhade**  
3/703, Shri Shashwat Complex,  
Plezer Park, Mira-Bhaindar Rd,  
Mira Rd, Dist. Thane – 401 107.

... **Appellant**

V/s

**First Appellate Officer cum Dy Secretary**  
**Higher & Technical Education Deptt.**  
4<sup>th</sup> Floor, Room No.433, Mantralaya,  
Mumbai – 400 032.

... **Respondent**

**Public Information Officer cum Desk Officer**  
**Higher & Technical Education Deptt.**  
4<sup>th</sup> Floor, Room No.433, Mantralaya,  
Mumbai – 400 032.

#### GROUNDS

This appeal has been filed under section 19(3) of the Right to Information Act, 2005. The appellant by his application dated 15.01.2010 had sought information relating to appointments of non NET/SET lecturers in aided colleges, no of lecturers who have cleared NET/SET and no of ad hoc appointments in Govt. Colleges in Maharashtra.

Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant filed this second appeal before the commission. The appeal was heard on 22.06.2010. Appellate and respondents were present.

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

The respondent's contention is that they don not have consolidated information and the application has been transferred to universities (non agricultural) in the state.

After going through the case papers and considering the arguments advanced by parties I have come to the conclusion that the appellant has been correctly informed. The requirement of section 6 (3) of the RTI stands fulfilled. The case is therefore closed.

#### Order

Appeal is disposed off.

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

Place: Mumbai  
Date: 24.06.2010.

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

Appeal No.2010/6090/02

**Shri Ramesh Zhade**  
3/703, Shri Shashwat Complex,  
Plezer Park, Mira-Bhaindar Rd,  
Mira Rd, Dist. Thane – 401 107.

... **Appellant**

V/s

**First Appellate Officer cum Dy Secretary**  
**Higher & Technical Education Deptt.**  
4<sup>th</sup> Floor, Room No.433, Mantralaya,  
Mumbai – 400 032.

... **Respondent**

**Public Information Officer cum Desk Officer**  
**Higher & Technical Education Deptt.**  
4<sup>th</sup> Floor, Room No.433, Mantralaya,  
Mumbai – 400 032.

#### GROUNDS

This appeal has been filed under section 19(3) of the Right to Information Act, 2005. The appellant by his application dated 15.01.2010 had sought information regarding action taken on the complaint made against appointments of Non NET/SET lecturers by universities.

Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant filed this second appeal before the commission. The appeal was heard on 22.06.2010. Appellate and respondents were present.

It was decided during the hearing that information should be furnished. I therefore pass the following order.

#### Order

Information to be furnished within 15 days from the date of receipt of this order.

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

Place: Mumbai  
Date: 24.06.2010.

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

Appeal No.2010/6093/02

**Shri Ramesh Zhade**  
3/703, Shri Shashwat Complex,  
Plezer Park, Mira-Bhaindar Rd,  
Mira Rd, Dist. Thane – 401 107.

... **Appellant**

V/s

**First Appellate Officer cum Dy Secretary**  
**Higher & Technical Education Deptt.**  
4<sup>th</sup> Floor, Room No.433, Mantralaya,  
Mumbai – 400 032.

... **Respondent**

**Public Information Officer cum Desk Officer**  
**Higher & Technical Education Deptt.**  
4<sup>th</sup> Floor, Room No.433, Mantralaya,  
Mumbai – 400 032.

#### GROUNDS

This appeal has been filed under section 19(3) of the Right to Information Act, 2005. The appellant by his application dated 15.01.2010 had wanted to know whether regulations in respect of M Phil & Ph D by universities in the state are in accordance with UGC's Minimum standards and procedure for awards of M Phil / Ph D degree Regulation 2009.

Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant filed this second appeal before the commission. The appeal was heard on 22.06.2010. Appellate and respondents were present.

After going through the case papers and considering the arguments advanced by parties I have come to the conclusion that what the appellant has sought is not information but clarification. The same is not admissible under the RTI Act. The Act ensures furnishing of information / copies on record. The case will have to be closed.

#### Order

Appeal is disposed off.

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

Place: Mumbai  
Date: 24.06.2010.

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

**Appeal No.2010/6091/02**

**Shri Ramesh Zhade  
3/703, Shri Shashwat Complex,  
Plezer Park, Mira-Bhaindar Rd,  
Mira Rd, Dist. Thane – 401 107.**

... **Appellant**

**V/s**

**First Appellate Officer cum Dy Secretary  
Higher & Technical Education Deptt.  
4<sup>th</sup> Floor, Room No.433, Mantralaya,  
Mumbai – 400 032.**

... **Respondent**

**Public Information Officer cum Desk Officer  
Higher & Technical Education Deptt.  
4<sup>th</sup> Floor, Room No.433, Mantralaya,  
Mumbai – 400 032.**

**GROUNDS**

This appeal has been filed under section 19(3) of the Right to Information Act, 2005. The appellant by his application dated 15.01.2010 had sought information relating to no of Non NET /SET lecturers in Govt. Colleges / Aided Colleges which are affiliated to universities in the state.

Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant filed this second appeal before the commission. The appeal was heard on 22.06.2010. Appellate and respondents were present.

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

The respondent's contention is that the information relates to the Director Higher Education, Pune and his application has been sent and the appellant has been informed.

After going through the case papers and considering the arguments advanced by parties I have come to the conclusion that the appellant has been rightly informed. He is requested to pursue with the Director with the Director Higher Education, Pune.

**Order**

Appeal is disposed off.

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

Place: Mumbai  
Date: 24.06.2010.



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

**Complaint No.2010/985/02**

**Shri. Sameer Zaveri  
127, Mumbadevi Rd,  
Daya Mandir Bldg,  
3<sup>rd</sup> Floor, Mumbai – 400 003.**

**...Complainant**

**Vs**

**Public Information Officer,  
Municipal Corporation of Greater Mumbai  
C Ward Office, Chandanwadi,  
Mumbai – 400 002.**

**...Respondent**

**GROUNDS**

This complaint has been filed u/s 18 the Right to Information Act, 2005. The complainant by his application dated 10.08.2009 had sought the following information: -

1. Provide me information that who (BMC Ward or officer) is responsible to clean house Galli for Daya Mandir Bldg, 127 Mumbadevi Rd, Mumbai – 400 003.
2. Provide me with report of cleaning of house galli of above mentioned building. When it is cleaned and currently what is the condition of the house galli.
3. Where can file complaint if House galli is not clean since many years.
4. In there is any risk to spread disease due to unhygienic / dirty house galli.
5. What action can be taken on responsible authority / person if not keep clean house galli. Provide me with copy of act rules for the same.

The complainant states that he did not get the information but instead two persons from BMC visited him on 11.09.2009 and asked him why had he filed application under RTI. He has described in details the discussion which took place. He wanted action to be taken against them.

The complaint was heard on 03.06.2010. The complainant and defendants were present.

The complainant was highly agitated and wanted nothing but action against the officers who visited his house. Such complaints are not to be entertained by the commission. The complainant was not interested in getting information. The commission has no choice but to close the case as we are not mandated to enquiry into the alleged misconduct by BMC officials.

**Order**

The complaint is filed.

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

Place: Mumbai  
Date: 07.06.2010.

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

**Appeal No.2010/5038/02**

**Shri Sudhir Vishwakarma  
Muttaka Shetti Niwas,  
Patelwadi, Behram Baug  
Veera Desai Marg, Jogeshwari (W),  
Mumbai – 400 102.**

**... Appellant**

**V/s**

**First Appellate Officer cum Vansavrakshak & Director  
Sanjay Gandhi Udyan,  
Borivali (E), Mumbai – 400 066.**

**... Respondent**

**Public Information Officer cum Van Shetrapal  
Sanjay Gandhi Udyan,  
Borivali (E), Mumbai – 400 066.**

**GROUND**

This appeal has been filed under section 19(3) of the Right to Information Act, 2005. The appellant wanted copies of documents submitted by allottees of flats at Gokuldham, Dindoshi.

Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant filed this second appeal before the commission. The appeal was heard on 14.06.2010. Appellate and respondents were present.

The appellant has contended that he has not been furnished the required information. The respondent submitted that there are 8530/ allottees and documents run into thousands of pages. The appellant was requested to inspect documents and select the documents to enable him to furnish copies.

After going through the case papers and considering the arguments advanced by parties I have come to the conclusion that respondent's offer to allow inspection is perfectly in order. The information sought itself is vague. The appellant to get in touch

with the respondent and inspect relevant documents. He should be given copies of selected documents.

**Order**

Appeal is disposed off.

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

Place: Mumbai  
Date: 24.06.2010.

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

**Appeal No.2010/4945/02**

**Shri Ritesh Pawar  
473/2, Chincholi Shrigurudatt  
Prasadik Bhanjani Mandal,  
Near Sabhagruh, Ghansoli,  
Navi Mumbai.**

**... Appellant**

**V/s**

**First Appellate Officer cum Dy Secretary  
General Administration Department,  
(Desk No.16), Mantralaya, Mumbai – 400 032.**

**... Respondent**

**Public Information Officer cum Under Secretary  
General Administration Department,  
(Desk No.16), Mantralaya, Mumbai – 400 032.**

### **GROUNDS**

This appeal has been filed under section 19(3) of the Right to Information Act, 2005. The appellant by his application dated 10.10.2009 had sought copies of the Hon High Court's order regarding appointment of project affected persons in accordance with seniority & order regarding appointment through competitive examinations.

Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant filed this second appeal before the commission. The appeal was heard on 07.06.2010. The appellate did not turn up but the respondent was present.

Case papers show that no information has been furnished. It is therefore directed that available information should be furnished.

### **Order**

The appeal is allowed. Available information to be furnished within 15 days from the date of receipt of this order.

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

Place: Mumbai  
Date: 24.06.2010.

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

Appeal No.2010/6092/02

**Shri Ramesh Zhade**  
3/703, Shri Shashwat Complex,  
Plezer Park, Mira-Bhaindar Rd,  
Mira Rd, Dist. Thane – 401 107.

... Appellant

V/s

**First Appellate Officer cum Dy Secretary**  
**Higher & Technical Education Deptt.**  
4<sup>th</sup> Floor, Room No.433, Mantralaya,  
Mumbai – 400 032.

... Respondent

**Public Information Officer cum Desk Officer**  
**Higher & Technical Education Deptt.**  
4<sup>th</sup> Floor, Room No.433, Mantralaya,  
Mumbai – 400 032.

#### GROUNDS

This appeal has been filed under section 19(3) of the Right to Information Act, 2005. The appellant by his application dated 12.01.2010 had sought information regarding non implementation of U.G.C's notification dated 14.06.2006 in the state.

Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant filed this second appeal before the commission. The appeal was heard on 22.06.2010. Appellate and respondents were present.

The appellant has contended that he has not received the required information.

The respondent's contention is that University have been asked to explain and their responses are awaited.

After going through the case papers and considering the arguments advanced by parties I have come to the conclusion that information should be furnished. It is therefore directed that information should be furnished after responses are received.

#### Order

Appeal is allowed.

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

Place: Mumbai  
Date: 24.06.2010.

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

**Appeal No.2010/6089/02**

**Shri Ramesh Zhade  
3/703, Shri Shashwat Complex,  
Plezer Park, Mira-Bhaindar Rd,  
Mira Rd, Dist. Thane – 401 107.**

**... Appellant**

**V/s**

**First Appellate Officer cum Dy Secretary  
Higher & Technical Education Deptt.  
4<sup>th</sup> Floor, Room No.433, Mantralaya,  
Mumbai – 400 032.**

**... Respondent**

**Public Information Officer cum Desk Officer  
Higher & Technical Education Deptt.  
4<sup>th</sup> Floor, Room No.433, Mantralaya,  
Mumbai – 400 032.**

**GROUNDS**

This appeal has been filed under section 19(3) of the Right to Information Act, 2005. The appellant by his application dated 15.01.2010 had wanted to know whether the Principal Secretary is aware of the fact that crores of rupees have been spent on salaries of non NE/SET teachers who were appointed by universities / colleges in contravention of govt. order dated 06.07.2007.

Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant filed this second appeal before the commission. The appeal was heard on 22.06.2010. Appellate and respondents were present.

The appellant has contended that he has not received the information sought by him.

The respondent's contention is that the information sought is not covered under the definition of information as defined under the RTI Act 2005.

After going through the case papers and considering the arguments advanced by parties I have come to the conclusion that appellant has been rightly informed that what he was seeking was not information as defined in the RTI Act 2005. I therefore decide to close the case.

**Order**

Appeal is disposed off.

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

Place: Mumbai  
Date: 24.06.2010.



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

Appeal No.2010/6078/02

**Shri Virendranath Tiwari**  
46, Islam Bldg, 16 A,  
1<sup>st</sup> Floor, Opp. Akbar Ali,  
V.N. Rd, Fort, Mumbai – 400 023.

... Appellant

V/s

**First Appellate Officer cum Chairman**  
People's Education Society,  
Ground Floor, Anand Bhavan,  
Dr. D.N. rd, Fort, Mumbai – 400 023.

... Respondent

**Public Information Officer cum Principal**  
Siddharth College of Law,  
3<sup>rd</sup> Floor, Anand Bhavan,  
Dr. D.N. rd, Fort, Mumbai – 400 023.

#### GROUNDS

This appeal has been filed under section 19(3) of the Right to Information Act, 2005. The appellant by his application dated 24.02.2010 had sought the following information: -

1. Whether there was deduction in the salary of Prof. K.S. Reddy from 13.12.2009 till 19.12.2009?
2. Why casual leave was sanctioned and refunded the salary subsequently after deduction for the above period?

Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant filed this second appeal before the commission. The appeal was heard on 22.06.2010. Appellate and respondents were present.

It was revealed during the hearing that the required information has been furnished by the Principal's letter dated 23.03.2010. The case is therefore closed.

#### Order

Appeal is disposed off.

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

Place: Mumbai  
Date: 28.06.2010.

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

**Complaint No.2010/1078/02**

**Shrimati Ratnaprabha Mohan Chaudhari  
A-18, Laxmisagar Soc, Near Mathurabhavan,  
Nandivali Rd, Dombivali (W), Thane – 421 201.**

**...Complainant**

**Vs**

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

**...Respondent**

### **GROUNDS**

This complaint has been filed u/s 18 the Right to Information Act, 2005. The facts in brief are as follows: -

The complainant had stated that she has completed 11 years of service but still on probation and this has deprived her of resultant benefits. The commission by its order dated 30.04.2010 directed that information should be furnished within 30 days. The present complainant is against alleged non compliance of the commission's order.

The complaint was heard on 29.06.2010. Complainant and defendants were present.

It was brought to the commission's notice the file has been sent to the General Administration Department and the appellant has been informed. The complainant was advised to pursue with the GAD. The order stands complied.

### **Order**

The complaint is filed.

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

Place: Mumbai  
Date: 29.06.2010.

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

**Complaint No.2010/1078/02**

**Shrimati Shaista Anwar  
Turabali Ka Purva, Behind G.I.C.,  
Janpad, Phatepur – 212 601.**

**...Complainant**

**Vs**

**Public Information Officer cum Asstt Police Commissioner  
Western Control Desk,  
Bandra (W), Mumbai – 400 050.**

**...Respondent**

**GROUNDS**

This complaint has been filed u/s 18 the Right to Information Act, 2005. The complainant wanted to know the action taken on her complaints dated 05.07.2007, 17.07.2007 and 20.08.2007 made to Niramal Nagar Police Station.

The complaint was heard on 19.06.2010. Complainant and defendants were present.

The complainant stated that she has not been informed as to what action was taken on her complaints. The defendant submitted that she was repeatedly called for recording her statements but failed to appear and therefore complaints have been recorded.

After considering the arguments advanced by parties and going through the file I have come to the conclusion that the complainant has been informed. The defendant has already informed her that her complaints have been filed because of non appearance. The RTI ensures furnishing of available information not the way one wants. The case will have to be closed.

**Order**

The complaint is filed.

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

Place: Mumbai  
Date: 24.06.2010.

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

**Complaint No.2010/1079/02**

**Shrimati Ratnaprabha Mohan Chaudhari  
A-18, Laxmisagar Soc, Near Mathurabhavan,  
Nandivali Rd, Dombivali (W), Thane – 421 201.**

**...Complainant**

**Vs**

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

**...Respondent**

### **GROUNDS**

This complaint has been filed u/s 18 the Right to Information Act, 2005. The facts in brief are as follows: - The appellant by her application dated 31.12.2009 had sought a copy of the Caste Validation Certificate which the department is supposed to have received from the Caste Validation Committee. The department has informed the complainant that the certificate was not available on their record. The commission by its order dated 30.04.2010 directed that the department should obtain a copy of the certificate from the committee and furnish to the complainant. The complaint is against alleged non-compliance of this order.

The complaint was heard on 29.06.2010. Complainant and defendants were present.

