

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

**Appeal No.2009/2028/02**

**Shri. Leslie Almeida  
Casa Almeida "Flat 103,  
1, St. Joseph Road, Off ST Paul Road,  
Bandra (W), Mumbai – 400 050.**

... **Appellant**

**V/s**

**First Appellate Officer,  
Divisional Dist. Registrar Cooperatives,  
Grihanirman Bhavan (MHADA Bldg),  
Ground Floor, Room No.69,  
Bandra (E), Mumbai – 400 051.**

... **Respondent**

**Public Information Officer,  
Dy. Registrar Cooperative Societies,  
H/W Ward Sahakar Bazar Bldg,  
4<sup>th</sup> Floor, Bandra (W), Mumbai – 400 050.**

**GROUNDS**

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant had sought the information regarding case file Leslie Almeida V/s Salselle Catholic Cooperative Society. He also wanted a copy of the circular to Salsette Society by Dy Registrar in 2002; if the circular has been revoked a copy of the same, no of societies in society formed within Salsette Society with registration no after 17.01.2002 up to date. Not satisfied with responses from the Public Information Officer and the First Appellate Authority, the appellant has come in second appeal before the commission. The appeal was heard on 05.03.2009. Appellants and respondent were present. The appellant has stated that the PIO must furnish the information. The respondent contended that they do not have the circular to Selsette Society and therefore cannot furnish a copy of it. After considerable discussion it was agreed that the appellant should inspect the relevant file and copies of the document selected by him should be furnished within 30 days.

**Order**

The appeal is allowed.

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

Place: Mumbai  
Date: 06.03.2009

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

**Appeal No.2009/2029/02**

**Shri. Leslie Almeida  
Casa Almeida "Flat 103,  
1, St. Joseph Road, Off ST Paul Road,  
Bandra (W), Mumbai – 400 050.**

**... Appellant**

**V/s**

**First Appellate Officer,  
Divisional Dist. Registrar Cooperatives,  
Grihanirman Bhavan (MHADA Bldg),  
Ground Floor, Room No.69,  
Bandra (E), Mumbai – 400 051.**

**... Respondent**

**Public Information Officer,  
Dy. Registrar Cooperative Societies,  
H/W Ward Sahakar Bazar Bldg,  
4<sup>th</sup> Floor, Bandra (W), Mumbai – 400 050.**

**GROUND**

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant has asked for a copy of the visitors book for the month of July / August 2007. Not satisfied with response from the Public Information Officer and the First Appellate Authority the appellant has come in second appeal before the commission. The appeal was heard on 05.03.2009. Appellant and respondent were present. After going through the case papers and considering the arguments advanced by parties I have come to the conclusion that the required information must be furnished.

**Order**

The appeal is allowed. The information must be furnished within 15 days.

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

Place: Mumbai  
Date: 06.03.2009.

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

**Appeal No.2009/1412/02**

**Shri. Pravin Kishor Jahir  
50/F, Shantaram Nivas,  
Sonapur Lane, Worli,  
Koliwada, Room No.2,  
Mumbai – 400 025.**

... **Appellant**

V/s

**First Appellate Officer cum Assist. Commissioner,  
Municipal Corporation, “B” Ward Office,  
121, Ranchandra Bhatta Marg,  
Opp. J.J Hospital, Mumbai – 400 009.**

... **Respondent**

**Public Information Officer cum Estate Officer,  
Municipal Corporation, “B” Ward Office,  
121, Ranchandra Bhatta Marg,  
Opp. J.J Hospital, Mumbai – 400 009.**

**GROUND**

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant had sought the information regarding transfer of Room No.8, First Floor, BIT Chawl No.6 Chinch bunder, Dr. Maheshwer Road, Mumbai in the name of Vithal Posha Jahir. The appellant has asked for copies of documents on the basis of which this transfer was given effect. Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant has filed this second appeal before the commission. The appeal was heard on 02.03.2009.

Appellant and respondents were present. The appellant has contended that the room originally stood in the name of Shri Posha Hasha Jahir till 1956. His wife Shrimati. Gangabai Posha Jahir died in 1978 but the room was transferred in the name of Vithal Posha Jahir in 1975. It is for this reason that the appellant wanted copies of documents which formed the basis of the transfer. The respondent has stated that they do have the documents showing that the room was transferred in the name of Vithal Posha Jahir in 1975 but do not have documents which formed the basis of transfer.

After going through the case papers and considering the arguments advanced by parties it is revealed that the MCGM is not in a position to furnish document. This is

very serious. No transfer can take place without supporting documents; otherwise the inference will be that this has been done arbitrarily. I would therefore direct that the respondent to make all efforts to locate the paper and communicate the findings to the commission in the form of an affidavit. This should be done in 30 days.

**Order**

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

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

Place: Mumbai  
Date: 09.03.2009.

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

**Appeal No.2009/2050/02**

**Shri. Jethalal Patel  
Vithalwadi, Azad nagar,  
Andheri (W), Mumbai – 400 053.**

**... Appellant**

**V/s**

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

**... Respondent**

**Public Information Officer cum Estate Officer,  
Municipal Corporation, “B” Ward Office,  
121, Ranchandra Bhatta Marg,  
Opp. J.J Hospital, Mumbai – 400 009.**

**GROUNDS**

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant had sought certified copy of the Individual letters of consent or consent in any forms and the certified copies of the individual 68 Agreements entered into between M/s. K.S. Chamankar Enterprises as the developers and the slum dwellers at the SRA project undertaken at lands viz the land bearing CTS no, 835 (pt.), of village Ambivali at Azad Nagar, Andheri (W), Mumbai.

Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant has filed this second appeal before the commission. The appeal was heard on 12.03.2009. Appellant and respondents were present.

The appellant has contended that he had requested for copies of agreement entered into by 68 persons and also copies of consent letters.

The respondent's contention is that the information sought voluminous and appellant should inspect the relevant documents and necessary copies will be provided to him.

After going through the case papers and considering the arguments advanced by parties I have come to the conclusion the information needs to be provided. The

appellant cannot be formed to inspect documents Moreover the information sought is precise and clear. It is true to that it is voluminous but we have to ensure that the appellant is satisfied I therefore pass the following order.

**Order**

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

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

Place: Mumbai  
Date: 12.03.2009.

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

**Appeal No.2009/2051/02**

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

... **Appellant**

V/s

**First Appellate Officer cum Assist. Commissioner,  
Municipal Corporation, K/West Ward Office,  
S.V. Road, Opp. Andheri Rail Station,  
Andheri (W), Mumbai – 400 058.**

... **Respondent**

**Public Information Officer cum Medical Officer,  
Municipal Corporation, Medical Officer of Health,  
K/West Ward Office,  
S.V. Road, Opp. Andheri Rail Station,  
Andheri (W), Mumbai – 400 058.**

**GROUND**

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant had sought the information relating to Hotel May a Bhuvan 'spring' shop No.1 Hazarabai house Irla Society road, Vile Parle (W), Mumbai. The appellant has sought certified copies of order received if any with regard to the above mentioned hotel. The Public Information Officer by his letter dated 10.10.2008 informed him that he can inspect the entire file take Xerox copies of selected documents. The First Appellate Authority confirmed the PIO's order.

Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant has filed this second appeal before the commission. The appeal was heard on 12.03.2009. The appellant did not turn up but the respondent was present.

The appellant has contended that he was not satisfied with the reply given by the Public Information officer and the First Appellate Authority did not give him hearing.

The respondent's contention is that he has already been informed that he could inspect the file and copies will be provided to him.

After going through the case papers and considering the arguments advanced by parties it is revealed that the appellant filed few other applications relating to the hotel. The request is also vague, copies of any order passed by courts relating to the hotel. One needs to be precise and clear. In the light of this the PIO has passed the appropriate order. I see no reason to intervene.

**Order**

The appeal is disposed off.

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

Place: Mumbai  
Date: 12.03.2009.



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

Appeal No.2009/1908/02

Mr. Satyabhash Yashvant Salgaonkar,  
J-42, Vrushali Shilp CHS,  
Shimpoli, Chikuwadi, Borivali (W),  
Mumbai – 400 092.

... Appellant

V/s

First Appellate Officer,  
Dy. Registrar, Cooperative Board,  
R Division, Mumbai Malhotra House,  
6<sup>th</sup> Floor, Opp. GPO, Fort,  
Mumbai – 400 001.

... Respondent

Public Information Officer,  
Dy. Registrar, Cooperative Board,  
R Division, Mumbai Malhotra House,  
6<sup>th</sup> Floor, Opp. GPO, Fort,  
Mumbai – 400 001.

**GROUND**

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant had sought the information whether Mr. Ravindra M. Sawant who was not a member of the society can become president of the Administrative committee taken on his complaint for not being allowed to take part in election and whether elections were held as per rules.

Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant has filed this second appeal before the commission. The appeal was heard on 16.02.2009. Appellant was present but the respondent was absent.

The appellant has contended that the president of the administrative committee was not a member of the society but his father is a member. He wanted to know whether he could become president on the strength of his father's membership. No information furnished regarding his complaints also.

Since the respondents chose to remain absent, I pass the following order.

**Order**

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

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

Place: Mumbai  
Date: 09.03.2009.

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

**Appeal No.2009/2054/02**

**Mr. Nitin Balkrushan Jadhav  
9/52, Tejukaya Mention,  
Dr. Ambedkar Rd, Lalbaug,  
Mumbai – 400 012.**

... **Appellant**

**V/s**

**First Appellate Officer cum Art Director,  
Art School Colony, Dr. D.N. Rd,  
Mumbai – 400 001.**

... **Respondent**

**Public Information Officer,  
Art School Colony, Dr. D.N. Rd,  
Mumbai – 400 001.**

**GROUND**

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant had sought the information regarding his complaint against Shri Dilip Borale working in the Directorate of Art.

Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant has filed this second appeal before the commission. The appeal was heard on 12.03.2009. Appellant and respondents were present.

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

The respondent's contention is that they have instituted an enquiry and an officer has been appointed for the same. He however stated that enquiry is not yet over and therefore no information possible at this stage.

After going through the case papers and considering the arguments advanced by parties I have come to the conclusion that the PIO will ensure that a copy of the report is given to the appellant after the enquiry is over.

**Order**

The appeal is allowed.

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

Place: Mumbai  
Date: 12.03.2009.

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

**Appeal No.2009/2014/02**

**Mr. Ashokkumar Maruti Shinde  
Avanti Ambar Build, Ground Floor,  
Malbar Hill, Mumbai – 400 006.**

**... Appellant**

**V/s**

**First Appellate Officer cum Superintendent Engineer,  
Mumbai, 25, Marzban Road,  
Fort, Mumbai – 400 001.**

**... Respondent**

**Public Information Officer cum Executive Engineer,  
Mumbai Development Division, 3<sup>rd</sup> Floor,  
Mumbai – 400 023.**

### **GROUNDS**

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant had sought the information on 8 points attached to his application dated 12.05.2008. He has come in second appeal because neither the Public Information Officer nor the First Appellate Authority furnished the information to him. The appeal was heard on 04.03.2009. Appellant and respondent were present. The appellant's main contention was that he has not been given the information. The respondent had no other argument except that the information was vast and voluminous. This cannot be a ground for not furnishing the information. I therefore order as follows.

### **Order**

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

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

Place: Mumbai  
Date: 09.03.2009.

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

**Appeal No.2009/2057/02**

**Mr. Ashokkumar Maruti Shinde  
Avanti Ambar Build, Ground Floor,  
Malbar Hill, Mumbai – 400 006.**

**... Appellant**

**V/s**

**First Appellate Officer cum Superintendent Engineer,  
Mumbai, 25, Marzban Road,  
Fort, Mumbai – 400 001.**

**... Respondent**

**Public Information Officer cum Executive Engineer,  
Mumbai Development Division, 3<sup>rd</sup> Floor,  
Mumbai – 400 023.**

### **GROUNDS**

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant had sought the information on 10 points relating to repairs, special repairs, copies of bills, no of computers being used expense on jeep etc.

Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant has filed this second appeal before the commission. The appeal was heard on 12.03.2009. Appellant and respondents were present.

The appellant has contended that the information required by him is available in the office but he is not being given the same.

The respondent's contention is that it is voluminous and would take a lot of time.

After going through the case papers and considering the arguments advanced by parties I have come to the conclusion that even through the information is voluminous, it needs to be furnished. If the information is available then it is obligatory on the part of the Public Information Officer to furnish the same. I therefore pass the following order.

### **Order**

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

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

Place: Mumbai  
Date: 12.03.2009.

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

Appeal No.2009/2053/02

**Mr. Malgaonkar Bhushan Pandurang,  
122/302, Makuesh Apts,  
Nadkarni Marg, Wadala (E),  
Mumbai – 400 037.**

... **Appellant**

V/s

**First Appellate Officer,  
Mumbai Public Work Department,  
Executive Engineer Office,  
Mumbai (S.B.) Mandal,  
25, Margaon Road, Fort,  
Mumbai – 400 001.**

... **Respondent**

**Public Information Officer cum Assit. Executive Engineer,  
Mumbai Public Work Department,  
Executive Engineer Office,  
Mumbai (S.B.) Mandal,  
25, Margaon Road, Fort,  
Mumbai – 400 001.**

### GROUNDS

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant had sought the information relating to persons working in the office of the Executive Engineer, asked for their names, designation, amount of salary, date of appointment, years of service, caste and other details.

Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant has filed this second appeal before the commission. The appeal was heard on 12.03.2009. Appellant was present but the respondent was absent.

The appellant has contended that the Public Information Officer has not furnished the required information within the stipulated time.

The respondent's contention seems to be that the information sought is vast and non specific.

After going through the case papers and considering the arguments advanced by parties I have come to the conclusion that the information must be furnished. It is true

that the appellant has not specified the office but he does give the address. I presume that he requires information relating to that office – Executive Engineer, 25, Marzban Road, Mumbai. In any case this information is supposed to be ready in all offices as required under section 4 of the Right to Information Act 2005. I therefore direct that the Information relating to Executive Engineer 25, Marzban Road may be furnished to him.

**Order**

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

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

Place: Mumbai  
Date: 12.03.2009.

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

**Appeal No.2009/2066/02**

**Mr. Dinesh Mahadev Tarkar  
Bhivrabai Bosle Chalw No.3,  
Room No.16, Bal Govidas Rd,  
Mahim (W), Mumbai – 400 016.**

**... Appellant**

**V/s**

**First Appellate Officer,  
Dy. Collector, Dharavi Division Office,  
Old Custom House, Shahid Bhagat Sing Marg,  
Fort, Mumbai – 400 001.**

**... Respondent**

**Public Information Officer,  
Dy. Collector, Dharavi Division Office,  
Old Custom House, Shahid Bhagat Sing Marg,  
Fort, Mumbai – 400 001.**

**GROUND**

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant had sought the information relating to the proposed SRA scheme on FP No.36 of TPS III Mahim Division known as Jai Haniman CHS (Prot) at Mahim (West), Mumbai.

Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant has filed this second appeal before the commission. The appeal was heard on 16.03.2009. Appellant and respondents were present.

The appellant has contended that he has not been given the required information. He wanted information on the points raised in his notice dated 20.10.2009.

The respondent's contention is that the notice has 18 points and it has been addressed to M/s March constructions and Adarsh Developers. Some of the information may be with SRA.

After going through the case papers and considering the arguments advanced by parties it is revealed that there is a proposal to develop the land through SRA. The appellant has brought to the commission's notice that the area has been declared a slum in 2006. According to him this has not been done properly. After discussion with the

respondent it was decided that he should furnished a copy of the notification so that the appellant can go through and take further steps if he so desired.

**Order**

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

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

Place: Mumbai  
Date: 16.03.2009.



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

**Complaint No.2008/210/02**

**Shri. C.V. Bhimashankaram  
P.O. Box. 7228, Chembur,  
Mumbai – 400 0071.**

... **Appellant**

**V/s**

**Public Information Officer,  
Mumbai University, Mumbai – 400 032.**

... **Respondent**

**GROUNDS**

This complaint has been filed under section 18 of the Right to Information Act 2005. The complainant had filed an appeal under section 19(3) of the RTI Act. The appellant had submitted his printed book for award of DSC/Dlitt. The degree, however, was not awarded to him. He approached the Hon High Court and the Hon High Court passed enter alia the following order.

The university is directed to forthwith refer the petitioner's printed work for D.Sc (maths) to the Board of Studies in Maths for assessment in accordance with the provisions of relevant Ordinances including ordinances 781 to 785. The Board of Studies will assess the printed work in the light of the relevant ordinances and make appropriate recommendation to the appropriate authority. It is needless to say that the Board of Studies shall follow the procedure-prescribed under the relevant Ordinances in evaluating the printed work of the petitioner including the appointment of the referees and give reasons for its conclusion. The report of the Board of Studies shall then be considered by the appropriate authority and final decision may be taken as expeditiously as possible and in any event within a period of three months from today.

The University claims that action in accordance with the Hon high Court has been taken and the complainant informed. The complainant has been insisting on having copies of reports prepared by the Board of studies. The commission had ordered that the

information should be furnished. The complaint has approached the commission stating that the information has not been furnished and hence this complaint.

The complaint was heard on 13.03.2009. The complainant and the opponent were present. The complainant's contention has been that information has not been furnished to him. He had sought copies of evaluation reports as required by existing rules. He has also quoted the Hon High Court order where in the Board of studies was expected to follow the procedure prescribed under the relevant ordinances in evaluating the printed work of the complainant including the appoint of referees and reasons for its conclusion. The complainant has emphasized the point that the Board of studies was expected to give reasons for its conclusion. He has sought copies of those reports / conclusions.

The opponent has stated that the complainant has been provided with available information. He explained the procedure where by the Board of studies sends the printed work to referees for evaluation after making up its mind. He also denied the existence of 117 reports which has been demanded by the complainant. He also submitted a copy the referees reports and minutes of the joint meeting of Research and Recognition committee for Board of studies in Education and Mathematics under the faculty of Arts, Science and Commerce.

These documents or summaries were already available with the complainant. The opponent also offered to facilitate inspection of relevant file to the complainant. The complainant however was not keen to inspect documents. After a prolonged discussion it was agreed that some documents have been furnished but the complainant was not satisfied. Finally it was agreed that the complainant will be furnished copies of individual reports of the Board of Studies which had recommended the names of Mr. J.

K. Verma Shri. Shridharan and Mr. M.G. Nadkarni for evaluating the complainant's work. I therefore pass the following order.

**Order**

The opponent will provide copies individual reports of members of the Board of Studies within 30 days from this order. The appeal is disposed off.

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

Place: Mumbai  
Date: 16.03.2009

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

**Appeal No.2009/1188/02**

**Mr. Prakash Govind Navathe,  
204, Rajbaug, Bhalchandra Marg,  
Matunga, Mumbai – 400 019.**

**... Appellant**

**V/s**

**First Appellate Officer cum Dy. Chief Engineer  
Municipal Corporation, “E” Division,  
Shaikh Hafijuddin Marg, Byculla,  
Mumbai – 400 008.**

**... Respondent**

**Public Information Officer cum Executive Engineer  
Municipal Corporation, “E” Division,  
Shaikh Hafijuddin Marg, Byculla,  
Mumbai – 400 008.**

### **GROUND**

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant had sought the information relating to issuance of occupancy certificate to Daluchand Niwas, Matunga.

Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant has filed this second appeal before the commission. The appeal was heard on 17.03.2009. Appellant and respondents were present.

The appellant has contended that he had sought information as to whether the above building was issued occupancy certificate.

The respondent's contention is that since the building has been given completion certificate, the question of issuing occupancy certificate did not arise.

After going through the case papers and considering the arguments advanced by parties it is revealed that there have been many appeals by the same appellant on the same issue. The RTI Act ensures furnishing of available information. A copy of the non-existent occupancy certificate cannot be furnished. The issue as to 'why not' should be taken up with Municipal Commissioner, MCGM. More over the Hon CIC has decided three appeals 3523, 3524 and 3525 on the same issue. Nothing more needs to be done.

### **Order**

The appeal is disposed off.

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

Place: Mumbai  
Date: 18.03.2009.

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

**Appeal No.2009/2070/02**

**Smt Philomena Mascarenhas  
Flat No311, Siddhivinayak Nivas  
Domnic Colony Rd No.3,  
Orlem, Malad (W), Mumbai – 400 064.**

**... Appellant**

**V/s**

**First Appellate Officer cum Dy. Commissioner  
Municipal Corporation, R/South Ward Office,  
Mahatma Gandhi Cross Rd No.2,  
Kandivali (W), Mumbai – 400 067.**

**... Respondent**

**Public Information Officer cum Assit Commissioner  
Municipal Corporation, P/North Ward Office Building,  
Liberty Garden, Mamaledar Wadi Marg,  
Malad (W), Mumbai – 400 064.**

**GROUNDS**

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant had sought the information regarding his complaint against overflow of sewage from drainage pipe of Christina Apartments, Domnic Colony Road No.3, Orlem, Malad (W), Mumbai.

Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant has filed this second appeal before the commission. The appeal was heard on 17.03.2009. The appellant did not turn up.

The appellant has contended that despite his complaint, no action has been taken to repair the drainage pipe resulting into unhygienic conditions in the area.

The respondent's contention is that the building has not been given occupation certificate and so it remains with the building proposal deptt. moreover, such repairs are not carried out by MCGM but the owner of the building. They have issued notice under section 257of the MMC Act.

After going through the case papers and considering the arguments advanced by parties it is revealed that the whole issue is stuck up in red tape. Since the building has not been given occupancy certificate society – which takes care of such contingencies

might not have been formed. The property technically remains with the developers who may not around. In view of the fact that notice under section 257 has already been given, the MCGM should bring it its logical conclusion and inform 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: 17.03.2009.

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

**Appeal No.2009/2072/02**

**Mr. Jagannath H. Sharma  
Chandrikabai H. Sharma,  
Chawl Room No 1&2,  
Khar Jawhar Nagar Saibaba Rd,  
Khar (E), Mumbai – 400 051.**

**... Appellant**

**V/s**

**First Appellate Officer cum Dy. Collector  
Administrative Building, 10<sup>th</sup> Floor,  
Govt. Colony, Bandra (E),  
Mumbai – 400 051.**

**... Respondent**

**Public Information Officer,  
Administrative Building, 10<sup>th</sup> Floor,  
Govt. Colony, Bandra (E),  
Mumbai – 400 051.**

**GROUND**

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellants land was notified as Slum and Photopasses were issued to occupants. He approached the Slum Tribunal which declared that his land should be excluded from declaration of slum. He also received one letter dated 29.05.2007 saying that the action of cancelling the Photopass was being taken. The appellant wants to know what action has been taken.

Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant has filed this second appeal before the commission. The appeal was heard on 17.03.2009. Appellant was present but the respondent was absent.

The appellant has contended that although the Dy. Collector wrote on 29.05.2007 that action to cancel the Photopass was being taken, he has not been told what action was taken. Since respondent was absent the commission could not verify whether some action has been taken not.

After going through the case papers and considering the arguments advanced by parties I have come to the conclusion that the appellant must be given the desired information. I have also taken a serious note to respondent's absence. I therefore pass the following order.

**Order**

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

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

Place: Mumbai  
Date: 17.03.2009.

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

**Appeal No.2009/2074/02**

**Mr. Sudhir Balvant Salvi  
F/5 Gajanan Society,  
90 Fit Road, D'soza Nagar,  
Kurla (W), Mumbai – 400 072.**

... **Appellant**

V/s

**First Appellate Officer cum Assist. Commissioner  
Municipal Corporation, L Division,  
Kurla (W), Mumbai – 400 070.**

... **Respondent**

**Public Information Officer,  
Municipal Corporation, L Division,  
Kurla (W), Mumbai – 400 070.**

**GROUNDS**

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant had sought the information relating to room no 2 and 14, Salvi Chawl, Waltonwadi, Church Road, navapada, Kamani, Kurla (W), Mumbai. The appellant has complained against unauthorized construction and wanted to know the action taken on his complaint.

Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant has filed this second appeal before the commission. The appeal was heard on 17.03.2009. Appellant and respondent were present.

The appellant has contended that despite so many complaints he has not been informed what action was taken against the unauthorized structure as pointed by him.

The respondent's contention is that they have informed the appellant that no permission was granted by MCGM.

After going through the case papers and considering the arguments advanced by parties it is revealed that the MCGM has not permitted the structure. The issue is not that. The appellant says that since the MCGM has not permitted, they are unauthorized and action must be taken against them. I agree with the appellant. It is not enough to say that MCGM has not permitted. The PIO must take action and inform the appellant.

**Order**

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

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

Place: Mumbai  
Date: 17.03.2009.



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

**Appeal No.2009/2076/02**

**Mr. Laxman Ganu Gaikwad  
A/34/267, Saiba CHS, Ltd,  
MIG Colony, Sidharthnagar, Road No.2,  
Goregoan (W), Mumbai – 400 104.**

... **Appellant**

**V/s**

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

... **Respondent**

**Public Information Officer cum Secretary,  
New Sidharthnagar, Road no.2,  
MIG Colony, Sidharthnagar, Road No.2,  
Goregoan (W), Mumbai – 400 104.**

**GROUNDS**

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant had sought the information relating to Saiba cooperative housing Society Ltd, Sidharthnagar, Road No.2, Goregaon, Mumbai. The appellant has asked copies of all correspondence, agreement, letters transaction held and during the last two years.

Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant has filed this second appeal before the commission. The appeal was heard on 17.03.2009. The appellant did not turn up.

The appellant has contended that he has been denied information. He has cited Dy. Registrar letter dated 25.07.2008 where society has been asked to furnish information as required under section 32 of the MCS Act, 1960.

The respondent's contention is that they are not covered under the Right to Information Act, 2005.

After going through the case papers and considering the arguments I have come to the conclusion that society's contention that they are not covered under the Right to Information Act is correct. Societies have not been designated as Public Information

Officer. The Dy. Registrar Cooperative Societies has also not been designated as the First Appellate Authority to hear the first appeal against societies. The Dy. Registrar has done the correct thing by asking the society to furnish information as required under section 32 of the MCS Act.

**Order**

The appeal is disposed off.

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

Place: Mumbai  
Date: 17.03.2009.

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

**Appeal No.2009/2077/02**

**Mr. Menino, Francisco, Gregory, Fernandes  
101-B, Florence Mithagar Road,  
Kanderpada, Dahisar (W), Mumbai – 400 068.**

**... Appellant**

**V/s**

**First Appellate Officer cum Dy. Chief Engineer,  
M.B.R. & R. Board,  
Shindewadi, 8, S.A. Palav Marg,  
Sonawala Bldg, Dadar (E),  
Mumbai – 400 014.**

**... Respondent**

**Public Information Officer,  
Office of the Executive Engineer RU-I,  
M.B.R. & R. Board,  
Shindewadi, 8, S.A. Palav Marg,  
Sonawala Bldg, Dadar (E),  
Mumbai – 400 014.**

**GROUND**

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant had sought the information relating to Hira Govindajee Apt. 342-342 D, Sir J.J. Road, Byculla, Mumbai. The appellant has sought information since 1978 and copies of full file, all communication, copies of notings and all papers pertaining to the building.

Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant has filed this second appeal before the commission. The appeal was heard on 17.03.2009. The appellant did not turn up.

The appellant has contended that the Public Information Officer has not furnished reply within 30 days, he did not mention how the appellant was asked to pay Rs.9000/- and did not give inspection.

The respondent's contention is that the information sought is vast. It is also not specific. They have volunteered to facilitate inspection so that appellant can identify documents and secure copies of selected documents.

After going through the case papers and considering the arguments advanced by parties it is clear that the information sought is not specific. It is also voluminous. This however does not mean that the PIO should not reveal to the appellant how he has been asked to deposit Rs.9000/-. The appellant should also be allowed to inspect documents. Copies of selected documents should be furnished.

**Order**

The appeal is allowed. Appellant to inspect documents and select the ones whose copy he requires. The PIO will furnish copies of selected documents within 15 days on payment.

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

Place: Mumbai  
Date: 17.03.2009.