The complainant stated that she has not received the required information. The defendant stated that the committee has already been approached and their response is awaited. In the meantime it was also revealed that the complainant's appointment was subject to production of caste validity certificate. This condition has been deleted by Govt. Resolution dated 06.03.1999 because her certificate was found to be valid. The department was of the view that she need not produce the caste validity certificate

because the condition stands deleted. The complainant however brought to the commissions notice that the Director, Legal Metrology has asked her to produce a copy of the caste validity certificate. The commission is of the view that this is totally irrelevant in view of Govt's GR dated 06.03.2010. I therefore pass the following order.

**Order**

The PIO to inform the Director, Legal Metrology that production of the caste validity certificate need not be insisted up on in view of the Govt's GR dated 06.03.1999. This should be done within 30 days from the date of receipt of this order.

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

Place: Mumbai  
Date: 29.06.2010.

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

**Complaint No.2010/959/02**

**Shri. Pannalal Gupta  
Ghatkopar Septic Tank,  
Gurukupa Housing Board,  
Room No.7 2/2, Ambedkar Chowk,  
Pantnagar, Ghatkopar (E),  
Mumbai – 400 075.**

**...Complainant**

**Vs**

**Public Information Officer,  
Dy Registrar, Co-op Housing Soc. Board,  
Mumbai Housing & Area Development Board,  
Grihanirman Bhavan, Bandra,  
Mumbai – 400 051.**

**...Respondent**

### **GROUND**

This complaint has been filed u/s 18 the Right to Information Act, 2005. The facts in brief are as follows: - The complainant by his application dated 18.03.2008 had sought certain information from the Secretary / Chairman, Ghatkopar Septic Tank, Gurukripa CHS, Pantnagar, Ghatkopar, Mumbai. Not satisfied with responses from the PIO and the First Appellate Authority, he has filed this complaint.

The complaint was fixed for hearing on 01.06.2010. Complainant and defendants were absent.

Case papers reveal that the complainant had sought information from the Secretary / Chairman of the Society. Cooperative Housing Societies are not public authorities. The information sought is also not supposed to be available with the office of the District Deputy Registrar Cooperative Societies. The remedy is available under section 32 of the Maharashtra Cooperative Societies Act, 1960. The complainant should

take recourse to the provisions contained in section 32 of the MCS Act. The complaint is therefore filed.

**Order**

The complaint is filed.

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

Place: Mumbai  
Date: 30.06.2010.

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

**Complaint No.2010/984/02**

**Shrimati. Surekha Jana  
134/1, Shailesh Chawl,  
CEN, Janganna 2000.  
17, Hariyali Village,  
Vikroli (E), Mumbai – 400 83.**

**...Complainant**

**Vs**

**Public Information Officer,  
Area Complaint Red resal Samiti,  
MUTP, MMRDA,  
1<sup>st</sup> Floor, Bandra-Kurla Complex,  
Bandra (E), Mumbai – 400 051.**

**...Respondent**

### **GROUNDS**

This complaint has been filed u/s 18 the Right to Information Act, 2005. The facts in brief are as follows: - The complainant by her application dated 18.06.2007 had sought the following information:-

Particulars of the Information Required a please furnish me documents showing that Room Nop.358, 359, 361, 362, 363, 365, 366, 374, 375, 376, 563, 353, 354, 355, 565, Hariyali Village, part I in base line socio Economic survey conducted in 1997.

Description of information required documents produced room no.353, 354, 355, 358, 359, 361, 362, 363, 365, 366, 374, 375, 376, 563, 565, and name Machindra Dagdu Chavan and Chatrapal S. Chavan allotment Kanjurmanrg and Vasi Naka.

Not satisfied with responses from the PIO the complainant should have filed appeal under section 19(1) of the RTI Act, 2005.

The complaint was heard on 03.06.2010. Complainant and defendants were present.



Case papers reveal that the complainant wanted copies of documents which formed the basis of eligibility for allotment of the above rooms. The MMRDA has replied that allotment is made on the basis of the Baseline Survey report submitted to them. They do not have documents which formed the basis of eligibility. It was also stated by them that there is Grievance Redressal mechanism set up under the Project. Issues like non inclusion of names can be taken up with the Grievance Redressal Committee. A copy of the Baseline Survey Report has been provided to the complainant.

In view of the above observation, the commission comes to the conclusion that available information has been furnished. The commission is not mandated to sort-out grievance I therefore close the case.

**Order**

The complaint is filed.

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

Place: Mumbai  
Date: 30.06.2010.

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

**Appeal No.2010/4921/02**

**Shri.Anil Chauhan  
T-3, Habibulla Chawl,  
Gandhi Nagar, E Ward,  
Jogeshwari (E), Mumbai – 400 060.**

**... Appellant**

**V/s**

**First Appellate Officer cum Asstt Commissioner  
Municipal Corporation of Greater Mumbai  
K/East Ward, Azad Rd, Gundwani,  
Andheri (E), Mumbai – 400 069.**

**... Respondent**

**Public Information Officer cum Project Officer  
Municipal Corporation of Greater Mumbai  
K/East Ward, Azad Rd, Gundwani,  
Andheri (E), Mumbai – 400 069.**

### **GROUNDS**

This appeal has been filed under section 19(3) of the Right to Information Act, 2005. The appellant by his application dated 17.12.2009 had sought information regarding issuance of annexure II in respect of Shiva Prerna Cooperative Housing Society (Proposed) Jogeshwari (E), Mumbai.

Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant filed this second appeal before the commission. The appeal was heard on 04.06.2010. Appellate was present. The respondent remained absent.

The appellant stated that he has not been furnished the required information. Case papers also reveal that information has not been furnished. The PIO and the First Appellate Authority have held that information has been sought in the question answer form and does not constitute information according to the RTI Act, 2005.

After going through the case papers and hearing the appellant, I am of the view that the information must be furnished. The form is not at all important. If the question is leading to factual information it has to be furnished. Hypothetical questions or questions which seek subjective opinion need not be answered. I set aside the orders passed by the PIO and the First Appellate Authority and pass the following order.

**Order**

PIO 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: 30.06.2010.

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

Appeal No.2010/4920/02

**Shri. Kahlil Ahmed Nawabali Subhedar**  
**G-23, Mahindra Park, Narayan Nagar,**  
**LBS Marg, Ghatkopar (W), Mumbai – 400 086.**

... Appellant

V/s

**First Appellate Officer cum Ward Officer**  
**Mubmra Prabhag Samiti, Thane Municipal Corporation,**  
**Mumbra, Thane.**

... Respondent

**Public Information Officer cum Ex Engineer**  
**Dy Eng. Town Planning, Thane Municipal Corporation,**  
**Thane.**

### **GROUND**

This appeal has been filed under section 19(3) of the Right to Information Act, 2005. The appellant by his application dated 17.01.2010 had sought the following information: -

- 1) Whether it is constructed on Govt. land or Private land kindly supply the authentic papers/ documents.
- 2) Whether the said residential bungalow is having valid municipal permission for the building department if yes please supply the approved plan and sanction letter copy.

Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant filed this second appeal before the commission. The appeal was heard on 04.06.2010. Appellate was present but the respondent was absent.

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

### **Order**

PIO to furnish information within 30 days failing which action under section 20 of the RTI Act 2005 will be initiated against him.

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

Place: Mumbai  
Date: 30.06.2010.

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

**Appeal No.2010/4919/02**

**Shri. Narendra Sawant  
11/345, Sahakar Nagar-3, Chembur,  
Mumbai – 400 071.**

... **Appellant**

**V/s**

**First Appellate Officer cum Asstt Commissioner  
Public Trust Office, Greater Mumbai Division,  
Office of the Charity Commissioner, 2<sup>nd</sup> Floor,  
83, Annie Beasant Rd, Worli, Mumbai – 400 018.**

... **Respondent**

**Public Information Officer cum Superintendent  
Public Trust Office, Greater Mumbai Division,  
Office of the Charity Commissioner, 2<sup>nd</sup> Floor,  
83, Annie Beasant Rd, Worli, Mumbai – 400 018.**

### **GROUND**

This appeal has been filed under section 19(3) of the Right to Information Act, 2005. The appellant by his application dated 26.11.2009 had sought information in respect of Sai Kripa Sanstha Registered No. F 23101 and Sanghmitra Samajik Santhas Registered No. 27229. The PIO did not furnish the information. The First Appellate Authority by his order dated 19.03.2010 ordered that information should be furnished free of cost within one month. This appeal is against non compliance of this order.

The appeal was fixed for hearing on 04.06.2010. Parties were absent. No information seems to have been furnished.

I therefore pass the following order.

### **Order**

PIO to show cause why action should not be taken against him / her for non compliance of the order passed by the First Appellate Authority and not furnishing the information. The reply to come within 4 weeks from the date of receipt of this order.

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

Place: Mumbai  
Date: 30.06.2010.

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

**Complaint No.2010/999/02**

**Shri. Sudesh Mayekar  
Shri Mahapurush CHS Ltd.,  
E/531, Surykund, Ganpavdar Rd,  
Mahapurush Mandir Marg,  
Mazgaon, Mumbai – 400 010.**

**...Complainant**

**Vs**

**Public Information Officer cum Chief Officer  
Mumbai Bldg Repair,  
Grihanirman Bhavan, Bandra (E),  
Mumbai – 400 051.**

**...Respondent**

**GROUNDS**

This complaint has been filed u/s 18 the Right to Information Act, 2005. The facts in brief are as follows: - The complainant had sought information regarding occupant of room no 437, Shri Mahapurush CHS, Mazagaon, Mumbai. He has alleged that he has not been given the required information.

The complaint was heard on 03.06.2010. Complainant and defendants were present.

The defendant submitted that the complainant has been informed that the occupant of room no 437 has been served with a notice and the case is pending before the competent authority. The required information has thus been furnished.

**Order**

The complaint is filed.

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

Place: Mumbai  
Date: 30.06.2010.

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

Appeal No.2010/4923/02

**Shri. Tanaji Bagal**  
**Bhoiwadagaon Samkraman Shibir**  
**B.N.5, Room No.103, 1<sup>st</sup> Floor,**  
**Shankar Ghati Bua Marg,**  
**Bhoiwada Parel, Mumbai – 400 012.**

... **Appellant**

V/s

**First Appellate Officer cum Asstt Commissioner**  
**Municipal Corporation of Greater Mumbai,**  
**F/South Ward, 2<sup>nd</sup> Floor, Dr A.B. Rd,**  
**Parel, Mumbai – 400 012.**

... **Respondent**

**Public Information Officer cum Administrative Officer**  
**Municipal Corporation of Greater Mumbai,**  
**F/South Ward, 2<sup>nd</sup> Floor, Dr A.B. Rd,**  
**Parel, Mumbai – 400 012.**

#### **GROUND**

This appeal has been filed under section 19(3) of the Right to Information Act, 2005. The appellant by his application dated 01.02.2010 had sought information regarding recovery of rent by the Municipal Corporation, Mumbai from those whose tenancy stands terminated by the Hon High Court's order.

The appeal was fixed for hearing on 04.06.2010. The appellant did not turn up but the respondent was present.

It is revealed from case paper that the appellate authority by his order dated 19.03.2010 has furnished the required information which addresses the issues raised by the appellant. The respondent present confirmed that the information has been furnished. In view of the appellant's absence and the respondent's submission the case is closed.

#### **Order**

The appeal is disposed off.

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

Place: Mumbai  
Date: 30.06.2010.

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

Appeal No.2010/4922/02

**Shri. Sanjay Pawar**  
**402, Kandivali Padmaja CHS.,**  
**Flat No.6, RSC-1, Ganeshnagar,**  
**Kandivali (W), Mumbai – 400 067.**

... **Appellant**

V/s

**First Appellate Officer cum Ex Engineer**  
**Municipal Corporation of Greater Mumbai,**  
**R/South Ward, Kandivali (W),**  
**Mumbai – 400 067.**

... **Respondent**

**Public Information Officer cum Asstt Engineer**  
**Municipal Corporation of Greater Mumbai,**  
**R/South Ward, Kandivali (W),**  
**Mumbai – 400 067.**

#### **GROUND**

This appeal has been filed under section 19(3) of the Right to Information Act, 2005. The appellant by his application dated 18.11.2010 had sought the information relating to action taken against unauthorized construction in Kandivali Padmaja CHS.

Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant filed this second appeal before the commission. The appeal was heard on 04.06.2010. Appellant was present but the respondent was absent.

Case papers reveal that the PIO by his letter dated 10.12.2009 has replied to the appellant's application. The First Appellate Authority has also passed his order dated 28.01.2010. It is therefore decided to close the case.

#### **Order**

The appeal is disposed off.

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

Place: Mumbai  
Date: 30.06.2010.



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

**Appeal No.2010/5053/02  
Appeal No.2010/5054/02**

**Shri Ramshankar Saroj  
Ghansham Chawl, R. No.2,  
Sant Rohidas Marg, Kala Killa,  
Dharavi, Mumbai – 400 017.**

**... Appellant**

**V/s**

**First Appellate Officer cum Dy Police Commissioner  
Byculla, Bawala Compound, Mumbai – 400 02.**

**... Respondent**

**Public Information Officer cum Asstt Police Commissioner  
Central Control Desk, Byculla, Mumbai – 400 027.**

### **GROUNDS**

These appeals have been filed under section 19(3) of the Right to Information Act, 2005. The appellant by his application dated 20.02.2010 had sought information regarding his complaint against his wife who allegedly has run away with Rs.30, 000/- cash and ornaments.

Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant filed second appeal before the commission. The appeal was heard on 15.06.2010. Appellant and respondents were present.

It was revealed during the hearing that the appellant's wife has gone to her fathers place in Uttarpradesh. The valuable taken along has been treated as stridhan by the police and they did not register any offence against her. The case has been closed and appellant informed.

### **Order**

The appeals are disposed off.

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

Place: Mumbai  
Date: 30.06.2010

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

**Appeal No.2010/5057/02**

**Shri Ramshankar Saroj  
Ghansham Chawl, R. No.2,  
Sant Rohidas Marg, Kala Killa,  
Dharavi, Mumbai – 400 017.**

**... Appellant**

**V/s**

**First Appellate Officer cum Dy Police Commissioner  
Zone 3, Byculla, Bawala Compound,  
Mumbai – 400 02.**

**... Respondent**

**Public Information Officer cum Asstt Police Commissioner  
Central Control Desk, Byculla, Mumbai – 400 027.**

### **GROUNDS**

This appeal has been filed under section 19(3) of the Right to Information Act, 2005. The appellant by his application dated 09.02.2010 had sought information regarding action taken on his complaint dated 20.01.2010.

Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant filed second appeal before the commission. The appeal was heard on 15.06.2010. Appellant and respondents were present.

It was revealed during the hearing that information regarding action taken on his complaint has been furnished to the appellant. He was not satisfied with the outcome. The RTI Act is not mandated to examine the quality of information. Available information has been furnished and hence the case is closed.

### **Order**

The appeal is disposed off.

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

Place: Mumbai  
Date: 30.06.2010.

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

**Appeal No.2010/5056/02**

**Shri Ramshankar Saroj  
Ghansham Chawl, R. No.2,  
Sant Rohidas Marg, Kala Killa,  
Dharavi, Mumbai – 400 017.**

**... Appellant**

**V/s**

**First Appellate Officer cum Dy Police Commissioner  
Zone 3, Byculla, Bawala Compound,  
Mumbai – 400 02.**

**... Respondent**

**Public Information Officer cum Asstt Police Commissioner  
Central Control Desk, Byculla, Mumbai – 400 027.**

### **GROUNDS**

This appeal has been filed under section 19(3) of the Right to Information Act, 2005. The appellant by his application dated 22.02.2010 had sought information regarding action taken on his complaint dated 11.07.2008. This complaint was against his wife who allegedly had run away with cash and valuables.

Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant filed second appeal before the commission. The appeal was heard on 15.06.2010. Appellant and respondents were present.

The appellant has contended that he was not satisfied with the information furnished to him.

The respondent's contention is that the appellant has been informed what action was taken on his complaint.

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

His complaint was enquired into and it was found that they were not based on facts. It was therefore recorded. He is obviously not happy / satisfied. The RTI Act ensures furnishing of available information. The commissions pass Judgment on the quality of information furnished. The case will have to be closed.

**Order**

The appeal is disposed off.

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

Place: Mumbai  
Date: 30.06.2010.

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

**Complaint No.2010/1002/02**

**Shri. Bramhanand Pandey  
E-102, Gaurav Residency  
Opp. Mahapour Niwas,  
Mira Rd (E), Thane.**

**...Complainant**

**Vs**

**Public Information Officer cum Asstt Police Commissioner  
Office of the Dy Police Commissioner, Zone-9,  
Bandra (W), Mumbai.**

**...Respondent**

**GROUND**

This complaint has been filed u/s 18 the Right to Information Act, 2005.

The complaint was heard on 03.06.2010. The defendant was present but the complainant did not turn up.

Case papers reveal that the Hon Chief Information Commissioner, Maharashtra has passed orders dated 07.02.2009 and 04.12.2009. There is therefore no point in hearing the complaint.

**Order**

The complaint is dismissed.

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

Place: Mumbai  
Date: 30.06.2010.

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

**Complaint No.2010/1000/02**

**Shri.Shivananad Ankolekar  
A-8, M.I.D.C., Flatted Factory,  
L.B.S. Marg, Wagle Estate,  
Thane (W) – 400 604.**

**...Complainant**

**Vs**

**Public Information Officer cum Asstt Police Commissioner  
North Control Desk,  
Kandivali (E), Mumbai – 400 101.**

**...Respondent**

### **GROUND**

This complaint has been filed u/s 18 the Right to Information Act, 2005. The facts in brief are as follows: - The complainant by his application dated 05.03.2009 had sought the following information: -

“Malad (West) Police Station registered a crime against Shri Avdhut Salvi being C.R. No.41/08. The applicant solicit information in writing with documentary proof as to complete investigation of said crime with present status of the case.”

He was informed that Shri Avdhut Salvi was not arrested in crime no 41/08 as stated by the appellant but in 727/08 and the case was pending in the court of law. He did not file the first appeal after putting requisite stamp but has filed this complaint.

The complaint was heard on 03.06.2010. Complainant and defendants were present.

It appears that the required information has been furnished. He had quoted the wrong case no still he was given the information. He appealed to the wrong appellate authority without putting stamp of required amount but did not comply. The complaint

under these circumstances does not make sense. Since the information has been furnished I close the case.

**Order**

The complaint is filed.

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

Place: Mumbai  
Date: 30.06.2010.

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

**Complaint No.2010/958/02**

**Shri.Mukund Parikh  
103, Chanakyapuri CHS Ltd,  
Lallubhai Park, Andheri (W),  
Mumbai – 400 058.**

**...Complainant**

**Vs**

**Public Information Officer cum Dist Dy Registrar  
C.S. Mumbai-3, Room No.69, Ground Floor,  
Grihanirman Bhavan, Bandra (E),  
Mumbai – 400 051.**

**...Respondent**

**GROUNDS**

This complaint has been filed u/s 18 the Right to Information Act, 2005. The facts in brief are as follows: - The complainant by his application dated 13.10.2008 had sought information regarding no of administrators appointed by the Dy Registrar Cooperative Societies, K/West during 01.01.2005 to 13.10.2008. He had also sought information regarding M-20 bonds, remuneration to administrators and list of Cooperative Societies. Not satisfied with response form the PIO & the First Appellate Authority he has filed this complaint.

The complaint was heard on 01.06.2010. The defendant was present but the complainant did not turn up.

He has however informed the commission that he has received the information. The case is therefore closed.

**Order**

The complaint is filed.

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

Place: Mumbai  
Date: 30.06.2010.



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

**Complaint No.2010/980/02**

**Shri.Sanjay Naik  
Flat No.8 Plot No.16, Jaykar House,  
Captain Sameer Chandavarkar Rd,  
Dahanukar Wadi, Kandivali (W),  
Mumbai – 400 067.**

**...Complainant**

**Vs**

**Public Information Officer,  
Office of the Commissioner,  
Maharashtra State Council of Examination,  
17, Dr. Ambedkar Marg, Pune – 411 001.**

**...Respondent**

**GROUNDS**

This complaint has been filed u/s 18 the Right to Information Act, 2005. The facts in brief are as follows: - The complainant has stated that his application dated 20.10.2008 has not been responded to by the PIO. He had sought the following information: -

- a. Please let me know the method followed by you for evaluating the answerpapers for High School Scholarship Examination held in Feb, 2008 in the subject if English? (No photocopies required)
- b. Please let me know the method followed by you for revivification of answerpapers for High School Scholarship Examination held in Feb, 2008 in the subject of English? (No photocopies required)

The complaint was heard on 02.06.2010. The defendant was present but the complainant did not turn up.

Heard the defendant. My conclusion is that information must be furnished. The complaint had the option to file appeal under section 19(1) of the RTI Act 2005 but he

does not seem to have done the same. I am, however, passing the following order after taking into account the spirit of the Act.

**Order**

The complaint is allowed.

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

Place: Mumbai  
Date: 30.06.2010.

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

**Complaint No.2010/979/02**

**Shri.Saifuddin Attarwala  
Gala No.19, 2<sup>nd</sup> Floor,  
Shri Ram Industrial Estate, Kale Marg,  
Bail Bazar, Kurla (W), Mumbai – 400 070.**

**...Complainant**

**Vs**

**Public Information Officer cum Asstt Engineer (B & F)  
Municipal Corporation of Greater Mumbai  
L Ward, 1<sup>st</sup> Floor, L.Y. Market Bldg.,  
S.G. Barve, Kurla (W), Mumbai – 400 070.**

**...Respondent**

**GROUND**

This complaint has been filed u/s 18 the Right to Information Act, 2005. The facts in brief are as follows: - The complainant by his application dated 24.09.2009 had sought the following information: -

- A. Procedure for the issue of factory permits as per the Act followed by the Factory Department.
- B. Documents reqd. for the issue of factory permit.
- C. Procedure to cancel / revoke the factory permit as per the act and as practiced by factory department “L” Ward.
- D. How many factory permits have been revoked cancelled by the “L” Ward Municipal Authorities?
- E. Procedure followed by the Authorities while cancellation of the said permits.

The PIO by his letter dated 22.10.2009 furnished the required information. The complainant preferred appeal under section 19 (1) of the RTI Act 2009 complaining that the information was dispatched late. He has also alleged that the information was incomplete. Hence this complaint.

The complaint was heard on 02.06.2010. The complainant was present but the defendant was absent.

Case papers show that the First Appellate Authority has not passed any order. He has thus failed to discharge his obligations under the RTI Act. I therefore pass the following order.

**Order**

The complaint is allowed. The First Appellate Authority to hear the appeal and pass order within 30 days from the date of receipt of this order.

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

Place: Mumbai  
Date: 30.06.2010.

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

**Appeal No.2010/7063/02**

**Shrimati Vishakha Ingale  
B/6, Alankar CHS Ltd.,  
New Tilak Nagar, Chembur,  
Mumbai – 400 089.**

**... Appellant**

**V/s**

**First Appellate Officer cum Dy Commissioner  
Municipal Corporation of Greater Mumbai  
Office of the Dy Commissioner,  
3<sup>rd</sup> Floor, F/South Division,  
Dr. Ambedkar Rd, Parel, Mumbai.**

**... Respondent**

**Public Information Officer cum Administrative  
Municipal Corporation of Greater Mumbai  
Office of the Dy Commissioner,  
3<sup>rd</sup> Floor, F/South Division,  
Dr. Ambedkar Rd, Parel, Mumbai.**

### **GROUNDS**

This appeal has been filed under section 19(3) of the Right to Information Act, 2005. The appellant by his application dated 16.01.2010 had sought some clarifications regarding disposal of files in the Education Department of MCGM. The PIO by his letter dated 10.02.2010 and the First Appellate Authority by his order dated 23.03.2010 informed the appellant that he had not sought any information and disposed of his application/ appeal.

Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant filed the second appeal before the commission. The appeal was heard on 29.06.2010. Appellant and respondents were present.

The respondent's contention is that the appellant has not asked any information as such and had sought answers to his queries. The PIO also added that he had nothing on record to respond to his queries.

After going through the case papers and considering the arguments advanced by parties I have come to the conclusion that the appellant has been rightly informed. The RTI Act ensures furnishing of available information and it is not expected that the PIO

will find out / compile or research the information required by the appellant. The case will have to be closed.

**Order**

The appeal is disposed off.

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

Place: Mumbai  
Date: 30.06.2010.

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

**Appeal No.2010/7016/02**

**Adv. Pravin Atkale  
Sai Vihar Pawar Complex,  
Gulab Apt, Room No.16,  
Belvali, Badlapur (W),  
Dist. Thane.**

**... Appellant**

**V/s**

**First Appellate Officer,  
Special District Welfare Officer, Thane,  
Collector Bldg., 5<sup>th</sup> Floor,  
Court Naka, Thane (W) – 400 601.**

**... Respondent**

**Public Information Officer,  
Special District Welfare Officer, Thane,  
Collector Bldg., 5<sup>th</sup> Floor,  
Court Naka, Thane (W) – 400 601.**

### **GROUND**

This appeal has been filed under section 19(3) of the Right to Information Act, 2005. The appellant by his application dated 10.12.2009 had sought information regarding action taken on his complaint against Shri Siddhi Thakurnath Arts and Commerce College, Ulhasnagar for charging unauthorized fee from students belonging to backward category.

Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant filed second appeal before the commission. The appeal was heard on 30.06.2010. Appellant and respondents were present.

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

The respondent's contention is that they sought a report from the Principal but the same is awaited. If the report was not received, the Principal will be proceeded against.

The respondent has also submitted his written say.

After going through the case papers and considering the arguments advanced by parties I have come to the conclusion that the appellant should be informed after the Principal's response is received. The appellant should be kept informed in case the respondent prospers any action against the Principal.

**Order**

The appeal is disposed off.

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

Place: Mumbai  
Date: 30.06.2010.



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

Appeal No.2010/4940/02

**Shri Sunil Haldankar**  
**Chatrapatinagar Vikas Committee,**  
**Behind Mahatma Soc., Golibar Rd.,**  
**Khar (E), Mumbai – 400 055.**

... **Appellant**

V/s

**First Appellate Officer cum Dy Commissioner**  
**Office of the Dy Police Commissioner,**  
**Zone – 9, Hill Rd, Bandra (W),**  
**Mumbai – 400 050.**

... **Respondent**

**Public Information Officer cum Asstt Police Commissioner**  
**Office of the Dy Police Commissioner,**  
**Zone – 9, Hill Rd, Bandra (W),**  
**Mumbai – 400 050.**

### **GROUND**

This appeal has been filed under section 19(3) of the Right to Information Act, 2005. The appellant by his application dated 08.03.2010 had sought the following information regarding offences registered against Shri Iftekhhab Alias Imtiaz Hussain Esrar Hussain Sayyad.

Not satisfied with responses from the Public Information Officer and the First Appellate Authority, the appellant filed second appeal before the commission. The appeal was heard on 07.06.2010. 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 should be furnished.

### **Order**

Information available on record should be furnished within 15 days form the date of receipt of this order.

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

Place: Mumbai  
Date: 30.06.2010.

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

**Appeal No.2010/4936/02**

**Shri Jayesh Zagade  
2/6, Doshi Estate, Sundarbaug,  
Kamani, Kurla (W),  
Mumbai – 400 070.**

**... Appellant**

**V/s**

**First Appellate Officer cum Dy. Collector  
Office of the Dy Collector, Mulund,  
Topiwala College Bldg.,  
Ground Floor, Mulund (W),  
Mumbai – 400 080.**

**... Respondent**

**Public Information Officer cum Tahsildar  
Office of the Dy Collector, Mulund,  
Topiwala College Bldg.,  
Ground Floor, Mulund (W),  
Mumbai – 400 080.**

### **GROUNDS**

This appeal has been filed under section 19(3) of the Right to Information Act, 2005. The appellant by his application dated 16.02.2010 had sought information relating to the documentary Proof in favour of Shri Dattaram Dhondu Zagade whose name has been included in annexure II prepared for Salpadevi Sadan Cooperative Housing Society, Mulund (W), Mumbai.

Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant filed second appeal before the commission. The appeal was heard on 07.06.2010. Appellant and respondents were present.

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

The respondent's contention is that the name has been included on the basis of the Electoral Roll of 1995 and no other proof was required. The appellant however has pointed out that the voters list does not contain the name of Shri Dattaram Dhondu Zagade but the name of Shri Dattaram Ragho Zagade. According to him the name of Shri Dattaram Dhondu Zagade is not in the voters list of 1995 and his name has been wrongly included in annexure II. He wanted it to be deleted.

After going through the case papers and considering the arguments advanced by parties I have come to the conclusion that the information does need clarification to establish its correctness. It is seen that the voters list and the annexure II do not tally. I therefore direct the SRA to get it enquired thoroughly and the outcome should be communicated to the appellant.

**Order**

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

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

Place: Mumbai  
Date: 30.06.2010.

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

**Appeal No.2010/4928/02**

**Shri Kamalkant Yadav  
23, D.G. Yadav Cortege,  
Shivajinagar, Shahaji Raje Marg,  
Vileparle (E), Mumbai – 400 057.**

**... Appellant**

**V/s**

**First Appellate Officer cum Joint Secretary  
Chief Minister Secretariat,  
Mantralaya, Mumbai – 400 032.**

**... Respondent**

**Public Information Officer cum Under Secretary  
Chief Minister Secretariat,  
Mantralaya, Mumbai – 400 032.**

**GROUNDS**

This appeal has been filed under section 19(3) of the Right to Information Act, 2005. The appellant by his application dated 01.01.2010 had sought information relating to the nomination of 12 persons to the Vidhan Parishad from the field of Art, culture & Literature.

Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant filed second appeal before the commission. The appeal was heard on 07.06.2010. Appellant and respondents were present.

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

The respondent's contention is that the appellant has been informed by the Chief Ministers Secretariat letter dated 22.02.2010 that Hon Governor has appointed these persons under article 171 (3) and 171 (5) of the constitution.

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

RTI Act 2005 ensures furnishing of information available on record. If no documents are available information cannot be furnished.

**Order**

The appeal is disposed off.

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

Place: Mumbai  
Date: 30.06.2010.

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

Appeal No.2010/7060/02

**Shri Kalpesh Sangvi**  
**Daimand Queen Bldg.,**  
**2<sup>nd</sup> Floor, Office No.208,**  
**198, Raja Ram Mohan Roy Marg,**  
**Mumbai – 400 004.**

... **Appellant**

V/s

**First Appellate Officer cum Asstt Commissioner**  
**Municipal Corporation of Greater Mumbai**  
**N Ward, 2<sup>nd</sup> Floor, Jawaharlal Rd,**  
**Ghatkopar (E), Mumbai – 400 077.**

... **Respondent**

**Public Information Officer,**  
**Municipal Corporation of Greater Mumbai**  
**N Ward, 2<sup>nd</sup> Floor, Jawaharlal Rd,**  
**Ghatkopar (E), Mumbai – 400 077.**

#### **GROUND**

This appeal has been filed under section 19(3) of the Right to Information Act, 2005. The appellant by his application dated 17.09.2009 had sought the following information on points contained in annexure 01 of his application.

Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant filed second appeal before the commission. The appeal was heard on 29.06.2010. 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 information should be provided. It is therefore directed that available information should be provided to the appellant within 30 days from the date of receipt of this order.

#### **Order**

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

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

Place: Mumbai  
Date: 30.06.2010.

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

**Appeal No.2010/7061/02**

**Shri Kalpesh Sangvi  
Daimand Queen Bldg.,  
2<sup>nd</sup> Floor, Office No.208,  
198, Raja Ram Mohan Roy Marg,  
Mumbai – 400 004.**

**... Appellant**

**V/s**

**First Appellate Officer cum Asstt Commissioner  
Municipal Corporation of Greater Mumbai  
N Ward, 2<sup>nd</sup> Floor, Jawaharlal Rd,  
Ghatkopar (E), Mumbai – 400 077.**

**... Respondent**

**Public Information Officer,  
Municipal Corporation of Greater Mumbai  
N Ward, 2<sup>nd</sup> Floor, Jawaharlal Rd,  
Ghatkopar (E), Mumbai – 400 077.**

### **GROUNDS**

This appeal has been filed under section 19(3) of the Right to Information Act, 2005. The appellant by his application dated 23.10.2009 had sought information regarding Licences in N/ East Ward in Mumbai. They relate to different kinds of advertisements. The information has been sought on about two dozens points and 240 sub points.

Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant filed the second appeal before the commission. The appeal was heard on 29.06.2010. Appellant and respondents were present.

The appellant has contended that although he has been given bulk of the information but he has not received clarification on issues arising out the information furnished.

The respondent has submitted that whatever information was available has been furnished.

After going through the case papers and considering the arguments advanced by parties I have come to the conclusion that information has been furnished. Taking into account the scope and dimension of the information sought, the PIO cannot be faulted

with. The appellant has pointed out that the RTI Act does not say that if the information sought is too huge the same cannot be furnished. I would like to draw his attention to section 7(9) of the RTI Act which very clearly stipulates that an information should ordinarily be provided in the form in which it is sought unless it would disproportionately divert the resources of the public authority

**Order**

The appeal is disposed off.

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

Place: Mumbai  
Date: 30.06.2010.