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

**Appeal No.2009/2078/02**

**Mr. Chandrakant Arjun Salvi,  
601, Chaitanya CHS, Behind Samaj Mandir,  
Sion Koliwada (E), Mumbai – 400 022.**

**... Appellant**

**V/s**

**First Appellate Officer cum Director,  
Desk No.19, Ground Floor,  
Mumbai Housing & Area Development Board,  
Grihanirman Bhavan, Bandra (E),  
Mumbai – 400 051.**

**... Respondent**

**Public Information Officer cum Dy. Director,  
Desk No.415, 3<sup>rd</sup> Floor,  
Desk No.19, Ground Floor,  
Mumbai Housing & Area Development Board,  
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 had sought the information relating to his application for payment of interest on advance payment made by him for allotment of a flat. The appellant has made some advance payment but was not handed over the flat in time.

Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant has filed this second appeal before the commission. The appeal was heard on 18.03.2009. Appellant and respondents were present.

The appellant has contended that existing rules permitted payment interest @ 10% if on some account flat was not handed over in time.

The respondent's contention is that the rule has since been changed a file has been moved in this regard and final decision has to be taken by the Chief Officer. They handed over a copy of the report submitted to the commission indicating the latest position.

After going through the case papers and considering the arguments advanced by parties it is seen that the file is being processed. This information has been furnished to

the appellant. MHADA should expedite the file and inform the appellant as soon as the decision is taken.

**Order**

The appeal is allowed. Information to be furnished the decision is as soon taken by MHADA.

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

Place: Mumbai  
Date: 18.03.2009.

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

Appeal No.2009/2081/02

**Mr. Sameer Sabharwal**  
2, Grotto Building,  
33<sup>rd</sup> Road & 9<sup>th</sup> Road Crossing,  
Old Khar, Mumbai – 400 052.

... Appellant

V/s

**First Appellate Officer cum Assist. Commissioner,**  
**Municipal Corporation, Greater Mumbai,**  
**K/West Ward Office Bldg,**  
**Andheri (W), Mumbai – 400 058.**

... Respondent

**Public Information Officer cum**  
**1. Assist Engineer (B & F)**  
**2. Sr. Inspector (Licence)**  
**3. Medical Officer (Health)**  
**Municipal Corporation, Greater Mumbai,**  
**K/West Ward Office Bldg,**  
**Andheri (W), Mumbai – 400 058.**

**GROUND**

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant main contention is that his first appeal has not been heard and his letter has not been relied.

The appeal was heard on 18.03.2009. Appellant and respondents were present.

The appellant has contended that his appeal has not been heard.

The respondent's contention is that the first appeal was decided on 08.10.2008. The appellant however pointed out that the order dated 08.10.2008 is in the context of another appeal. The appeal dated 08.10.2009 could not have been decide the same day.

After going through the case papers and considering the arguments advanced by parties I have come to the conclusion that the appellant must be heard by the First Appellate Authority.

**Order**

The appeal is allowed. The First Appellate Authority to hear the appeal and pass appropriate order within 45 days.

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

Place: Mumbai  
Date: 18.03.2009.

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

Appeal No.2009/2083/02

**Mr. Dattaram Krushana Pedamkar & other  
Mariamma Nagar, Room No.33 M,  
223, Behind Neharu Center, Dr.A.B.Rd,  
Worli, Mumbai – 400 018.**

... **Appellant**

V/s

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

... **Respondent**

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

### **GROUND**

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant has sought the information relating to Mariamma Nagar, SRA Cooperative Housing Society, Dr. A. B. Road, Worli. He wanted copies of L01, agreement between the developer and the society and related documents.

Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant has filed this second appeal before the commission. The appeal was heard on 18.03.2009. Appellant and respondents were present.

The appellant has contended that he has not been given copies of required documents.

The respondent's contention is that the appellant has sought information on the same issue time and again. Appellant also admitted that he has received some information.

After going through the case papers and considering the arguments advanced by parties it was agreed by parties that the PIO should furnish to him a copy of the initial proposal submitted by the society to SRA through their architect and developer.

### **Order**

The appeal is allowed. Information to be furnished by PIO within 30 days and free of cost.

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

Place: Mumbai  
Date: 18.03.2009.



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

**Appeal No.2009/2082/02**

**Mr. Sameer Sabharwal  
2, Grotto Building,  
33<sup>rd</sup> Road & 9<sup>th</sup> Road Crossing,  
Old Khar, Mumbai – 400 052.**

... **Appellant**

V/s

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

... **Respondent**

**Public Information Officer,  
Building Proposal Deptt. (W.S.H.W.)  
Municipal Corporation, Greater Mumbai,  
Office of the Chief Engineer,  
Building Proposal (W.S.)  
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 has sought the following information: -

1. Copies of the / Rules under the BMC Act & the D.C Rules, which permits your office to sanction developments in a building without approval of the tenants.
2. Further you have sanctioned the change of a residential flat No. 1 in the building into four shops. Please provide me with copies of the documents, which confirm that, the shops are approved for the user of convenience shops only.
3. In case the shops are not approved for convenience user, please provide me with copies of the Rules, which allowed you to sanction the shops for user other than convenience shops as the building is located in a R-1 Zone as under the D.C Rules.
4. Further you have also granted C.C. & O.C. to the shops in spite of them being larger than the sizes as permitted in the D.C. rules. Please provide me with the

- copies of the Rules which permit you to sanction shops of sizes larger than, what are permissible by law & as is mentioned in the D.C. Rules.
5. Please also provide me with copies of the Rules, which permit you to allow development of 4 shops in the same building in an R-1 Zone,
  6. As the document pertains to me liberty & right, therefore it should be provided within 48 hours of its request as laid out in the RTI Act & Rules. I am ready to pay the necessary charges as applicable under the Act.

Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant has filed this second appeal before the commission. The appeal was heard on 18.03.2009. Appellant and respondents were present.

The appellant has contended that he has asked for information within 48 hours but the Public Information Officer did not furnish. The information furnished after the First Appellate Authority was also incomplete and incorrect.

The respondent's contention is that the First Appellate Authority's order directing the PIO to furnish information has been complied and copies of the approval report occupation compliance / Approval report and plan have been given. The appellant was also offered inspection of documents if he so desired.

After going through the case papers and considering the arguments advanced by parties I have come to the conclusion that the required information has been furnished. It is true that answers to his specific queries have not been given. This not expected. The RTI Act ensures furnishing of available information. The Information furnished can be used to correct irregularities if any by approaching the competent authority. In the light of the above, I pass the following order.

**Order**

The appeal is disposed off.

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

Place: Mumbai  
Date: 18.03.2009.

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

**Appeal No.2009/1537/02**

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

**... Appellant**

**V/s**

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

**... Respondent**

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

**GROUNDS**

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

1. Inquiry Officer letter dated 01.08.2007 to Disciplinary Authority, marked as Annexure IOE-IV appended to annexure V of Inquiry Report of DI of the applicant, in connection with additional documents requirement of the applicant for writing his defense statement.
2. The reply of Disciplinary Authority dated 04.08.2007, appended to Inquiry Report of the applicant's DI, marked as annexure PE XXXVIII and appended to annexure IV by IO.

Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant has filed this second appeal before the commission. The appeal was heard on 18.03.2009. Appellant and respondents were present.

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

The respondent's contention is that these information have been furnished to him during the Departmental Enquiry and therefore they need not be furnished under RTI Act.

After going through the case papers and considering the arguments advanced by parties I have come to the conclusion that information must be furnished. The RTI Act and Departmental Enquiry are separate. The argument that because he has been furnished copies under the DE proceedings and therefore cannot be given under RTI is not tenable. I therefore pass the following order.

**Order**

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

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

Place: Mumbai  
Date: 18.03.2009.

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

Appeal No.2009/1538/02

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

... **Appellant**

V/s

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

... **Respondent**

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

### GROUNDS

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant has sought a certified copy of the University rule which requires the cross examination to be recorded in narration form. The appellant during the hearing of his case had requested for permission to cross examine witnesses but was refused on the ground that cross examination can be only in the narration form.

Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant has filed this second appeal before the commission. The appeal was heard on 18.03.2009. Appellant and respondents were present.

The appellant has contended that he was not allowed to cross examine witnesses on the ground that it was allowed in the narration form. He therefore asked for a copy of the relevant University rule.

The respondent's contention is that they have nothing to do with allowing or not allowing of the cross examination. The appellant should have asked the authority which did not allow to cross examine.

After going through the case papers and considering the arguments advanced by parties I have come to the conclusion that the respondent's contention is correct. The appellant has also not specified the rule. Since the respondent is not a party to allow or disallow, the question of their furnishing a copy of the relevant rule did not arise. I therefore pass the following order.

### Order

The appeal is disposed off.

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

Place: Mumbai  
Date: 18.03.2009.

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

Appeal No.2009/2088/02

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

... **Appellant**

V/s

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

... **Respondent**

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

### **GROUND**

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant had sought certain information. He was furnished the information but the same was certified by the Vice principal but had the rubber stamp of principal and did not have the date. He has sought corrected copy.

Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant has filed this second appeal before the commission. The appeal was heard on 18.03.2009. 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's contention is correct. The attested documents should have been stamped properly. I therefore pass the following order.

### **Order**

The appeal is allowed. The duly certified copy to be furnished within 15 days.

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

Place: Mumbai  
Date: 18.03.2009.

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

Appeal No.2009/2061/02

**Shri. Shivkumar Ramchandra Sharma**  
**B-506, Valencia (5<sup>th</sup> Floor),**  
**Raheja Exotica, Ratil Wadi, Madh-Marve Rd,**  
**Madh Island, Malad (W), Mumbai – 400 061.**

... **Appellant**

V/s

**First Appellate Officer cum Director,**  
**Directorate of Technical Education,**  
**Maharashtra State, 3 Mahapalika Marg,**  
**Opp. Metro Adlabs, Mumbai – 400 001.**

... **Respondent**

**Public Information Officer,**  
**Directorate of Technical Education,**  
**Maharashtra State, 3 Mahapalika Marg,**  
**Opp. Metro Adlabs, Mumbai – 400 001.**

### **GROUND**

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant had sought certain information relating to Wigan and Leigh College of Management, Mumbai. The appellant has sought information on 12 points – what is WLS College in India and what does WLC stand for, whether it is the full form for Wigan & Leigh or some other, its affiliation, registration action taken against them etc.

Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant has filed this second appeal before the commission. The appeal was heard on 16.03.2009. The appellant did not turn up but the respondent was present.

The appellant has asked many questions seeking information about the College. The respondent has made written submission. It has been stated by them that the matter was enquired into by the Regional office of the Directorate and a copy of the report has already been sent to the appellant. The respondent has explained the reasons for delay.

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

### **Order**

The appeal is disposed off.

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

Place: Mumbai  
Date: 21.03.2009.

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

**Appeal No.2009/2062/02**

**Shri. Vishavnath Keshav Vichare  
203-A, Vaishali CHS,  
Near Teacher's Colony, Aliavar Jung Marg,  
Bandra (E), Mumbai – 400 051.**

... **Appellant**

**V/s**

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

... **Respondent**

**Public Information Officer cum Assit. Registrar,  
Cooperative Board (H East) Division,  
Sahkar Bazar, 4<sup>th</sup> Floor, Bandra (E),  
Mumbai – 400 050.**

**GROUND**

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant had sought certain information relating to his application requesting action against Vaishali cooperative Housing Society for not furnishing M20 Bonds in time.

Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant has filed this second appeal before the commission. The appeal was heard on 16.03.2009. Appellant and respondents were present.

The appellant has contended that the Managing Committee was constituted on 25.05.2008 and members are expected to furnish bonds within 15 days. The same has not been done and he made a complaint to take action against the society. The action taken report has not been received by him.

The respondent has made his submission in writing. It is revealed that the First Appellate Authority and Dy. Registrar by his order dated 08.12.2008 had ordered that the required information should be furnished. He has also remarked that the deptt has not replied to the appellant.

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

**Order**

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

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

Place: Mumbai  
Date: 21.03.2009.



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

**Appeal No.2009/2113/02**

**Shri. Laxman Tanaka Devre  
President, Mahatma Jyotiba Phule Board,  
85, Navi Peth, Jalgaon 425 001.**

**... Appellant**

**V/s**

**First Appellate Officer,  
Maharashtra State, State Road Transport Corporation,  
Maharashtra Transport Board, Dr. Anandrao Nayar Marg,  
Mumbai – 400 008.**

**... Respondent**

**Public Information Officer cum Managing Director,  
Maharashtra State, State Road Transport Corporation,  
Maharashtra Transport Board, Dr. Anandrao Nayar Marg,  
Mumbai – 400 008.**

**GROUND**

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant had sought certain information relating to display of Photographs of Mahatma Jyotiba Phule and Savitribai Phule in Divisional Officers of Maharashtra State Road Transport Corporation in accordance with the Govt. instruction issued in this connection.

Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant has filed this second appeal before the commission. The appeal was heard on 23.03.2009. Appellant and respondents were present.

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

The respondent's contention is that since information has to be collected from their 32 Divisional Officers, it is taking time. It stated by them that some information has already been received and the rest is expected.

After going through the case papers and considering the arguments advanced by parties I have come to the conclusion that the required information must be furnished. Govt. order in this regard is very clear and the appellant is entitled to know whether it is being implemented or not.

**Order**

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

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

Place: Mumbai  
Date: 23.03.2009.

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

**Appeal No.2009/1888/02**

**Shri. Abdul Gafur Hunshal  
Hotel President, Maharashtra Nagar,  
Bandra (E), Mumbai – 400 051.**

**... Appellant**

**V/s**

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

**... Respondent**

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

### **GROUND**

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant has sought information regarding the hearing held on 28.02.2008 before the Secretary, Slum Rehabilitation Authority.

Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant has filed this second appeal before the commission. The appeal was heard on 11.02.2009. The appellant did not turn up but the respondent was present.

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

### **Order**

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

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

Place: Mumbai  
Date: 25.03.2009

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

**Appeal No.2009/1971/02**

**Shri. Nicholas Almeida,  
Almeida House,  
Church Pakhadi Rd, No.2,  
Sahar Village, Vile Parle (E),  
Mumbai – 400 099.**

**... Appellant**

**V/s**

**First Appellate Officer cum Assitt. Commissioner,  
Mumbai Municipal Corporation,  
H-West Ward, Bandra (W), Mumbai – 400 050.**

**... Respondent**

**Public Information Officer cum Assitt. Engineer,  
Mumbai Municipal Corporation,  
H-West Ward, Bandra (W), Mumbai – 400 050.**

**GROUNDS**

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

A) Whether, Mr.Zakiuddin Golwalla residing on the First Floor of Rahim Manzil, 135/A Bazaar Rd, Bandra (W), Mumbai – 400 050 has constructed any toilet inside his residence and if so whether Mr.Zakiuddin Golwalla has obtained BMC permission for constructing the same.

B) Whether Mr.Zakiuddin Golwalla has modified or extended or carried out any unauthorized construction below the out house sharing toilet block which is adjoining his residence, if so, has Mr.Zakiuddin Golwalla obtained permission from the BMC for carrying out such work. Whether the BMC has taken any legal action against the said unauthorized construction and what is the present status.

How many complaints has been filed against Mr.Zakiuddin Golwalla for illegal construction at Rahim Manzil located at 135/A Bazaar Rd, Bandra (W), Mumbai – 400 050 during the past and what is the status of action taken thereon by BMC.

Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant has filed this second appeal before the commission. The appeal was heard on 26.02.2009. The appellant did not turn up but the respondent was present.

The appellant has contended that the Public Information Officer as well as the First Appellate Authority have failed to furnish the required information. There is nothing on record to show whether they have passed any order.

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

**Order**

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

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

Place: Mumbai  
Date: 25.03.2009.

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

**Appeal No.2009/1951/02**

**Shri. Sumeer Sabharwal,  
2, Grotto Building,  
33<sup>rd</sup> Rd & 9<sup>th</sup> Rd Crossing,  
Old Khar, Mumbai – 400 052.**

**... Appellant**

**V/s**

**First Appellate Officer cum Assitt. Commissioner,  
Mumbai Municipal Corporation,  
K-West Ward, Andheri (W), Mumbai – 400 058.**

**... Respondent**

**Public Information Officer cum Assitt. Engineer,  
Mumbai Municipal Corporation,  
K-West Ward, Andheri (W), Mumbai – 400 058.**

**GROUND**

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

1. Inspection of the survey report of the Asst.Eng.(B&F) of the Fun Republic Cinema Building.
2. If no survey has been done, then please intimate why the officer had not acted as per the order of the AMC.
3. In the Fun Republic Cinema Building, there are several shops constructed in the open area, wherein the business of food selling & various other commercial businesses are being operated. I call upon to please verify if these shops are sanctioned for operation in the open area by the BMC.
4. Please also provide me confirmation that, all the users of the premises in the above building is in accordance to the law & the sanctioned plan.

Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant has filed this second appeal before the commission. The appeal was heard on 24.02.2009. Appellant and respondent were present.

The appellant has contended he has been given incomplete information. He has also stated that the First Appellate Authority's order dated 13.10.2008 has not been

complied. The respondent's contention is that he has furnished the information available with him.

After going through the case papers and considering the arguments advanced by parties I have come to the conclusion that the information must be furnished. The First Appellate Authority was satisfied that the information furnished was not according to the appellant's requirement. He therefore ordered that the PIO should inspect the entire building and initiate action wherever required. The order needs to be complied. I therefore pass the following order.

**Order**

The appeal is allowed. Information to be furnished by PIO within 30 days. The PIO to show cause why action under section 20 of the RTI Act should not be initiated against him. His reply to reach the commission within 3 weeks.

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

Place: Mumbai  
Date: 26.03.2009.

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

**Appeal No.2009/1939/02**

**Dr. Mukul H. Thakore  
Flat No.14, Geetika CHS Ltd,  
85, S.V. rd, Santacruz (W),  
Mumbai – 400 054.**

... **Appellant**

V/s

**First Appellate Officer,  
DDR Cooperative Societies,  
MHADA, Grihanirman Bhavan,  
Bandra (W), Mumbai – 400 050.**

... **Respondent**

**Public Information Officer,  
Administrator Geetika CHS Ltd,  
H/W Ward, 4<sup>th</sup> Floor, Sahakar Bazar,  
Opp. Bandra Railway Station, Bandra (W),  
Mumbai.**

**GROUNDS**

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

- 1.Certified copies of documents & papers of your action against past committee and defaulters and details of Bank Deposit and Accounts and your working report as Administrator Geetika Cooperative Housing Society Ltd, 85, S.V. Rd, Santacruz (W), Mumbai 400 054.
2. How many meetings have been called and society records prepared by you as Administrator of Geetika Cooperative Housing Society Ltd, 85 S.V. rd, Santacruz (W), Mumbai – 400 054.
3. What steps have been taken against M/s Mukesh Construction who has misused the society repair funds and not completed work.

The PIO informed the appellant that the information should be collected from the Administrator. There is nothing on record to show whether the First Appellate Authority passed any order.



Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant has filed this second appeal before the commission. The appeal was heard on 18.02.2009. Appellant and respondent were present.

The appellant has contended that the information sought by him is in public interest but has not been furnished to him.

The respondent's contention is that the information pertains to the society's working and is available at society's level.

After going through the case papers and considering the arguments advanced by parties it is revealed that the information sought by the appellant may be public importance but the PIO is not holding the same. The information relating to the Bank deposit and accounts normally cannot be accessed by the PIO. Similarly no of meetings held and action against the agency which had undertaken repair work and related matters are only with the society. Any specific complaint can be looked into under Maharashtra Cooperative Society Act 1960. The society's internal working and the information not held by the PIO are beyond RTI Act. I therefore pass the following order.

**Order**

The appeal is disposed off.

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

Place: Mumbai  
Date: 26.03.2009

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

**Appeal No.2009/1171/02**

**Mr.Joan Joyce Fernandes  
Madhuswari Co-Op. Housing Society No.2  
Plot No.5-6, Carter Rd No.2,  
Khar (W), Mumbai – 400 052.**

**... Appellant**

**V/s**

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

**... Respondent**

**Public Information Officer cum Dy Registrar  
Cooperative Board (3),  
H/West Division, Sahakar Bazaar, 4<sup>th</sup> Floor,  
Bandra (W), Mumbai – 400 050.**

**Public Information Officer cum Administrator,  
Madhuswari Co-Op. Housing Society No.2,  
Plot No.5-6, Carter Rd No.2,  
Khar (W), Mumbai – 400 052.**

**GROUNDS**

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant by his application dated 24.10.2007 had sought the information relating to Mudheshwari Housing Society Ltd, Khar (W), Mumbai. The information was sought regarding documents in possession of society and also copy of the Bond furnished by members.

The Public Information Officer by his letter 15.11.2009 informed the appellant that the information sought was available at the society level and the society was being directed to furnish the information. He also informed the appellant that Bond has not been submitted to the PIO's office.

Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant has filed this second appeal before the commission. The appeal was heard on 04.01.2008 disposed off the appellant's appeal under the RTI

Act but directed under section 79 of the Cooperative Society Act 1960 to furnish information to the appellant. The appellant was not satisfied. Hence this appeal.

The appeal was heard on 05.02.2009. Appellant was present but the respondent was absent.

The appellant has contended that the First Appellate Authority as well as the PIO's directions have not been complied. The appellant has stated that the PIO should obtain information from the society and furnish to the appellant.

The respondent was absent so facts could not be verified.

After going through the case papers and considering the arguments advanced by parties I have come to the conclusion that the First Appellate Authority has taken the right decision. It is not expected to collect the information and furnish to the appellant specially in the present case where the range and volume of the information sought is very wide and big. The appellant has to pursue her case under the Maharashtra Cooperative Societies Act 1960. I pass the following order.

**Order**

The appeal is disposed off.

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

Place: Mumbai  
Date: 26.03.2009

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

**Appeal No.2009/2120/02**

**Smt. Anandi Ramchandran  
Bldg 29/A-22 Takshila (2<sup>nd</sup> Floor)  
Mahakali Caves Rd, Andheri (E),  
Mumbai – 400 093.**

... **Appellant**

**V/s**

**First Appellate Officer cum Dist. Dy Registrar,  
Room No.69, Mumbai Grihanirman Bhavan,  
Bandra (E), Mumbai – 400 051.**

... **Respondent**

**Public Information Officer,  
Office of the Dy Registrar,  
Malhotra House, 6<sup>th</sup> Floor, Opp. GPO,  
Mumbai – 400 001.**

**GROUND**

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant had sought the information relating to the working of Takshila CHS, Mahakali Caves Road, Andheri (W), Mumbai. The information related to the appointment of the administrator, holding of AGM, collection of charges and Levies and her expulsion from the society.

Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant has filed this second appeal before the commission. The appeal was heard on 24.03.2009. Appellant and respondent were present.

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

The respondent's contention is that the information has been sought in the question answer form where as the RTI Act provides for furnishing of information available in material form.

After going through the case papers and considering the arguments advanced by parties it is revealed that although the information has been sought in question answer form the PIO has furnished the required information. The order passed by the First Appellate Authority does not need any intervention and the same is confirmed.

**Order**

The appeal is disposed off.

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

Place: Mumbai  
Date: 30.03.2009

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

**Appeal No.2009/2131/02**

**Mr. Hariba Mahadev Chopde,  
Savitribai Malin Chawl, Parikh Khadi Colony,  
LBS Marg, Behind Sudhakar Store,  
Room No.3, Kurla (W), Mumbai – 400 070.**

... **Appellant**

**V/s**

**First Appellate Officer cum Dy Registrar,  
Mumbai Grihanirman Bhavan,  
Bandra (E), Mumbai – 400 051.**

... **Respondent**

**Public Information Officer cum Tahsildar  
Mumbai 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 had sought the information regarding Savitribai Malin Chawl where the holder of Photopass no 84391 has divided his hut into two to claim double benefit.

Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant has filed this second appeal before the commission. The appeal was heard on 25.03.2009. Appellant and respondent were present.

The appellant has contended that he has not been furnished the information despite repeated requests.

The respondent's contention is that the information has been furnished by their letter dated 03.07.2008 and 30.09.2008. The information officer explained that the area was surveyed by the office of the Dy. Collector encroachment Chambur and papers were sent to their office for further processing. No Photopass has been issued. He also clarified to the appellant holder of the photopasses alone will be entitled to get a tenement irrespective of the no of people staying in the hut.

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 PIO

however is advised is carry out the survey & issue Photopasses strictly in accordance with the existing rules. The case is closed.

**Order**

The appeal is disposed off.

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

Place: Mumbai  
Date: 26.03.2009

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

**Appeal No.2009/1935/02**

**Mr. Krushna Babal Kavthankar  
A/501, Shubhash CHS,  
Sant Gora Kumbhar Marg,  
Dharavi, Mumbai – 400 017.**

**... Appellant**

**V/s**

**First Appellate Officer cum Assit Commissioner,  
Municipal Corporation,  
G/North Division Office,  
Harishchandra Yelave Marg,  
Dadar (W), Mumbai – 400 028.**

**... Respondent**

**Public Information Officer cum Senior Colony Officer,  
Municipal Corporation,  
G/North Division Office,  
Harishchandra Yelave Marg,  
Dadar (W), Mumbai – 400 028.**

**GROUND**

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant had sought the information relating to two letters dated 07.06.2008 and 04.04.2008 and also about the unauthorized and incomplete construction by the developer in Subhash Nagar Cooperative housing Society, Dharavi CTS No 40 (Part Mumbai) undertaken under the Slum Rehabilitation Scheme.

Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant has filed this second appeal before the commission. The appeal was heard on 18.02.2009. Appellant and respondent were present.

The appellant has contended that he has not been furnished the information required by him. The first appeal was heard 11.09.2008 but no order has been passed.

The respondent's contention is that he does not have the required information and this could be available with the ward officer.

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

The ward officer to ensure that the appellant gets the information he requires. Failure to comply with this order will lead to action under section 20 of the RTI Act 2005.

**Order**

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

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

Place: Mumbai  
Date: 26.03.2009



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

**Appeal No.2009/2134/02**

**Mr. Ravindra Vinayak Savant & Other  
H 4/63, Gorai Rd, Shri Ganesh Krupa CHS,  
Horai Rd, Borivali (W), Mumbai – 400 091.**

**... Appellant**

**V/s**

**First Appellate Officer cum Dy Registrar,  
Cooperative Housing Board (MHADA),  
Mumbai Grihanirman Bhavan,  
Bandra (E), Mumbai – 400 051.**

**... Respondent**

**Public Information Officer,  
Cooperative Housing Board (MHADA),  
Mumbai Grihanirman Bhavan,  
Bandra (E), Mumbai – 400 051.**

### **GROUND**

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant had sought the information relating to taking over of the administration of Shri Ganesh Krupa Cooperative Housing Society, Gorai Road, Borivali, Mumbai by the Administrator and related issues.

Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant has filed this second appeal before the commission. The appeal was heard on 25.03.2009. Appellant was present but the respondent was absent.

The appellant in his written submission has contended that he had sought a certified copy of taken over report and list of documents. He has alleged that the information furnished is faulty. It appears from the record that the PIO by his letter dated 09.09.2008 informed the appellant that charge was taken over on 13.08.2008 but the list of documents was not enclosed and the same has been called from the administrator.

After going through the case papers and considering the arguments advanced by parties I have come to the conclusion that the information has been partly furnished. The PIO to get the list of documents which the administrator has taken over and furnish to the appellant.

**Order**

The appeal is allowed. Information to be furnished by PIO within 15 days failing which action under section 20 of the RTI Act will be initiated.

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

Place: Mumbai  
Date: 26.03.2009

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

**Appeal No.2009/1972/02**

**Mr. Narinder Singh Chadha  
Bungalow 6, Asha Colony,  
Juhu Tara Rd, Santacruz (W),  
Mumbai – 400 049.**

... **Appellant**

V/s

**First Appellate Officer cum Assit Commissioner,  
Municipal Corporation,  
H/West Ward, St. Martin Rd,  
Bandra (W), Mumbai – 400 050.**

... **Respondent**

**Public Information Officer cum Assit Engineer,  
Municipal Corporation,  
H/West Ward, St. Martin 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 had sought the information relating to unauthorized coverage of permanent nature in the open space on the ground floor admeasuring over 2000 sq.ft on eastern side of Hotel Evergreen. The appellant wanted to be informed what action was taken on his complaint in this regard.

Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant has filed this second appeal before the commission. The appeal was heard on 26.02.2009. The appellant did not turn up but the respondent was present.

The appellant has contended that he has not been given any information. The record also does not show any order / information given I therefore pass the following order.

**Order**

Information to be furnished by PIO within 15 days. PIO to show cause for his absence and also for not furnishing the information. If his explanation does not reach within 15 days, he will be proceeded with under section 20 of the RTI Act.

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

Place: Mumbai  
Date: 26.03.2009

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

**Appeal No.2009/1970/02**

**Mr. Sanjay Vishnu Tikam  
B/602, Sanskar Ganesh Peth Lane,  
Dadar (W), Mumbai – 400 028.**

**... Appellant**

**V/s**

**First Appellate Officer cum Secretary  
Slum Rehabilitation Authority,  
Mumbai Grihanirman Bhavan,  
Bandra (E), Mumbai – 400 051.**

**... Respondent**

**Public Information Officer cum Assit Engineer  
Slum Rehabilitation Authority,  
Mumbai Grihanirman Bhavan,  
Bandra (E), Mumbai – 400 051.**

### **GROUND**

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant had sought the information relating to the redevelopment scheme on the plot bearing no 96A, 96 B, 97 TPS II Mahim Division, Padrewadi Ltd, Dilip Gupte Road, Mahim. The appellant had asked for copies of annexure II, approved plan of rehah, Lol and commencement certificate. He also wanted copies of documents submitted by the developer M/s Gharandaj Builders.

Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant has filed this second appeal before the commission. The appeal was heard on 26.02.2009. The appellant did not turn up but the respondent was present.

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

The responder's contention is that the appellant was informed by his letter dated 23.06.2008 to deposit Rs.720/- and collect the information. The appellant however says that he received the letter on 04.07.2008 and should be given information free of cost.

After going through the case papers and considering the arguments advanced by parties I have come to the conclusion the PIO has offered to furnish the information

within 30 days. The appellant received the letter a little late for which PIO cannot be held responsible. The appellant should deposit the amount intimated by the PIO and collect the information.

**Order**

The appeal is disposed off.

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

Place: Mumbai  
Date: 26.03.2009

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

**Appeal No.2009/1830/02**

**Mr.Ganesh Kishanrao Kopale  
4/66, Geetanjali  
Samtanagar, Kandivali (E),  
Mumbai – 400 101.**

**... Appellant**

**V/s**

**First Appellate Officer cum Professor  
Mumbai University,  
Room No.114, Fort Campus,  
Mumbai – 400 032.**

**... Respondent**

**Public Information Officer cum Dy. Registrar  
Mumbai University,  
Room No.114, Fort Campus,  
Mumbai – 400 032.**

**GROUND**

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant had sought the information regarding qualification and salary of lectures in Economic Subjects in Bombay University Colleges. Similarly he had sought information regarding qualification, experience and salary package of Readers and Professors. He also requested for equivalent for lectures, readers & Professor in Marathi.

Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant has filed this second appeal before the commission. The appeal was heard on 09.02.2009. The appellant did not turn up but the respondent was present.

The appellant has contended that he has been given incomplete information. He also specifically pointed out that information on points 5 (b) (c) (d) was not given. He seems to be particularly concerned about information on point no 5 (d).

The responder's contention is that they have furnished all the information available with them.

After going through the case papers and considering the arguments advanced by parties I have come to the conclusion that information has been partially furnished. Information on point (d) will have to be furnished. I therefore pass the following order.

**Order**

The appeal is partially allowed. Information on point no 5(d) to be furnished by PIO within 15 days.

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

Place: Mumbai  
Date: 26.03.2009.

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

**Appeal No.2009/2153/02**

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

**... Appellant**

**V/s**

**First Appellate Officer cum Assit Commissioner  
Municipal Corporation,  
R/South Ward Office, M.G. Rd,  
Kandivali (W), Mumbai – 400 067.**

**... Respondent**

**Public Information Officer cum Medical Officer of Health  
Municipal Corporation,  
R/South Ward Office, M.G. Rd,  
Kandivali (W), Mumbai – 400 067.**

**GROUND**

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant had sought the information relating to Hotel Dlicacy pure Vegetarian, Abhilasha Apartment, S.V. Road, Kandivali (W), Mumbai. The information related to construction in the compulsory open space, failure on the part of the Medical Officer R South to take action, certified copies of show cause notice Licences, Medical report of staff etc.

Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant has filed this second appeal before the commission. The appeal was heard on 30.03.2009. Appellant and respondents were present.

The appellant at the outset stated that he has received all 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: 30.03.2009.



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

**Appeal No.2009/2150/02**

**Mr. Ram Shivram Gupte  
107/852, M.H.B. Colony,  
Gaikwad Nagar Gate No.2,  
Malawani, Malad (W),  
Mumbai – 400 095.**

**... Appellant**

**V/s**

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

**... Respondent**

**Public Information Officer cum Assit Land Manager,  
Borivali Taluka, Grihanirman Bhavan Room No.407,  
Bandra (E), Mumbai – 400 051.**

**GROUND**

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant had sought the information relating to Survey no 44 CTS no, Mauje Pahadi Goregaon Mumbai. The land has been shown under serveration and the appellant wants to know how it was resevered etc.

Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant has filed this second appeal before the commission. The appeal was heard on 30.03.2009. Appellant was present but the respondent was absent.

The appellant has contended that he has not been furnished the required information since the respondent was absent facts could not be verified. I therefore pass the following order.

**Order**

The appeal is allowed. Information to be furnished in 15 days. the PIO to show cause why action should be taken against him for not furnishing the required information.

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

Place: Mumbai  
Date: 30.03.2009.

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

Appeal No.2009/1253/02

Mr.Pandurang Genuba Sanas  
279-B-8, Sambhaji Nagar, CHS Ltd,  
N.M Joshi Marg, Mumbai – 400 013.

... Appellant

V/s

First Appellate Officer cum Secretary  
Maharashtra Public Service Commission  
Bank of India Building,  
Mahatma Gadhi Marg,  
Mumbai – 400 001.

... Respondent

Public Information Officer,  
Maharashtra Public Service Commission  
Bank of India Building,  
Mahatma Gadhi Marg,  
Mumbai – 400 001.

### GROUNDS

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant had sought the information relating to the Police Sub Inspectors Limited Departmental competitive Examination 1998 and the show cause notice to him.

Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant has filed this second appeal before the commission. The appeal was heard on 24.03.2009. The appellant did not turn up but the respondent was present.

The appellant in his appeal has contended that he has been denied the information he has sought. The responder's contention is that since the enquiry is still going on, the information has been denied.

After going through the case papers and considering the arguments advanced by parties I have come to the conclusion that the information has been rightly denied. The first Appellate Authority in his detailed order dated 02.04.2008 given reasons for denial of the information. After careful consideration I come to the conclusion that his order should be confirmed. I therefore pass the following order.

### Order

Appeal is dismissed. The First Appellate Authority's order is confirmed.

(Ramanand Tiwari)  
State Information Commissioner, Mumbai

Place: Mumbai  
Date: 31.03.2009.

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

**Appeal No.2009/2168/02**

**Shri. Dinesh Pandurang Shurkar,  
Shurkar Electronic,  
A-7/13/N.L-2,  
Sector 1, Nerul,  
Navi Mumbai – 400 706.**

**... Appellant**

**V/s**

**First Appellate Officer cum Dy Chief Engineer,  
Electric Supply & Transport Corporation,  
Likmanya Tilaka Marg,  
Dadar, Mumbai – 400 014.**

**... Respondent**

**Public Information Officer cum Division Engineer,  
Electric Supply & Transport Corporation  
BEST Bhavan, BEST Marg, Post Box No.192,  
Mumbai – 400 001.**

**GROUND**

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant had sought the information relating to supply of Electric Meter to the stores of BEST.

Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant has filed this second appeal before the commission. The appeal was heard on 31.03.2009. The appellant did not turn up but the respondent was present.

After going through the papers I have not been able to understand the precise information sought by the appellant. The respondent however has explained that the information relates to supply of meter to the stores of BEST and the same has been handed over to him. They also point out there was no first appeal filed by the appellant.

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

**Order**

Appeal is disposed off.

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

Place: Mumbai  
Date: 31.03.2009.

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

**Appeal No.2009/1979/02**

**Mr. Vijay Hari Bhosle  
1701, Rambhakunj Methalnagar,  
Ambernath (W) 421 505.**

**... Appellant**

**V/s**

**First Appellate Officer,  
Mumbai Housing Board & Division Board,  
Grihanirman Bhavan, Kalanagar,  
Bandra (E), Mumbai – 400 051.**

**... Respondent**

**Public Information Officer cum Estate Manager,  
Mumbai Housing Board & Division Board,  
Grihanirman Bhavan, Kalanagar,  
Bandra (E), Mumbai – 400 051.**

**GROUNDS**

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant had sought the information relating to room no B7 to 12 at Shivadi, Wadala Dyaneshwer Nagar, Mumbai. The appellant has sought information regarding the original allottees and subsequent transfers.

Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant has filed this second appeal before the commission. The appeal was heard on 26.02.2009. Appellant and respondent were present.

The appellant has contended that the he has been given wrong information.

The respondent's contention is that copies of available information have been furnished.

After going through the case papers and considering the arguments advanced by parties I have come to the conclusion that since the appellant is contesting the authenticity of the information furnished, there is no other way but to offer him inspection of the record which has formed the basis of the information furnished I therefore pass the following order.

**Order**

The appeal is allowed. Appellant to be allowed to inspect documents and copies of selected ones to be furnished within 15 days.

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

Place: Mumbai  
Date: 31.03.2009.

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

Appeal No.2009/1252/02

Mr.Santosh Vasant Bhalerao  
1/18, Police Colony, Karter Rd,  
Bandra (W), Mumbai – 400 050.

... Appellant

V/s

First Appellate Officer cum Secretary  
Maharashtra Public Service Commission  
Bank of India Building,  
Mahatma Gadhi Marg,  
Mumbai – 400 001.

... Respondent

Public Information Officer,  
Maharashtra Public Service Commission  
Bank of India Building,  
Mahatma Gadhi Marg,  
Mumbai – 400 001.

### GROUNDS

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant had sought the information relating to the Police Sub Inspectors Limited Departmental competitive Examination 1998 and the show cause notice to him.

Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant has filed this second appeal before the commission. The appeal was heard on 24.03.2009. The appellant did not turn up but the respondent was present.

The appellant in his appeal has contended that he has been denied the information he has sought. The responder's contention is that since the enquiry is still going on, the information has been denied.

After going through the case papers and considering the arguments advanced by parties I have come to the conclusion that the information has been rightly denied. The first Appellate Authority in his detailed order dated 02.04.2008 given reasons for denial of the information. After careful consideration I come to the conclusion that his order should be confirmed. I therefore pass the following order.

### Order

Appeal is dismissed. The First Appellate Authority's order is confirmed.

(Ramanand Tiwari)  
State Information Commissioner, Mumbai

Place: Mumbai  
Date: 31.03.2009.

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

**Appeal No.2009/1251/02**

**Mr.Ganesh Nathu Chaudhari  
5/11, Snehbandhan Park,  
New Police Colony, Sharnapur,  
Nasik, Dist. Nasik.**

**... Appellant**

**V/s**

**First Appellate Officer cum Secretary  
Maharashtra Public Service Commission  
Bank of India Building,  
Mahatma Gadhi Marg,  
Mumbai – 400 001.**

**... Respondent**

**Public Information Officer,  
Maharashtra Public Service Commission  
Bank of India Building,  
Mahatma Gadhi Marg,  
Mumbai – 400 001.**

**GROUNDS**

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant had sought the information relating to the Police Sub Inspectors Limited Departmental competitive Examination 1998 and the show cause notice to him.

Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant has filed this second appeal before the commission. The appeal was heard on 24.03.2009. The appellant did not turn up but the respondent was present.

The appellant in his appeal has contended that he has been denied the information he has sought. The responder's contention is that since the enquiry is still going on, the information has been denied.

After going through the case papers and considering the arguments advanced by parties I have come to the conclusion that the information has been rightly denied. The first Appellate Authority in his detailed order dated 02.04.2008 given reasons for denial of the information. After careful consideration I come to the conclusion that his order should be confirmed. I therefore pass the following order.

**Order**

Appeal is dismissed. The First Appellate Authority's order is confirmed.

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

Place: Mumbai  
Date: 31.03.2009.

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

**Appeal No.2009/2104/02**

**Mr.Dilipkumar Gaurishankar Agrawal  
Bodwad, Main Rd,  
Dist. Jalgaon.**

... **Appellant**

**V/s**

**First Appellate Officer cum Dy Secretary  
Rural Development Department  
Mumbai – 400 032.**

... **Respondent**

**Public Information Officer cum under Secretary  
Rural Development Department,  
Mantralaya, Mumbai – 400 032.**

**GROUND**

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant had sought the information relating to District Road No 16-A- who is the controller's authority, maps and whether it open for public transport etc.

Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant has filed this second appeal before the commission. The appeal was fixed for hearing on 23.03.2009. Appellant and respondent were present.

It appears from case papers that the PIO by his letter dated 07.03.2007 has informed the appellant that the road belongs to Zilla Parishad and the right person to furnish information will be Chief Executive Officer, Zilla Parishad, Jalgaon. He was also informed that his application was being sent to him and the appellant should get in touch with the CEO Zilla Parishad, Jalgaon. The appellant preferred the first appeal but records do not show whether the First Appellate Authority passed any order.

After going through the case papers and considering the arguments advanced by parties I have come to the conclusion that the information furnished by the PIO is correct. I would however like to record that the CEO, Zilla Parishad, must take up his case and furnish the required information since the appellant's application is already with him. A copy of this order may be sent to him.

**Order**

Appeal is disposed off.

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

Place: Mumbai  
Date: 31.03.2009.

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

Appeal No.2009/2105/02

**Mr.Dilipkumar Gaurishankar Agrawal**  
**Bodwad, Main Rd,**  
**Dist. Jalgaon.**

... **Appellant**

V/s

**First Appellate Officer cum Dy Secretary**  
**General Administrative Department, Desk-5,**  
**1<sup>st</sup> Floor, New Administrative Building,**  
**Mantranaya, Mumbai – 400 032.**

... **Respondent**

**Public Information Officer cum under Secretary**  
**General Administrative Department, Desk-5,**  
**1<sup>st</sup> Floor, New Administrative Building,**  
**Mantranaya, Mumbai – 400 032.**

### GROUNDS

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant had sought the information relating to the working of the State Information Commission and General Administrative Department, Govt. of Maharashtra.

Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant has filed this second appeal before the commission. The appeal was fixed for hearing on 23.03.2009. Appellant and respondent were present.

I have gone through the case papers and come to the conclusion that the appellant has raised genuine concerns and expectation from the commission. The PIO, Information Commission by his letter dated 19.12.2006 has explained to him the working and constraints under which the commission s working. He has also pointed out the deficiencies in his letter which caused difficulty in responding to him. I am satisfied with the reply given by the PIO. The case is therefore closed.

### Order

Appeal is disposed off.

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

Place: Mumbai  
Date: 31.03.2009.



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

**Appeal No.2009/1973/02**

**Mr.Avinash Madhukar Prabhu  
46/D/6, old Chikhalwadi,  
T.J.Rd, Mumbai – 400 007.**

... **Appellant**

**V/s**

**First Appellate Officer cum Dy Chief Engineer,  
MBRRB, MHADA, Dadar, Mumbai 400 014.**

... **Respondent**

**Public Information Officer cum Executive Engineer,  
MBRRB, MHADA, Dadar, Mumbai 400 014.**

**GROUNDS**

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant had sought the information relating to NOC issued for redevelopment of property at CS No.309 Tardeo Division known as old Chikhalwadi, Mumbai.

Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant has filed this second appeal before the commission. The appeal was heard on 26.02.2009. Appellant and respondent were present.

The appellant has contended that he has not been furnished information either by the Chief Officer or by the First Appellate Authority. He has been offered inspection of documents but he is not interested in it.

The respondent's contention is that the appellant has been offered the opportunity of inspecting the relevant file and copies of the selected document can be made available.

After going through the case papers and considering the arguments advanced by parties I have come to the conclusion that the information must be furnished. It is the appellant choice. Moreover if the information sought is clear and straight forward the question of inspection should not arise. In this case, the information sought is not vague and therefore must be provided.

**Order**

The appeal is allowed. Information to be furnished by PIO within 15 days failing which action under section 20 of the RTI Act will be initiated against the PIO.

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

Place: Mumbai  
Date: 31.03.2009.

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

Appeal No.2009/1250/02

Mr.Nivruti Gangaram Pawar,  
1/C/704, Dev Ratn Nagar, Swadeshi Mill,  
Chunabhatti (E), Mumbai – 400 022.

... Appellant

V/s

First Appellate Officer cum Secretary  
Maharashtra Public Service Commission  
Bank of India Building,  
Mahatma Gadhi Marg,  
Mumbai – 400 001.

... Respondent

Public Information Officer Dy Secretary  
Maharashtra Public Service Commission  
Bank of India Building,  
Mahatma Gadhi Marg,  
Mumbai – 400 001.

### GROUNDS

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant has asked information relating to data on hard disc & computer floppies recovered from the accused Shri Farooq Kadge and others and confirmed by the Forensic Laboratory, original answer books and other details. The public Information Officer has denied information on the ground that the Anti corruption Bureau is investigating investigation the case. The appellant is not satisfied and hence this appeal. The appeal was fixed for hearing on 02.03.2009. The appellant did not turn up. The respondent was present. The respondent has made his submission in writing. It has been stated that the ACB is investigating the case and it would not be desirable to furnish the information. I have also examined the case papers. The First Appellate Authority has passed elaborate and detailed order. Since the matter is under investigation, the First Appellate Authority is correct in denying the information. I confirm his order.

### Order

The appeal is disposed off.

(Ramanand Tiwari)  
State Information Commissioner, Mumbai

Place: Mumbai  
Date: 31.03.2009.

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

Appeal No.2009/1852/02

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

... Appellant

V/s

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

... Respondent

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

### GROUNDS

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant had sought the following information relating to KHAIRUL ISLAM HIGHER EDUCATION SOCIETY, Mumbai.

1. All the files containing notices of meetings.
2. The agendas of the meetings.
3. Attendances of the meetings.
4. The minutes of the meetings.

Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant has filed this second appeal before the commission. The appeal was heard on 31.03.2009. Appellant and respondents were present.

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

The respondent's contention is that the trust is not covered under the RTI Act.

After going through the case papers and considering the arguments advanced by parties I have come to the conclusion that since the trust does not receive govt. financial support, it is not covered under the RTI Act. I therefore close the case.

### Order

Appeal is disposed off.

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

Place: Mumbai  
Date: 31.03.2009.

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

**Appeal No.2009/1799/02**

**Shri. Kailas Dangal Patil,  
Flat No.7, Kalpana Nagar,  
Near Police Station,  
Collage Rd, Nashik.**

**... Appellant**

**V/s**

**First Appellate Officer cum Additional Police Superintendent  
Anti Corporation Burro,  
Maharashtra State, Mumbai.**

**... Respondent**

**Public Information Officer cum Dy Police Superintendent  
Anti Corporation Burro, Maharashtra State,  
Madhu Industrial Estate, 1<sup>st</sup> Floor,  
Pandurang Budhakar Marg,  
Parel Mumbai – 400 013.**

**GROUND**

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant had sought the information relating to the complaint made against him by Shri Shelke, Police Inspector, Dindori Police Station (Nashik Rural) and the complaint made by the appellant against Shri B.G. Shekhar, Deputy Commissioner/Suptd of Police Nashik Range.

Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant has filed this second appeal before the commission. The appeal was heard on 22.01.2009. Appellant and respondents were present.

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

The respondent's contention is that as a result of investigation into the complaint and counter complaint a Department Enquiry has been ordered on 16.08.2008. The required information cannot be furnished under section 8(1) of the RTI Act 2005.

After going through the case papers and considering the arguments advanced by parties I have come to the conclusion that the information has been rightly denied. The Act is very clear that if the disclosure is likely to impede the process investigation, the

information need not be furnished. Noting contrary to the order of the First Appellate Authority has been proved. I therefore confirm the order.

**Order**

Appeal is disposed off.

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

Place: Mumbai  
Date: 31.03.2009.

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

Appeal No.2009/1968/02

**Shri.Rajesh Pandurang Thakur**  
**Building No.60/1971,**  
**Neharu Nagar, Kurla (E),**  
**Mumbai 400 024.**

... **Appellant**

V/s

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

... **Respondent**

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

### **GROUND**

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant had sought the information relating to Nehru Nagar Ratnadeep Cooperative Housing Society. The appellant has made a complaint and he has sought information regarding action taken on it.

Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant has filed this second appeal before the commission. The appeal was heard on 26.02.2009. Appellant and respondents were present.

The appellant has contended that he has not been given the information either by the Public Information Officer by the First Appellate Authority. The record also shows that he was called for hearing on 11.11.2008 but no order was passed.

In view of this I pass the following order.

### **Order**

Information as sought in his application dated 19.09.2008 must be furnished within 15 days failing action under section 20 of the RTI will be initiate against the PIO.

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

Place: Mumbai  
Date: 31.03.2009.

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

Appeal No.2009/1539/02

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

... **Appellant**

V/s

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

... **Respondent**

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

### **GROUND**

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant had sought the information relating to the Governing Body Meeting of the Maharashtra College held on 27.02.2008. The appellant has sought attested copies of (1) The notice of the meeting & its circulation attendance (2) Agenda of the meeting (3) Attendance at the meeting minutes of the meeting.

Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant has filed this second appeal before the commission. The appeal was heard on 24.03.2009. Appellant was present but the respondent was absent.

The appellant has contended that these documents are required because the decision to dismiss him from service was taken in this meeting. He has not been given the information so far. Since the respondent was not present it could not be verified. I therefore pass the following order.

### **Order**

The information sought by the appellant to be furnished within 15 days.

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

Place: Mumbai  
Date: 26.03.2009.

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

Appeal No.2009/1540/02

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

... **Appellant**

V/s

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

... **Respondent**

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

### **GROUND**

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant had sought an attested copy of the Phd Degree certificate of the Principal Dr. Shakeel Hurzuk of Maharashtra College Mumbai.

Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant has filed this second appeal before the commission. The appeal was heard on 24.03.2009. Appellant was present but the respondent was absent.

The appellant has contended that the required information has not been furnished since the respondent was absent, it could not be verified. I therefore pass the following order.

### **Order**

The required information should be furnished within 15 days.

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

Place: Mumbai  
Date: 24.03.2009.



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

**Appeal No.2009/1959/02**

**Mr.Dattaram Krushna Pedamkar & Other,  
Mariamma Nagar, Room No.33, M-223,  
Behind Neharu Center, Dr, A.B.Rd, Worli,  
Mumbai – 400 018.**

... **Appellant**

V/s

**First Appellate Officer cum Assit Commissioner,  
Municipal Corporation, G/north Ward Office,  
1<sup>st</sup> Floor, N.M Joshi Marg, Parel,  
Mumbai – 400 013.**

... **Respondent**

**Public Information Officer cum Colony Officer  
Municipal Corporation, G/north Ward Office,  
1<sup>st</sup> Floor, N.M Joshi Marg, Parel,  
Mumbai – 400 013.**

**GROUND**

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant had sought information copies of documents which formed the basis for preparation of annexure II (Mariamma Nagar, Behind Nehru centre, Worli). The PIO by his letter dated 19.09.2008 informed the appellant that he has been given a copy of annexure II and no Photopass was issued during 1995-2008.

The First Appellate Authority by his order dated 25.10.2008 informed the appellant that the document on the basis of the Annexure II was prepared were not available and therefore could not be furnished. He also reiterated that no Photopass have been issued during 1995-2008.

Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant has filed this second appeal before the commission. The appeal was heard on 24.02.2009. Appellant and respondents were present.

The appellant has contended that he has not been furnished the required information. The responded stated that the papers were not available and no Photopass were issued during 1995-2008.

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. if

the annexure II which has been given to the appellant is not according to his expectation, he can take it up with the authority which has prepared the document. No order for correcting or revising the annexure II can be given under RTI Act. I therefore close the case.

**Order**

Appeal is disposed off.

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

Place: Mumbai  
Date: 26.03.2009.

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

**Appeal No.2009/1938/02**

**Mr.D.T. Chafe,  
60-C, Bhupen Chambers,  
4<sup>th</sup> Floor, 9, Dalal Street, Fort,  
Mumbai – 400 001.**

**... Appellant**

**V/s**

**First Appellate Officer,  
Office of the Charity Commissioner,  
Charity Commissioner Bhavan,  
3<sup>rd</sup> Floor, 83, Worli, Mumbai – 400 018.**

**... Respondent**

**Public Information Officer,  
Office of the Charity Commissioner,  
Charity Commissioner Bhavan,  
3<sup>rd</sup> Floor, 83, Worli, Mumbai – 400 018.**

**GROUND**

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant had sought a copy of the five member's committee report which was headed by the Charity Commissioner.

Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant has filed this second appeal before the commission. The appeal was heard on 18.02.2009. Appellant and respondents were present.

The appellant has contended that he has not been furnished the required information. The PIO had sent his application to Asstt Charity Commissioner III who never replied. The First Appellate Authority has not given the information on the ground that there was no such report.

The respondent's contention is that since no report of the committee was available, the question of furnishing the same does not arise. It has also been elaborated by the First Appellate Authority that 5 member committee under the Chairmanship of the Charity Commissioner, Mumbai was appointed to find out how many trusts fall in the category of Wakf for starting the work of Wakf Board established under the Wakf Board Act. He directed the second part of the information should be furnished by the judicial branch of the Charity Commissioner. The Supdt was directed to furnish the same.

After going through the case papers and considering the arguments advanced by parties I have come to the conclusion that since the information does not exist, the question of furnishing the same does not arise. Since Hon High Court has recorded that the committees report be placed on the file of the cases, it should be important to find out whether the report has been placed in the case file before the Hon High Court. The second issue has not been agitated by the appellant during the hearing before the commission. I therefore pass the following order.

**Order**

Appeal is disposed off.

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

Place: Mumbai  
Date: 26.03.2009.

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

**Appeal No.2009/1938/02**

**Mr.D.T. Chafe,  
60-C, Bhupen Chambers,  
4<sup>th</sup> Floor, 9, Dalal Street, Fort,  
Mumbai – 400 001.**

**... Appellant**

**V/s**

**First Appellate Officer,  
Office of the Charity Commissioner,  
Charity Commissioner Bhavan,  
3<sup>rd</sup> Floor, 83, Worli, Mumbai – 400 018.**

**... Respondent**

**Public Information Officer,  
Office of the Charity Commissioner,  
Charity Commissioner Bhavan,  
3<sup>rd</sup> Floor, 83, Worli, Mumbai – 400 018.**

**GROUND**

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant had sought a copy of the five member's committee report which was headed by the Charity Commissions.

Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant has filed this second appeal before the commission. The appeal was heard on 18.02.2009. Appellant and respondents were present.

The appellant has contended that he has not been furnished the required information. The PIO had sent his application to Asstt Charity Commissioner III who never replied. The First Appellate Authority has not given the information on the ground that there was no such report.

The respondent's contention is that since no report of the committee was available, the question of furnishing the same does not arise. It has also been elaborated by the First Appellate Authority that 5 member committee under the Chairmanship of the Charity Commissioner, Mumbai was appointed to find out how many trusts fall in the category of Wakf for starting the work of Wakf Board established under the Wakf Board Act. He directed the second part of the information should be furnished by the judicial branch of the Charity Commissioner. The Supdt was directed to furnish the same.

After going through the case papers and considering the arguments advanced by parties I have come to the conclusion that since the information does not exist, the question of furnishing the same does not arise. Since Hon High Court has recorded that the committees report be placed on the file of the cases, it should be important to find out whether the report has been placed in the case file before the Hon High Court. The second issue has not been agitated by the appellant during the hearing before the commission. I therefore pass the following order.