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

Appeal No.2010/4983/02

**Shri. Edwin D'Souza**  
**C-108 Versova Jupiter CHS Ltd.,**  
**Lokhandwala Complex,**  
**4<sup>th</sup> Cross Rd, Andheri (W),**  
**Mumbai – 400 053.**

... **Appellant**

V/s

**First Appellate Officer cum Dy Chief Engineer (B P)**  
**Office of the Dy Chief Engineer (W.S) 1,**  
**1<sup>st</sup> Floor, R.K. Patkar Marg,**  
**Bandra (W), Mumbai – 400 050.**

... **Respondent**

**Public Information Officer cum Executive Engineer**  
**Office of the Dy Chief Engineer (W.S) 1,**  
**1<sup>st</sup> Floor, R.K. Patkar Marg,**  
**Bandra (W), Mumbai – 400 050.**

#### **GROUND**

This appeal has been filed under section 19(3) of the Right to Information Act, 2005. The appellant by his application dated 25.01.2010 had sought the following information: -

1. Please inform the reasons for not issuing the OC for the entire building
2. Particulars of those 14 flats a) location floor wise and
3. Presently there are 4 pent houses on the 7<sup>th</sup> floor – Pl. inform as to whether those penthouses have got open excess to the attached terrace as per the approved plan.
4. Please inform as to this particular open terrace is belonged to the society or to the pent house owners.

Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant filed second appeal before the commission. The appeal was heard on 29.06.2010. The appellant did not turn up but the respondent was present.

Case papers reveal that no information has been furnished. It is therefore directed that available information on record should be furnished to the appellant.

**Order**

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

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

Place: Mumbai  
Date: 30.06.2010.

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

**Appeal No.2010/5003/02**

**Shri. B.M. Rao  
405, Dev Krupa, 28, Raichur Street,  
Dana Bunder, Mumbai – 400 009.**

... **Appellant**

**V/s**

**First Appellate Officer cum Dy Secretary  
Social Welfare Deptt.  
Mantralaya, Mumbai – 400 032.**

... **Respondent**

**Public Information Officer cum Under Secretary / Desk Officer  
Social Welfare Deptt.  
Mantralaya, Mumbai – 400 032.**

**GROUND**

This appeal has been filed under section 19(3) of the Right to Information Act, 2005. The appellant by his application dated 29.12.2009 had sought the following information: -

“Whether an OBC Certificate issued by the Additional Presidency Magistrate, Greater Bombay more than 36 years ago (on 28<sup>th</sup> Nov, 1973) to a father stating that the latter belongs Hindu – Sonar Community is sufficient and valid proof for issuing a similar Certificate by the present competent Authority (Tahasildar / Collector) to the son.”

Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant filed second appeal before the commission. The appeal was heard on 30.06.2010. Appellant and respondents were present.

The appellant has contended that he has not been given satisfactory replies to his queries. He has raised fundamental issues relating to the Govt. policy – the requirement of SC/ST staying in Mumbai since 1950 etc. It was explained to him by the respondent

that a copy of the Govt. resolution regarding issuance of Caste Certificate has been provided to him. The applicant has to follow the procedure prescribed in the Govt. Resolution. The desirability contained in the Govt. Resolution cannot be debated before the commission. He was also asked to apply to the appropriate authority and can get in touch with the Dy Secretary, Deptt of Social Justice, Govt. of Maharashtra dealing with the subject.

After going through the case papers and considering the argument advanced by parties. I have come to the conclusion that available information has been furnished. The RTI Act ensures furnishing of available information and is not expected to go into desirability or otherwise of a Govt. Resolution. A copy of the GR has been provided and appellant has to go by the provisions contained there in. The case is closed at our end.

**Order**

The appeal is disposed off.

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

Place: Mumbai  
Date: 30.06.2010.

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

**Appeal No.2010/916/02**

**Shri. Dattatraya Pethakar  
1152 A, Vishnu Galli,  
Tasgaon, Dist. Sangli – 416 312.**

**... Appellant**

**V/s**

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

**... Respondent**

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

**GROUNDS**

This appeal has been filed under section 19(3) of the Right to Information Act, 2005. The appellant by his application dated 22.12.2009 had sought the following information relating to the permission granted by the competent authority, Sangli Agglomeration for housing scheme in respect of survey no 112 (old) Mauje Kupwad, Taluka Miraj Dist. Sangli

Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant filed second appeal before the commission. The appeal was heard on 02.06.2010. Appellant and respondents were present.

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

The respondent's contention is that the relevant information was not available on their record and could not be furnished. The First Appellate Authority has however directed that a copy of the application should be sent to the competent authority Sangli.

He has also directed that Desk 2 and 3 of the Urban Development Department should search whether the papers were available and keep the appellant informed.

After going through the case papers and considering the argument advanced by parties. I have come to the conclusion that the order passed by the First Appellate Authority is fair and just. No interference is required. I therefore pass the following order.

**Order**

The appeal is disposed off.

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

Place: Mumbai  
Date: 30.06.2010.

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

**Complaint No.2010/1003/02**

**Shri. Sanjay Patel  
Canteen Plot No.2,  
Govt. Industrial Estate,  
Charkop, Kandivali (W),  
Mumbai – 400 067.**

**...Complainant**

**Vs**

**Public Information Officer cum Chairman  
Kandivali Govt. Industrial Estate,  
Plot No.90, A.B.C.S., Charkop,  
Kandivali (W), Mumbai – 400 067.**

**...Respondent**

**GROUND**

This complaint has been filed u/s 18 the Right to Information Act, 2005. The facts in brief are as follows: - The complainant has filed application from the Kandivali Corporative Industrial Estate Ltd., Kandivali, Mumbai. The complaint was fixed for hearing on 04.06.2010. Neither the complainant nor the defendant turned up. Case papers show that there are disputes between the complainant and the Management. The Industrial Estate has stated that the complainant is not a member of the society.

In view of the facts on record, I decide to close the case.

**Order**

The complaint is filed.

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

Place: Mumbai  
Date: 30.06.2010.

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

**Complaint No.2010/982/02**

**Shri. Sanjay Kokane  
D-701, Mina Towers,  
Swastik Park, CTS Rd,  
Chembur, Mumbai – 400 071.**

**...Complainant**

**Vs**

**Public Information Officer cum Ex Engineer (B P)  
Office of the Dy Chief Engineer  
Eastern Suburbs, Papers Mill Compound,  
Near Raj Legacy, LBS Marg, Vikroli (W),  
Mumbai – 400 083.**

**...Respondent**

**GROUNDS**

This complaint has been filed u/s 18 the Right to Information Act, 2005. The facts in brief are as follows: - The complainant had sought the following information: -

Information / Amendments / to clause 31 of DCR 1991, - “Height of Building, including “Height Restriction” in the vicinity of Aerodromes, as permitted by the Civil Aviation Authorities etc.

Details of the Multi Stories High Rise Bldgs., constructed or under construction in the Aviation Funnel Zone, say within the area covered from Diamond Garden & Chembur Rly Stn., on one side & Shubashnagar to R C Marg, as they come under Flight Path & endanger the Safety of the Residents, in the event of an Aviation Hazard.

The PIO by his letter dated 30.09.2009 replied that since the complainant had not furnished the name of any specific building / buildings for which information regarding height restriction was required, it was not possible to furnish the same. The complainant was not satisfied and preferred appeal under section 19 (1) of the RTI Act. He appeared before the First Appellate Authority for hearing on 10.07.2009 with two experts. The presences of these experts were objected to by the First Appellate Authority. The



complainant feels that the behavior of the First Appellate Authority was unconstitutional and his right as a citizen has been violated. He has therefore filed this complaint.

The complaint was heard on 02.06.2010. The complainant and the defendant were present. The complaint has stated that he has been denied the required information and disciplinary action / penal action should be recommended / initiated against officers concerned. The defendant submitted that the RTI Act ensures furnishing of available information and no interpretation / debate is expected.

I have gone through the case papers and also considered the arguments advanced by parties. I am of the view that the Act does not provide for any interpretation of the available information. The information has to be furnished as it is. It cannot be debated because information the existent cannot be changed to suit the information seeker. The experts have no role to play. The complainant could have consulted the experts after receiving the information and would have proceeded further in accordance with the expert opinion. I also agree with the PIO that no specific information has been sought. Section 6 (1) (b) of the Act clearly says that a person who desires to obtain any information under this act shall make a request in writing specifying the particulars of the information sought by him. The PIO's finding does not need any interference. The complaint deserves to be filed.

### **Order**

The complaint is filed.

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

Place: Mumbai  
Date: 30.06.2010.

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

**Appeal No.2010/4971/02**

**Shri. Oneil Anthony Kinny  
53, Kalina Lolovery Village,  
Santacruz (E), Mumbai – 400 098.**

**... Appellant**

**V/s**

**First Appellate Officer cum Dy Secretary  
Social Justice & Welfare Department,  
Mantralaya, Mumbai – 400 032.**

**... Respondent**

**Public Information Officer cum Under Secretary  
Social Justice & Welfare Department,  
Mantralaya, Mumbai – 400 032.**

**Public Information Officer cum Under Secretary  
Office of the Chief Secretary,  
Mantralaya, Mumbai – 400 032.**

### **GROUND**

This appeal has been filed under section 19(3) of the Right to Information Act, 2005. The appellant by his application dated 28.08.2009 had some queries in regard to grant of OBC Certificates to Mool East Indian Community. He wanted to know why are officers asking for fathers and grandfathers certifications mentioning East Indian, caste in their School Leaving Certificates. He also questions the wisdom of verification of certificates issued by his organization which has been authorized by the Govt. it self. He has also sought copies of caste certificates submitted by several officers including the Secretary, Social Justice Department, Govt. of Maharashtra.

The appeal was heard on 09.06.2010. Appellant and response were present. The appellant does not want information but answers to his quires and govt's reaction to his views. Such questions are not to be replied under the RTI Act. The Act ensures

furnishing of available information. The same has been done in this case and I therefore close the case.

**Order**

The appeal is disposed off.

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

Place: Mumbai  
Date: 30.06.2010.

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

**Appeal No.2010/4926/02**

**Shrimati. Narvada Mishra  
Rajeev Gandhi Memorial High School,  
Narmada Krusha Bhavan,  
Parerawadi, Sakinaka,  
Mumbai – 400 072.**

**... Appellant**

**V/s**

**First Appellate Officer  
Office of the Dy Police Commissioner, Zone 9,  
Hill Rd, Bandra (W), Mumbai – 400 050.**

**... Respondent**

**Public Information Officer cum Asstt Police Commissioner  
Western Control Desk, Bandra (W),  
Mumbai – 400 050.**

### **GROUNDS**

This appeal has been filed under section 19(3) of the Right to Information Act, 2005. The appellant by his application dated 15.10.2009 had sought the following information relating to CR No.335/07 registered under sections 465, 467, 471, 420 & 34 of the Indian Penal Code.

Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant filed this second appeal before the commission. The appeal was heard on 04.06.2010. The appellant did not turn up but the respondent was present.

The respondent has submitted his written statement. It has been stated that the appellant had raised some objection to the proposal submitted to the court seeking permission to close the file. The court ordered reinvestigation on certain points. It has been stated that the reinvestigation process was on. It has been submitted by the

respondent that the report will be submitted to the court as soon the investigation is over and the appellant will be kept informed.

It is therefore seen that information has not been denied. Furnishing information while the investigation is on is not expected. I therefore decide to close the case.

**Order**

The appeal is disposed off.

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

Place: Mumbai  
Date: 30.06.2010.

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

**Appeal No.2010/4434/02**

**Shri.Narendra Shenoy  
Shenoy Bldg., Khar (W),  
Mumbai – 400 052.**

**... Appellant**

**V/s**

**First Appellate Officer cum Asstt Commissioner  
Municipal Corporation of Greater Mumbai  
K/West Ward, Opp. Best Depot,  
S.V. rd, Andheri (W), Mumbai – 400 053.**

**... Respondent**

**Public Information Officer cum Medical Officer  
Municipal Corporation of Greater Mumbai  
K/West Ward, Opp. Best Depot,  
S.V. rd, Andheri (W), Mumbai – 400 053.**

### **GROUNDS**

This appeal has been filed under section 19(3) of the Right to Information Act, 2005. The appellant by his application dated 20.09.2009 had sought information relating to issuance of the following licence under section 294 of the MMC Act.

1. Under which rule of MMC Act or under which guidelines laid down by the MMC are sanctioned plans of the building sought by the Medical Office of Health Deptt. K /West Ward for processing an application under section 394.
2. Under which rule of MMC Act or under which guidelines laid down by the MMC are sanctioned plan of the Building sought by the Medical Officer of Health Deptt. K/West Ward for processing an application under section 394 for including area in the permanent / main 394 license of a restaurant.

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

appeal was heard on 28.06.2010. The appellant and respondents were present. The respondent came late.

The appellant has contended that he has been asked to produce a copy of the sanctioned plan of the building to process his case for licence under section 394 of the MMC Act. His application has neither been sanctioned nor refused. The respondent submitted that the society has objected to the extension of the premises and the ward office has already issued notice.

After going through the case papers and considering the arguments I have come to the conclusion that the PIO has been evasive. The appeal was fixed for hearing on 20.03.2010 but the respondent did not appear. He did not appear on the next date eg 26.04.2010. He finally came on 28.06.2010 that too when the appellant had already gone after making his submission. It is also not understood why the appellant's application for licence is not disposed off. I therefore pass the following order.

**Order**

The appeal is allowed. The PIO to decide appellant's application within 30 days and inform accordingly.

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

Place: Mumbai  
Date: 30.06.2010.

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

Appeal No.2010/7059/02

**Shri Kalpesh Sangvi  
Daimand Queen Bldg.,  
2<sup>nd</sup> Floor, Office No.208,  
198, Raja Ram Mohan Roy Marg,  
Mumbai – 400 004.**

... **Appellant**

V/s

**First Appellate Officer cum Asstt Commissioner  
Municipal Corporation of Greater Mumbai  
N Ward, 2<sup>nd</sup> Floor, Jawaharlal Rd,  
Ghatkopar (E), Mumbai – 400 077.**

... **Respondent**

**Public Information Officer,  
Municipal Corporation of Greater Mumbai  
N Ward, 2<sup>nd</sup> Floor, Jawaharlal Rd,  
Ghatkopar (E), Mumbai – 400 077.**

### **GROUND**

This appeal has been filed under section 19(3) of the Right to Information Act, 2005. The appellant by his application dated 07.07.2009 had sought information on points contained in the annexure to his application. It seems that he has been furnished the information but he found it to be inadequate. He has therefore filed this second appeal.

The appeal was heard on 29.06.2010. Appellant and respondents were present.

Since the appellant was not satisfied with the information furnished to him, the POI is directed to allow the inspection and furnish copies of selected documents.

### **Order**

The appeal is allowed. Inspection to be facilitated within 15 days from the date of receipt of this order.

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

Place: Mumbai  
Date: 30.06.2010.



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

**Appeal No.2010/6005/02**

**Shri Rambadai Gupta  
Sukarwadi, M.G. Rd,  
Borivali (E), Mumbai – 400 066.**

**... Appellant**

**V/s**

**First Appellate Officer cum Division Executive Engineer  
Office of the Asstt Municipal Corporation of Greater Mumbai  
R/Central Ward, Swami Vivekanand Marg,  
Borivali (W), Mumbai – 400 092.**

**... Respondent**

**Public Information Officer cum Asstt Engineer (B & F)  
Office of the Asstt Municipal Corporation of Greater Mumbai  
R/Central Ward, Swami Vivekanand Marg,  
Borivali (W), Mumbai – 400 092.**

**GROUNDS**

This appeal has been filed under section 19(3) of the Right to Information Act, 2005. The appellant by his application dated 29.09.2009 had sought information relating to notices issued to MR. Rama Shankar Saraju Chaudhuri and Shri Ramraksha Kanta Rai under sections 351 and 488 of the Mumbai Municipal Corporation Act. The PIO refused to furnish the information because the third parties had objected to the disclosure. The First Appellate Authority ordered that objections should be considered and decision taken. The PIO finally furnished the information free of cost. The appellant however was not satisfied because he did not get the information he had sought. He has therefore preferred this appeal. The appeal was heard on 18.06.2010. The appellant and the respondent were present.

The appellant's argument was that although he has received the information, he did not get the papers he was looking for. The respondent's contention was that whatever information was available has been furnished.

After going through the case papers and considering the submissions made by the parties I have come to the conclusion that available information has been furnished. The RTI Act ensures furnishing of available information. If the appellant is not satisfied he can seek inspection of the documents. The case is therefore closed.

**Order**

The appeal is disposed off.

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

Place: Mumbai  
Date: 30.06.2010.

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

**Appeal No.2010/5046/02**

**Shri. Santosh Chikane  
Chikane House, Jakeriya Rd,  
Near Municipal Marathi School,  
Malad (W), Mumbai – 400 064.**

**... Appellant**

**V/s**

**First Appellate Officer,  
SRA, Mhada, Grihanirman Bhavan,  
Bandra (E), Mumbai – 400 051.**

**... Respondent**

**Public Information Officer cum Asstt Engineer  
SRA, Mhada, Grihanirman Bhavan,  
Bandra (E), Mumbai – 400 051.**

**GROUNDS**

This appeal has been filed under section 19(3) of the Right to Information Act, 2005. The appellant by his application dated 14.01.2010 had sought copies of documents and maps / title documents submitted by M/s Milan Builders and Developers in respect of development of CTS No.308 & 309 Malad (South) and copies of the IOD and approved plan.

Not satisfied with response from the Public Information Officer and the First Appellate Authority the appellant filed this second appeal before the commission. The appeal was heard on 15.06.2010. The appellant did not turn up but the respondent was present.

The respondent has submitted that the appellant has been informed that he could collect the information after paying the requisite fee. In view of the respondent's submission and the appellant's absence I pass the following order.

**Order**

The appellant to collect the information after depositing the required fee. The appeal is disposed off.

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

Place: Mumbai  
Date: 30.06.2010.

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

**Appeal No.2010/7066/02**

**Shri. Pradeep Sabnis  
A/23, Gagruti CHS.,  
101, M.J.Rd, Mahim,  
Mumbai – 400 016.**

**... Appellant**

**V/s**

**First Appellate Officer cum Executive Engineer  
Municipal Corporation of Greater Mumbai  
G/North Ward, Harishchandra Yelave Marg,  
Dadar (W), Mumbai – 400 028.**

**... Respondent**

**Public Information Officer cum Asstt Engineer (B & F)  
Municipal Corporation of Greater Mumbai  
G/North Ward, Harishchandra Yelave Marg,  
Dadar (W), Mumbai – 400 028**

**GROUNDS**

This appeal has been filed under section 19(3) of the Right to Information Act, 2005. The appellant by his application dated 21.01.2010 had sought information relating to his complaint that many members had renovated their flats by effecting changes in design without prior approvals from concerned authorities.

Not satisfied with response from the Public Information Officer and the First Appellate Authority the appellant filed this second appeal before the commission. The appeal was heard on 29.06.2010. Appellant and respondents were present.

The appellant has contended that he was not satisfied with the information furnished. He has alleged that information has been furnished without thorough checking of flats.

The respondent's contention is that available information has been furnished after carrying out required inspection.

After going through the case papers and considering the arguments advanced by parties it was finally decide that the appellant should be informed whether permission for major repairs was obtained by the society. I therefore pass the following order.

**Order**

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

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

Place: Mumbai  
Date: 30.06.2010.

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

Appeal No.2010/7069/02

**Shrimati. Archana Shrivastav  
69, New Mala, Dr. Ambedkar Rd,  
Khar (W), Mumbai – 400 052.**

... Appellant

V/s

**First Appellate Officer cum Executive Engineer  
Municipal Corporation of Greater Mumbai  
G/North Ward, Harishchandra Yelave Marg,  
Dadar (W), Mumbai – 400 028.**

... Respondent

**Public Information Officer cum Asstt Engineer (Water Work)  
Municipal Corporation of Greater Mumbai  
G/North Ward, Harishchandra Yelave Marg,  
Dadar (W), Mumbai – 400 028**

### GROUNDS

This appeal has been filed under section 19(3) of the Right to Information Act, 2005. The appellant by his application dated 04.11.2010 had sought information relating to Water Connection sanctioned to washing places prior to 1995 in zopadpatti in front of Dharavi Bus depot and Laxmibagh, Sion, Mumbai transit camp.

Not satisfied with response from the Public Information Officer and the First Appellate Authority the appellant filed this second appeal before the commission. The appeal was heard on 29.06.2010. 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 desired information should be furnished. I therefore pass the following order.

### Order

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

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

Place: Mumbai  
Date: 30.06.2010.

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

**Complaint No.2010/1007/02**

**Shri. Surendra Shardal  
Room No.2591, Bldg. 207,  
Sector-6, Kane Nagar,  
Antop Hill, J.T.B. Nagar,  
Mumbai – 400 037.**

**...Complainant**

**Vs**

**Public Information Officer cum Asstt Police Commission  
Western Divisional Division,  
Kartar Rd, Bandra, Mumbai – 400 050.**

**...Respondent**

**GROUND**

This complaint has been filed u/s 18 the Right to Information Act, 2005. The facts in brief are as follows: - Shri Prakash K. Aher had lodged a complaint against Shrimati Anjali Surendra Shardul, Shri Stanley Dias and shri. Nolasco Dias with the Police Commissioer, Mumbai. The complainant wanted copies of statements recorded Rozanama and other documents. He is not satisfied with the information furnished and hence this complaint.

The complaint was heard on 04.06.2010. The complainant and the defendants were present.

Case papers reveal that relevant information has been furnished. It is also seen that the issue was also pending in the Family Court. Finally this is a purely personal matter and has no content of any public interest I therefore close the case.

**Order**

The complaint is dismissed.

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

Place: Mumbai  
Date: 30.06.2010.

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

**Appeal No.2010/5023/02**

**Shri. Mohd Siddique Gulam Rasool Kallan  
Keshav Apt., 5<sup>th</sup> Floor, A Wing, Room No.53,  
Opp. Goregaon Bus Depot, Link Rd,  
Goregaon (W), Mumbai – 400 104.**

**... Appellant**

**V/s**

**First Appellate Officer cum Registrar (Inspection-I)  
High Court, Bombay, 2<sup>nd</sup> Floor,  
P.W.D. Building Fort, Mumbai – 400 032.**

**... Respondent**

**Public Information Officer cum Master & Asstt Prothonotary (Adm)  
High Court, Bombay, 2<sup>nd</sup> Floor,  
P.W.D. Building Fort, Mumbai – 400 032.**

### **GROUND**

This appeal has been filed under section 19(3) of the Right to Information Act, 2005. The appellant by his application dated 23.02.2010 had sought the following information: -

- A. Information to know the serial number of the letters patent appeal filed in Hon'ble High Court at Bombay as referred information in order to Writ Petition No.3453 of 1991 Shri Gulam Rasool Kallan Vs The Maharashtra Housing & Area Development Authority & Others by Hon'ble Justice Shri S.H. Kapadia on dated 11<sup>th</sup> August, 1994 as per Article 215 Constitution of India in matter to Human Rights for justice to citizen of India.
- B. Inspection for information to know the serial number of the letters patent appeal filed in Hon'ble High Court at Bombay as referred information in order to Writ Petition No.343 of 1991 Shri Gulam Rasool Kallan Vs The Maharashtra Housing & Area Development Authority & Others by Hon'ble Justice Shri S.H. Kapadia



on dated 11<sup>th</sup> August, 1994 as per Article 215 Constitution of India in matter to Human Rights for justice to citizen of India.

C. Information to know with the letters patent appeal filed in Hon'ble High Court at Bombay as referred information in order no Writ Petition No.3453 of 1991 Shri Gulam Rasool Kallan Vs The Maharashtra Housing & Area Development Authority & Others by Hon'ble Justice Shri S.H. Kapadia on dated 11<sup>th</sup> August, 1994 as per Article 215 Constitution of India in matter to Human Rights for justice to citizen of India.

Not satisfied with response from the Public Information Officer and the First Appellate Authority the appellant filed this second appeal before the commission. The appeal was heard on 14.06.2010. 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 appellant should be allowed inspection of relevant documents and copies of selected documents should be furnished to him. The PIO shall write to him regarding inspection and the same should be facilitated on a date and time mutually agreed.

**Order**

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

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

Place: Mumbai  
Date: 30.06.2010.

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

**Appeal No.2010/4939/02**

**Shri. Vipulkumar V. Kanabar  
15, Israel's Chawl, 19, St. Marys Rd,  
Mazgaon, Mumbai – 400 010.**

... **Appellant**

**V/s**

**First Appellate Officer,  
Office of the Dy Police Commissioner, Zone 3  
Byculla, Mumbai – 400 027.**

... **Respondent**

**Public Information Officer cum Asstt Police Commissioner  
Center Control Desk, Bavala Compound,  
Byculla, Mumbai – 400 027.**

### **GROUNDS**

This appeal has been filed under section 19(3) of the Right to Information Act, 2005. The appellant by his application dated 11.01.2010 had sought the following information: -

- A. Whether inquiry initiated on my complaint dated 31.12.2009 as per section 154 of Cr P.C? If yes then give Certified copies of the all the reports and record. If no then give reasons for delay in recording FTR.
- B. How much time you will take to initiate any inquiry for cognizable offence as per my complaint dated 31.12.2009.

Not satisfied with response from the Public Information Officer and the First Appellate Authority the appellant filed this second appeal before the commission. The appeal was heard on 07.06.2010. Appellant and respondents were present.

The appellant has contended that he was not satisfied with the information furnished to him.

The respondent's contention is that the appellant has already been informed that offence has been registered and investigation was one.

After going through the case papers and considering the arguments advanced by parties I have come to the conclusion that the appellant has been correctly informed. Papers relating to the investigation need not be furnished while the investigation is on. I therefore close the case.

**Order**

The appeal is disposed off.

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

Place: Mumbai  
Date: 30.06.2010.

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

**Complaint No.2010/1022/02**

**Shri. Shrikant Belavkar  
A-3, Rajaram Matre Chawl,  
Ram Kunvar Thakur Marg,  
Dahisar (E), Mumbai – 400 068.**

**...Complainant**

**Vs**

**Public Information Officer cum Asstt Engineer  
Office of the Asstt Commissioner,  
R/Centre Ward, Municipal Corporation,  
Borivali (W), Mumbai – 400 092.**

**...Respondent**

**GROUND**

This complaint has been filed u/s 18 the Right to Information Act, 2005. The facts in brief are as follows: - The complainant had lodged a complaint against Shri Ram Raksha Kant Rai and Shri R.S. Chandhuri, occupants of room no.1 and 2, Gupta Chawl, Sukurdwadi, Borivali (E), Mumbai. The complaint was about unauthorized construction. Parties were given notices under section 351 of the MMC Act. The complainant after enquiry was informed that the structures were protected and no action could be taken 451 pages of relevant information were also furnished. The complaint was not satisfied and hence this complaint.

The complaint was heard on 18.06.2010. Complainant and defendants were present.

Case papers reveal that action taken has been communicated. The correctness of action cannot be adjudicated under the RTI Act. The Act ensures furnishing of information on record. The same has been done and the case is closed.

**Order**

The complaint is filed.

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

Place: Mumbai  
Date: 30.06.2010.

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

Appeal No.2010/6000/02

**Shri. Dilip Jagtap**  
**Rang Bharti, Todi Estate,**  
**Sun Mill Compound, Lower Parel,**  
**Mumbai – 400 013.**

... **Appellant**

V/s

**First Appellate Officer cum Divisional Executive Engineer**  
**Municipal Corporation of Greater Mumbai**  
**G/South Ward, N.M. Joshi Marg, Mumbai – 400 013.**

... **Respondent**

**Public Information Officer cum Asstt Engineer**  
**Municipal Corporation of Greater Mumbai**  
**G/South Ward, N.M. Joshi Marg, Mumbai – 400 013.**

### **GROUND**

This appeal has been filed under section 19(3) of the Right to Information Act, 2005. The appellant by his application dated 21.04.2010 had sought information regarding unauthorized construction by Todi Industries Ltd, Sun Mill Compound, Lower Parel, Mumbai. He wanted to know why no action has been taken.

Not satisfied with response from the Public Information Officer and the First Appellate Authority the appellant filed this second appeal before the commission. The appeal was heard on 18.06.2010. Appellant and respondents were present.

Case papers reveal that the appellant has been informed that questions are not expected to be answered under the RTI Act. The First Appellate Authority also confirmed the PIO's order. It is clear that the appellant has not sought any information but wanted his query to be replied. The PIO/ FAA orders need no interference. The case is closed.

### **Order**

The appeal is disposed off.

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

Place: Mumbai  
Date: 30.06.2010.

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

**Appeal No.2010/4960/02**

**Shri. Rahul Rathore  
Cox & Kings (India) Ltd.,  
Turner Morrison Building,  
16, Bank Street, Fort,  
Mumbai – 400 001.**

... **Appellant**

**V/s**

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

... **Respondent**

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

**GROUNDS**

This appeal has been filed under section 19(3) of the Right to Information Act, 2005. The appellant by his application dated 27.11.2009 had sought information relating to the investigation made by the Cyber Cell pursuant to the letter dated 10.02.2009 addressed by the appellant to the Senior Police Inspector Cyber Cell, Mumbai. He was informed by the Senior Police Inspector, Cyber Cell by his letter dated 02.10.2009 that the investigation was over and the outcome has been communicated to the appellant orally. It was also added by the Senior Police Inspector that the same will be submitted to the Court if so directed. The appellant was subsequently informed by the PIO that the information cannot be furnished in the light of section 8(1) (g) (j) of the RTI Act 2005. The appellant was not satisfied and preferred appeal under section 19(1) of the RTI Act 2005. The First Appellate Authority by his order dated 12.01.2010 confirmed the PIO's order. Hence this appeal.

The appeal was heard on 08.06.2010. The appellant and respondent were present. The appellant has stated that since he was the complainant he was entitled to have the information. He was of the view that the section quoted by the PIO and the First Appellate Authorities does not apply in this case. The respondents submitted that the appellant was not entitled to have the required information in view of the provisions contained in section 8(1) (g) (j) of the RTI Act.

I have gone through the case papers and also considered the arguments advanced by parties. It is revealed that the appellant had complained to the Cyber Cell that a defamatory email has been circulated to travel agents of the company all over the world. He wanted it to be investigated and the outcome was communicated to the appellant verbally. Documentary information has been denied in view of the provisions contained in section 8(1) of the RTI Act. Let us have a look at the relevant provision of section 8(1) (g) (j) which read as follows:-

8(1) Notwithstanding anything contained in this Act, there shall be no obligation to give any citizen: -

(g) Information, the disclosure of which would endanger the life or physical safety of any person or identify the source of information or assistance given in confidence for law enforcement or security purposes:

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

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

Let us remember that the incident has been investigated. The course of action decided by the police is not clear from the case papers. The outcome however has been communicated to the appellant. The perceived danger to the safety of the alleged offender cannot be a ground for refusal of the information. If so every offender would take the plea. It is upto the courts to decide whether the offence was committed or not. It has not been explained how disclosures would attract section 8(1) (g) (j) of the RTI Act. Disclosure in this case outweighs the perceived personal interest. The appellant deserves to have the required information. Therefore pass the following order.

**Order**

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

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

Place: Mumbai  
Date: 30.06.2010.



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

**Appeal No.2010/6012/02**

**Shri. Dilip K. Kariya  
203, Nityanand Apt.,  
Dr. R. P. Rd,  
Behind Syndicate Bank,  
Mulund (W), Mumbai – 400 080.**

**... Appellant**

**V/s**

**First Appellate Officer cum Executive Engineer  
Municipal Corporation of Greater Mumbai  
T Ward, Lala Devidayal Rd,  
Mulund (W), Mumbai – 400 028.**

**... Respondent**

**Public Information Officer cum Asstt Engineer  
Municipal Corporation of Greater Mumbai  
T Ward, Lala Devidayal Rd,  
Mulund (W), Mumbai – 400 028.**

### **GROUNDS**

This appeal has been filed under section 19(3) of the Right to Information Act, 2005. The appellant by his application dated 09.09.2009 had sought information relating to flat no 102, Nityanand Apartments, Dr. R.P. Rd, Behind Syndicate Bank, Mulund (W), Mumbai. He wanted to know whether MCGM had allowed the flat to be used for commercial purposes.

Not satisfied with response from the Public Information Officer and the First Appellate Authority the appellant filed this second appeal before the commission. The appeal was heard on 21.06.2010. The appellant did not turn up but the respondent was present.

Case papers reveal that the appellant was requested to have joint inspection of the premises but the same does not seem to have been availed of. It is however to be noted that inspection cannot be imposed on the appellant. The RTI Act ensures furnishing of available information on record. I therefore order that whatever information is available

on record should be furnished. If no permission has been sought / granted the same should be communicated to the appellant.

**Order**

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

**(Ramanand Tiwari)**

**State Information Commissioner, Mumbai**

Place: Mumbai

Date: 30.06.2010.

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

**Appeal No.2010/4925/02**

**Shri. R.P. Yajurvedi  
J-220, Ansa, Saki Vihar Rd.,  
Sakinaka, Andheri (E)  
Mumbai – 400 059.**

**... Appellant**

**V/s**

**First Appellate Officer cum City Engineer  
Office of the City Engineer, MCGM,  
5<sup>th</sup> Floor, Mahapalika Head Office,  
Mahapalika Marg, Fort,  
Mumbai – 400 001.**

**... Respondent**

**Public Information Officer cum Municipal Architect  
Office of the City Engineer, MCGM,  
5<sup>th</sup> Floor, Mahapalika Head Office,  
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 by his application dated 02.01.2010 had sought of the last approved plan of the MCGM building currently housing BP WS-1 DMC (Spl) and other offices at Patkar Marg, Near Bandra Hospital, Bandra (W), Mumbai.