**Order**

Appeal is disposed off.

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

Place: Mumbai  
Date: 26.03.2009.

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

**Appeal No.2009/1667/02**

**Mr.Mahaveerprasad Saini  
Hotel President, Maharashtra Nagar,  
Bandra (E), Mumbai – 400 051.**

... **Appellant**

**V/s**

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

... **Respondent**

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

**GROUND**

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant had sought the information regarding his complaint against the developer M/s Gajraj Housing Nirman Pvt Ltd. The appellant had through his advocate (petition dated 04.02.2008) had sought cancellation of the sanctioned slum rehabilitation scheme at CTS No 629 Part Kherwadi, Bandra (E), Mumbai.

Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant has filed this second appeal before the commission. The appeal was heard on 25.02.2009. Appellant and respondents were absent.

The appellant has contended that the scheme has been wrongly sanctioned and the area has not been declared a slum without which no scheme under the SRA can be sanctioned.

The respondent's contention is that information has been furnished by the PIO's letter dated 25.01.2008.

After going through the case papers and considering the arguments advanced by parties I have come to the conclusion that the complaint has been made requesting cancellation of the scheme. The PIO has furnished the relevant information. The grievance of the appellant cannot be sorted out at commission's level. He should take up the issue before the appropriate competent authority.

**Order**

Appeal is disposed off.

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

Place: Mumbai  
Date: 26.03.2009.

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

Appeal No.2009/2129/02

Mr.Sudhakar Nitekar, Anil Tharthare  
Shop No.4, Shashtri Nagar,  
Bandra (E), Mumbai – 400 051.

... Appellant

V/s

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

... Respondent

Public Information Officer cum Collector,  
SRA, 5<sup>th</sup> Floor, 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 had sought the information relating to SRA scheme on plot no CTS 629 (part) Village Bandra (E), Mumbai.

Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant has filed this second appeal before the commission. The appeal was heard on 25.03.2009. Appellant and respondents were present.

The appellant has contended that he is not satisfied with information given to him. The respondent contended that he has given the available information. It was finally decided that the appellant should be given the inspection and copies of selected documents should be given to him.

### Order

Appellant to be allowed inspection of document and furnished copies of selected documents within 30 days.

(Ramanand Tiwari)  
State Information Commissioner, Mumbai

Place: Mumbai  
Date: 26.03.2009.



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

**Appeal No.2009/2149/02**

**Mr. Harish Chandu Badekar  
304/7, Tejomay CHS,  
Sector No.3, Charkop,  
Kandivali (W), Mumbai – 400 067.**

**... Appellant**

**V/s**

**First Appellate Officer cum Dy Secretary  
General Administrative Deptt. (14-A)  
Mantralaya, Mumbai – 400 032.**

**... Respondent**

**Public Information Officer cum Under Secretary  
General Administrative Deptt. (14-A)  
Mantralaya, Mumbai – 400 032.**

**GROUND**

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant had sought the information relating to condonation of break in service the basis / file on the basis of which govt. circular dated 06.05.87 was issued and administrative reasons for provisions contained in para 2 & 4.

Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant has filed this second appeal before the commission. The appeal was heard on 26.03.2009. Appellant and respondents were present.

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

The respondent's contention is that required information has been furnished by the PIO as well as the First Appellate Authority in time. The original file from which the circular dated 06.05.87 was issued was not traceable. It has also been contended by them that they are not expected to give their interpretation under the RTI Act.

After going through the case papers and considering the arguments advanced by parties I have come to the conclusion that the required information has been furnished. It is not expected to give ones interpretation under the RTI Act. A copy of the circular

seems to have been provided but the original file was not traceable. The circular dated 06.05.87 explains the procedure for condonation of break. I therefore close the case.

**Order**

Appeal is disposed off.

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

Place: Mumbai  
Date: 30.03.2009.

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

**Appeal No.2009/2148/02**

**Mr. Harish Chandu Badekar  
304/7, Tejomay CHS,  
Sector No.3, Charkop,  
Kandivali (W), Mumbai – 400 067.**

**... Appellant**

**V/s**

**First Appellate Officer cum Dy Secretary  
General Administrative Deptt. (14-A)  
Mantralaya, Mumbai – 400 032.**

**... Respondent**

**Public Information Officer cum Under Secretary  
General Administrative Deptt. (14-A)  
Mantralaya, Mumbai – 400 032.**

**GROUND**

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant had sought the information relating to condonation of break in service the basis / file on the basis of which govt. circular dated 06.05.87 was issued and administrative reasons for provisions contained in para 2 & 4.

Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant has filed this second appeal before the commission. The appeal was heard on 26.03.2009. Appellant and respondents were present.

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

The respondent's contention is that required information has been furnished by the PIO as well as the First Appellate Authority in time. The original file from which the circular dated 06.05.87 was issued was not traceable. It has also been contended by them that they are not expected to give their interpretation under the RTI Act.

After going through the case papers and considering the arguments advanced by parties I have come to the conclusion that the required information has been furnished. It is not expected to give ones interpretation under the RTI Act. A copy of the circular

seems to have been provided but the original file was not traceable. The circular dated 06.05.87 explains the procedure for condonation of break. I therefore close the case.

**Order**

Appeal is disposed off.

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

Place: Mumbai  
Date: 30.03.2009.

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

**Appeal No.2009/2151/02**

**Mrs. Hilda Gonsalves  
Dots, Flat No.402,  
10 St. John Road,  
Pali, Bandra (W),  
Mumbai – 400 050.**

... **Appellant**

V/s

**First Appellate Officer,  
Dy District Registrar of Coop Societies,  
(DDR) Sgri Vikas Rasal,  
Grihanirman Bhavan, Ground Floor,  
Room No.69, Bandra (E), Mumbai – 400 051.**

... **Respondent**

**Public Information Officer,  
Dy Registrar of Coop Societies,  
DrV.S Phad, H/W Ward,  
Sahakar Bazaar Bldg, 4<sup>th</sup> Floor,  
Bandra (W), Mumbai – 400 050.**

**GROUNDS**

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant had sought the information relating to documents submitted at the time of registration of Dots Co-operative Housing Society, Pali, Bandra (W), Mumbai.

Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant has filed this second appeal before the commission. The appeal was heard on 30.03.2009. Appellant was present but the respondent was absent.

The appellant has contended that the documents sought are very important and it is not enough to say that they are not traceable. They should be reconstructed and copies furnished to her.

After going through the case papers and considering the arguments advanced by parties I have come to the conclusion that it is not enough to say that the documents are not traceable. This is the most important document as far as a society is concerned. The PIO will make diligent efforts to trace / reconstruct and inform the commission its outcome by an affidavit.

**Order**

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

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

Place: Mumbai  
Date: 30.03.2009.

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

**Appeal No.2009/1744/02**

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

**... Appellant**

**V/s**

**First Appellate Officer cum Assist. Commissioner,  
Municipal Corporation, R/South Ward Office,  
M.G. Road No.2, Kandivali (W),  
Mumbai – 400 067.**

**... Respondent**

**Public Information Officer cum Assit Engineer (B & F)  
Municipal Corporation, R/South Ward Office,  
M.G. Road No.2, Kandivali (W),  
Mumbai – 400 067.**

**GROUNDS**

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant had sought the information relating to the compound wall and Monsoon shed constructed / erected by Hotel Suruchi, Pure Vegetarian, Anant Apartments and Hotel Delicacy, Pure Vegetarian, Thakur Complex Mumbai 400 101.

Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant has filed this second appeal before the commission. The appeal was heard on 24.03.2009. The appellant did not turn up.

The appellant has contended that he has not got information he had sought.

The respondent's contention is that the PIO by his letter dated 17.07.2008 and the First Appellate Authority by his communication dated 12.09.2008 had sent necessary information to the appellant. The respondent also stated that the unauthorized construction has been removed.

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

**Order**

Appeal is disposed off.

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

Place: Mumbai  
Date: 30.03.2009.

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

Appeal No.2009/2144/02

**Mr. Santosh Mahadev Chikane**  
**Chikne House, Near Municipal Marathi School,**  
**Jakeria Rd, Malad (W), Mumbai – 400 064.**

... **Appellant**

V/s

**First Appellate Officer,**  
**P.D. Lion's College,**  
**Sunder Nagar, Malad (W),**  
**Mumbai – 400 064.**

... **Respondent**

**Public Information Officer,**  
**P.D. Lion's College,**  
**Sunder Nagar, Malad (W),**  
**Mumbai – 400 064.**

### **GROUND**

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant had sought the information relating to no of classes in FYJC Commerce during 2007 to 2008 and if the no of has been reduced the causes there of, no of vacancies during 2008- 2009 and no of seats reserved for members of the Managing committee.

Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant has filed this second appeal before the commission. The appeal was heard on 26.03.2009. Appellant was present but the respondent was absent.

The appellant has contended that he has not been furnished the information despite repeated requests. The respondent was absent so facts could not be verified I therefore pass the following order.

### **Order**

PIO to furnish the required information within 15 days. he should also show cause he should not be find @ Rs.250/- per day under section 20 of the RTI Act for not furnishing the information.

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

Place: Mumbai  
Date: 30.03.2009.

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

Appeal No.2009/1645/02

**Mr. Mukesh Ramani (Director)**  
**Silver Jubilee Traveller Ltd,**  
**Shop No. 5 & 6, Alaukar Bahavn,**  
**Next to Lalit Mahal,**  
**Restaurant, 1132/2 Shivaji Nagar,**  
**Opp. HDFC Bank, Fergusson College Rd,**  
**Pune – 411 016.**

... **Appellant**

V/s

**First Appellate Officer,**  
**Maharashtra Industrial Development Corporation,**  
**Udyog Sarathi, Mahakali Caves rd, Andheri (E),**  
**Mumbai – 400 093.**

... **Respondent**

**Public Information Officer,**  
**Maharashtra Industrial Development Corporation,**  
**Udyog Sarathi, Mahakali Caves rd, Andheri (E),**  
**Mumbai – 400 093.**

#### **GROUND**

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant had sought the information regarding Osmanabed Air Strip tender for setting up a flying Training School / Academy.

Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant has filed this second appeal before the commission. The appeal was heard on 26.03.2009. The appellant did not turn up but the respondent was present.

The appellant has contended that the information was not given to him within 30 days of submission of his application and even after payment of the required amount.

The respondent's contention is that information has been sent by their covering letter dated 30.09.2008 and acknowledgement has also been received.



After going through the case papers and considering the arguments advanced by parties I have come to the conclusion that al though information has been furnished but late even after depositing Rs.110/-. I therefore pass the following order.

**Order**

PIO to show cause why should not fine @ Rs.250/- per day for late furnishing of the required information. His reply to be sent within 15 days.

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

Place: Mumbai  
Date: 30.03.2009.

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

**Appeal No.2009/2122/02**

**Mr.Hiralal Devnath Kumbar  
B-409, Andheri Saibaba CHS,  
Old Nagardas Rd, Andheri (E),  
Mumbai – 400 069.**

... **Appellant**

**V/s**

**First Appellate Officer cum Engineering Division,  
SRA, Bandra (E), Mumbai – 400 051.**

... **Respondent**

**Public Information Officer cum Engineering Sales Division  
SRA, Bandra (E), Mumbai – 400 051.**

### **GROUNDS**

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant had sought the information relating to change in the Rehad Building, Flats and copies of the certificates issued by the architect and Engineering section of the Slum Rehabilitation Authority.

Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant has filed this second appeal before the commission. The appeal was heard on 24.03.2009. Appellant was present but the respondent was absent.

The appellant has contended that he has not been given the information required by him. Since the respondent was not present it could not be verified. I therefore pass the following order.

### **Order**

PIO to furnish the information within 15 days. he should also show cause why action under section 20 of the RTI Act 2005 should not be taken against him.

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

Place: Mumbai  
Date: 30.03.2009.

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

Appeal No.2009/2114/02

**Mr.Kanhiyalal Chabulal Jalgaonkar**  
**12, Anupam Housing Society,**  
**Shinde Nagr, Opp. Dadawadi,**  
**Jalgaon – 425 001.**

... **Appellant**

V/s

**First Appellate Officer cum Secretary**  
**State Election Commissioner,**  
**Mantralay, Mumbai – 400 032.**

... **Respondent**

**Public Information Officer,**  
**State Election Commissioner,**  
**Mantralay, Mumbai – 400 032.**

### **GROUND**

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant has given suggestions for improvement in the system of governance and also how to reform the existing electoral process.

The appeal was fixed for hearing on 23.03.2009. The appellant did not turn up but the respondent was present.

The respondent's contention is that the application was not received in the office of the Election Commission. The question of furnishing the information did not arise.

After going through the case papers and considering the arguments advanced by parties I have come to the conclusion that the case deserves to be closed. No specific information has been sought suggestions for improvements in the existing system are good but do not fall within the purview of Right to Information Act. The application & the first appeal are also not in proper format. I therefore pass the following order.

### **Order**

Appeal is disposed off.

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

Place: Mumbai  
Date: 30.03.2009.

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

Appeal No.2009/1620/02

Mr.Omprakash Bhaurao Chute,  
Flat No.5, Pragati Nagar, Ta. Amadi,  
Dist. Nagapur 441 002.

... Appellant

V/s

First Appellate Officer,  
Office of the Lok Ayukta,  
New Administrative Building,  
Opp. Mantralaya, Mumbai – 400 032.

... Respondent

Public Information Officer,  
Office of the Lok Ayukta,  
New Administrative Building,  
Opp. Mantralaya, Mumbai – 400 032.

**GROUND**

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant had sought the information relating to appointment to the post of from the open category. The appellant says that injustice has been done to him.

Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant has filed this second appeal before the commission. The appeal was heard on 31.01.2009. The appellant did not turn up but the respondent was present.

The appellant has contended that injustice has been done while recruiting from the open category.

Such issues cannot be sorted out under the RTI. The appellant has to approach the competent authority empowered to intervene. I am constrained to close the case.

**Order**

The appeal is disposed off.

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

Place: Mumbai  
Date: 31.03.2009.

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

**Appeal No.2009/2155/02**

**Mr.Dinesh Pandurang Shurkar,  
A-7/13/N.L-2 Sector-1,  
Nerul, Navi, Mumbai – 400 706.**

**... Appellant**

**V/s**

**First Appellate Officer cum Dy Chief Engineer,  
Electric Supply & Transport, Bijlee Bahavan,  
1<sup>st</sup> Floor, Kussara Bunder Rd,  
Mazgaon, Mumbai – 400 010.**

**... Respondent**

**Public Information Officer cum Divisional Engineer  
Electric Supply & Transport, Bijlee Bahavan,  
1<sup>st</sup> Floor, Kussara Bunder Rd,  
Mazgaon, Mumbai – 400 010.**

**GROUNDS**

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant had sought the information regarding cable laying and installation of distribution pillar in slum areas of Dharavi.

Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant has filed this second appeal before the commission. The appeal was heard on 30.03.2009. The respondent was present.

It is revealed from case papers and written submission made by the respondent that the required information has been collected by the appellant. The case is therefore closed.

**Order**

The appeal is disposed off.

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

Place: Mumbai  
Date: 31.03.2009.

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

Appeal No.2009/2152/02

**Mr.Ratan Dattu Dhangar**  
**B-2, Chembur Shri Sidhivinayak Coop. Housing Board,**  
**Mahatma Jyotiba Phule Nagar,**  
**Tilak Nagar, Mumbai – 400 089.**

... Appellant

V/s

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

... Respondent

**Public Information Officer cum Assit Registrar**  
**SRA, 5<sup>th</sup> Floor, 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 had sought the information relating to Sidhivinayak Cooperative Housing Board Society, Mahatma Jyotiba Phulenagar, Tilak Nagar, Chembur, Mumbai. The appellant has sought list of members submitted by the society, copy of the bye law and copy audit report.

Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant has filed this second appeal before the commission. The appeal was heard on 30.03.2009. Appellant was present but the respondent was absent.

The appellant has contended that despite the First Appellant's order, the PIO has not furnished the information. She has requested for penalizing the PIO. Since the respondent was absent it could not be verified. I therefore pass the following order.

### Order

PIO to show cause why he should not be fined @ Rs.250/- per day under section 20 of the RTI Act 2005. His explanation to reach the commission in 3 weeks. Information to be furnished within 3 weeks.

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

Place: Mumbai  
Date: 31.03.2009.

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

Appeal No.2009/2101/02

**Mr.Pravin Mahadev Dali**  
**A/603, Mauli CHS. Ltd,**  
**Near Mitha Municipal School,**  
**Mahatma Gandhi Rd, Goregaon (W),**  
**Mumbai – 400 062.**

... **Appellant**

V/s

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

... **Respondent**

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

### **GROUND**

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant had sought inspection of the file relating to the objections raised by the Accountant General in connection with payment of additional passenger tax and also file regarding notification of amended passenger tax.

Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant has filed this second appeal before the commission. The appeal was heard on 16.03.2009. The appellant did not turn up but the respondent was present.

The appellant has in his appeal stated that he has not been furnished the information. The respondent has made a detailed submission in writing. It has been stated by him that relevant file was shown during the hearing of the first appeal and necessary information has also been furnished. The appellant's acknowledgement is on record.

In the light the above the commission decides to close the case.

### **Order**

The appeal is disposed off.

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

Place: Mumbai  
Date: 31.03.2009.

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

**Appeal No.2009/2121/02**

**Shri. Shakeel Hasan Pathni  
201, Madhu Compound,  
Sonawala X Rd No.2,  
Near Yadav Transport  
Goregaon (E), Mumbai – 400 069.**

**... Appellant**

**V/s**

**First Appellate Officer,  
Municipal Corporation,  
SWD Deptt, K/West Ward,  
Sr. Officer, BMC Bldg, 6<sup>th</sup> Floor,  
Paliram Marg, Andheri (W),  
Mumbai – 400 058.**

**... Respondent**

**Public Information Officer,  
Municipal Corporation,  
SWD Deptt, K/West Ward,  
Sr. Officer, BMC Bldg, 6<sup>th</sup> Floor,  
Paliram Marg, Andheri (W),  
Mumbai – 400 058.**

**GROUND**

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant had sought copies of all correspondence between storm water Drain department & Architect / Developer regarding SRA project at Plot No CTS No.66/ 1 to 5, 65 part, Village Amboli, Andheri, Mumbai.

Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant has filed this second appeal before the commission. The appeal was heard on 24.03.2009. The appellant did not turn up but the respondent was present.

The appellant has contended that the required information has not been furnished. He has also stated that he has not been informed the ground on which the developer was allowed to over the nalla.

The respondent's contention is that the appellant was offered inspection of documents in the storm water Drains department. He was also informed that as far information on nalla is concerned he should get in touch with Executive Engineer central cell SWD, N.M. joshi Marg, Mumbai to whom his application was forwarded.

After going through the case papers and considering the arguments advanced by parties I have come to the conclusion that the appellant should inspect the relevant file



and ask for copies of selected documents. It is not enough to say that he wanted copies all correspondence. The information sought is not clear and the best way to have the information is to inspect the relevant file.

**Order**

Inspection to be allowed within 30 days and copies of selected documented to be furnished.

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

Place: Mumbai  
Date: 31.03.2009.

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

**Appeal No.2009/2115/02**

**Mr.Kanhiyalal Chabulal Jalgaonkar  
12, Anupam Housing Society,  
Shinde Nagr, Opp. Dadawadi,  
Jalgaon – 425 001.**

... **Appellant**

V/s

**First Appellate Officer cum Secretary  
State Election Commissioner,  
Mantralay, Mumbai – 400 032.**

... **Respondent**

**Public Information Officer,  
State Election Commissioner,  
Mantralay, Mumbai – 400 032.**

### **GROUNDS**

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant has given suggestions for improvement in the system of governance and also how to reform the existing electoral process.

The appeal was fixed for hearing on 23.03.2009. The appellant did not turn up but the respondent was present.

The respondent's contention is that the application was not received in the office of the Election Commission. The question of furnishing the information did not arise.

After going through the case papers and considering the arguments advanced by parties I have come to the conclusion that the case deserves to be closed. No specific information has been sought. Suggestions for improvements in the existing system are good but do not fall within the purview of Right to Information Act. The application & the first appeal are also not in proper format. I therefore pass the following order.

### **Order**

Appeal is disposed off.

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

Place: Mumbai  
Date: 30.03.2009.

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

**Appeal No.2009/1985/02**

**Smt. M.M. Warkhandkar  
4 / 94, Sahjivan, Ganesh Nagar,  
Lalbaug, Mumbai – 400 012.**

**.... Appellant**

**V/s**

**First Appellate Officer cum Director,  
Engineering Service & Project,  
Municipal Corporation of Greater Mumbai.  
Head Office, 3<sup>rd</sup> Floor, Mahapalika Marg,  
Fort, Mumbai – 400 001.**

**.... Respondent**

**Public Information Officer cum Chief Officer,  
(Enquiry) Municipal Corporation of Greater Mumbai,  
Head Office, 3<sup>rd</sup> Floor, Mahapalika Marg,  
Fort, Mumbai – 400 001.**

**GROUNDS**

This appeal has been filed under section 19 (3) of the Right to Information Act 2005. The appellant had sought information regarding Shri. Vijay Maruti Jakhani (MLJO) Solid Waste Management, MCGM. The appellant had asked for information whether some action was taken against him for indulging into the business of money lending & also information available with MCGM regarding court cases in this regard. Not satisfied with responses from the Public Information Officer and the First Appellate Authority, the appellant has come in second appeal before the Commission. The appeal was heard on 2.3.2009. Appellant and respondents were present. The appellant stated that information has been denied on the ground that the information sought does not fit into the definition and it is in the form of question. The respondent did not have anything to add. I do not agree with the findings. Answers to hypothetical questions are not expected. Information which is available in material form has to be furnished.

I therefore do not agree with the findings. I pass the following order.

**Order**

The appeal is allowed and order of the First Appellate Authority is set aside.  
The available information relating to enquiry against Shri. Jakhani should be furnished.  
This should be done within 30 days.

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

Place: Mumbai  
Date: 03.03.2009.

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

**Appeal No.2009/1989/02**

**Shri. Jagnarayan M. Kahar  
C.I.T.U., Andheri Centre,  
Bakhtawar Bldg.,  
2<sup>nd</sup> Floor, Andheri (W),  
Mumbai – 400 058.**

**.... Appellant**

**V/s**

**First Appellate Officer cum Chief Transportation Manager,  
Best Undertaking,  
Transport Head Office,  
Administrative Building, 2<sup>nd</sup> Floor,  
Wadala Bus Depot,  
Wadala,  
Mumbai – 400 031.**

**.... Respondent**

**Public Information Officer cum Senior Government Officer,  
(Transport), Best Undertaking,  
Transport Head Office,  
Administrative Building, 2<sup>nd</sup> Floor,  
Wadala Bus Depot,  
Wadala,  
Mumbai – 400 031.**

**GROUNDS**

This appeal has been filed under section 19 (3) of the Right to Information Act 2005. The appellant by his application dated 23.7.2008 had sought information regarding payment of overtime from 1.11.2008 to employees working at Oshiwara Bus Depot. His application / first appeal was rejected because he had asked for future information where as the RTI Act ensures furnishing of available information. The appellant has come in second appeal before the Commission. The appeal was heard on 2.3.2009. Appellant and respondent were present. The appellant submitted that it was a slip of pen on his part and what he wanted was information from November, 2007 to July 2008. The respondents were agreeable to furnish the information.

**Order**

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

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

Place: Mumbai  
Date: 03.03.2009.

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

**Appeal No.2009/1988/02**

**Shri. Jagnarayan M. Kahar  
C.I.T.U., Andheri Centre,  
Bakhtawar Bldg.,  
2<sup>nd</sup> Floor, Andheri (W),  
Mumbai – 400 058.**

**.... Appellant**

**V/s**

**First Appellate Officer cum Chief Transportation Manager,  
Best Undertaking,  
Transport Head Office,  
Administrative Building, 2<sup>nd</sup> Floor,  
Wadala Bus Depot,  
Wadala,  
Mumbai – 400 031.**

**.... Respondent**

**Public Information Officer cum Senior Government Officer,  
(Transport), Best Undertaking,  
Transport Head Office,  
Administrative Building, 2<sup>nd</sup> Floor,  
Wadala Bus Depot,  
Wadala,  
Mumbai – 400 031.**

### **GROUNDS**

This appeal has been filed under section 19 (3) of the Right to Information Act 2005. The appellant had sought information regarding plying of air conditioned bus on route no. 415. He had also asked information on 6 other related points. The appellant was not satisfied with responses from the Public Information Officer and the First Appellate Authority and hence this appeal. The appeal was heard on 2.3.2009. The appellant has stated that the information given was not complete. Respondents submitted that they have given all the required information. They have also made written submission. I have gone through the case papers and also detailed submission made by the respondent. The information furnished is elaborate and exhaustive. I therefore, come to the conclusion that information has been furnished. I pass the following order.

**Order**

The appeal is disposed off.

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

Place: Mumbai  
Date: 03.03.2009.



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

**Appeal No.2009/1984/02**

**Shri. Nitin M. Sarvaiya  
51 / 1119 Aazad Nagar 3,  
Vira Desai Road,  
Andheri (W),  
Mumbai – 400 058.**

**.... Appellant**

**V/s**

**First Appellate Officer cum Estate Manager II,  
Mumbai Housing Area Development Authority,  
Bandra (East),  
Mumbai – 400 051.**

**.... Respondent**

**Public Information Officer cum Estate Manager II,  
Mumbai Housing Area Development Authority,  
Bandra (East),  
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 29.4.2009 had sought information relating to building no. 51, Veera Desai Road, Azad Nagar, Andheri. The Public Information Officer by his reply dated 22.5.2009 furnished the required information. The appellant was not satisfied and preferred the first appeal under section 19 (1) of the Right to Information Act 2005. There is nothing on record to show that the First Appellate Authority has passed any order. Hence this appeal.

The appeal was heard on 2.3.2009. Appellant and respondent were present. The appellant has alleged that the information was incomplete and he never received the copies mentioned in Public Information Officer's letter dated 22.5.2009 (point no. 2). The respondent showed willingness to furnish the information again. Following order is passed.

**Order**

The appeal is partially allowed. Public Information Officer to send a copy of the letter as mentioned in para 2 of his reply dated 22.5.2008.

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

Place: Mumbai  
Date: 03.03.2009.

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

**Appeal No.2009/1983/a/02**

**Shri. Noorul Huda Shamsuddoha  
U.T.No.553, Separate Barrack,  
Ratnagiri Special Prison,  
Ratnagiri,  
M.S. 415612.**

**.... Appellant**

**V/s**

**First Appellate Officer cum Dean  
K.E.M. Hospital,  
Parel,  
Mumbai – 400 012.**

**.... Respondent**

**Public Information Officer cum Dean  
K.E.M. Hospital,  
Parel,  
Mumbai – 400 012.**

**GROUNDS**

This appeal has been filed under section 19 (3) of the Right to Information Act 2005. The appellant had sought copies of his medical report prepared at K.E.M. Hospital, Mumbai. The Public Information Officer, K.E.M. Hospital sent the information but the appellant was not satisfied. He preferred the first appeal under section 19 (1) of the RTI Act 2005. The appellant says no response has been received from the First Appellate Authority and hence this appeal.

The appeal was heard on 2.3.2009. The appellant did not turn up. The respondent was present. It has been submitted by him that the appellant was brought to the hospital by police. He was examined like any other patient and reports / copies have been sent to him at his Arthur Jail address. Appellant does admit having received 3 reports but says he should have been given 12-15 reports. The respondent told the Commission that whatever papers were available have been furnished. He also stated that the hospital treats everyone as a patient and the question of furnishing some reports and retaining some does not arise. In fact the appellant is also not sure and have not indicated specific

reports which have not been given to him. In the light of the above discussion, I conclude that the information has been furnished.

**Order**

The appeal is disposed off.

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

Place: Mumbai  
Date: 03.03.2009.