Not satisfied with response from the Public Information Officer and the First Appellate Authority the appellant filed this second appeal before the commission. The appeal was heard on 04.06.2010. The appellant did not turn up but the respondent was present.

Case papers disclose that the Municipal architect by his letter dated 20.01.2010 had informed the appellant that he could inspect the relevant files and ask for copies of documents selected by him. The First Appellate Authority disposed of his appeal because of his non appearance on the date of hearing.

After going through the case papers and considering the arguments advanced by parties I have come to the conclusion that information has been offered in time. The same does not seem to have been availed of by the appellant. The commission is constrained to close the case. If the appellant approaches for inspection the PIO shall facilitate the same and also provide copies of selected documents.

**Order**

The appeal is disposed off.

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

Place: Mumbai  
Date: 30.06.2010.

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

Appeal No.2010/5007/02

**Shrimati. Jyotika Sawani**  
447, Krishna Niwas,  
14<sup>th</sup> Rd, Bandra (W),  
Mumbai – 400 050.

... **Appellant**

V/s

**First Appellate Officer cum Sub Registrar**  
**Joint Dist Registrar Grad-2,**  
**Office of the Mumbai District,**  
**Old Custom House, Ground Floor,**  
**Shahid Bhagat Singh Marg, Fort,**  
**Mumbai – 400 023.**

... **Respondent**

**Public Information Officer,**  
**Joint Dist Registrar Grad-2,**  
**Office of the Mumbai District,**  
**Old Custom House, Ground Floor,**  
**Shahid Bhagat Singh Marg, Fort,**  
**Mumbai – 400 023.**

### **GROUND**

This appeal has been filed under section 19(3) of the Right to Information Act, 2005. The appellant by his application dated 20.04.2010 had sought information relating to plot no. 402 / CSt No 62, 404 CST 60 406 CST 58 Parerawadi, TPS III, 15<sup>th</sup> Rd, Bandra (W), Mumbai. He had asked for a copy of the letter of intimation (Form 25) sent to tahsildar / talathi / collector as per section 154 to MLRC 1966.

Not satisfied with response from the Public Information Officer and the First Appellate Authority the appellant filed this second appeal before the commission. The appeal was heard on 11.06.2010. The appellant did not turn up but the respondent was present.

Case papers reveal that initially he was not provided the information because it was not available. A certified copy of the original deed has been provided but the CTS

Patrak could not be furnished. The First Appellate Authority by his order dated 23.02.2010 directed that a new CTS Patrak should be prepared and sent to the city survey office. The same has been complied.

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

**Order**

The appeal is disposed off.

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

Place: Mumbai  
Date: 30.06.2010.

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

Appeal No.2010/4992/02

**Shri. Kanaiyalala Dhodare  
Taluka Krushi Officer  
Malegaon, Dist. Nashik.**

... Appellant

V/s

**First Appellate Officer cum Superintendent  
Divisional Krushi Joint Director,  
Nashik Division, Nashik.**

... Respondent

**Public Information Officer cum Administrative Officer  
Divisional Krushi Joint Director,  
Nashik Division, Nashik.**

**GROUND**

This appeal has been filed under section 19(3) of the Right to Information Act, 2005. The appellant by his application dated 28.01.2010 had sought information on points contained in his application for information. He has not enclosed a copy of the PIO's order. He has however enclosed a copy of the First Appellate Authority order dated 02.03.2010.

Not satisfied with response from the Public Information Officer and the First Appellate Authority the appellant filed this second appeal before the commission. The appeal was heard on 10.06.2010. The Appellant and respondents were present.

Case papers reveal that the First Appellate Authority has ordered that certified copies of marksheet (both oral and written exams) of all categories should be provided. I am of the view that the order is fair and just and needs no interference. I therefore pass the following order.

**Order**

The appeal is disposed off.

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

Place: Mumbai  
Date: 30.06.2010.

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

**Appeal No.2010/4988/02**

**Shri. Sheik Rafi Ahmed  
Room No. 5-189/1,  
Noor Baub Roza (B),  
Roza Police Station Rd,  
Gulbarga, 585-104, Karnatak.**

**... Appellant**

**V/s**

**First Appellate Officer cum Dy Secretary  
Home Deptt (Special),  
Mantralaya, Mumbai – 400 032.**

**... Respondent**

**Public Information Officer cum Desk Officer  
Home Deptt (Special),  
Mantralaya, Mumbai – 400 032.**

**GRONDS**

This appeal has been filed under section 19(3) of the Right to Information Act, 2005. The appellant by his application dated 04.11.2009 had sought information relating to his petition dated 27.07.2009 made to the Hon. Home Minister, Govt. of Maharashtra. The appellant stated that Hotel Bagbans at Bramha Majestic, Off SIBM Rd, Kondhwa, Pune has been closed by the commissioner of Pune. The appellant had sought information regarding action taken on the petition filed by the owners of the Hotel.

Not satisfied with response from the Public Information Officer and the First Appellate Authority the appellant filed this second appeal before the commission. The appeal was heard on 10.06.2010. The Appellant and respondents were present.

Case papers reveal that the Licencee did not file appeal in time. They also did not submit relevant document as required by the licensing authority. Their application was therefore filed.



After going through the case papers and considering the arguments advanced by parties I have come to the conclusion that information has been furnished. The RTI Act does not mandate the commission to adjudicate the information on record. The same has been done and the case deserves to be closed.

**Order**

The appeal is disposed off.

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

Place: Mumbai  
Date: 30.06.2010.

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

**Complaint No.2010/977/02**

**Shri.Suresh Bhima Gawade  
Bldg No.54, R. M. 2501,  
Gandhi Naqrag, Bandra (E),  
Mumbai – 400 051.**

**...Complainant**

**Vs**

**Public Information Officer,  
Charity Commissioner,  
Dr. A. Bezent Rd,  
Worli, Mumbai – 400 0018.**

**...Respondent**

**GROUND**

This complaint has been filed u/s 18 the Right to Information Act, 2005. The facts in brief are as follows: - The complainant had sought information regarding Ganeshotsava Mandal Regd A 3385 near Ayappa temple, Gandhinager, Bandra (E), Mumbai. He had sought information on 10 points. He was dissatisfied with responses from the PIO and the First Appellate Authority and hence this complaint.

The complaint was heard on 02.06.2010. Complainant and defendants were present.

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

**Order**

The PIO to show cause why action should not be taken against her for not furnishing the information. She is also directed to furnish the required information within 15 days from the date of receipt of this order. Her reply to reach the commission within 4 weeks.

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

Place: Mumbai  
Date: 30.06.2010.

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

**Complaint No.2010/978/02**

**Shri. Sanjay Pai  
14-A, Laxminarayan Bldg.,  
Tara Temple Lane,  
Lamington Rd, Mumbai – 400 007.**

**...Complainant**

**Vs**

**Public Information Officer cum Executive Engineer  
Office of the Dy. Chief Engineer (South)  
Mumbai Repair & Reconstruction Board,  
Mhada, Rajni Mahal, Tardeo, Mumbai.**

**...Respondent**

**GROUND**

This complaint has been filed u/s 18 the Right to Information Act, 2005. The facts in brief are as follows: - The complainant by his application dated 19.11.2008 had sought the following information: -

What is the Repair Cess amount balance with the MBR & R Board to the credit of the above building which is available to us for repairs of this building as on today?

Give me a copy of the report of the latest pre-monsoon check done by MBR & R board for the above building (in 2008) with the structural Audit report prepared by the Board for this building in 2008.

Neither the PIO nor the First Appellate Authority seems to have furnished the information. The complainant was aggrieved and hence the complaint.

The complaint was heard on 02.06.2010. The complainant and defendant were absent.

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

**Order**

The PIO to show cause why action under section 20 of the RTI Act should not be invited against him for not furnishing the information. His reply to reach the commission within 4 weeks from the receipt of this order.

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

Place: Mumbai  
Date: 30.06.2010.

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

Appeal No.2010/766/02

**Shri. Santosh Mohite**  
**B/107, Pandurang Sadan,**  
**Subhash Rd, Navapada,**  
**Dombivali (W) 421 202.**

... **Appellant**

V/s

**First Appellate Officer cum Dy Secretary**  
**Environment Department,**  
**15<sup>th</sup> Floor, New Administrative Dpett.,**  
**Mantralaya, Mumbai – 400 032.**

... **Respondent**

**Public Information Officer cum Under Secretary**  
**Environment Department,**  
**15<sup>th</sup> Floor, New Administrative Dpett.,**  
**Mantralaya, Mumbai – 400 032.**

**GRONDS**

This appeal has been filed under section 19(3) of the Right to Information Act, 2005. The appellant by his application dated 26.10.2008 had sought information regarding govt's sanction to 517 posts in the Maharashtra Pollution Control Board. He had sought answer to queries like whether Finance Deptt. GAD had given green signal to the proposal and other related issues.

Not satisfied with response from the Public Information Officer and the First Appellate Authority the appellant filed this second appeal before the commission. The appeal was heard on 02.06.2010. Appellant and respondents were present.

Case papers reveal that copies of relevant documents have been furnished to the appellant. Specific reply has also been given by the department's letter dated 27.10.2009. The case therefore will have to be closed.

**Order**

The appeal is disposed off.

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

Place: Mumbai  
Date: 30.06.2010.

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

**Appeal No.2010/4990/02**

**Shri. Suniel Shuklla  
B-9, Kapil CHS,  
Model Town, 7 Bunglow,  
Andheri (W), Mumbai – 400 053.**

**... Appellant**

**V/s**

**First Appellate Officer cum Executive Engineer  
Municipal Corporation of Greater Mumbai  
K/West Ward, Andheri (W), Mumbai.**

**... Respondent**

**Public Information Officer cum Asstt Engineer (B & F)  
Municipal Corporation of Greater Mumbai  
K/West Ward, Andheri (W), Mumbai.**

**GRONDS**

This appeal has been filed under section 19(3) of the Right to Information Act, 2005. The appellant by his application dated 22.12.2009 had sought following information relating to Jignesh Ceramic situated at Jamna Vihar, CD Barfiwala Lane, Andheri (W), Mumbai.

1. Copy of Notice issued u/s 351/488 & order copy issued to jignesh ceramic situated at Jamuna Vihar,
2. Total measurement of commercial space officially allowed as commercial use & non commercial use in the said building.
3. No. of floors in the building including gr., if mezzanine / loaf area in the said building,
4. Whether basement in the said building,
5. Out of the above permissible area to carry out commercial activity in the premises / building.
6. Whether 1<sup>st</sup> floor is actually a residential or loft space as shown with the shutter.
7. Staircase so made from gr. Floor to the upper floor, whether permission given.
8. As slab of the upper floor is caved in by breaking as shown in the photograph, MRTP of MMC issued, if not then reason why not & when can be issued.

9. Sub-engineer has been informed through complaint letter dated 07<sup>th</sup> Dec, 2009, still the work carried out, MRTP to be issued against the sub-engineer.
10. If MRTP not issued against the sub-engineer, then spared on what ground.
11. Name & address of the Department incharge to issue MRTP against the officers who are hand in gloves with the people doing illegal job.

Not satisfied with response from the Public Information Officer and the First Appellate Authority the appellant filed this second appeal before the commission. The appeal was heard on 10.06.2010. Appellant and respondents were present.

The appellant has contended that he was not satisfied with the information furnished to him.

The respondent's contention is that available information has been furnished. The revised information as directed by the First Appellate Authority has also been furnished.

Case papers reveal that copies of relevant documents have been furnished to the appellant. Specific reply has also been given by the department's letter dated 27.10.2009. The case therefore will have to be closed.

After going through the case papers and considering the arguments advanced by parties I have come to the conclusion that information has been furnished. The revised information dated 06.05.2010 in compliance of the First Appellate Authority's order dated 26.03.2010 has also been furnished. The case is therefore closed.

### **Order**

The appeal is disposed off.

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

Place: Mumbai  
Date: 30.06.2010.

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

**Appeal No.2010/5024/02**

**Shri. Dr. K.B. Gaud  
D/1, Kalyani Niwas CHS. Ltd.,  
Rajendra Prasad Nagar, 60 Feet Rd,  
Labour Camp, Mumbai – 400 019.**

**... Appellant**

**V/s**

**First Appellate Officer cum Municipal Secretary  
Municipal Secretary Office,  
Municipal Head Office,  
1<sup>st</sup> Floor, Room No.100, Mahapalika Marg,  
Mumbai – 400 001.**

**... Respondent**

**Public Information Officer cum Dy Municipal Secretary  
Municipal Secretary Office,  
Municipal Head Office,  
1<sup>st</sup> Floor, Room No.100, Mahapalika Marg,  
Mumbai – 400 001.**

**GRONDS**

This appeal has been filed under section 19(3) of the Right to Information Act, 2005. The appellant by his application dated 21.01.2010 had sought information relating to the promotion of Maharashtra Palika Up-Chitnis to the post of Chitnis.

Not satisfied with response from the Public Information Officer and the First Appellate Authority the appellant filed this second appeal before the commission. The appeal was heard on 14.06.2010. Appellant and respondents were present.

The appellant has contended that the information has not been furnished to him the way it should have been.

The respondent's contention is that information as available on record has been furnished. The appellant wanted it in a particular way which was not expected under the RTI Act.



After going through the case papers and considering the arguments advanced by parties I have come to the conclusion that information has been furnished. The RTI Act ensures furnishing of available information no interpretation is expected. I therefore pass the following order.

**Order**

The appeal is disposed off.

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

Place: Mumbai  
Date: 30.06.2010.

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

**Complaint No.2010/975/02**

**Shrimati. Gaytri Vakdekar  
14/969, Abhudyanagar, Adrsh Soc.,  
Kala Chowki, Mumbai – 400 033.**

**...Complainant**

**Vs**

**Public Information Officer cum Asstt Engineer (B & F)  
Municipal Corporation of Greater Mumbai  
F/South Ward, Mumbai.**

**...Respondent**

**GROUNDS**

This complaint has been filed u/s 18 the Right to Information Act, 2005. The facts in brief are as follows: - The complainant has addressed a letter dated 15.06.2009 to the Asstt Engineer (B & F), F/South MCGM. The Asstt Engineer informed the complainant that her application was relating to Dawn Mill, Lower Parel and she should get in touch with the Asstt Commissioner, G/South.

The complaint is against this communication.

Case papers reveal that the Asstt Engineer has not followed the procedure prescribed under the RTI Act 2005. The application should have been transferred under section 6(3) of the RTI Act. The Asstt Engineer is warned to be careful in future.

**Order**

The complaint is filed.

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

Place: Mumbai  
Date: 30.06.2010.

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

**Appeal No.2010/5029/02**

**Shri. Hajrat Sardar Pathan  
Room No.246, Indira Nagar Zopadppati,  
Kurla-Andheri Rd, Jarimari, Sakinaka,  
Mumbai – 400 072.**

**... Appellant**

**V/s**

**First Appellate Officer cum Land Manager,  
MMRDA, Bandra-Kurla Complex,  
Bandra (E), Mumbai – 400 051.**

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

**First Appellate Authority cum Dy Collector & Nayab Tahsildar  
Office of the Additional Collector Western Suburban,  
Administrative Bldg, 7<sup>th</sup> Floor, Bandra (E),  
Mumbai – 400 051.**

**... Respondent**

**Public Information Officer cum Ex.Engineer  
Municipal Corporation of Greater Mumbai,  
L Ward, L.Y Mandai, S.G.B. Marg,  
Kurla (W), Mumbai – 400 070.**

### **GRONDS**

This appeal has been filed under section 19(3) of the Right to Information Act, 2005. The appellant by his application dated 01.01.2010 had sought information from the following agencies: -

1. Mumbai Metro Politan Development Authority (MMRDA).
2. Mumbai International Airport Pvt.Ltd. (MIAL).
3. Housing Development Infrastructure Ltd. (HDIL).
4. Slum Rehabilitation Authority (SRA).
5. District Collector (Suburban)

6. Brihan Mumbai Municipal Corporation (BMC).

The information has been sought in connection with rehabilitation of persons affected by modernization of Mumbai Airport.

Not satisfied with response from the Public Information Officer and the First Appellate Authority the appellant filed this second appeal before the commission. The appeal was heard on 14.06.2010. Appellant and respondents were present.

It came to the commission's notice that information has been sought from 6 agencies. The information sought is not specific. I would therefore advise the appellant to seek specific information from specific agency. I therefore close the case.

**Order**

The appeal is disposed off.

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

Place: Mumbai  
Date: 30.06.2010.

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

**Appeal No.2010/4953/02**

**Shri. Sanjay Pawar  
Amba Chawl Wadi,  
Jahangir Mervanjee Path,  
Parel, Mumbai – 400 012.**

**... Appellant**

**V/s**

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

**... Respondent**

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

**GRONDS**

This appeal has been filed under section 19(3) of the Right to Information Act, 2005. The appellant by his application dated 17.11.2009 had sought information relating to the status of development of plots under the World Bank aided project at Malwani. The appellant is one of the allottees but has not been permitted to develop the site.

Not satisfied with response from the Public Information Officer and the First Appellate Authority the appellant filed this second appeal before the commission. The appeal was heard on 08.06.2010. Appellant and respondents were present.

The appellant has contended that he was not satisfied with the information given to him.

The respondent's contention is that the site has not been permitted to be developed because of the CRZ regulations and subsequent court cases. The site falls in prohibited zone and the Hon Court has not allowed its development. The case was still pending.

It is thus seen that the available information has been furnished. One can understand the dissatisfaction of the appellant but nothing can be done under the RTI Act as the Act ensures furnishing of available information. The case is therefore closed.

**Order**

The appeal is disposed off.

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

Place: Mumbai  
Date: 30.06.2010.

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

**Appeal No.2010/4951/02**

**Shri. M.V. Rupateliya  
A-506, Rashmi Utsav,  
Near Gangid Stated & Vijay Park,  
Mira Rd (E), Dist. Thane – 401 107.**

**... Appellant**

**V/s**

**First Appellate Officer cum Ex Engineer  
Konkan Housing & Area Development Board,  
Grihanirman Bhavan, Ground Floor,  
Bandra (E), Mumbai – 400 051.**

**... Respondent**

**Public Information Officer cum Dy Engineer  
Konkan Housing & Area Development Board,  
Grihanirman Bhavan, Ground Floor,  
Bandra (E), Mumbai – 400 051.**

### **GRONDS**

This appeal has been filed under section 19(3) of the Right to Information Act, 2005. The appellant by his application dated 29.12.2009 had sought information regarding DP open space No 35 admeasuring 3794.50 sq Near Om Tower. The appellant has complained against very poor maintenance of the open space and also wanted to know what happened to his request for providing lights etc in the garden.

Not satisfied with response from the Public Information Officer and the First Appellate Authority the appellant filed this second appeal before the commission. The appeal was heard on 08.06.2010. Appellant and respondents were present.

The appellant has contended that none of his queries has been statutorily answered.

The respondent's in his written submission has contended that In the MHADA development of balance land is in progress under Joint Venture with M/s Ravi Developments under Swiss Challenge Method. On 17.05.2007 the Government of Maharashtra has accorded approval to take up the development of Mira Road land under Swiss Challenge Method and tenders were invited on 20.05.2007. On 13.08.2009 agreement was executed between MHADA & M/s. Ravi Developments. Work order issued by Chief Officer, Konkan Board vide letter No.CO/KB/2722 dated 11.09.2009. Part possession of land handed over to M/s. Ravi Developments on 18.09.2009. The plans for development was approved by Mira Bhayander Municipal Corporation vide Letter NO.MB/TP/2372/2009-10 dated 23.09.2009 & commencement certificate issued. As per the work order the date of completion of the above work is 13.05.2013. Now the work is in progress.

As regards to the garden i.e. D.P. open space No.35 admeasuring 3794.50 sq.mtr. near Om Tower it is to submit that as per the proposed plan for development the same is shifted to the adjoining open land.

As per the agreement conditions, the developer has to develop at his cost all the recreation ground, play ground, gardens as per the requirement of Mira Bhayander Municipal Corporation and hand over the same to Mira Bhayander Municipal Corporation.

After going through the case papers and considering the arguments advanced by parties I have come to the conclusion that although the available information has been furnished, his complaint for very poor maintenance of the open space has not been



attended. The developer may take his own time to develop the proposed garden. People who bought flats cannot be expected to wait indefinitely. I would therefore direct that basic minimum facilities should be provided so mitigate the hardships faced by citizens and also to regain the credibility of the Board and appellant informed suitably.

**Order**

The appeal is disposed off.

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

Place: Mumbai  
Date: 30.06.2010.

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

**Appeal No.2010/4994/02**

**Shri.Sandesh Ghodake  
97/1, BDD Chawl,  
Worli, Mumbai – 400 018.**

... **Appellant**

**V/s**

**First Appellate Officer cum Education Officer  
Office of the Education Officer,  
Municipal Corporation – Education Division,  
Hindu Colony, Dadar (E), Mumbai – 400 014.**

... **Respondent**

**Public Information Officer cum Research Officer  
Office of the Education Officer,  
Municipal Corporation – Education Division,  
Hindu Colony, Dadar (E), Mumbai – 400 014.**

### **GRONDS**

This appeal has been filed under section 19(3) of the Right to Information Act, 2005. The appellant by his application dated 12.11.2009 had sought information regarding no of Primary & Secondary School run by the Mumbai Municipal Corporation during 1999-2000. He also sought information for the year 2004-2005 and 2009-2010. The details were sought Language wise.

Not satisfied with response from the Public Information Officer and the First Appellate Authority the appellant filed this second appeal before the commission. The appeal was heard on 10.06.2010. Appellant and respondents were present.

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

The respondent's contention is that information for 1999-2000 was not available but information relating to 2001-2002, 2004-2005 and 2009-2010 has been furnished.

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

papers reveal that the information has been furnished by the Education Department's letter dated 21.11.2009. The case therefore is closed.

**Order**

The appeal is disposed off.

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

Place: Mumbai  
Date: 30.06.2010.

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

**Appeal No.2010/998/02**

**Shri.Sudesh Gaikwad  
Onkar Chawl, Indira Nagar,  
Old Kabrastan, Jogeshwari (E),  
Mumbai – 400 060.**

**... Appellant**

**V/s**

**First Appellate Officer cum Chief Officer  
MHADA, 3<sup>rd</sup> Floor, Grihanirman Bhavan,  
Bandra (E), Mumbai – 400 051.**

**... Respondent**

**Public Information Officer,  
MHADA, 3<sup>rd</sup> Floor, Grihanirman Bhavan,  
Bandra (E), Mumbai – 400 051.**

### **GRONDS**

This appeal has been filed under section 19(3) of the Right to Information Act, 2005. The appellant by his application dated 15.10.2009 had sought copies of documents submitted by 987 owners of zopadpattis from Indira Nagar (Jogeshwari) SRA Housing Society (Proposed) on CTS Nos 162 and 175 Majasgaon, Jogeshwari (E), Mumbai.

Not satisfied with response from the Public Information Officer and the First Appellate Authority the appellant filed this second appeal before the commission. The appeal was heard on 03.06.2010. Appellant and respondents were present.

The appellant has contended that information has not been furnished.

The respondent's contention is that information sought is voluminous and not specific.

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

### **Order**

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

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

Place: Mumbai  
Date: 30.06.2010.

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

**Appeal No.2010/5014/02**

**Shri. Shamrao Ghanorkar  
8, Sanjeevani, 5<sup>th</sup> Floor,  
Reynolds Colony, Tejas Nagar,  
Wadala (E), Mumbai – 400 037.**

**... Appellant**

**V/s**

**First Appellate Officer cum Dy Collector  
Office of the Collector & Dist Magistrate,  
Mumbai City, Old Custom House,  
Shahid Bhagatsingh Marg,  
Mumbai – 400 001.**

**... Respondent**

**Public Information Officer cum Tahsildar  
Office of the Collector & Dist Magistrate,  
Mumbai City, Old Custom House,  
Shahid Bhagatsingh Marg,  
Mumbai – 400 001.**

**GRONDS**

This appeal has been filed under section 19(3) of the Right to Information Act, 2005. The appellant by his application dated 19.12.2009 had sought information relating to Caste Certificate no SETU/CC/F/N/47486/2009 dated 09.07.2009. He sought name of the caste and list of documents on the basis of which the certificate was issued. He was asked to deposit Rs.68/- for 34 pages of information. The First Appellate Authority passed his order dated 22.03.2010 directing to furnish a copy of the caste certificate and copies of pages 15, 25, 51, 53, 67, 69, 71 & 73.

Not satisfied with response from the Public Information Officer and the First Appellate Authority the appellant filed this second appeal before the commission. The appeal was heard on 11.06.2010. 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 order passed by the First Appellate

Authority is just and fair. He has given detailed reasoning and the order needs no intervention. The same is confirmed.

**Order**

The appeal is disposed off.

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

Place: Mumbai  
Date: 30.06.2010.

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

**Appeal No.2010/7012/02**

**Shri. Prakash Navathe  
204/ Rajbaug, Daluchand CHS Ltd.,  
271, Sir Bhalchandra Marg,  
Matunga, Mumbai – 400 019.**

... **Appellant**

**V/s**

**First Appellate Officer cum Dy Chief Engineer (Bldg Project)  
Municipal Corporation of Greater Mumbai  
E Ward, 3<sup>rd</sup> Floor, Sheikh Hafuzuddin Marg,  
Byculla, Mumbai – 400 008.**

... **Respondent**

**Public Information Officer cum Ex Engineer  
Municipal Corporation of Greater Mumbai  
E Ward, 3<sup>rd</sup> Floor, Sheikh Hafuzuddin Marg,  
Byculla, Mumbai – 400 008.**

**GRONDS**

This appeal has been filed under section 19(3) of the Right to Information Act, 2005. The appellant by his application dated 31.12.2009 had sought information regarding construction of a room on the 1<sup>st</sup> Floor, Podium Parking in Rajbaug Apt. and whether any permission was given for the same. The PIO and the First Appellate Authority advised the appellant to inspect the file.

Not satisfied with response from the Public Information Officer and the First Appellate Authority the appellant filed this second appeal before the commission. The appeal was heard on 24.06.2010. Appellant and respondents were present.

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

The respondent's contention is that the appellant has been advised to inspect the file and get in touch with the ward office since building completion certificate has already been given.

After going through the case papers and considering the arguments advanced by parties I have come to the conclusion that information must be given. The advise to inspect the file is uncalled for. It is the appellant's choice and he cannot be forced to inspect the file. Moreover the information sought is specific and needs to be furnished. The question of demolition is not relevant at this stage and same will be decided only after it is concluded that the structure is unauthorized. Specific information whether the room us authorized or otherwise must be provided to the appellant.

**Order**

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

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

Place: Mumbai  
Date: 30.06.2010.



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

**Appeal No.2010/5016/02**

**Shri. Sudhir Vishavkarma  
Muttka Shetty Niwas, Patel Wadi,  
Behrambaug, Veera Desai Marg,  
Jogeshwari (W), Mumbai – 400 102.**

**... Appellant**

**V/s**

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

**... Respondent**

**Public Information Officer cum Asstt Police Commissioner  
Western Control Desk,  
Bandra (W), Mumbai.**

**GRONDS**

This appeal has been filed under section 19(3) of the Right to Information Act, 2005. The appellant by his application dated 21.10.2009 had sought information regarding action taken on his letters dated 11.12.2008, 16.09.2009 and 26.02.2009.

Not satisfied with response from the Public Information Officer and the First Appellate Authority the appellant filed this second appeal before the commission. The appeal was heard on 11.06.2010. Appellant and respondents were present.

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

The respondent's contention is that information has been furnished by the ACP's letter dated 23.03.2010.

After going through the case papers and considering the arguments advanced by parties I have come to the conclusion that information has been furnished. It is however seen that it has been delayed considerably. It is nobody's case that investigation must be completed within 30 days and appellant informed. It is not clear whether any interim

reply was sent to the appellant. The cause of this abnormal delay will have to be explained by the PIO. I therefore pass the following order.

**Order**

The PIO to explain why action should not be taken against him under section 20 of the RTI Act 2005 for not furnishing information in time. His reply to reach the commission within 4 weeks from the date of receipt of this order.

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

Place: Mumbai  
Date: 30.06.2010.

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

**Appeal No.2010/5037/02**

**Shri. Sudhir Vishavkarma  
Muttka Shetty Niwas, Patel Wadi,  
Behrambaug, Veera Desai Marg,  
Jogeshwari (W), Mumbai – 400 102.**

**... Appellant**

**V/s**

**First Appellate Officer cum Asstt Ex Engineer  
Municipal Corporation of Greater Mumbai  
K/West Ward, Opp. Andheri Bus Depot,  
Paliram Path, Andheri (W),  
Mumbai – 400 058.**

**... Respondent**

**Public Information Officer cum Asstt Engineer (B & F)  
Municipal Corporation of Greater Mumbai  
K/West Ward, Opp. Andheri Bus Depot,  
Paliram Path, Andheri (W),  
Mumbai – 400 058.**

**GRONDS**

This appeal has been filed under section 19(3) of the Right to Information Act, 2005. The appellant by his application dated 11.09.2009 had sought information regarding action taken on his 32 applications. The PIO informed him that these applications were not on his record. The First Appellate Authority directed that they should be searched and appellant informed within 15 days.

Not satisfied with response from the Public Information Officer and the First Appellate Authority the appellant filed this second appeal before the commission. The appeal was heard on 14.06.2010. Appellant and respondents were present.

Case papers reveal that his second appeal before the commission does not give any details of the 32 applications. It is also seen that this demand in bulk without specific request is not appreciated by the commission. Section 6(1) (b) of the RTI Act makes it

obligatory on the part of the appellant to specify by particulars of the information sought.

The same has not been done. I therefore pass the following order.

**Order**

Appeal is dismissed.

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

Place: Mumbai  
Date: 30.06.2010.

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

**Appeal No.2010/7064/02**

**Shri Subhash Choudhary  
Rushikesh, E/006, Apana Ghar Soc.,  
Swami Samarth Nagar,  
Andheri (W), Mumbai – 400 053.**

**... Appellant**

**V/s**

**First Appellate Officer cum Asstt Collector  
Collector Office, Nashik,  
Dist Nashik.**

**... Respondent**

**Public Information Officer cum Special Land Acquisition Officer  
Collector Office, Nashik,  
Dist Nashik.**

**GROUNDS**

This appeal has been filed under section 19(3) of the Right to Information Act, 2005. The appeal was heard on 29.06.2010. The respondent was present but the appellant did not turn up. He has however informed the commission that he was not in a position to attend the hearing and sought adjournment. Case papers however reveal that appeal no 2010/6022/02 and 2010/6023/02 have already been decided and order has been passed on 23.06.2010. There is therefore no point in hearing this appeal on the same issues. The commission is awaiting compliance of its order in the above appeals. This case is therefore closed.

**Order**

The appeal is disposed off.

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

Place: Mumbai  
Date: 30.06.2010

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

**Appeal No.2010/4995/02**

**Shri.Sandesh Ghodake  
97/1, BDD Chawl,  
Worli, Mumbai – 400 018.**

**... Appellant**

**V/s**

**First Appellate Officer cum Special Inspector General  
Office of the Police Head Office  
Shahid Bhagat Singh Marg,  
Kulaba, Mumbai – 400 001.**

**... Respondent**

**Public Information Officer cum Dy Asstt Police Inspector General  
Office of the Police Head Office  
Shahid Bhagat Singh Marg,  
Kulaba, Mumbai – 400 001.**

**GRONDS**

This appeal has been filed under section 19(3) of the Right to Information Act, 2005. The appellant by his application dated 28.10.2009 had sought information relating to offences registered against candidates/ workers for violation of the code of conduct during Maharashtra Vidhan Sabha Elections 2009. He had sought names of persons, parties, dates of offences and action taken.

Not satisfied with response from the Public Information Officer and the First Appellate Authority the appellant filed this second appeal before the commission. The appeal was heard on 10.06.2010. Appellant and respondents were present.

The appellant has contended that he was not satisfied with the information furnished to him.

The respondent's contention is that the appellant has been furnished information on point no – no of offences registered. Information on some of the points was not available and others are covered under section 8(1) (e) (h) (J) and 11 of the RTI Act.

After going through the case papers and considering the arguments advanced by parties I have come to the conclusion that available information has been furnished. No specific information has been sought. It appears from the reply furnished by the respondent that disclosure of the information will attract section 8(1) (e) (h) and (J) of the RTI Act. In view of the above I conclude that the order passed by the First Appellate Authority does not need any interference. The same is confirmed.

**Order**

The appeal is disposed off.

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

Place: Mumbai  
Date: 30.06.2010.

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

**Appeal No.2010/4997/02**

**Shri. Appa Kekane  
3/23, Siddharth Nagar, 5,  
Opp. Prabhodhan Sport Bhavan,  
Siddharth Nagar Marg-2,  
Goregaon (W), Mumbai – 400 104.**

**... Appellant**

**V/s**

**First Appellate Officer cum Dy Chief Officer  
Mumbai Housing & Area Development Board,  
Grihanirman, Bandra (E), Mumbai – 400 001.**

**... Respondent**

**Public Information Officer cum Estate Manager  
Mumbai Housing & Area Development Board,  
Grihanirman, Bandra (E), Mumbai – 400 001.**

### **GRONDS**

This appeal has been filed under section 19(3) of the Right to Information Act, 2005. The appellant by his application dated 12.11.2009 had sought information relating to the payment of Rs.26, 284/- to MHADA by Shri Mohan Sarjerao Nalawade. According to the appellant this payment was in excess of the amount due. He wanted information as to what happened to his request for refund.