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

**Appeal No.2009/1986/02**

**Shri. Subhash A. Pawar  
Sir J.J. Institute of Applied Arts,  
Fort, Mumbai – 400 001.**

**.... Appellant**

V/s

**First Appellate Officer cum Prabhari Adhishtata  
Sir J.J. Institute of Applied Arts,  
Fort, Mumbai – 400 001**

**.... Respondent**

**Public Information Officer cum Prabhari Adhishtata  
Sir J.J. Institute of Applied Arts,  
Fort, Mumbai – 400 001**

**GROUND**

This appeal has been filed under section 19 (3) of the Right to Information Act 2005. The appellant had asked for copies abstract of attendance register of students, copies of correspondence made by the administrative office, list of students who were expelled from the college and copies of letters sent to students as per law. The information was sought for the year 2003-2004 till the applicant's application for information. The information was furnished but not in time. This is the main reason of appeal.

The appeal was heard on 2.3.2009. Appellant and respondent were present. As stated earlier, the main contention of the appellant is that information was submitted late. The respondent has pleaded that lack of staff, reluctance on the part of some of the staff members and nature of the information have contributed for the delay. It is admitted that the furnishing of information has been delayed. I pass the following order.

**Order**

The appeal is allowed. The Public Information Officer to explain why action should not be initiated under section 20 of the Right to Information Act for not furnishing

information in time. The explanation should come to the Commission within 30 days.

The appeal is disposed off.

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

Place: Mumbai  
Date: 03.03.2009.

**Shri. Chandu Tulsidas Pahuja**  
**C/603, Atlanta Co-operative Hsg. Socty. Ltd..**  
**Evershine Nagar, Malad Marve Link Road,**  
**Valnai Village, Malad West,**  
**Mumbai – 400 064.**  
V/s

.... Appellant

**First Appellate Officer cum Dy. Registrar**  
**Co-operative Societies, “P” Ward,**  
**Malhotra House, 6<sup>th</sup> Floor,**  
**Opp. G.P.O., Fort,**  
**Mumbai – 400 001.**

.... Respondent

**Public Information Officer cum Hon. Secretary / Chairman,**  
**Atlanta Co-operative Hsg. Socty. Ltd..**  
**Evershine Nagar, Malad Marve Link Road,**  
**Valnai Village, Malad West,**  
**Mumbai – 400 064.**

### GROUNDS

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

1. Certified legible True Copies of very first and last paid Property Tax Bills and Water Bills to Mumbai Municipal Corporation by Atlanta Cooperative Housing Society Ltd.
2. Certified legible True Copy of very first of the Old Registered Bye-Laws in the year 1987-88 of the Society.
3. Legible Certified True Copy of City Survey Plan, Property Card and Occupation Certificate of Atlanta Co-operative Housing Society Ltd.
4. List of Managing Committee Members Elected and co-opted from time to time till date.
5. Certified True Copies of Address and Telephone Numbers of Contractors, Consultants, Office Managers and Staff appointed by Atlanta Co-operative Housing Society Ltd, since 2003 till date.

Not satisfied with responses from the Public Information Officer and the First Appellate Authority, the appellant has come in second appeal before the Commission. The appeal was heard on 17.2.2009. Appellant and respondent were present. The

information sought by the appellant is available at the Society's level. The Maharashtra Co-operative Societies Act 1960 gives enough powers to the District Deputy Registrar to force societies to meet legitimate demands of members. The issues whether Societies come under the RTI Act has not been finally decided. The Hon. Karnataka High Court in its judgment in writ petition no. 16901 / 2006 (GM RES) has held that solely on the basis of supervision and control by the Registrar of Societies, a society cannot be termed as public authority. So as to include a Society, within the definition of the term 'Public Authority' it should fulfill the conditions stipulated in such clause (d) of clause (b) of section 2 of the RTI Act. We at the Commission however have devised a via media the information which is held by the office of the Deputy Registrar or should have been held by him can be accessed. The information sought by the appellant obviously does not fit into the category. Property tax, addresses and telephone no. of members, occupation certificate etc. The appellant however can approach the Deputy Registrar under the Maharashtra Co-operative Societies Act 1960 which sufficiently arms the Deputy Registrar to provide relief to Society members. I therefore, pass the following order.

**Order**

The appeal is disallowed.

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

Place: Mumbai  
Date: 03.03.2009.



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

**Appeal No.2009/1992/02**

**Shri. Satish Ramchandra Rane  
Peru Chawl, 1<sup>st</sup> Floor, Room No. 27,  
Lalbaug, Mumbai – 400 012.**

**.... Appellant**

**V/s**

**First Appellate Officer cum Chief Fire Officer,  
Municipal Corporation Of Greater Mumbai,  
Mumbai Fire Brigade,  
Mumbai.**

**.... Respondent**

**Public Information Officer cum Chief Fire Officer,  
Municipal Corporation Of Greater Mumbai,  
Mumbai Fire Brigade,  
Mumbai.**

### **GROUND**

This appeal has been filed under section 19 (3) of the Right to Information Act 2005. The appellant had sought information regarding inquiries against Shri. Devidas Madhukar Lokhande, Fire Service of MCGM. 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 fixed for hearing on 2.3.2009. The appellant did not turn up. The respondent was present. He has submitted a copy of the letter dated 13.8.2008. The letter is from the Asstt. Public Information Officer and addressed to the appellant. It has given details of enquiries and punishment awarded to Mr. Lokhande. In view of this, I conclude that information has been furnished and the case is closed.

### **Order**

The appeal is disposed off.

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

Place: Mumbai  
Date: 03.03.2009.

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

**Appeal No.2009/1987/02**

**Shri. Jaan Mohammad Gulam Mohammad Khan  
C/o. Plot No. 27/A/46-47 (Road No. 2),  
Shivaji Nagar, Gowandi,  
Mumbai – 400 043.**

**.... Appellant**

**V/s**

**First Appellate Officer cum Jt. Municipal Commissioner (I),  
(Sudhar) Municipal Corporation of Greater Mumbai,  
Head Office, Ext. Bldg., 3<sup>rd</sup> Floor,  
Mahapalika Marg, Fort,  
Mumbai – 400 001.**

**.... Respondent**

**Public Information Officer cum  
TAVO, Municipal Corporation of Greater Mumbai,  
Room No.211, 2<sup>nd</sup> Floor, Ext. Bldg.,  
Head Office, Fort,  
Mumbai – 400 001.**

### **GROUNDS**

This appeal has been filed under section 19 (3) of the Right to Information Act 2005. The appellant is one of the persons whose structures were affected because of training of Rafi Nagar Nulla. The appellant was offered a pitch but the same was encroached by another person. The MCGM allotted to him another plot. The appellant however, wanted a photo pass which was denied saying that while structure was protected, he is not entitled to have a photo pass. The appeal was heard on 2.3.2009. Appellant and respondent were present. The respondents have conducted an enquiry into the allegations made by the appellant. They have obtained Municipal Commissioner's order and the same has been communicated. A copy of the report was also furnished to him. The appellant is still not satisfied and fears that MCGM may remove him at will. He wants to be assured that his structure will remain protected. The formal allotment letter has been issued to him. He has also pointed that enquiry officer has remarked that his structure is illegal and should be removed.

I have gone through the entire file and also listened to parties. Since the appellant has been formally allotted pitch no.28, the question of his being illegally does not arise. The enquiry officer said that the remark was because of the fact that allotment letter was not shown to him. The remark thus becomes infructuous and invalid. Since it has

already been admitted that his structure is protected, I see no reason for him to worry. The officials present also assured him that he would get the same protection and treatment as other allottees. In the light the above discussion, the case is closed.

**Order**

The appeal is disposed off.

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

Place: Mumbai  
Date: 03.03.2009.

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

**Appeal No.2009/2011/02**

**Shri. Arun Ganpat Bhowar  
A / 603, Sai Aashih,  
Near Jankalyan Bank,  
Station Road, Vikroli,  
Mumbai – 400 083.**

**.... Appellant**

**V/s**

**First Appellate Officer cum Dy. Registrar,  
Co-operative Societies,  
Mumbai Housing Area Development Authority,  
Grihnirman Bhavan,  
Bandra (E),  
Mumbai – 400 083.**

**.... Respondent**

**Public Information Officer cum Secretary,  
Arun Niwara Co-operative Housing Society Ltd.,  
Bldg. No. 167, Kannamwar Nagar No. 1,  
Vikroli (E),  
Mumbai – 400 083.**

### **GROUND**

This appeal has been filed under section 19 (3) of the Right to Information Act 2005. The appellant had sought certain information from Arun Niwas Co-operative Housing Society Ltd., Kannamwar Nagar, Vikroli. There is nothing on record to show that any information was passed on to the appellant. The appellant approached the First Appellate Authority but no order seems to have been passed. The appeal was heard on 4.3.2009. Appellant and respondents were present.

The appellant had approached the society under section 6(1) of the Right to Information Act. He preferred first appeal before the Deputy Registrar. He has approached the Commission in the second appeal. The society has not been designated as Public Information Authority. Then the first appeal and again the second appeal are not in order and hence not tenable. Since the first application under RTI was presented to society which has not been designated as Public Information Authority by the competent

authority, the question of second appeal does not arise. I therefore, pass the following order.

**Order**

The appeal is dismissed.

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

Place: Mumbai  
Date: 04.3.2009.

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

**Appeal No.2009/2009/02**

**Shri. Bhushan Bhagwandas Ghodi (Patel)  
Bhagwandas House, C/16, Chincholi Bandar Road,  
Malad (West),  
Mumbai – 400 064.**

**.... Appellant**

**V/s**

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

**.... Respondent**

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

**GROUND**

This appeal has been filed under section 19 (3) of the Right to Information Act 2005. The appellant had wanted to know whether any redevelopment scheme on his property CTS 1061, Part 1 to 22 Survey No. 448 / 2, CTS No.1060 part 1 to 13 Survey no. 448/3, CTS 1135 Survey No. 440 Part I has been sanctioned. He was not satisfied with responses from the Public Information Officer and the First Appellate Authority and hence this appeal. The appeal was heard on 4.3.2009. The appellant did not turn up. The respondent was present. He has stated that no scheme has been sanctioned on those CTS / SN as mentioned by the appellant. It is not enough to inform the Commission, the appellant must be informed. I therefore, pass the following order.

**Order**

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

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

Place: Mumbai  
Date: 04.3.2009.

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

**Appeal No.2009/2006/02**

**Shri. Shekhar Kashinath L. Kapure  
59, Ambedkar Sadan,  
Curry Road,  
Mumbai – 400 013.**

**. ... Appellant**

**V/s**

**First Appellate Officer cum Asstt. Commissioner  
Municipal Corporation of Greater Mumbai,  
“L” Ward, Kurla,  
Mumbai – 400 070.**

**.... Respondent**

**Public Information Officer Senior Inspector Licenses  
License Department,  
394 Section,  
Municipal Corporation of Greater Mumbai,  
“L” Ward, Kurla,  
Mumbai – 400 070.**

**GROUNDS**

This appeal has been filed under section 19 (3) of the Right to Information Act 2005. The appellant had asked for copies of documents submitted by the management of Sai Enterprises for obtaining license under section 394 of BMC Act. Not satisfied with responses from the Public Information Officer and the First Appellate Authority, the appellant has preferred this second appeal before the Commission. The appeal was heard on 4.3.2009. Appellant and respondents were present. The appellant has stated that he has not been given complete information. The respondent stated that they granted license in 2002 and necessary copies have been provided to the appellant. The appellant however has pointed out that the owners of Sai Enterprises in their application for license under section 394 of the BMC Act have mentioned that they were doing business at the premises since 1991. The respondent's response was that they are having information and related papers from 2002 although Sai Enterprises might be running business unauthorisedly. They have stated that they have no papers / documents of 1991.

I have gone through the case papers and also considered the arguments advanced by parties. The fact that applicant mentioned that he was doing business since 1991 does not make it necessary that he must have applied for license. The license department will have documents only when someone approaches them for a license. The appellant's contention that because the applicant claims to be doing business since 1991 and

therefore the license department must be having related papers is not correct. If papers from 2002 have been furnished, I see no reason to deny papers of 1991. I accept respondent's contention. In the light of above discussion I come to the conclusion that available information has been furnished. I decide to close the case.

**Order**

The appeal is disposed off.

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

Place: Mumbai  
Date: 04.3.2009.



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

**Appeal No.2009/2003/02**

**Shri. Shekhar Kashinath L. Kapure  
59, Ambedkar Sadan,  
Curry Road,  
Mumbai – 400 013.**

**. ... Appellant**

**V/s**

**First Appellate Officer cum Asstt. Commissioner  
Municipal Corporation of Greater Mumbai,  
“L” Ward,  
Kurla, Mumbai – 400 070.**

**.... Respondent**

**Public Information Officer cum Engineer  
Building & Factory,  
Municipal Corporation of Greater Mumbai,  
“L” Ward,  
Kurla, Mumbai – 400 070.**

**GROUNDS**

This appeal has been filed under section 19 (3) of the Right to Information Act 2005. Shri. Shekhar Kashinath Kapure had sought information whether permit under section 390 of the BMC Act has been given to M/s. Sai Enterprises. The Asstt. Commissioner by his order dated 30.8.2008 informed him permit under section 390 has not been given to Sai Enterprises. The appellant however has quoted your report saying that the permit was shown to you during your inspection. This to be clarified. It is therefore, requested that kindly attend this office on 30.4.2009 at 4.00 p.m. along with relevant papers. Failure to appear may lead to issuance summons under the Right to Information Act.

**Order**

The appeal is disposed off.

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

Place: Mumbai  
Date: 04.3.2009.

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

**Appeal No.2009/2015/02**

**Shri. Leslie Almeida  
"Casa Almeida" Flat 103,  
1, St. Joseph Road, Off St. Paul Rd.,  
Bandra (W),  
Mumbai – 400 050.**

**. . . . Appellant**

**V/s**

**First Appellate Officer cum Divisional Dist. Registrar,  
Co-operatives Societies,  
Grihnirman Bhavan (MHADA Bldg.),  
Ground floor, Room No. 69,  
Bandra (East),  
Mumbai – 400 051.**

**.... Respondent**

**Public Information Officer cum Dy. Registrar,  
Cooperatives Societies,  
Grihnirman Bhavan (MHADA Bldg.),  
Ground floor, Room No. 69,  
Bandra (East),  
Mumbai – 400 051.**

**GROUNDS**

This appeal has been filed under section 19 (3) of the Right to Information Act 2005. The appellant had sought certain information from Salsette Catholic Co-operative Housing Society. The Deputy Registrar Co-operative Society, H /West, Mumbai passed an order under, section 7(92) (A) of the Maharashtra Co-operative Societies Act 1960. The appellant has sought information regarding its compliance. He was not satisfied with responses from the Public Information Officer or the First Appellate Authority and hence this appeal. These appeals were heard on 4.3.2009. Appellant and respondent were present. The appellant has stated that since the Deputy Registrar has passed an order in his favour, he should know the status of compliance. He was also emphatic that the First Appellate Authority also directed 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 must be provided. I therefore, pass the following order.

**Order**

The appeal is allowed. Public Information Officer to furnish the information required by the appellant within 15 days.

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

Place: Mumbai  
Date: 05.3.2009.

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

**Appeal No.2009/2012/02**

**Smt. Leena Rao  
1403, Cascade – I, Kulupwadi,  
Borivali (East),  
Mumbai – 400 066.**

**.... Appellant**

**V/s**

**First Appellate Officer cum Registrar,  
University of Mumbai,  
Fort Campus,  
Mumbai – 400 032.**

**.... Respondent**

**Public Information Officer  
University of Mumbai,  
Fort Campus,  
Mumbai – 400 032.**

**GROUNDS**

This appeal has been filed under section 19 (3) of the Right to Information Act 2005. The appellant had asked for a copy of the list of examiners in order of seniority in the subject of Chemistry for M.Sc. (Organic) and B.Sc. (Chemistry) sent by SIES College of Arts, Science and Commerce, Sion (West), Mumbai. The appellant has been denied the information because it was treated as confidential. Hence this appeal. The appeal was heard on 4.3.2009. The appellant was present. Respondents were absent. The main point in the appeal is whether the information sought can be treated as confidential. The reference to section 8(d) is not relevant. Everything that we do not want others to know is marked confidential. The regime of Right to Information has changed all that. In this case the college has sent list of persons who can be considered for examinership. Nobody is asking the list which the university has finalised. The appellant is asking for the list which her college has sent. I see no confidentiality in it. The appellant has to get it. I pass the following order.

**Order**

The Public Information Officer to furnish the information sought by the appellant within 15 days.

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

Place: Mumbai  
Date: 05.3.2009.

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

Appeal No.2009/2018/02

Shri. Vijay Jaiswal,  
35, Kanta Niwas, D.J.Road,  
Vile Parle (W),  
Mumbai – 400 056.

. ... Appellant

V/s

First Appellate Officer cum City Survey Officer,  
City Survey Department  
S.V.Road,  
Municipal Corporation of Greater Mumbai  
Motor Garage Camp,  
Santacruz,  
Mumbai – 400 054.

.... Respondent

Public Information Officer cum The Sr. State Information Officer,  
City Survey Department  
S.V.Road,  
Municipal Corporation of Greater Mumbai  
Motor Garage Camp,  
Santacruz,  
Mumbai – 400 054.

### GROUNDS

This appeal has been filed under section 19 (3) of the Right to Information Act 2005. The hearing was fixed on 5.3.2009. The appellant however has submitted his application stating therein that he wanted to withdraw his appeal. The request is granted.

### Order

The appeal is disposed off.

(Ramanand Tiwari)  
State Information Commissioner, Mumbai

Place: Mumbai  
Date: 05.3.2009.

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

**Appeal No.2009/1237/02**

**Shri. Rajendra Panditrao Mali  
C – 3, Bachat Sarita Building,  
Civil Hudco, Tarakpur,  
Tal. Dist. – Ahmednagar.**

**. ... Appellant**

**V/s**

**First Appellate Officer cum Secretary,  
Maharashtra Public Service Commission,  
Bank of India Bldg., Mahatma Gandhi Marg,  
Mumbai – 400 001.**

**.... Respondent**

**Public Information Officer Dy. Secretary,  
Maharashtra Public Service Commission,  
Bank of India Bldg., Mahatma Gandhi Marg,  
Mumbai – 400 001.**

**GROUND**

This appeal has been filed under section 19 (3) of the Right to Information Act 2005. The appellant had sought certain information from the Maharashtra Public Service Commission. The information has been denied on the ground that the Anti Corruption Bureau is investigating the case. The appellant has filed appeal against these orders. The appeal was fixed for hearing on 2.3.2009. The appellant did not turn up. The respondent was present. I have gone through the case papers. The First Appellate Authority has passed a reasoned order. It is a fact that the ACB is still investigating the case. The request has been rightly denied. There is no need to interfere with the order of the First Appellate Authority.

**Order**

The appeal is disposed off.

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

Place: Mumbai  
Date: 05.3.2009.

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

Appeal No.2009/2030/02

**Shri. Leslie Almeida**  
"Casa Almeida" Flat 103,  
1, St. Joseph Road, Off St. Paul Rd.,  
Bandra (W),  
Mumbai – 400 050.

. ... Appellant

V/s

**First Appellate Officer cum Divisional Dist. Registrar,**  
**Co-operatives Societies,**  
**Grihnirman Bhavan (MHADA Bldg.),**  
**Ground floor, Room No. 69,**  
**Bandra (East),**  
**Mumbai – 400 051.**

.... Respondent

**Public Information Officer cum Dy. Registrar,**  
**Cooperatives Societies,**  
**H/W Ward, Sahakar Bazar Building,**  
**4<sup>th</sup> Floor, Bandra (W),**  
**Mumbai – 400 050.**

### **GROUNDS**

This appeal has been filed under section 19 (3) of the Right to Information Act 2005. The appellant had sought information regarding his case – Leslie Almeida V/s Salsette Catholic Co-operative Society. Not satisfied with responses from the Public Information Officer and the First Appellate Authority, the appellant has in 2<sup>nd</sup> appeal before the Commission. The appeal was heard on 5.3.2009. Appellant and respondent were present. I have gone through the case papers and also considered the arguments advanced by parties. The information sought has to be provided. I therefore, pass the following order.

### **Order**

The appeal is allowed. Public Information Officer to furnish the information required by the appellant within 15 days.

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

Place: Mumbai  
Date: 06.3.2009.



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

**Appeal No.2009/2031/02**

**Shri. Leslie Almeida  
"Casa Almeida" Flat 103,  
1, St. Joseph Road, Off St. Paul Rd.,  
Bandra (W),  
Mumbai – 400 050.**

**. ... Appellant**

**V/s**

**First Appellate Officer cum Divisional Dist. Registrar,  
Co-operatives Societies,  
Grihnirman Bhavan (MHADA Bldg.),  
Ground floor, Room No. 69,  
Bandra (East),  
Mumbai – 400 051.**

**.... Respondent**

**Public Information Officer cum Dy. Registrar,  
Cooperatives Societies,  
H/W Ward, Sahakar Bazar Building,  
4<sup>th</sup> Floor, Bandra (W),  
Mumbai – 400 050.**

**GROUNDS**

This appeal has been filed under section 19 (3) of the Right to Information Act 2005. The appellant by his application dated 17.6.2008 had sought information regarding case file Leslie Almeida V/s Salsette Catholic Co-operative Society. He also wanted to know what action has been taken against the society and if no action has been taken, reasons for not taking action. Not satisfied with responses from the Public Information Officer and the First Appellate Authority, the appellant has preferred this second appeal before the Commission. The appeal was heard on 5.3.2009. Appellant and respondent were present. The appellant has stated that despite order from the First Appellate Authority, no information has been received by him. The respondent did not have much to say. After going through the case papers and considering the arguments advanced by parties. I have come to the conclusion that information must be furnished. I therefore, pass the following order.

**Order**

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

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

Place: Mumbai  
Date: 06.3.2009.

**Shri. Chandu Tulsidas Pahuja**  
**C/603, Atlanta Co-operative Hsg. Socty. Ltd..**  
**Evershine Nagar, Malad Marve Link Road,**  
**Valnai Village, Malad West,**  
**Mumbai – 400 064.**  
V/s

.... Appellant

**First Appellate Officer cum Dy. Registrar**  
**Co-operative Societies, “P” Ward,**  
**Malhotra House, 6<sup>th</sup> Floor,**  
**Opp. G.P.O., Fort,**  
**Mumbai – 400 001.**

.... Respondent

**Public Information Officer cum Hon. Secretary / Chairman,**  
**Atlanta Co-operative Hsg. Socty. Ltd..**  
**Evershine Nagar, Malad Marve Link Road,**  
**Valnai Village, Malad West,**  
**Mumbai – 400 064.**

### **GROUNDS**

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

- 1) Required Certificate True Copy of Resolution Passed in the Annual General Meeting of Atlanta Co-operative Housing Ltd., held on 14<sup>th</sup> August 2005.
- 2) How much amount has been spent on Major Repairs since April 2004 till date and how much amount has been collected from each of Member on Sq. Ft. basis, furnish detail along with certified True abstract of the up to date bills of the contractors involved in the Major Repairs of the Society Buildings?
- 3) Whether Permission for Major Repairs has been obtained from Mumbai Municipal Corporation through concerned department?, if yes please furnish me the Certified True Copy of the Application made by the License Structural Engineer appointed by the Society, also Certified True Copy of the Permission granted by the Mumbai Municipal Corporation “P” Ward, Mumbai For allowing you for Major Repairs.

- 4) Whether Buildings of Atlanta Co-operative Housing Society Ltd., areas per BMC Approved Plans i.e. Structural, Elevation, Room Layout Open Space around the Buildings, Common area, Garden recreation, Common Terraces on all levels of the Society Buildings?
- 5) Whether Society Land is lease hold or Free hold? Please give clarifications with concerned documents (Certified True, signed and sealed by Hon. Secretary of the society).

Not satisfied with responses from the Public Information Officer and the First Appellate Authority, he has preferred second appeal before the Commission. The appeal was heard on 17.2.2009. Appellant and respondents were present. It is seen from case papers that the appellant sought information from the society by his letter dated 3.7.2008. The appellant says that he received a reply through society's advocate saying that societies are not covered under RTI Act 2005. The appellant filed the first appeal under section 19(1) of the RTI Act. It seems that the First Appellate Authority has not passed any order. The appellant has requested for penal action against him. The issue whether cooperative societies come under the RTI Act or not has not been finally settled. The Hon'ble Karnataka High Court in its judgment in writ petition no. 16901 / 2006 (GM RES) has held that solely on the basis of supervision and control by the Registrar of Societies, a society cannot be termed as public authority. So as to include a Society, within the definition of the term 'Public Authority' it should fulfill the conditions stipulated in sub clause (d) of clause (b) of section 2 of the RTI Act. We at the Commission, however, have devised a via media – the information which is held by the office of the Deputy Registrar or should have been held by him can be accessed. The information sought by the appellant obviously does not fit into the category. Property tax, addresses and telephone no. of members, occupation certificate etc. are available at society's level. The appellant however can approach the Deputy Registrar under the Maharashtra Co-operative Societies Act 1960 which sufficiently arms the Deputy Registrar to provide relief to Society members. I therefore, pass the following order.

**Order**

The appeal is disallowed.

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

Place: Mumbai  
Date: 06.03.2009.

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

**Appeal No.2009/2039/02**

**Shri.Nasir M.Shaikh  
H – 145, Rafi Nagar, Shivaji Nagar,  
Gowandi, Mumbai – 400 043.**

**.... Appellant**

**V/s**

**First Appellate Officer cum Asstt. Commissioner,  
Municipal Corporation of Greater Mumbai,  
Office of the M / East Ward bldg.,  
Mumbai**

**.... Respondent**

**Public Information Officer cum District Dy. Collector,  
Welfare Centre Bldg., P.Y. Thorat Marg,  
Near Chembur Railway Station,  
Chembur (W),  
Mumbai – 400 089.**

**GROUND**

This appeal has been filed under section 19 (3) of the Right to Information Act 2005. The appellant had sought the information regarding zopadpatti survey form no. 1517328 whether this form was with the Mumbai Municipal Council and other related issues. The Public Information Officer by his letter dated 1.12.2008 informed him that his form has been sent to ward office M East). The Asstt. Commissioner M (East) however has informed him that the form was not available in his office.

Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant has filed this second appeal before the Commission. The appeal was heard on 9.3.2009. The appellant did not turn up but the respondent was present. The appellant has contended that the information has not been furnished to him.

The respondent's contention is that appellant's form has been sent to the ward office M (East). He has stated that this survey was conducted on Municipal Land and because of change in the policy the whole set of documents was sent to the ward M (East). He has produced copies of some document which show that appellant's application was incomplete and sent to the ward office.

After going through the case papers and considering the arguments advanced by parties. It is revealed that these are two versions-tahsildar says, records have been sent but the Asstt. Commissioner says they are not with him. Both versions cannot be true. Since the tahsildar has submitted some papers to the Commission, I am inclined to direct

the Asstt. Commissioner to look into his records more carefully otherwise he may be held responsible for furnishing wrong information.

**Order**

The appeal is allowed. The tahsildar will send a set of documents to the Asstt. Commissioner M (East) who will thoroughly search his record collect the relevant information and furnish to the appellant in 45 days.

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

Place: Mumbai  
Date: 09.03.2009.

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

**Appeal No.2009/2041/02**

**Shri. Hurbert James Misquitta  
A – 501, Gokul Divine C.H.S.Ltd.,  
'James Wadi', Off S.V.Road, Irla,  
Vile-Parle (West),  
Mumbai – 400 056.**

**.... Appellant**

**V/s**

**First Appellate Officer cum District Sub-Registrar,  
Co-Op. Society (3), Room No. 69,  
Ground Floor, Grihnirman Bhuvan,  
Bandra (E), Mumbai – 400 051.**

**.... Respondent**

**Public Information Officer cum Dy. Registrar,  
Co-Op. Society (3), Room No. 69,  
Ground Floor, Grihnirman Bhuvan,  
Bandra (E), Mumbai – 400 051.**

**GROUNDS**

This appeal has been filed under section 19 (3) of the Right to Information Act 2005. The appellant had sought Certified Copies of all Meetings of Managing Committee & Certified Copies of all payments made to various parties by cash or cheque by Gokul Divine CHS Ltd. Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant has filed this second appeal before the Commission. The appeal was heard on 9.3.2009. Appellant and respondents were present. The appellant has contended that the information sought has not been provided. The respondent's contention is that the information is available with the society and appellant should collect from there.