Not satisfied with response from the Public Information Officer and the First Appellate Authority the appellant filed this second appeal before the commission. The appeal was heard on 10.06.2010. The appellant did not turn up but the respondent was present.

The respondent in his written submission has stated that the case was investigated and Rs.18, 330/- paid back to Shri Nalawade. MHADA has given its detailed calculation.

After going through the case papers and considering the arguments advanced by



parties I have come to the conclusion that information has been furnished. I therefore pass the following order.

**Order**

The appeal is disposed off.

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

Place: Mumbai  
Date: 30.06.2010.

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

**Appeal No.2010/4993/02**

**Shri. Tahir Pasha Suleman Sayyad / Gulam Warish Shaikh  
Zopadpatti No.85/1/4,  
Opp. Huseniya Masjid,  
Saibaba Nagar, Dharavi,  
Mumbai – 400 017.**

**... Appellant**

**V/s**

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

**... Respondent**

**Public Information Officer cum Senior Colony Officer  
Municipal Corporation of Greater Mumbai  
G/North, Harishchandra Yelave Marg,  
Dadar (W), Mumbai – 400 028.**

### **GRONDS**

This appeal has been filed under section 19(3) of the Right to Information Act, 2005. The appellant by his application dated 29.06.2009 had sought information relating to his request to declare his tenement residential cum commercial.

Not satisfied with response from the Public Information Officer and the First Appellate Authority the appellant filed this second appeal before the commission. The appeal was heard on 10.06.2010. The appellant and respondent were present.

The appellant has contended that he has not been furnished any information and action should be taken against those responsible.

The respondent's contention is that the appellant has been informed regarding the action taken on his request.

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

grievance to be sorted out. The commission is not mandated to sort out grievances. The RTI Act ensures furnishing of available information. The same has been done and the case is closed.

**Order**

The appeal is disposed off.

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

Place: Mumbai  
Date: 30.06.2010.

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

Appeal No.2010/6007/02

**Shri. Chandrakant Gupta**  
**Sukarwadi, MG. Rd,**  
**Borivali (E), Mumbai – 400 066.**

... **Appellant**

V/s

**First Appellate Officer cum Division Ex. Engineer**  
**Municipal Corporation of Greater Mumbai**  
**R/Central, Swami Vevikanand Marg,**  
**Borivali (W), Mumbai – 400 092.**

... **Respondent**

**Public Information Officer cum Asstt Engineer (B & F)**  
**Municipal Corporation of Greater Mumbai**  
**R/Central, Swami Vevikanand Marg,**  
**Borivali (W), Mumbai – 400 092.**

**GRONDS**

This appeal has been filed under section 19(3) of the Right to Information Act, 2005. The appellant by his application dated 31.08.2009 had sought information relating to notices issued under sections 351 and 488 of the MMC Act to Rama Rakshakanta Rai and Rama Shankar Chaudhary. The PIO denied the information as the third party had objected to its disclosure. The First Appellate Authority set aside the PIO's order and directed that information should be furnished free of cost.

Not satisfied with response from the Public Information Officer and the First Appellate Authority the appellant filed this second appeal before the commission. The appeal was heard on 18.06.2010. The appellant and respondent were present.

Case papers reveal that the First Appellate Authority's order dated 24.10.2009 has been complied by the PIO's letter dated 09.11.2009. The appellant queries regarding why action was not taken etc is beyond the scope of the RTI Act. I therefore decide to close the case.

**Order**

The appeal is disposed off.

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

Place: Mumbai  
Date: 30.06.2010.

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

**Appeal No.2010/4996/02**

**Shri. Greg R. Pereira  
A 7, Rodriguez Compound,  
Malwani Village, Marve Rd,  
Malad (W), Mumbai – 400 095.**

**... Appellant**

**V/s**

**First Appellate Officer cum Ex. Engineer  
Municipal Corporation of Greater Mumbai  
P/North, Mamaledarwadi, Liberty Garden,  
Malad (W), Mumbai – 400 064.**

**... Respondent**

**Public Information Officer cum Asstt Engineer  
Municipal Corporation of Greater Mumbai  
P/North, Mamaledarwadi, Liberty Garden,  
Malad (W), Mumbai – 400 064.**

**GRONDS**

This appeal has been filed under section 19(3) of the Right to Information Act, 2005. The appellant by his application dated 27.10.2009 had sought the following information: -

1. Why did you not follow the order from AMC and demolish the illegal extention yet?
2. When will you follow the order from AMC and demolish the illegal extention?
3. How much bribe have you been paid to protect the illegal extention, of the order from AMC, to demolish it?
4. How much bribe do you expect from me to demolish the illegal extention, as for AMC's order?

Not satisfied with response from the Public Information Officer and the First Appellate Authority the appellant filed this second appeal before the commission. The appeal was heard on 10.06.2010. The appellant and respondent were present.

Case papers reveal that the appellant had complained against some unauthorized structure. The structure was partly demolished because complete demolition would affect the adjoining structure. The appellant wanted nothing short of complete demolition. He has sought information which does not come within the purview of the RTI Act. Why something has been done or not done cannot be sought under the RTI Act. If the reasoning for omission / commission is available on record, the same can be provided. In this case the reasoning has been given but the appellant is not satisfied. The RTI Act is not mandated to resolve disputes between parties. The case is therefore closed.

**Order**

The appeal is dismissed.

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

Place: Mumbai  
Date: 30.06.2010.

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

**Appeal No.2010/6014/02**

**Shri. Anwar Jethawa  
121, Kambekar Street,  
Adenwala Mansion,  
4<sup>th</sup> Floor, Room No.1,  
Mumbai – 400 003.**

**... Appellant**

**V/s**

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

**... Respondent**

**Public Information Officer cum Asstt Assessor & Collector  
Municipal Corporation of Greater Mumbai  
A Ward, 134-E, Shahid Bhagat Singh Marg,  
Fort, Mumbai – 400 001.**

### **GRONDS**

This appeal has been filed under section 19(3) of the Right to Information Act, 2005. The appellant by his application dated nil had sought the following information: -  
Copies of the order passed by Assessor & Collector of Municipal Taxes and certificate issued on 03-08-45 for the property assessed under Ward No.3357, 3358 (1) & 3369 and property asserted under Ward No.3358 (2) 47-A and transferred in name of Abdulla Bhai & Faizulla Bhai, at Saboo Siddik Road.

The Public Information Officer informed him that records prior to 1992-93 were not available and the information could not be furnished. The First Appellate Authority confirmed the order passed by the PIO.

Not satisfied with response from the Public Information Officer and the First Appellate Authority the appellant filed this second appeal before the commission. The appeal was heard on 21.06.2010. The appellant and respondent were present.

The appellant has contended that the information was available with the MCGM but the same is not being furnished.

The respondent's contention is that the appellant has been correctly informed that records prior to 92-93 were not available. The details of assessment books for the period from 1992-93 onwards could be furnished on payment of the scheduled fee.

After going through the case papers and considering the arguments advanced by parties I have come to the conclusion that the appellant has been informed correctly. The PIO has furnished enough documentary proof to show that records prior to 92-93 were not available. I therefore close the case.

**Order**

The appeal is disposed off.

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

Place: Mumbai  
Date: 30.06.2010.



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

**Appeal No.2010/3433/02**

**Shri. Chanda Jadhav  
106/D, Sawant Chawl,  
Hill Road, Bandra (W),  
Mumbai – 400 050.**

**... Appellant**

**V/s**

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

**... Respondent**

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

**GRONDS**

This appeal has been filed under section 19(3) of the Right to Information Act, 2005. The appellant by his application dated 06.04.2009 had sought information relating to his application for getting water connection, fee of Rs.2380 deposited by him the position of his application dated 18.12.2008. The PIO by his letter dated 05.05.2009 replied that papers were not available and therefore information could not be furnished. The First Appellate Authority directed that information should be furnished after locating papers.

Not satisfied with response from the Public Information Officer and the First Appellate Authority the appellant filed this second appeal before the commission. The appeal was heard on 17.06.2010. The appellant and respondent were present.

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

The respondent's contention is that papers were not available and therefore it was not possible to furnish the information.

After going through the case papers and considering the arguments advanced by parties I have come to the conclusion that information has not been furnished. The status of the appellant's application dated 18.12.2008 has not been communicated despite the directive given by the First Appellate Authority. Prima facie the PIO is guilty of non compliance of the First Appellate Authority's order and also non furnishing of information. I therefore pass the following order.

**Order**

The PIO is directed to show cause why he should not be fined @ Rs.250/- per day under section 20 of the RTI Act 2005 for not furnishing the information. His reply to reach the commission within 4 weeks from the date of receipt of this order.

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

Place: Mumbai  
Date: 30.06.2010.

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

**Appeal No.2010/6072/02**

**Shri. Ravindra Keny  
192-A, Keny House,  
Dharavi Koliwada,  
Mumbai – 400 017.**

**... Appellant**

**V/s**

**First Appellate Officer,  
Collector Office, Mumbai City,  
Old Custom House, Fort,  
Mumbai – 400 001.**

**... Respondent**

**Public Information Officer cum Senior Clark  
Collector Office, Mumbai City,  
Old Custom House, Fort,  
Mumbai – 400 001.**

**GRONDS**

This appeal has been filed under section 19(3) of the Right to Information Act, 2005. The appellant by his application dated 14.12.2009 had sought a copy of the agreement dated 18.11.1952 between the Governor of Bombay and Shri Fakir Ramjee Keny in respect of property CS No.680 and 681, Dharavi Division Mumbai.

Not satisfied with response from the Public Information Officer and the First Appellate Authority the appellant filed this second appeal before the commission. The appeal was heard on 26.06.2010. The appellant did not turn up but the respondent was present.

Case papers reveal that the PIO by his letter dated 14.01.2010 informed the appellant that required documents were not available and therefore information could not be furnished.

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

information could not be furnished because documents were not available. The case will have to be closed.

**Order**

Appeal is disposed off.

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

Place: Mumbai  
Date: 30.06.2010.

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

**Appeal No.2010/4417/02**

**Shri. Shankar Singh  
Room No.3, Ambawadi,  
Poddar Rd, Malad (E),  
Mumbai – 400 097.**

**... Appellant**

**V/s**

**First Appellate Officer cum Ex Engineer  
Municipal Corporation of Greater Mumbai  
P/North Ward, Mamledarwadi, Malad (W),  
Mumbai – 400 064.**

**... Respondent**

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

**GRONDS**

This appeal has been filed under section 19(3) of the Right to Information Act, 2005. The appellant requested that the Asstt Commissioner, P/North should issue show cause notice under section 351 of the MMC Act to Welhome, Subhiksha Parthvi Saree Center to find out whether the structure was authorized or otherwise.

Not satisfied with response from the Public Information Officer and the First Appellate Authority the appellant filed this second appeal before the commission. The appeal was heard on 28.06.2010. The appellant did not turn up but the respondent was present.

The respondent in his written submission has stated that a notice under section 351 was issued and even final notice was also issued but action could not be taken because of the court order.

After going through the case papers and considering the arguments advanced by parties I have come to the conclusion that copies of notices issued and directive of the court should be sent to the appellant free of cost.

**Order**

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

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

Place: Mumbai  
Date: 30.06.2010.

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

**Appeal No.2010/4978/02**

**Shri. Roman Silvera  
Souvenir Apt.,  
3<sup>rd</sup> Floor, Flat No.11,  
Dr. Peter Dias Rd,  
Bandra (W), Mumbai – 400 050.**

**... Appellant**

**V/s**

**First Appellate Officer cum Ex Engineer  
Municipal Corporation of Greater Mumbai  
H/West Ward, Sent Martin Rd,  
Bnadra (W), Mumbai – 400 064.**

**... Respondent**

**Public Information Officer cum Asstt Engineer (B & F)  
Municipal Corporation of Greater Mumbai  
H/West Ward, Sent Martin Rd,  
Bnadra (W), Mumbai – 400 064.**

**GRONDS**

This appeal has been filed under section 19(3) of the Right to Information Act, 2005. The appellant by his application dated 27.10.2009 had sought information relating to implementation of the directive dated 27.01.2003 given by the Asstt Engineer, Building and Factories, H/West Ward to the occupant of flat no. 12, Souvenir Apartment, Dr. Peter Dias Rd, Bandra (W), Mumbai.

Not satisfied with response from the Public Information Officer and the First Appellate Authority the appellant filed this second appeal before the commission. The appeal was heard on 23.06.2010. The appellant did not turn up but the respondent was present.

Case papers reveal that the information sought is basically a grievance which the appellant wants to be redressed. The appellant has complained that his neighbour and occupant of flat no 12 has fitted an iron gate to his main door which causes obstruction to

him. The respondent stated that this has been done for safety and he was not in a position to remove the same.

After going through the case papers and considering the arguments advanced by both parties I have come to the conclusion that this is basically a dispute between two parties. The commission is not mandated to order removal of the gate and help the appellant. The RTI Act ensures furnishing of available information and cannot indulge in grievance redressal. The case is being closed.

**Order**

The appeal is disposed off.

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

Place: Mumbai  
Date: 30.06.2010.



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

**Appeal No.2010/5082/02**

**Shri. Yusuf Patel  
2-5-A, Dishad Apt.,  
10, Mottibai Street,  
Agripada, Mumbai – 400 011.**

**... Appellant**

**V/s**

**First Appellate Officer cum Dy Chief Engineer (B.P.) City  
Office of the Dy Chief Engineer  
Municipal Corporation of Greater Mumbai  
E Ward, 3<sup>rd</sup> Floor, 10 Shaikh Afizuddin Marg,  
Byculla (W), Mumbai – 400 008.**

**... Respondent**

**Public Information Officer cum Ex. Engineer (B.P.) City-II  
Office of the Dy Chief Engineer  
Municipal Corporation of Greater Mumbai  
E Ward, 3<sup>rd</sup> Floor, 10 Shaikh Afizuddin Marg,  
Byculla (W), Mumbai – 400 008.**

### **GRONDS**

This appeal has been filed under section 19(3) of the Right to Information Act, 2005. The appellant by his application dated 11.01.2010 had sought information relating to CS No.10/1676 of Byculla Division Motibai Street, Agripada, Mumbai. The PIO replied that the file was not available and therefore information could not be furnished. The First Appellate Authority directed that the PIO should search it again and furnish the information after the file is located.

Not satisfied with response from the Public Information Officer and the First Appellate Authority the appellant filed this second appeal before the commission. The appeal was heard on 17.06.2010. Appellant and respondents were present.

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

The respondent's contention is that since the file was not available the information could not be furnished.

After going through the case papers and considering the arguments advanced by parties I have come to the conclusion that information has not been furnished because the file was not available. It is however seen from the case papers that the appellant in one of his applications had wanted to know whether any redevelopment proposal was received in respect of the said property. The appellant needs to be informed. I therefore pass the following order.

**Order**

The appeal is partially. Information regarding any redevelopment to be furnished by PIO within 30 days.

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

Place: Mumbai  
Date: 30.06.2010.

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

**Complaint No.2010/1014/02**

**Shri. Suresh Kaginakar  
3/101, Yogeshwer Grihanirman Baord,  
N.M. Joshi Marg, Mumbai – 400 013.**

**...Complainant**

**Vs**

**Public Information Officer cum Dy Chief Officer  
Mumbai Repair & Reconstruction Board,  
Grihanirman Bhavan, Bandra (E),  
Mumbai – 400 051.**

**...Respondent**

### **GROUNDS**

This complaint has been filed u/s 18 the Right to Information Act, 2005 in the context of the commission's order dated 23.03.2010 passed in appeal no 2010/4474/02. The facts in brief are as follows: The complainant had sought a copy of the rent receipt in respect of room no 64 building no 2, Jijamata Transit Camp Kala Chawki, Mumbai.

Not satisfied with responses from the Public Information Officer an First Appellate Authority the complainant filed appeal under section 19(3) of the RTI Act, 2005. The commission by its order dated 23.03.2010 directed the information should be furnished within 15 days. The present complaint is against alleged non compliance of commissions order.

The complaint was heard on 14.06.2010. Complainant and defendant were present.

Case papers reveal that no information has been furnished. The defended was directed orally to furnish the required information within 15 days. The complaint has informed the commission that he met the PIO but did not receive any information.

After considering the arguments advanced by parties and going through the file I have come to the conclusion that the defendant has violated provision of the Right to

Information Act, 2005. I therefore propose to fine him Rs.25000/-. He is directed to show cause why this should not be confirmed. His reply to come within 4 weeks from the date of receipt of this order.

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

Place: Mumbai  
Date: 30.06.2010.