After going through the case papers and considering the arguments advanced by parties I have come to the conclusion that the required information is not available with the Public Information Officer. The Maharashtra Co-operative Societies Act 1960 empowers the District Deputy Registrar to provide relief to members of societies. I therefore, pass the following order.

**Order**

The appeal is disposed off. The Deputy Registrar should provide relief to the appellant under Maharashtra Co-operative Societies Act 1960.

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

Place: Mumbai  
Date: 09.03.2009.



**Shri. Hurbert James Misquitta  
A – 501, Gokul Divine C.H.S.Ltd.,  
'James Wadi', Off S.V.Road, Irla,  
Vile-Parle (West),  
Mumbai – 400 056.**

**.... Appellant**

**V/s**

**First Appellate Officer cum District Sub-Registrar,  
Co-Op. Society (3), Room No. 69,  
Ground Floor, Grihnirman Bhuvan,  
Bandra (E), Mumbai – 400 051.**

**.... Respondent**

**Public Information Officer cum Dy. Registrar,  
Co-Op. Society (3), Room No. 69,  
Ground Floor, Grihnirman Bhuvan,  
Bandra (E), Mumbai – 400 051.**

### **GROUNDS**

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

- a) What is the percentage for Non-Occupancy Charges levied by the Society and whether it is calculated on basis of maintenance charges or service charges?
- b) Certified copy of List of Parkings in the building, both stilt parking & open parking.
- c) Which parkings have been transferred, from & to whom, by the Society from the formation of Society till date.

Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant has filed this second appeal before the Commission. The appeal was heard on 9.3.2009.

Appellant and respondents were present. The appellant has contended that he has still not been furnished the information. The respondent's contention is that this information is available at society's level and the appellant should obtain from these.

After going through the case papers and considering the arguments advanced by parties it is revealed that the society is not furnishing the information. Since society have

not been designated as Public Authorities it is not possible for the Commission to intervene directly. The Commission however, is of the view that the information on point no.1 may be furnished to the appellant. I therefore, pass the following order.

**Order**

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

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

Place: Mumbai  
Date: 09.03.2009.

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

**Appeal No.2009/2026/02**

**Shri. Mohammed Nasir Mohammed Jahir Shaikh  
Haji Yasin Chawl, Andheri Plot,  
Jogeshwari (East),  
Mumbai – 400 060.**

**.... Appellant**

**V/s**

**First Appellate Officer cum Asstt. Commissioner,  
Municipal Corporation of Greater Mumbai,  
K / West Ward Office Bldg., 2<sup>nd</sup> Floor,  
Paliram Path,  
Andheri (W),  
Mumbai – 400 053.**

**.... Respondent**

**Public Information Officer cum Asstt. Engineer,  
Building & Factories,  
Municipal Corporation of Greater Mumbai,  
K / West Ward Office Bldg., 2<sup>nd</sup> Floor,  
Paliram Path,  
Andheri (W),  
Mumbai – 400 053.**

**GROUNDS**

This appeal has been filed under section 19 (3) of the Right to Information Act 2005. The appellant had sought a certified copy of the complaint made against encroachment by Mrs. Shehnaz Khan. The appellant also wanted to know details of action taken.

Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant has filed this second appeal before the Commission. The appeal was heard on 5.3.2009.

Appellant and respondents were present. The appellant has contended that he has received a copy of the complaint made by Shri. Pir Mohammed against Mohammed Kalim and not Mrs. Shehnaz Khan as requested. The notice by MCGM was issued in the name of Shehnaz Khan.

After going through the case papers and considering the arguments advanced by parties it is revealed that the notice was served to Shehnaz Khan and structure demolished although the complaint was against Kalim Mohammed. It is nobody's case that authorised structure has been demolished. The appellant's argument that complaint was received on 6.8.2007 and notice issued on 7.8.2007. He suspected some conspiracy.

Nobody can be hauled up for being prompt. Technically, there was no complaint against Shehnaz Khan. In view of the fact that unauthorised structure has been demolished after service of notice I am of the view that the case should be closed. It is not correct to conclude that the unauthorised structure was demolished without complaint and hence it is wrong. I pass the following order.

**Order**

The appeal is disallowed.

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

Place: Mumbai  
Date: 09.03.2009.

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

**Appeal No.2009/2034/02**

**Shri. Leslie Almeida  
"Casa Almeida" Flat 103,  
1, St. Joseph Road, Off St. Paul Rd.,  
Bandra (W),  
Mumbai – 400 050.**

**.... Appellant**

**V/s**

**First Appellate Officer cum Divisional Dist. Registrar,  
Co-operatives Societies,  
Grihnirman Bhavan (MHADA Bldg.),  
Ground floor, Room No. 69,  
Bandra (East),  
Mumbai – 400 051.**

**.... Respondent**

**Public Information Officer cum Dy. Registrar,  
Cooperatives Societies,  
Grihnirman Bhavan (MHADA Bldg.),  
Ground floor, Room No. 69,  
Bandra (East),  
Mumbai – 400 051.**

**GROUNDS**

This appeal has been filed under section 19 (3) of the Right to Information Act 2005. The appellant had sought the information relating to his complaint dated 22.1.2007 and action taken on his complaint. Not satisfied with responses from Public Information Officer and the First Appellate Authority the appellant has filed this second appeal before the commission. The appeal was heard on 9.3.2009. The appellant did not turn. Respondents were present. He has not been informed what action has been taken on his complaint against the Salsette Catholic Co-operative Housing Society. He has also pleaded for action against the Public Information Officer. The respondent contention is that action has already been initiated 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 information has been furnished. Action has already been initiated. The Public Information Officer informs the appellant about the latest position. Action against societies has a long process and it is not possible to monitor under the RTI Act. The Maharashtra Cooperative Societies Act is sufficiently equipped to provide relief to members of Cooperative Societies.

**Order**

The appeal is disallowed.

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

Place: Mumbai  
Date: 09.03.2009.

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

**Appeal No.2009/2033/02**

**Shri. Leslie Almeida  
"Casa Almeida" Flat 103,  
1, St. Joseph Road, Off St. Paul Rd.,  
Bandra (W),  
Mumbai – 400 050.**

**.... Appellant**

**V/s**

**First Appellate Officer cum Divisional Dist. Registrar,  
Co-operatives Societies,  
Grihnirman Bhavan (MHADA Bldg.),  
Ground floor, Room No. 69,  
Bandra (East),  
Mumbai – 400 051.**

**.... Respondent**

**Public Information Officer cum Dy. Registrar,  
Cooperatives Societies,  
Grihnirman Bhavan (MHADA Bldg.),  
Ground floor, Room No. 69,  
Bandra (East),  
Mumbai – 400 051.**

**GROUNDS**

This appeal has been filed under section 19 (3) of the Right to Information Act 2005. The appellant had sought the information regarding case file Leslie Almeida V/s. Selsette Catholic Co-operative Society – Compliance of circular from Commissioner of Co-operative and Registrar, Maharashtra State Pune regarding adopting society in society. Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant has filed this second appeal before the Commission. The appeal was heard on 9.3.2009. The appellant did not turn up but the respondent was present.

The appellant has contented he has not been furnished the information. He has brought to the Commission's notice that the First Appellate Authority had ordered the Public Information Officer to arrange inspection relevant documents to the appellant. The respondent's contention is that necessary documents will be shown to him and copies of selected ones will be provided.

After going through the case papers and considering the arguments advanced by parties I have come to the conclusion that the appeal is to be allowed. I therefore, pass the following order.

**Order**

The appeal is allowed. The Public Information Officer to arrange for inspection of documents and furnish copies of documents requested the appellant.

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

Place: Mumbai  
Date: 09.03.2009.



**Shri. Shankar N. Shetty**  
**11-B, Shop No.**  
**D'Silva Baug, Asalfa,**  
**Ghatkopar (W),**  
**Mumbai – 400 084.**

**.... Appellant**

V/s

**First Appellate Officer**  
**M.M.R.D.A.,**  
**Office of the Executive Engineer,**  
**Bandra-Kurla Complex,**  
**Bandra (E),**  
**Mumbai – 400 051.**

**.... Respondent**

**Public Information Officer**  
**M.M.R.D.A.,**  
**Office of the Executive Engineer,**  
**Bandra-Kurla Complex,**  
**Bandra (E),**  
**Mumbai – 400 051.**

### **GROUND**

This appeal has been filed under section 19 (3) of the Right to Information Act 2005. The appellant by his application dated 1.9.2008 had asked information on the following points:

- a) Whether the road Alignment of Eastern Express Highway to Sakinaka up to L.B.S. of AGLR Sanctioned or not.
- b) Provide a copy of Plan & related documents to road Alignment of Asalfa at Map No. 9 & Map No. 8 of AGLR.
- c) At map No.9 of Sakinaka to Asalfa, whether alignment was changed after 2004, give a copy of Map No.9.
- d) The sanctioned Road line of BMC for AGLR at Sakinaka to LBS is strictly followed by the competent authority while road widening in said road.
- e) Name of the Officer in charge regarding supervision this above matter.

There is nothing on record to show that either the Public Information Officer or the First Appellate Authority has passed any order. The appeal was heard on 4.3.2008. Appellant and respondent were present. The appellant reiterated his stand that

information has not been furnished to him. The respondent stated that they are only executing the work and do not have all the information required by the appellant. I do not agree. The Act provides that if the information sought does not relate to him, he should have transferred the application to the Public Authority who is having the information. Alternatively he can also seek information and furnish to the appellant. Neither of the step has been taken by the Public Information Officer. I therefore, pass the following order.

**Order**

The Public Information Officer to furnish information within 30 days. If he does not have all the information he should collect from relevant development and furnish to the appellant since this has not been done earlier.

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

Place: Mumbai  
Date: 9.3.2009.

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

**Appeal No.2009/2056/02**

**Shri. Sanjay Govind Dhuwali  
4/305, 'Rachna', Chikhalwadi,  
N.B.Marg,  
Grant Road (W),  
Mumbai – 400 007.**

**.... Appellant**

**V/s**

**First Appellate Officer cum Director (Marketing)  
Mumbai Board, Marketing  
Grihnirman Bhavan,  
Bandra,  
Mumbai – 400 051.**

**.... Respondent**

**Public Information Officer cum Dy. Director (Marketing)  
Mumbai Board, Marketing  
Grihnirman Bhavan,  
Bandra,  
Mumbai – 400 051.**

**GROUNDS**

This appeal has been filed under section 19 (3) of the Right to Information Act 2005. The appellant had sought the information relating to building no. 21 A 21 B, Bimbisar Nagar, Goregaon, Mumbai. The appellant has sought information regarding grant of occupancy certificate, no. of tenements, no. of times advertisement for sale has been given etc.

Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant has filed this second appeal before the Commission. The appeal was heard on 12.3.2009. The appellant did not turn up but the respondent was present. The appellant has contended that he has not been furnished the information. The respondents have agreed to furnish the same. It is therefore, ordered that information must be furnished within the time prescribed in this order failing which action under section 20 of the RTI Act will be initiated against the Public Information Officer.

**Order**

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

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

Place: Mumbai  
Date: 12.3.2009.

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

**Appeal No.2009/2055/02**

**Shri.Ramesh Madhukar Salwe  
Surji Vallabhdas Chawl,  
(Shivshankar Chawl),  
Vikroli (E),  
Mumbai – 400 083.**

**.... Appellant**

**V/s**

**First Appellate Officer cum Officer,  
Rehabilitation, M.U.T.P,  
M.M.R.D.A.,  
Bandra Kurla Complex,  
Mumbai – 400 051.**

**.... Respondent**

**Public Information Officer cum Project Manager,  
Rehabilitation, M.U.T.P,  
M.M.R.D.A.,  
Bandra Kurla Complex,  
Mumbai – 400 051.**

**GROUNDS**

This appeal has been filed under section 19 (3) of the Right to Information Act 2005. The appellant had sought the information relating to allotment of tenements to Shri. Govind Kanade ID No. 184 at Nahar. The appellant stated that his name did not appear in map no.7 but he has been allotted a tenement. He wanted to have copies of documents which formed the basis of allotment.

Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant has filed this second appeal before the Commission. The appeal was heard on 12.3.2009. The appellant did not turn up but the respondent was present.

The appellant has contended that despite the fact that Shri. Bhaskar Govind Ranade's name did not appear in map no.7, he was given tenement. He has not been given copies of document which made him eligible. The respondent's contention is that the allotment has been done based on the baseline survey conducted by SPARK – an agency which was appointed in consultation with the World Bank. The MMRDA does not have any of the documents. They have gone by the survey report. They have also contended that they had offered whatever information was in their possession but the appellant refused to accept.

After going through the case papers and considering the arguments advanced by parties it is revealed that MMRDA has allotted tenement based on the Baseline Survey report. They have contended the names were included in accordance with the guidelines given to SPARK. Under these circumstances appellant can get whatever is available and non existent information cannot be furnished.

**Order**

The appeal is disposed off.

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

Place: Mumbai  
Date: 12.3.2009.

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

**Appeal No.2009/2045/02**

**Shri.Ramesh Madhukar Salwe  
Surji Vallabhdas Chawl,  
(Shivshankar Chawl),  
Vikroli (E),  
Mumbai – 400 083.**

**.... Appellant**

**V/s**

**First Appellate Officer cum Officer,  
Rehabilitation, M.U.T.P,  
M.M.R.D.A.,  
Bandra Kurla Complex,  
Mumbai – 400 051.**

**.... Respondent**

**Public Information Officer cum Project Manager,  
Rehabilitation, M.U.T.P,  
M.M.R.D.A.,  
Bandra Kurla Complex,  
Mumbai – 400 051.**

**GROUNDS**

This appeal has been filed under section 19 (3) of the Right to Information Act 2005. The appellant had sought the information relating to allotment of tenements to Shri.Sunil Vasant Kudtarkar, Smt. Rekha Sunil Kudtarkar, Raghunath B.Karande, Ibrahim Dustagir Bagwan & Smt. Hazarabi Ibrahim Bagwan at different sites. The appellant wanted copies of document which formed the basis of allotment to them.

Not satisfied with responses from Public Information Officer and the First Appellate Authority the appellant has filed this second appeal before the Commission. The appeal was heard 12.3.2009.

The appellant has contended that he has not been furnished copies of documents which made these people eligible for allotment. The respondent's contention is that allotments have been done on the basis of the base line survey done by SPARK and SRS. It has been stated by them that they do not have any original documents. They therefore cannot furnish the information required by the appellant.

After going through the case papers and considering the arguments advanced by parties I have come to the conclusion that the issues raised by the appellant requires investigation. Names of allottees reveal that they are husband and wife team. I am not

aware whether the Rehabilitation Policy allows allotment of separate tenements to husband and wife. All the three cases are similar. I therefore, pass the following order.

I therefore, pass the following order.

**Order**

The appeal is allowed. The MMRDA will get this investigated. Whether husband and wife can be given separate tenements and inform the appellant within 30 days.

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

Place: Mumbai  
Date: 12.3.2009.



**Shri. Muharam Ali Shafiulla Ansari  
Dr. Zakir Husain Nagar,  
Ghatkopar-Mankhurd Link Road,  
Govandi, Mumbai – 400 043.**

**.... Appellant**

V/s

**First Appellate Officer cum cum Asstt. Commissioner  
M – East Ward Office,  
2<sup>nd</sup> Floor, Sharad Bhau Acharya Marg,  
Chembur, Mumbai – 400 071.**

**.... Respondent**

**Public Information Officer  
Colony Office (4),  
M – East Ward Office,  
2<sup>nd</sup> Floor, Sharad Bhau Acharya Marg,  
Chembur, Mumbai – 400 071.**

### **GROUND**

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

- 1) Information required about the complaint lodged with Sr. Colony Officer, higher officers of M.C.G.M., lower officers of M.C.G.M. and complaint received by Sr. Colony Officer from various places against Abdul Khalid Sardar Shaikh.
- 2) What action Sr. Colony Officer had taken over my complaint against above person over my complaint dispatch letters
  - 1) 16.04.2007 dispatch no. P-209
  - 2) 10.05.2007 dispatch no. P- 2147 with your office. Please inform me in detail about the action taken.
- 3) The jhopada constructed by Abdul Khalid Sardar Shaikh in Dr. Zakir Hussain Nagar is illegal, unauthorised, nor his name figure in voters list as on 1.1.1995 then what action has been taken by your office against him and his jhopada.
- 4) The Colony Officer Mr.Katkar has claimed to issue notice to Abdul Khalid Sardar Shaikh, I asked him to furnish me the copy of the notice, its receiving dated but no such required copy has been issued to me.

Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant has filed this second appeal before the commission. The appeal was heard on 12.3.2009 and the respondent has made his submission in writing the appellant has contended that he has not been given information regarding action taken on his complaint against Abdul Khalid Sardar Shaikh. The respondent's contention is that information has already been furnished. He has submitted copies of documents offered to the appellant.

After going through the case papers and considering the arguments advanced by parties I have come to the conclusion that the required information has been furnished. The Public Information Officer by his order dated 18.6.2007 has furnished the information. It clearly says that verification was done and no action as per the Slum Act was warranted against Shri. Abdul Khalid Sardar Shaikh. In the light of this I pass the following order.

**Order**

The appeal is disposed off.

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

Place: Mumbai  
Date: 12.3.2009.

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

**Appeal No.2009/1848/02**

**Shri. Gopal Bapu Avghade  
Bldg. No. 46, Room No. 1895,  
2<sup>nd</sup> floor, Vartak Nagar,  
Pokharan Road No. 1,  
Thane – 400 606.**

**.... Appellant**

**V/s**

**First Appellate Officer cum Managing Director,  
Lokshahir Annabhau Sathe,  
Vikas Mahamandal (Ltd.)  
Govt. of Maharashtra Undertaking,  
Collector's Office,  
5<sup>th</sup> Floor, Thane (W).**

**.... Respondent**

**Public Information Officer District Manager,  
Lokshahir Annabhau Sathe,  
Vikas Mahamandal (Ltd.)  
Govt. of Maharashtra Undertaking,  
Collector's Office,  
5<sup>th</sup> Floor, Thane (W).**

**GROUNDS**

This appeal has been filed under section 19 (3) of the Right to Information Act 2005. The appellant had sought the information regarding applications sent by Rajashri Shikshan Sanstha to Lokshahir Annabhau Sathe Vikas Mahamandal Ltd. for Computer Training, Beauty Parlour, Painting Automobile during 2004-2005 & 2005-2006. He has also sought information regarding grants released to the institution during 2004-2005, 2005-2006.

Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant has filed this second appeal before the Commission. The appeal was heard on 5.2.2009. The appellant did not turn up but the respondent was present. The appellant has contended that he has not been furnished the required information. The respondent's contention is that the information has been collected and the appellant was asked to deposit Rs.500/-. He did not deposit the amount and has come in appeal.

After going through the case papers and considering the arguments advanced by parties, it is revealed that the Public Information Officer has asked the appellant to

deposit Rs.500/-. He also stated that there were 395 applications and excess if any will be refunded and short fall recovered from the appellant. This, I feel is not unreasonable. The appellant should deposit the amount and collect the information.

**Order**

The appeal is disposed off.

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

Place: Mumbai  
Date: 31.3.2009.

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

**Appeal No.2009/2095/02**

**Shri. Sunil Haribhau Jogdand  
63, Shastri Nagar,  
Near Evergreen Hotel,  
Bandra (E),  
Mumbai – 400 051.**

**.... Appellant**

**V/s**

**First Appellate Officer cum Dy. Commissioner,  
Bhabha Hospital Bldg.  
Bandra (E),  
Mumbai – 400 069.**

**.... Respondent**

**Public Information Officer Asstt. Commissioner,  
Western Syburb, K-East Zone Office,  
Gundawali, Andheri (East),  
Mumbai – 400 069.**

**GROUNDS**

This appeal has been filed under section 19 (3) of the Right to Information Act 2005. The appellant had sought a copy of the complaint letter written by Hon.Dy.Chairman, Vidhan Parishad and action taken on that. Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant has filed this second appeal before the Commission. The appeal was heard on 19.3.2009.

Appellant and respondents were present. Appellant has contended that the Hon. Chairman had written a letter dated 12.9.2006. He had requested for a copy of the letter and action taken report. The Public Information Officer and Asstt. Commissioner (Encroachment Western Suburbs) by his letter dated 30.8.2007 informed the appellant that they are in correspondence with Hon. Dy. Chairman for no objection. The First Appellate Authority by his order dated 16.7.2008 ordered that a copy off the letter should be given after taking necessary permission.

After going through the case papers the Commission has come to the conclusion that information must be furnished. This is a letter written by a Public figure to a public authority. The request for no objection remains unreplied. Again section II proviso is very clear except in the case of trade or commercial secrets protected by law, disclosure may be allowed if public interest in disclosure outweighs in importance any possible

harm or injury to the interest of such third party. In the light the above discussion I am of the opinion that the required information should be furnished.

**Order**

Information to be furnished by Asstt. Commissioner (Encroachment Removal) within 30 days.

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

Place: Mumbai  
Date: 31.3.2009.

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

**Appeal No.2009/2096/02**

**Shri.Nishant Subhash Ghadge  
21, "Gokul",  
Dr.Pednekar Bldg.,  
S.M. Marg,  
Kurla (W),  
Mumbai – 400 070.**

**.... Appellant**

**V/s**

**First Appellate Officer  
Charity Commissioner's Office,  
Mumbai Division,  
Worli, Mumbai – 400 018.**

**.... Respondent**

**Public Information Officer  
Charity Commissioner's Office,  
Mumbai Division,  
Worli, Mumbai – 400 018.**

**GROUNDS**

This appeal has been filed under section 19 (3) of the Right to Information Act 2005. The appellant had sought the information relating to Kachchhi Visa Oswal Jain Seva Samaj, Kurla. He sought documents relating to registration of the trust, permission obtained from the Charity Commissioner, copy of the memorandum of association and other documents.

Not satisfied with the responses from the Public Information Officer and the First Appellate Authority the appellant has filed this second appeal before the Commission. The appeal was heard on 19.3.2009.

Appellant and respondents were present. The appellant has contended that he has not been given the required information. The respondent's contention is that since the range of information was very wide it took sometime to compile. It was stated by her that she has brought the information and was ready to hand over to the appellant. The appellant also agreed to accept. The documents were handed over to the appellant. The appellant however expressed his apprehension that he might not have been given full information. The balance available information if any should be handed over / furnished to him within 15 days of his request.

**Order**

Appeal is disposed off.

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

Place: Mumbai  
Date: 12.3.2009.



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

**Appeal No.2009/2092/02**

**Shri. Pradeep Shamrao Patil  
508/B2, Unity Complex,  
Rajanpada, Off Link Road,  
Opp. Toyota Showroom,  
Malad (W),  
Mumbai – 400 064.**

**.... Appellant**

**V/s**

**First Appellate Officer Additional District Registrar,  
Family Court Building,  
Bandra (East),  
Mumbai – 400 051.**

**.... Respondent**

**Public Information Officer  
Family Court Building,  
Bandra (East),  
Mumbai – 400 051.**

**GROUND**

This appeal has been filed under section 19 (3) of the Right to Information Act 2005. The appellant had sought the information relating to the agreement deed registered under registration receipt no. P/2556/91. Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant has filed this second appeal before the Commission. The appeal was heard on 19.3.2009.

Appellant and respondents were present. The appellant has contended that he has not been provided the information despite furnishing all relevant details. The respondent's contention is that the document was not readily available and hence 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 the information must be furnished.

**Order**

Appeal is allowed. Information to be furnished by Public Information Officer within 15 days, failing which action under section 20 of the RTI Act will be initiated.

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

Place: Mumbai  
Date: 19.3.2009.

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

**Appeal No.2009/2091/02**

**Shri. Namdeo Kashinath Kamble  
Rameshwar Chawl Committee Unit – 1559,  
Sandesh Nagar, Bail Bazar,  
Kurla Andheri Road,  
Kurla (W),  
Mumbai – 400 070.**

**.... Appellant**

**V/s**

**First Appellate Officer Asstt. Commissioner,  
Municipal Corporation of Greater Mumbai,  
N – Ward, Municipal Office,  
Ghatkopar (E),  
Mumbai – 400 077.**

**.... Respondent**

**Public Information Officer Asstt. Engineer,  
Municipal Corporation of Greater Mumbai,  
N – Ward, Municipal Office,  
Ghatkopar (E),  
Mumbai – 400 077.**

**GROUNDS**

This appeal has been filed under section 19 (3) of the Right to Information Act 2005. The appellant had sought the information relating to the office of the Asstt. Engineer (Maintenance) N- Ward, Ghatkopar (East), Mumbai. Not satisfied with the responses from the Public Information Officer and the First Appellate Authority the appellant has filed this second appeal before the Commission. The appeal was heard on 19.3.2009.

Appellant and respondents were present. The appellant has contented that he has not been furnished complete information. The ward officer has denied the existence of unauthorised structure and has also not given information regarding deposit made by the contractor. The respondent's contention is that there are no structures and information regarding deposit will be furnished.

After going through the case papers and considering the arguments advanced by parties I have come to the conclusion that remaining information must be furnished. The Public Information Officer will inform him whether there are unauthorised structures and if yes, he will take action and inform the appellant. The Public Information Officer will furnish information regarding deposit made by the contractor.

**Order**

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

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

Place: Mumbai  
Date: 19.3.2009.

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

Appeal No.2009/2090/02

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

.... Appellant

V/s

**First Appellate Officer Asstt. Municipal Commissioner,**  
**K /West Ward Office, 2<sup>nd</sup> Floor,**  
**Paliram Path, Opp. BEST Stn.,**  
**S.V.Road, Andheri (W),**  
**Mumbai – 400 058.**

.... Respondent

**Public Information Officer Medical Officer of Health**  
**K /West Ward Office, 2<sup>nd</sup> Floor,**  
**Paliram Path, Opp. BEST Stn.,**  
**S.V.Road, Andheri (W),**  
**Mumbai – 400 058.**

### **GROUND**

This appeal has been filed under section 19 (3) of the Right to Information Act 2005. The appellant had sought the information relating to Hotel Maya Bhuvan “Spring”, Hazarabai Shop No.1, Irla Station Road, Vile Parle, Mumbai – 400 056.

Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant has filed this second appeal before the Commission. The appeal was heard on 19.3.2009. The appellant did not turn up but the respondent was present.

The appellant has contended that he has not been furnished the required information - Certified copies of license, details of violations of conditions and encroachment on compulsory open space. The respondent’s contention is that information has already been furnished. It has also been disposed off within the time limit.

After going through the case papers and considering the arguments advanced by I have come to the conclusion that the required information has been furnished. It is therefore, decided to close the case.

### **Order**

The appeal is disposed off.

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

Place: Mumbai  
Date: 19.3.2009.

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

**Appeal No.2009/2097/02**

**Smt.Poonam P. Patel  
17, Vijay Bharat, 4<sup>th</sup> Floor,  
Sahayog Nagar, Four Bunglow,  
Andheri (W),**

**.... Appellant**

**V/s**

**First Appellate Officer District Dy. Registrar,  
Co-operative Societies (3), Mumbai Office,  
Grihnirman Bhavan, Ground Floor,  
Desk No. 69, Bandra (East),  
Mumbai – 400 051.**

**.... Respondent**

**Public Information Officer Dy. Registrar,  
Co-operative Societies (3), Mumbai Office,  
K – West Ward,  
Grihnirman Bhavan, Ground Floor,  
Desk No. 69, Bandra (East),  
Mumbai – 400 051.**

**GROUNDS**

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

“Under which law and act administrator Mr. S.M.Mohite removed my membership and my name from the “J” register of the society without any reason. In case, if the information is not available with you, you are as per R.T.I. act 2005, suppose to obtain from the administrator deputed by the Deputy Registrar K-west and provide me. In case, if the information is not provided, it will be regarded as malafide suppression of information by the Public Information Officer, the Deputy Registrar K-west ward.”

Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant has filed this second appeal before the Commission. The appeal was heard on 19.3.2009. Appellant was present but the respondent was absent. The appellant has contended that his name has been removed from ‘J’ register of the society. He has sought information under which law his name was removed from the register and for what reason.

The respondent was not present and so it is presumed that he has nothing to say. After going through the case papers and considering the arguments advanced by the appellant, it is revealed that the appellant had sought information by his application dated

4.8.2008. The Public Information Officer by his letter dated 28.8.2008 informed the appellant that he should obtain information from the Managing Committee to whom the charge has been handed over by the Administrator. There is nothing on record to show that the First Appellate Authority has passed any order. It is also pertinent to note that the issue whether societies are covered under the Right to Information Act has not been finally settled. The Hon. Karnataka High Court in its order in writ petition no. 16901 / 2006 (GM – RES) has observed that ‘solely on the basis of supervision and control by the Register of Societies.... a society cannot be termed as public authority. So as to include a society within the definition of the term public authority it should fulfill the conditions stipulated in sub clause (d) of clause (h) of section 2 of the RTI Act.’ The information asked in this case is not very clear. The DOPT under its circular dated 25.4.2008 has clarified as follows:

Only such information is required to be supplied which already exists and is held by the public authority or held under the control of the public authority. It is not required under the Act to create information or to interpret information or to solve the problems raised by the applicants or to furnish replies to hypothetical questions.

In the light of the above discussion it is clear that the Public Information has informed the appellant in time and the question of any action against him does not arise. I am also in agreement with him on the issue that the information is not available with him and should be collected from the society. I therefore, pass the following order.

**Order**

The appeal is dismissed.

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

Place: Mumbai  
Date: 19.3.2009.

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

**Appeal No.2009/1721/02**

**Shri.Pravin Nagesh Ratnapur  
9, Kamathipura, Bldg. No. 28/30/32,  
Room No. 8, 1<sup>st</sup> Floor,  
S.P.Road,  
Mumbai – 400 008.**

**.... Appellant**

**V/s**

**First Appellate Officer cum Investigation Officer,  
Member Secretary,  
Divisional Caste Certificate Verification Committee No.1,  
Mumbai Division,  
Kokan Bhavan,  
New Bombay.**

**.... Respondent**

**Public Information Officer cum Tahsildar,  
Collector's Office,  
Mumbai City, Old Custom House,  
Shahid Bhagatsingh Marg,  
Fort, Mumbai – 400 001.**

**GROUNDS**

This appeal has been filed under section 19 (3) of the Right to Information Act 2005. The appellant had sought the information regarding issuance of caste certificate. Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant has filed this second appeal before the commission. The appeal was heard on 24.2.2009.

Appellant and respondents were present. The appellant has contended that his original certificate was sent for verification to the Divisional Caste Verification Committee. The Divisional Caste Verification Committee by his letter dated 18.10.2008 informed him that available evidence does not support his claim of being a Hindu Parit. The appellant says that his certificate has been confiscated by the committee. He applied to the Dy. Collector for a certificate that he belongs to 'Kamati' caste. No decision has been taken and no information furnished. The respondent has contended that unless the earlier certificate is cancelled, his application for caste certificate cannot be considered. In the light the above following order is passed.

After going through the case papers and considering the arguments advanced by parties I am of the view that the Divisional Caste Verification Committee must clearly inform the appellant about the status of his case for verification. The respondent has

agreed to consider appellant's case once they receive some communication from the committee that the earlier certification is cancelled / or no longer valid. I therefore, pass the following order

**Order**

The Divisional Caste Verification Committee must inform clearly the appellant and Dy. Collector regarding the status of his certificate (Hindu Parit). In case they have cancelled, the same may be informed. This should be done within 3 weeks. The Dy. Collector in charge of issuing caste certificate should consider appellant's case on merit and inform him accordingly.

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

Place: Mumbai  
Date: 27.2.2009.



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

**Appeal No.2009/1860/02**

**Shri.Tushar Babanrao Deshmukh  
C/o Shri. B.N.Deshmukh  
"Chandramauli" Rajarshi Shahu Nagar,  
Ward No. 16, Tal – Buldhana,  
Dist.- Buldhana – 443001.**

**.... Appellant**

**V/s**

**First Appellate Officer cum Secretary,  
Maharashtra Public Service Commission's Office,  
Mumbai – 400 001.**

**.... Respondent**

**Public Information Officer cum Dy.Secretary,  
Maharashtra Public Service Commission's Office,  
Mumbai – 400 001.**

### **GROUND**

This appeal has been filed under section 19 (3) of the Right to Information Act 2005. The appellant had sought the information relating to his application for copies evaluated answer sheets. His request has been denied by the Public Information Officer and the First Appellate Authority.

Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant has filed this second appeal before the Commission. The appeal was heard on 21.2.2009.

The appellant has contended that he had sought copies of his answer books which have been denied. The respondent has contended that copies of evaluated answer books are not given to candidates although marks are communicated to them. It has also been stated that this is personal information and has no content of public interest. The respondents have stated that even the Hon. Supreme Court does not accept this as a fundamental right.

After going through the case papers and considering the arguments advanced by parties, it is revealed that the appellant had appeared for the competitive examination for selection of Asstt. Sales Tax Inspector / Deputy Inspector of Police. He feels that his paper no. 1 and 2 have not been evaluated properly. The Commission has been receiving a large no. of such appeals. The Commission however is of the view that copies of evaluated answer books need not be given. The Central Information Commission in Appeal No. ICPB / A-2/ CIC / 2006 has held that supply of a copy of the evaluated

answer paper would compromise the fairness and impartiality of the selection process. I therefore, feel that the Public Information Officer's and the First Appellate Authority's decision need not be interfered with. I therefore, disallow the appeal

**Order**

The appeal is disallowed

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

Place: Mumbai  
Date: 21.3.2009.

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

**Appeal No.2009/1858/02**

**Shri. Purushottam Trimbak Vyas  
Samarth Gajanan Nagar,  
Old City,  
Akola – 444002.**

**.... Appellant**

**V/s**

**First Appellate Officer cum Joint Secretary,  
Seva – 4 / A Health Department,  
Mantralaya,  
Mumbai – 400 032.**

**.... Respondent**

**Public Information Officer  
Seva – 4 / A Health Department,  
Mantralaya,  
Mumbai – 400 032.**

**GROUND**

This appeal has been filed under section 19 (3) of the Right to Information Act 2005. The appellant had sought the information relating to alleged irregularities at Murtuzapur Hospital, names of those involved whether Secretary's Committee submitted report to govt., names of officers who were suspended and names of officers who were reinstated.

Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant has filed this second appeal before the Commission. The appeal was heard on 21.2.2009. The appellant has contended that he has not been furnished the information despite repeated requests.

The respondent's contention is that since the matter is still under investigation, the required information was not furnished.

After going through the case papers and considering the arguments advanced by parties I have come to the conclusion that the respondent has denied the information under section 8(1) (h) of the RTI Act. The section says that there shall be no obligation to give information to any citizen if this was likely to impede the process of investigation or apprehension or prosecution of offenders. While the report submitted to govt. and names of officers allegedly involved and the proposed action may not be disclosed but names of officers who were suspended and reinstated are matters of record and in my view do not stand covered under section 8(1) (h) of the RTI Act. I am therefore, of the

view that names of officers who were suspended and those reinstated should be furnished. I therefore, pass the following order.

**Order**

The appeal is partially allowed. Information to be furnished by Public Information Officer within 30 days.

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

Place: Mumbai  
Date: 27.2.2009.

**Prof. Patankar Nisarali Mohammed**  
2/204, Aaghadi Nagar,  
Andheri (W), Pump House,  
Mumbai – 400 093.

.... Appellant

V/s

**First Appellate Officer cum General Secretary**  
**Maharashtra College of Arts Science & Commerce**  
246 – A, Jahangir Boman Behram Road,  
Mumbai – 400 008.

.... Respondent

**Public Information Officer cum Principal**  
**Maharashtra College of Arts Science & Commerce**  
246 – A, Jahangir Boman Behram Road,  
Mumbai – 400 008.

### GROUNDS

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

- Attested copies of audited (1) Statement of accounts  
(2) Statement of income & expenditure  
(3) Receipt books  
(4) Ledger books /s  
(5) Cash book / s  
(6) Credit Voucher File  
(7) Debit Voucher File  
(8) Pass book/s or Statement of banks a/c's  
(9) Fixed deposit's certificates

All for financial year ending 31<sup>st</sup> March, 2001 and all for Maharashtra College.

Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant has filed this second appeal before the Commission. The appeal was heard on 18.3.2009. Appellants and respondents were present.

The appellant has contended that he has not been furnished information despite repeated requests. However, taking into account the nature of information sought. I am of the view that the information must be furnished. It is however, seen that the appellant has sought copies of documents which may be cumbersome to provide or may not be of relevance like fixed deposit certificate, bank accounts etc. I am therefore of the view that

information on point no. I & II should be made available. I therefore pass the following order.

**Order**

The appeal is partially allowed. Information on point no. I & II to be furnished by Public Information Officer within 30 days.

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

Place: Mumbai  
Date: 27.2.2009.

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

**Appeal No.2009/1887/02**

**Shri. Mahavir Prasad Saini & Others  
Shri. Abdul Gaful K. Hunshal  
Hotel President, Maharashtra Nagar,  
Bandra (E), Mumbai – 400 032.**

**.... Appellant.**

**V/s**

**First Appellate Officer cum Upper District Collector  
7<sup>th</sup> Floor, Administrative Bldg.,  
Suburb, Bandra (E),  
Mumbai – 400 051.**

**.... Respondent**

**Public Information Officer cum Dy. District Collector  
7<sup>th</sup> Floor, Administrative Bldg.,  
Suburb, Bandra (E),  
Mumbai – 400 051.**

**GROUNDS**

This appeal has been filed under section 19 (3) of the Right to Information Act 2005. The appellant had sought the following information relating to Maharashtra Nagar, Residents Sahakari Grih Nirman Sanstha Kherwadi, CTS No. 629. The appellant had sought copies all documents in connection with redevelopment exchanged between SRA and the developer.

Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant has filed this second appeal before the Commission. The appeal was heard on 11.2.2009. Appellant and respondent were present. The appellant has contended that he has not been furnished the information required by him. It appears from case papers that he had inspected the documents and informed the Additional Collector by his letter dated 20.5.2008 regarding his requirement. There is nothing on record to show that he has been given the information. I therefore, pass the following order.

**Order**

The appeal is partially allowed. Information to be furnished by Public Information Officer within 15 days. Public Information Officer to show cause why action under section 20 of the Right to Information Act, 2005 should not be initiated against him.

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

Place: Mumbai  
Date: 27.2.2009.



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

**Appeal No.2009/1053/02**

**Shri.Raju Maruti More  
Siddharth Nagar, Room No. 40,  
Bhalekar Wadi,  
Near Munjal Nagar Complex,  
Chembur, Mumbai – 400 089.**

**.... Appellant**

**V/s**

**First Appellate Officer  
Mumbai Metro city Redevelopment Authority,  
Bandra Kurla Complex,  
Bandra (E),  
Mumbai – 400 051.**

**.... Respondent**

**Public Information Officer  
Mumbai Metro city Redevelopment Authority,  
Bandra Kurla Complex,  
Bandra (E),  
Mumbai – 400 051.**

**GROUND**

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

- i) Detailed Project Report (DPR) of Slum Sanitation Project (SSPS) in Mumbai.
  - ii) Implementing agency.
  - iii) Time required for implementation of the project.
  - iv) Share of funds from Central, State govt. under the JNNURM Scheme
  - v) Any Community which has been affected.
  - vi) If yes, Rehabilitation policy for the project affected people (PAPs).
- 5) The period to which the information relates: Dec 2005 – July 2007.

Not satisfied with responses from the Public Information Officer and the First Appellate Officer and the First Appellate Authority the appellant has filed this second appeal before the Commission. The appeal was fixed for hearing on 16.2.2002. Appellant and respondent were absent. The appeal was fixed earlier also on 23.12.2000 but nobody had turned up. The case is therefore closed.

**Order**

The appeal is dismissed.

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

Place: Mumbai  
Date: 27.2.2009.

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

**Appeal No.2009/2063/02**

**Shri. Sanjay C. Patel  
Canteen Plot No.2,  
Kandivali Co-op.Ind. Estate Ltd.,  
Charkop, Kandivali (W),  
Mumbai – 400 067.**

**.... Appellant**

**V/s**

**First Appellate Officer cum Jt. Registrar of Director  
Industries (C.I.E.), 3<sup>rd</sup> Floor,  
New Administrative Bldg.,  
Opp. Mantralaya,  
Mumbai.**

**.... Respondent**

**Public Information Officer  
Industries (C.I.E.), 3<sup>rd</sup> Floor,  
New Administrative Bldg.,  
Opp. Mantralaya,  
Mumbai.**

**GROUNDS**

This appeal has been filed under section 19 (3) of the Right to Information Act 2005. The appellant had sought the information relating to Kandivali Co-operative Industrial Estate, Kandivali. The appellant had sought information on 14 points relating to the Industrial Estate. His application dated 29.4.2008 to the Industrial has remained unreplyed. He filed the first appeal with Joint Registrar in the Director of Industries but did not get the required information.

Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant has filed this second appeal before the Commission. The appeal was heard on 16.3.2009.

Appellant has contended that he has been designation as a Public Information Officer and cannot act as the First Appellate Authority has been designated separately. The respondent's contention is that he needs information which he is not getting from the Industrial Estate or the concerned Dy.Registrar of the area or the Joint Registrar in the Directorate of Industries.

After going through the case papers and considering the arguments advanced by parties I have come to the conclusion that it is question of not designating Public Information Officer and the First Appellate Authority properly. The Joint Registrar is a Public Information Officer so; he cannot hear the first appeal. Normally, the First Appellate Authority should have been designated. Taking into account, the fact that

furnishing information is the most important of all issues I order that the Joint Registrar who has been designated as Public Information Officer in the office of the Directorate of Industries should furnish the information. If it is not available with him, he should arrange to collect it and furnish to the appellant on point no.3,4,5 and 4 since the rest is concerned with jurisdiction and other hypothetical issues. I pass the following order.

**Order**

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

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

Place: Mumbai  
Date: 20.3.2009.

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

**Appeal No.2009/2110/02**

**Shri. Dattatray Ganpat Pawar,  
F – 17, Police Colony,  
Pathardi Junction,  
Nasik – 9.**

**.... Appellant**

**V/s**

**First Appellate Officer cum Divisional Controller,  
Maharashtra State Road Transport Corporation – Mumbai Division,  
Kirol Road, Vidyavihar (W),  
Mumbai – 400 086.**

**.... Respondent**

**Public Information Officer cum Divisional Employee's Officer,  
Maharashtra State Road Transport Corporation – Mumbai Division,  
Kirol Road, Vidyavihar (W),  
Mumbai – 400 086.**

**GROUNDS**

This appeal has been filed under section 19 (3) of the Right to Information Act 2005. The appellant had sought the information relating to no. of vacancies to be filled in by SC / ST. The appellant also asked for copies of evaluated answer books of 5 candidates who appeared for the departmental examination conducted for MSRTC.

Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant has filed this second appeal before the Commission. The appeal was heard on 23.3.2009.

Appellant and respondent were present. The appellant has contended that he has not been furnished the required information. He has also stated that it has been wrongly denied to him by quoting section (8) which does not apply.

The respondent's contention is that they do not furnish copies of evaluated answer books. He also submitted that the information regarding no. of vacancies filled in by SC/ST is being furnished. He also apologised for delay and furnished to appellant information relating to vacancies filled by SC/ST.

After going through the case papers and considering the arguments advanced by parties I have come to the conclusion that the first part of the information has been rightly denied. The Commission also holds the view that copies of evaluated answer books need not be furnished as this will lead to compromising the fairness and impartiality of the examination system. Information on the second point has been furnished with apology. I therefore, close the case.

**Order**

The appeal is disposed off.

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

Place: Mumbai  
Date: 20.3.2009.

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

**Appeal No.2009/2111/02**

**Shri. Laxman Tanka Devare  
Chairman, Mahatma Jyotiba Phule Seva Mandal,  
85, Navi Peth, Jalgaon – 425001.**

**.... Appellant**

**V/s**

**First Appellate Officer  
Industries, Energy and Labour Department,  
Mantralay, Mumbai – 400 032.**

**.... Respondent**

**Public Information Officer  
Industries, Energy and Labour Department,  
Mantralay, Mumbai – 400 032.**

### **GROUNDS**

This appeal has been filed under section 19 (3) of the Right to Information Act 2005. The appellant had sought the information relating to display of photographs of Mahatma Phule and Savitribai Phule in Govt. Offices as directed by Govt. The appellant has also asked for information regarding no.of photographs collected by departments of Govt.

Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant has filed this second appeal before the Commission. The appeal was heard on 23.3.2009.

Appellant and respondents were present. The appellant has contended that many photographs have been supplied on payment. They are however collecting the figure of distribution free of cost.

After going through the case papers and considering the arguments advanced by parties I have come to the conclusion that this information must be furnished. Govt. instruction in this regard needs to be followed honestly. The required information will show the extent of its implementation by different departments.

**Order**

The appeal is allowed. Information to be furnished by Public Information Officer within 15 days failing which action under section 20 of the RTI Act will be initiated against the appellant.

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

Place: Mumbai  
Date: 23.3.2009.

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

**Appeal No.2009/1536/02**

**Prof. Patankar Nisarali Mohammed  
2/204, Aaghadi Nagar,  
Andheri (W), Pump House,  
Mumbai – 400 093.**

**.... Appellant**

**V/s**

**First Appellate Officer cum The President  
Maharashtra College of Arts Science & Commerce  
246 – A, Jahangir Boman Behram Road,  
Mumbai – 400 008.**

**.... Respondent**

**Public Information Officer cum Hon. Gen. Secretary  
Maharashtra College of Arts Science & Commerce  
246 – A, Jahangir Boman Behram Road,  
Mumbai – 400 008.**

**GROUNDS**

This appeal has been filed under section 19 (3) of the Right to Information Act 2005. The appellant had sought the information relating to the appointment of Enquiry Officer by the Disciplinary authority. He has sought the following information:-

1. Disciplinary Authority's order dated 25.5.2007 which is appointment order of Inquiry Officer.
2. Annexure I of Inquiry Report of Departmental Inquiry of the appellant.

Not satisfied with the responses from the Public Information Officer and the First Appellate Authority the appellant has filed this second appeal before the Commission. The appeal was heard on 16.3.2009.

Appellant and respondents were present. The appellant has contended that he has not been given the information despite repeated request.

The respondent's contention is that the appellant has already these documents in his possession. These documents were given to the appellant during the course of enquiry.

After going through the case papers and considering the arguments advanced by the parties I have come to the conclusion that the information must be furnished. The fact the appellant is in possession of the information cannot be a ground for denial of the required information. I therefore, pass the following order.



**Order**

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

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

Place: Mumbai  
Date: 21.3.2009.

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

**Appeal No.2009/1599/02**

**Shri. Raj Bihari Pathak  
15/534 (802/C), Mrugvihar Co-op.Hsg. Socty. Ltd.,  
Subhash Nagar, Chembur,  
Mumbai – 400 071.**

**.... Appellant**

**V/s**

**First Appellate Officer cum Dy.Chief Officer (EM – II)  
Grihnirman Bhawan, Bandra (E),  
Mumbai – 400 051.**

**.... Respondent**

**Public Information Officer cum Estate Manager 3  
Grihnirman Bhawan, Bandra (E),  
Mumbai – 400 051.**

**GROUND**

This appeal has been filed under section 19 (3) of the Right to Information Act 2005. The appellant had sought the expanded form of his name R.R.Pathak. In fact he is occupying a tenement which belonged to one Mr. R.K.Pathak. Mr. R.K.Pathak's father name also begins with 'R'. The abbreviated forms of both names are R.R.Pathak. This has led to some property dispute.

Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant has filed this second appeal before the Commission. The appeal was heard on 17.3.2009.

Appellant and respondents were present. The appellant has contended that he has already given the information to the appellant by his letter dated 5.4.2008. The respondent's contention is that the information given was wrong because the name given was that of the earlier owner.

After going through the case papers and considering the arguments advanced by parties I have come to the conclusion that this is some kind of comedy of error. The appellant claims to be Raj Bihar R.Pathak and the original allottees name is Ram Khelawan R.Pathak. The abbreviated form of both the name is R.R.Pathak. I see no solution unless the appellant inspects the whole file and asks for whatever suits him. The respondent agreed.

**Order**

The appellant to arrange inspection of the relevant file & furnish the copies of selected documents. This should be done within 30 days.

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

Place: Mumbai  
Date: 21.3.2009.

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

**Appeal No.2009/1809/02**

**Shri. Deepak Madhavrao Padalkar  
17, Forest Colony,  
Mini Bypass Road,  
Amaravati – 444 606.**

**.... Appellant**

**V/s**

**First Appellate Officer  
Maharashtra Public Service Commission,  
Main Bldg. of Bank of India,  
3<sup>rd</sup> Floor, Hutatma Chowk,  
Mahatma Gandhi Marg,  
Mumbai – 400 01.**

**.... Respondent**

**Public Information Officer  
Maharashtra Public Service Commission,  
Main Bldg. of Bank of India,  
3<sup>rd</sup> Floor, Hutatma Chowk,  
Mahatma Gandhi Marg,  
Mumbai – 400 01.**

**GROUNDS**

This appeal has been filed under section 19 (3) of the Right to Information Act 2005. The appellant had sought a copy of his evaluated answer book (Paper VII) for the Maharashtra Finance and Accounts Services Class III. The examination was conducted by Maharashtra Service Commission. The Commission has denied the information.

Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant has filed this second appeal before the Commission. The appeal was heard on 20.2.2009 (Video Conference).

This Commission has been receiving such applications. The Central Information Commission in Appeal No. ICPB / A-2 / CIC / 2006 has concluded that supply of the evaluated answer paper would compromise the fairness and impartiality of the selection process. The case was identical. Ms. Treesa Irish, employed as a postman (post woman) in Ernakulam. North Post Office, Kerala appeared for departmental examination on 24.4.2005 for promotion as LGO. She was not successful and applied for a photocopy of her evaluated answer sheet. The Public Information Officer and the First Appellate Authority denied the information and the order was finally confirmed by the Central Information Commission.

After going through the case papers and considering the arguments advanced by parties I have come to the conclusion that the information has been correctly denied. The information held by the public authority in his fiduciary capacity is also exempt under section 8(1) (e) and the information being personal having no relation to any public interest is exempted from disclosure under section 8(1) (J) of the RTI Act. I therefore, pass the following order

**Order**

The appeal is disposed off.

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

Place: Mumbai  
Date: 27.3.2009.

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

**Appeal No.2009/1520/02**

**Prof. Patankar Nisarali Mohammed  
2/204, Aaghadi Nagar,  
Andheri (W), Pump House,  
Mumbai – 400 093.**

**.... Appellant**

**V/s**

**First Appellate Officer cum The President  
Maharashtra College of Arts Science & Commerce  
246 – A, Jahangir Boman Behram Road,  
Mumbai – 400 008.**

**.... Respondent**

**Public Information Officer cum Hon. General Secretary  
Maharashtra College of Arts Science & Commerce  
246 – A, Jahangir Boman Behram Road,  
Mumbai – 400 008.**

### **GROUNDS**

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

Attested copy of presenting officers written say in response to appellant's application to Enquiry Officer for allowing him to cross examine PO in question answer form.

Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant has filed this second appeal before the Commission. The appeal was heard on 16.3.2009.

Appellant and respondents were present. The appellant has contended that he was not allowed to cross examine saying that it was not allowed in question answer form and can be only in narration. The respondent did not have much to say.

After going through the case papers and considering the arguments advanced by parties I have come to the conclusion that information must be furnished. Information has been defined as any information in material form. Thus, if the presenting officer has placed on record his say, the appellant is entitled to have a copy of it.

I therefore pass the following order.

**Order**

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

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

Place: Mumbai  
Date: 21.3.2009.

**Dr. Satishchandra B.Kumar**  
**EMP 10/103, 1<sup>st</sup> Floor,**  
**Evershine Millennium Paradise,**  
**Thakur Village, Kandivali (East),**  
**Mumbai – 400 101.**

.... Appellant

V/s

**First Appellate Officer cum Principal**  
**Registrar, University of Mumbai,**  
**Room No.114, Fort Campus,**  
**Mumbai – 400 032.**

.... Respondent

**Public Information Officer**  
**University of Mumbai,**  
**Room No.114, Fort Campus,**  
**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 17.6.2008 had sought the following information:-

- 1) Kindly provide me with the certified copies of the recommendation /s of all the four experts appointed to evaluate my research publications as reported in your letter 27<sup>th</sup> May 2008, Ref.No. TAU/660/2008.
- 2) Please let me know as to what objective criteria and guidelines were followed by the said experts in evaluating my research publications.
- 3) Please let me know:
  - a) As to on what basis were the said four experts appointed to evaluate my research publications.
  - b) The names, qualifications and field of specializations in psychology of the said four experts.

The Public Information Officer by his letter dated 17.7.2008 informed the appellant that these information are confidential cannot be furnished. He also informed him that the experts were senior most academicians possessing high qualification and experience. The appellant was not satisfied and preferred the first appeal under section 19(1) of the Right to Information Act, 2005. The First Appellate Authority by his order dated 19.9.2008 has virtually confirmed the Public Information Officer's order. The appellant has come in second appeal before the Commission. The appeal was heard on



17.2.2009. Appellant and respondent were present. The appellant has submitted that he has not been given the information. The respondents have stated that the information cannot be furnished because they are confidential.

I have gone through the case papers and also considered the arguments advanced by parties. My conclusion is that the information has been correctly denied. It would not be desirable to disclose the findings of the examiner because the information has been given to the respondent in confidence. There does not seem to be any delay by the Public Information Officer and so the question of taking penal action against him does not arise. I am therefore, of the view that the case should be closed.

I therefore pass the following order.

**Order**

The appeal is disposed off.

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

Place: Mumbai  
Date: 27.2.2009.

**Prof. Patankar Nisarali Mohammed**  
2/204, Aaghadi Nagar,  
Andheri (W), Pump House,  
Mumbai – 400 093.

.... Appellant

V/s

**First Appellate Officer cum General Secretary**  
**Maharashtra College of Arts Science & Commerce**  
246 – A, Jahangir Boman Behram Road,  
Mumbai – 400 008.

.... Respondent

**Public Information Officer cum The Treasurer**  
**Maharashtra College of Arts Science & Commerce**  
246 – A, Jahangir Boman Behram Road,  
Mumbai – 400 008.

### GROUNDS

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

- Attested copies of audited (1) Statement of accounts  
(2) Statement of income & expenditure  
(3) Receipt books  
(4) Ledger books /s  
(5) Cash book / s  
(6) Credit Voucher File  
(7) Debit Voucher File  
(8) Pass book/s or Statement of banks a/c's  
(9) Fixed deposit's certificates

All for financial year ending 31<sup>st</sup> March, 2002 and all for Maharashtra College.

Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant has filed this second appeal before the Commission. The appeal was heard on 12.2.2009. Appellants and respondents were present.

The appellant has contended that he has not been furnished information despite repeated requests. However, taking into account the nature of information sought. I am of the view that the information must be furnished. It is however, seen that the appellant has sought copies of documents which may be cumbersome to provide or may not be of relevance like fixed deposit certificate, bank accounts etc. I am therefore of the view that

information on point no. I & II should be made available. I therefore pass the following order.

**Order**

The appeal is partially allowed. Information on point no. I & II to be furnished by Public Information Officer within 30 days.

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

Place: Mumbai  
Date: 27.2.2009.

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

**Appeal No.2009/1960/02**

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

**.... Appellant**

**V/s**

**First Appellate Officer cum Asstt. Commissioner,  
Municipal Corporation of Greater Mumbai,  
K /West Ward Office,  
Andheri (W),  
Mumbai – 400 058.**

**.... Respondent**

**Public Information Officer cum MOH  
Municipal Corporation of Greater Mumbai,  
K /West Ward Office,  
Andheri (W),  
Mumbai – 400 058.**

**GROUNDS**

This appeal has been filed under section 19 (3) of the Right to Information Act 2005. The appellant had sought information relating to various eating houses on Irla Society Road, Mumbai. He has sought copies of licenses; report on use of compulsory open space and action taken against those who violated the regulations.

Not satisfied with responses from the Public Information Officer and First Appellate Authority the appellant has filed this second appeal before the Commission. The appeal was heard on 24.2.2009. The appellant did not turn up. The respondent in his written submission has contended that the information the appellant he could deposit necessary fee and collect the information. The appellant however informed the Public Information Officer that his replies do not cover all the points. The respondent claims that Public Information Officer's replies covered all the points and the case should be closed. Since the appellant was absent it could not be verified.

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 Public Information Officer's letter dated 18.9.2008 (on record) shows hat the required information has been furnished. In fact I would like to add that the information sought is not very clear and the replies are adequate.

I therefore pass the following order.

**Order**

The appeal is partially allowed. Information on point no. I & II to be furnished by Public Information Officer within 30 days.

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

Place: Mumbai  
Date: 27.2.2009.

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

**Appeal No.2009/1933/02**

**Shri. Jagnarayan M. Kahar  
C.I.T.U.Andheri Centre,  
Bakhtawar Bldg.,  
Andheri (W),  
Mumbai – 400 058.**

**.... Appellant**

**V/s**

**First Appellate Officer cum Chief Security & Vigilance Officer,  
BEST Undertaking,  
Best Bhawan,  
Best Marg, P.O.Box No. 192,  
Colaba, Mumbai – 400 001.**

**.... Respondent**

**Public Information Officer cum Chief Security & Vigilance Officer,  
BEST Undertaking,  
Best Bhawan,  
Best Marg, P.O.Box No. 192,  
Colaba, Mumbai – 400 001.**

**GROUNDS**

This appeal has been filed under section 19 (3) of the Right to Information Act 2005. The appellant had sought the information relating to visits of union leaders to different depots of Best and meeting held in canteens. The appellant also sought information regarding the rules according to which they were permitted.

Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant has filed this second appeal before the commission. The appeal was heard on 18.2.2009.

Appellant was present but the respondent was absent. The appellant has contended that the management has been allowing union leaders from BEST Kamgar Union, BEST Kamgar Sena, BEST Bahujan Employees Union and BEST Parivartan Kamagar Sangh to visit depot and have meeting where as his union has been refused permission. He sought details of those visits but the same has not been furnished. The respondent was absent so his views could not be ascertained. Security of the case papers however reveal that the management has furnished the information.

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

**Order**

The appeal is disposed off.

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

Place: Mumbai  
Date: 27.2.2009.

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

**Appeal No.2009/2125/02**

**Shri.R.P.Yajurvedi (Rao)  
302 / A, Nav Asawari CHS Ltd.,  
182, J.B.Nagar, Andheri (E),  
Mumbai – 400 059.**

**.... Appellant**

**V/s**

**First Appellate Officer  
Office of the Charity Commissioner,  
Mumbai Area,  
Maharashtra State,  
Worli,  
Mumbai – 400 018.**

**.... Respondent**

**Public Information Officer  
Office of the Charity Commissioner,  
Mumbai Area,  
Maharashtra State,  
Worli,  
Mumbai – 400 018.**

**GROUND**

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

- a) INDIAN PHARMACEUTICAL ASSOCIATION Kalina, Santacruz (E), Mumbai
- b) Bombay College of Pharmacy : Kalina : Santacruz (E), Mumbai
- c) Copy of the Yearly Returns filed with the Office of the Charity Commissioner Maharashtra.
- d) Copy of the Amendments, inclusions, exclusions intimated to Office of the Charity Commissioner as mandated by law.
- e) Financial sanctions if any obtained for Capital Expenditure by the said Trusts or institutions for the Year 2006-07, 07-08 and 08-09 FY from Office of the Charity Commissioner Maharashtra. Worli Office or other authority.
- f) Pls. provide date and time for inspection of file w.r.t. the above institutions / Trusts on mob. 9870351359



Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant has filed this second appeal before the Commission. The appeal was heard on 24.3.2009.

The respondent was apologetic for not furnishing the information earlier but had brought the same at the time of hearing. It was handed over to the appellant during the hearing. The case therefore is closed.

**Order**

The appeal is disposed off.

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

Place: Mumbai  
Date: 24.03.2009.

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

**Appeal No.2009/1949/02**

**Shri. Nipun Mathkar  
B-5, Jivdani Kripa Chawl,  
Ramchandra Jadhav Wadi,  
Vijay Nagar,  
Near Saibaba Mandir,  
Nalasopara (E), Dist. - Thane – 401 208.**

**.....Appellant**

**V/s**

**First Appellate Officer  
State Central Library, Maharashtra State,  
Shahid Bhagatsingh Marg, Nagar Bhawan,  
Mumbai – 400 023.**

**.... Respondent**

**Public Information Officer  
State Central Library, Maharashtra State,  
Shahid Bhagatsingh Marg, Nagar Bhawan,  
Mumbai – 400 023.**

**GROUND**

This appeal has been filed under section 19 (3) of the Right to Information Act 2005. The appellant had sought the information relating to organisation and functions of the State Central Library, Shahid Bhagat Singh Marg, Nagar Bhawan, Mumbai. The appellant wanted to know whether complaint box has been taken against those who stole the books or did not return books.

Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant has filed this second appeal before the Commission. The appeal was heard on 24.2.2009.

Appellant and respondents were present. The appellant has contended that he is not satisfied with the information furnished. The respondent has stated that they have furnished whatever information was available with them. They have also volunteered that the appellant can inspect documents and ask for information which would be furnished. Taking into account the nature of information sought and the respondents offer to facilitate inspection of document, I pass the following order.

I pass the following orders.

**Order**

Inspection to be allowed within 15 days.

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

Place: Mumbai  
Date: 27.2.2009.

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

**Appeal No.2009/1756/02**

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

**.....Appellant**

**V/s**

**First Appellate Officer  
City & Industrial Development Corporation of Maharashtra Ltd.,  
Corporation Register Office,  
2<sup>nd</sup> Floor, Madam Cama Road,  
Nariman Point,  
Mumbai – 400 022.**

**.... Respondent**

**Public Information Officer  
City & Industrial Development Corporation of Maharashtra Ltd.,  
Corporation Register Office,  
2<sup>nd</sup> Floor, Madam Cama Road,  
Nariman Point,  
Mumbai – 400 022.**

### **GROUNDS**

This appeal has been filed under section 19 (3) of the Right to Information Act 2005. The appellant had sought information relating to City & Industrial Development Corporation of Maharashtra. The appellant has sought information regarding its organisation functions, recruitment of staff, details of existing staff, arrangement made by Cidco to access information and no. of illegal recruitment done and action taken against those responsible.

Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant has filed this second appeal before the Commission. The appeal was heard on 24.3.2009.

Appellant and respondent were present. The appellant however refused to sign on the ground that the Right to Information Act does not require him to sign his attendance.

After going through the case papers and considering the arguments advanced by parties I have come to the conclusion that information must be furnished. Respondents also agreed to furnish the required information. They were apologetic about their inability to comprehend the range and variety of information sought by the appellant. I therefore pass the following orders.

I pass the following orders.

**Order**

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

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

Place: Mumbai  
Date: 24.3.2009.

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

**Appeal No.2009/1744/02  
Appeal No.2009/1745/02**

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

**.... Appellant**

**V/s**

**First Appellate Officer cum Asstt. Municipal Commissioner,  
R /South Ward Office, 2<sup>nd</sup> Floor,  
Near S.V.P. Swimming Pool,  
M.G.Road No.2,  
Kandivali (W),  
Mumbai – 400 067.**

**.... Respondent**

**Public Information Officer cum Asstt. Engineer (B.F.)  
Executive Engineer(B.P.),  
R /South Ward Office, 2<sup>nd</sup> Floor,  
Near S.V.P. Swimming Pool,  
M.G.Road No.2,  
Kandivali (W),  
Mumbai – 400 067.**

### **GROUNDS**

This appeal has been filed under section 19 (3) of the Right to Information Act 2005. The appellant had sought information relating to Hotel Delicacy Pure Veg. and Hotel Suruchi Pure Veg. The appellant had asked for certified copies of permission granted for construction of boundary walls and if no permission was granted, the action taken against owners.

Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant has filed this second appeal before the Commission. The appeal was heard on 24.3.2009.

The appellant did not turn up but has contended that he has not been furnished information. The respondent in his written statement has stated that information has been furnished and action against illegal portion taken and appellant informed.

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

**Order**

The appeal is disposed off.

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

Place: Mumbai  
Date: 24.3.2009.

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

**Appeal No.2009/1937/02**

**Shri. Dattatray Shivram Chavan  
129 /6, Dhanshree – A,  
Le. Dilip Gupte Road,  
Mahim,  
Mumbai – 400 016.**

**.... Appellant**

**V/s**

**First Appellate Officer cum Asstt. Commissioner,  
Municipal Corporation of Greater Mumbai,  
G / South Ward Office,  
Room No. 29, 1<sup>st</sup> Floor,  
Harishchandra Yewale Marg,  
Dadar (W),  
Mumbai – 400 028.**

**.... Respondent**

**Public Information Officer cum Asstt. Engineer,  
Water Works,  
Municipal Corporation of Greater Mumbai,  
G / South Ward Office,  
Room No. 29, 1<sup>st</sup> Floor,  
Harishchandra Yewale 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 is a tenant in Dhanashree building, Dilip Gupte Road, Mahim. It seems that water supply to the building was disconnected putting tenants to hardship. It is understood that water charges in tenants' occupied buildings are paid by the land-lord. Tenants in turn pay to the landlord. Whenever landlords fail to pay the bill, MCGM disconnects the supply. It goes without saying that the occupants are put to hardship. The Commission has received many such applications which apparently seem to be seeking information but basically are petitions for restoration of water supply connection.

The appeal was heard on 18.2.2009. Appellant and respondent were present. The appellant wanted this practice of disconnecting water supply stopped. This case is different in one sense – the ownership of the building has under transfer and tenants insisted that if the property is transferred in the name of the owner they would permit upon him to pay the bill. The respondents reply was that transfer property is subject to fulfilling conditions and submission of documents.



After going through the case papers and considering the arguments I have come to the Commission cannot pretend to be empowered to intervene. I therefore, close the case.

**Order**

The appeal is disposed off.

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

Place: Mumbai  
Date: 27.2.2009.

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

**Appeal No.2009/2141/02**

**Shri. Swapnil Kadam  
510, Himalaya House,  
79, Palton Road,  
Mumbai – 400 001.**

**.... Appellant**

**V/s**

**First Appellate Officer cum Deputy Chief Engineer  
(Building Proposal) City,  
Municipal Corporation of Greater Mumbai,  
“E” Ward Office, 3<sup>rd</sup> Floor,  
10, S.K. Hafizuddin Marg,  
Byculla, Mumbai – 400 008.**

**.... Respondent**

**Public Information Officer cum Executive Engineer,  
Municipal Corporation of Greater Mumbai,  
“E” Ward Office, 3<sup>rd</sup> Floor,  
10, S.K. Hafizuddin Marg,  
Byculla, Mumbai – 400 008.**

**GROUNDS**

This appeal has been filed under section 19 (3) of the Right to Information Act 2005. The appellant had sought the information relating to the use of the 1<sup>st</sup> & 2<sup>nd</sup> floor of New Akashganga Co-operative Housing Society. He wanted to know whether the trust which is occupying the floors has obtained permission for change of user.

Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant has filed this second appeal before the Commission. The appeal was heard on 26.3.2009

Appellant and respondent were present. The appellant has contended that these floors were occupied by Bhulabhai and Dhirajlal Desai memorial trust for carrying out Educational Medical and relief of poverty, social and cultural activities. The trust is using it for commercial purposes and it is necessary to know whether change of user has been permitted.

The respondent contention is that some information has been furnished but files relating to remaining information have not been traced.

After going through the case papers and considering the arguments advanced by parties I have come to the conclusion that the required information must be furnished. The information sought is simple and it has to be furnished. It is not enough to say that files are not available.

**Order**

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

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

Place: Mumbai  
Date: 26.3.2009.

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

**Appeal No.2009/2140/02**

**Shri.Sanjay Anandrao Kalatre  
8/13, Sayhadri Nagar,  
Charkop,  
Kandivali (W),  
Mumbai – 400 067.**

**.... Appellant**

**V/s**

**First Appellate Officer cum Principal  
K.J.Somaiya College of Science & Commerce,  
Vidyanagar, Vidyavihar,  
Mumbai – 400 077.**

**.... Respondent**

**Public Information Officer cum Principal  
K.J.Somaiya College of Science & Commerce,  
Vidyanagar, Vidyavihar,  
Mumbai – 400 077.**

**GROUNDS**

This appeal has been filed under section 19 (3) of the Right to Information Act 2005. The appellant had sought the information regarding his application for employment in K. J. Somaiya College of Science & Commerce.

Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant has filed this second appeal before the Commission. The appeal was heard on 25.3.2009.

Appellant and respondents were present. The appellant has contended that he has not been furnished the information.

The respondent's contention is that the application has not been considered favourably as the same was received after the lapse of permissible time period as per the guidelines issued by the Government of Maharashtra in this behalf. This information was furnished by the Public Information Officer's letter dated 23<sup>rd</sup> September, 2008.

After going through the case papers and considering the arguments advanced by parties I have come to the conclusion that the required information has been furnished. The college has to go as per the guidelines issued by the Govt. The appellant was advised to approach Govt.

**Order**

The appeal is disposed off.

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

Place: Mumbai  
Date: 26.3.2009.

**Shri. Pramod Rajaram Pawar  
120/B/60, Rajgadh,  
Mumbai Nagari Parivahan Project,  
M.U.T.P. Tata Nagar,  
Mankhurd,  
Mumbai – 400 043.**

**.... Appellant**

V/s

**First Appellate Officer cum Commissioner,  
M.M.R.D.A, Mumbai,  
Bandra – Kurla Complex,  
Bandra (E),  
Mumbai – 400 051.**

**.... Respondent**

**Public Information Officer cum Dy.Registrar,  
Co-operative Society, Mumbai,  
M.M.R.D.A, Mumbai,  
Bandra – Kurla Complex,  
Bandra (E),  
Mumbai – 400 051.**

### **GROUND**

This appeal has been filed under section 19 (3) of the Right to Information Act 2005. The appellant had sought the information relating to Raigad Co-operative Housing Society, Tata Nagar Road, Mankhurd, Mumbai. He had asked audit report for the period ending March 2006, 2007 and 2008, no. shops in the building, no. of residents who have been issued share certificate and accounts maintained by the Chief Promoter for maintenance of the building.

Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant has filed this second appeal before the Commission. The appeal was heard on 26.3.2009.

Appellant and respondents were present. The appellant has contended that he received incomplete information. He has also stated that the Public Information Officer's reply to him was that remaining information was available at the society level.

The respondent's contention is that he has given the information which was available at his level. In his detailed written submission he has given pointwise information. He also assured that he would help the appellant in securing information from the society.

After going through the case papers and considering the arguments advanced by parties it is revealed that the society consists of project affected people (MUTP) who have been rehabilitated as per the policy. These are a large no. of such societies of PAP's. These nascent societies are yet to set their feet firmly. The Public Information Officer has furnished the available information. Accounts of expenditure prior to formation of the society will have to be obtained from the society. The Public Information Officer should help the appellant. I pass the following order.

**Order**

The appeal is disposed off.

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

Place: Mumbai  
Date: 26.3.2009.

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

Appeal No.2009/1823/02

**Shri. Shirish T. Engineer**  
**111, Yasho Mandir,**  
**Sane Guruji Marg,**  
**Tardeo,**  
**Mumbai – 400 034.**

.... Appellant

V/s

**First Appellate Officer cum Asstt. Commissioner,**  
**Municipal Corporation of Greater Mumbai,**  
**Office of the ‘D’ Ward,**  
**Nana Chowk,**  
**Grant Road (W),**  
**Mumbai – 400 007.**

.... Respondent

**Public Information Officer cum Executive Engineer,**  
**Building Proposal, City,**  
**Municipal Corporation of Greater Mumbai,**  
**Office of the “E” Ward,**  
**Sankhali Street,**  
**Byculla, Mumbai.**

### **GROUND**

This appeal has been filed under section 19 (3) of the Right to Information Act 2005. The appellant had sought the information regarding complaint for repair of WC Pipe at Bhatt Chawl, ‘D’ ward, Mumbai.

Not satisfied with responses from the Public Information Officer and the First Appellate Authority, the appellant has filed the second appeal. The appeal was heard on 26.3.2009. The appellant did not turn up but the respondent was present. The respondent has submitted a copy the appellant letter dated 6.3.2009 that the WC pipe has been repaired. He has enclosed a photo of the repaired pipe.

In the light of this, the case is closed.

### **Order**

The appeal is disposed off.

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

Place: Mumbai  
Date: 26.3.2009.

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

Appeal No.2009/1878/02

**Shri.Devendra M. Shah  
132 / D, 13, Bhagatwadi,  
Bhuleshwar, Mumbai – 400 002.**

**.... Appellant**

V/s

**First Appellate Officer cum Dy. City Engineer,  
M.B.R. & R. Board, South,  
MHADA,  
Rajani Mahal, Tardeo Road,  
DI, DII, MHADA,  
Mumbai – 400 034.**

**.... Respondent**

**Public Information Officer cum Executive Engineer,  
M.B.R. & R. Board, South,  
MHADA,  
Rajani Mahal, Tardeo Road,  
DI, DII, MHADA,  
Mumbai – 400 034.**

### **GROUNDS**

This appeal has been filed under section 19 (3) of the Right to Information Act 2005. The appellant had sought the information relating to building no. 250 known as Hendre Building, V.P.Road, Mumbai.

Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant has filed this second appeal before the Commission. the appeal was heard on 26.3.2009.

Appellant and respondent were present. The appellant has stated during the hearing that the required information has been furnished to him and nothing needs to be done.

In view of this the case is closed.

### **Order**

The appeal is disposed off.

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

Place: Mumbai  
Date: 26.3.2009.



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

Appeal No.2009/1879/02

**Shri.Devendra M. Shah  
132 / D, 13, Bhagatwadi,  
Bhuleshwar, Mumbai – 400 002.**

**.... Appellant**

V/s

**First Appellate Officer cum Dy. City Engineer,  
M.B.R. & R. Board, South,  
MHADA,  
Rajani Mahal, Tardeo Road,  
DI, DII, MHADA,  
Mumbai – 400 034.**

**.... Respondent**

**Public Information Officer cum Executive Engineer,  
M.B.R. & R. Board, South,  
MHADA,  
Rajani Mahal, Tardeo Road,  
DI, DII, MHADA,  
Mumbai – 400 034.**

### **GROUND**

This appeal has been filed under section 19 (3) of the Right to Information Act 2005. The appellant had sought the information relating to building no. 250 known as Hendre Building, V.P.Road, Mumbai.

Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant has filed this second appeal before the Commission. The appeal was heard on 26.3.2009.

The appellant has stated that he has received all the required information and nothing needs to be done. It is therefore decided to close the case.

### **Order**

The appeal is disposed off.

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

Place: Mumbai  
Date: 26.3.2009.

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

**Appeal No.2009/2137/02**

**Smt. Sulochana C. Bane  
Vishwakiran Co-op. Hsg. Society Ltd.,  
31/16, 3<sup>rd</sup> Floor,  
Shardadevi Road,  
Bandra (E),  
Mumbai – 400 051.**

**.... Appellant**

**V/s**

**First Appellate Officer cum Dy. Registrar,  
Co-operative Societies,  
Mumbai Housing and Development Authority,  
Grihnirman Bhavan, 3<sup>rd</sup> Floor,  
Bandra (E),  
Mumbai – 400 051.**

**.... Respondent**

**Public Information Officer cum Secretary,  
Dahisar (E.W.S.), Saphalya Co-op. Hsg. Socty. Ltd.,  
Chawl No. 17, Room No. 97,  
M.H.B.Colony,  
S.N.Dube Road,  
Dahisar, Chunabhatti (E),  
Mumbai – 400 068.**

**GROUNDS**

This appeal has been filed under section 19 (3) of the Right to Information Act 2005. The appellant had sought the information relating to Saphalya C.H.S. Dahisar (E), Mumbai. The appellant also disputes the outstanding shown against her.

Not satisfied with responses from the Public Information Officer and First Appellate Authority the appellant has filed this second appeal before the Commission. The appeal was heard on 25.3.2009.

Appellant was present but the respondent was absent. The appellant has contended that no information has been furnished. She wanted a copy of the minutes of the meeting held on 5.6.2006 and 18.6.2006 but refused on the ground that she was a defaulter although no action under section 101 of the MCS Act was initiated against her.

The respondent was absent and therefore it is presumed that he has nothing to say.

After going through the case papers and considering the arguments advanced by parties I have come to the conclusion that the appellant basically wants the dispute to be resolved. The appellant have shown to me the original bill for Rs. 612/- which the society denies having received although the appellant stated that there is an endorsement

on the bill itself. The society has shown outstanding of Rs. 2541/-. There is no way the Commission can intervene. I am constrained to close the case.

**Order**

The appeal is disposed off.

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

Place: Mumbai  
Date: 25.3.2009.

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

**Appeal No.2009/1841/02**

**Prof. Patankar Nisarali Mohammed  
2/204, Aaghadi Nagar,  
Andheri (W), Pump House,  
Mumbai – 400 093.**

**.... Appellant**

**V/s**

**First Appellate Officer cum General Secretary  
Maharashtra College of Arts Science & Commerce  
246 – A, Jahangir Boman Behram Road,  
Mumbai – 400 008.**

**.... Respondent**

**Public Information Officer cum The treasurer  
Maharashtra College of Arts Science & Commerce  
246 – A, Jahangir Boman Behram Road,  
Mumbai – 400 008.**

**GROUNDS**

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

- 1) Statement of Accounts
- 2) Statement of income & expenditure
- 3) Receipt book/s
- 4) Ledger book/s
- 5) Cash book/s
- 6) Credit voucher's file/s
- 7) Debit voucher file/s
- 8) Pass book/s files or Statements of Bank A/cs
- 9) Fixed deposit certificates all for financial year ending 31<sup>st</sup> March, 2008.

Not satisfied with responses from the Public Information Officer and the First Appellate has filed this second appeal before the Commission. The appeal was heard on 9.2.2009.

Appellant and respondents were present. The appellant has contended that he has not been furnished the information despite repeated requests.

The respondent's contention is that the trust is exempted from the Right to Information Act, 2005.

**Order**

The appeal is partially allowed. Information on point no. 122 to be furnished by Public Information Officer within 30 days.

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

Place: Mumbai  
Date: 26.3.2009.

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

**Appeal No.2009/2128/02**

**Shri. H.S.Ghadge  
Adhikshak (Bhandar),  
Dadasaheb Phalke Chitranagari,  
Mumbai – 400 065.**

**.... Appellant**

**V/s**

**First Appellate Officer  
Maharashtra Chitrapat Rangbhumi ani  
Sanskritik Vikas Mahamandal Maryadit,  
Film City,  
Goregaon (E),  
Mumbai – 400 065.**

**.... Respondent**

**Public Information Officer cum Finance Consultant & Chief Account Officer  
Maharashtra Chitrapat Rangbhumi ani  
Sanskritik Vikas Mahamandal Maryadit,  
Film City,  
Goregaon (E),  
Mumbai – 400 065.**

**GROUNDS**

This appeal has been filed under section 19 (3) of the Right to Information Act 2005. The appellant had sought a copy of his pay revision order according to the 5<sup>th</sup> Pay Commission. The information was furnished to him. All documents were also shown to him.

Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant has filed this second appeal before the Commission. The appeal was heard on 25.3.2009.

Appellant and respondents were present. Appellant has contended that his pay has been wrongly fixed. It seems that his request for the remaining information was incidental.

The respondent's contention is that the appellant was heading the administration at the time fixing his pay. In any case his request pending and decision will be communicated to him.

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. The issue of fixation pay cannot be sorted by the Commission. The appellant has already taken it up and the same should be decided at the appropriate level. I close the case.

**Order**

The appeal is disposed off.

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

Place: Mumbai  
Date: 26.3.2009.

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

**Appeal No.2009/2132/02**

**Shri. Pravin M. Dali  
A – 603, Mauli Co-op. Hsg. Socty.,  
Near Municipal School,  
Mithanagar,  
Goregaon (W),  
Mumbai – 400 062.**

**.... Appellant**

**V/s**

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

**.... Respondent**

**Public Information Officer cum Under Secretary / Chief Engineer (Electrical)  
Energy Department,  
Mantralaya,  
Mumbai – 400 032.**

**GROUNDS**

This appeal has been filed under section 19 (3) of the Right to Information Act, 2005. The appellant had sought the information relating to the position of recovery of electric duty and tax on sale of electricity amounting to Rs.99.25 crores between 2001 to 2008.

Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant has filed this second appeal before the Commission. The appeal was heard on 25.3.2009.

The appellant did not turn up. The appellant has contended that he has not been given information on such a vital and critical issue. The respondent's contention is that the information sought pertains to Accountant General's audit para. The information has been sent to the Public Accounts Committee of the legislature. The respondent has stated that disclosure at this stage may lead to breach of Parliamentary Privilege. The same has been communicated by to the appellant by letter dated 18.12.2008.

After going through the case papers and considering the arguments by parties I have come to the conclusion that information has been rightly denied as disclosure may lead to breach of privilege.

**Order**

The appeal is disposed off.

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

Place: Mumbai  
Date: 26.3.2009.



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

**Appeal No.2009/2167/02**

**Shri. Raj Bihari Pathak  
15/534 (802/C), Mrugvihar Co-op.Hsg. Socty. Ltd.,  
Subhash Nagar, Chembur,  
Mumbai – 400 071.**

**.... Appellant**

**V/s**

**First Appellate Officer cum Dy.Chief Officer (EM – II)  
Grihnirman Bhawan, Bandra (E),  
Mumbai – 400 051.**

**.... Respondent**

**Public Information Officer cum Estate Manager 3  
Grihnirman Bhawan, Bandra (E),  
Mumbai – 400 051.**

**GROUNDS**

This appeal has been filed under section 19 (3) of the Right to Information Act 2005. The appellant had sought the expanded form of his name R.R.Pathak. In fact he is occupying a tenement which belonged to one Mr. R.K.Pathak. Mr. R.K.Pathak's father's name also begins with 'R'. The abbreviated forms of both names are R.R.Pathak. This has led to some property dispute.

Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant has filed this second appeal before the Commission. The appeal was heard on 31.3.2009.

Appellant was present but the respondent was absent. The appellant has contended that he has already given the information to the appellant by his letter dated 5.4.2008. The respondent's contention is that the information given was wrong because the name given was that of the earlier owner.

After going through the case papers and considering the arguments advanced by parties I have come to the conclusion that this is some kind of comedy of error. The appellant claims to be Raj Bihar R.Pathak and the original allottees name is Ram Khelawan R.Pathak. The abbreviated form of both the name is R.R.Pathak. I see no solution unless the appellant inspects the whole file and asks for whatever suits him.

**Order**

The appellant to arrange inspection of the relevant file & furnish the copies of selected documents. This should be done within 30 days.

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

Place: Mumbai  
Date: 31.3.2009.

**Shri.M. Mohandas Roy  
Bldg. No. 21 – B,  
Block No. 1097 / 2<sup>nd</sup> Floor,  
M.H.B. Colony,  
Mahim (W),  
Mumbai – 400 016.**

**.... Appellant**

**V/s**

**First Appellate Officer cum Superintendent (City)  
State Excise,  
Office of Superintendent (City),  
Ground Floor, Old Custom House,  
S.B.Road,  
Mumbai – 400 032.**

**.... Respondent**

**Public Information Officer  
State Excise,  
Office of Superintendent (City),  
Ground Floor, Old Custom House,  
S.B.Road,  
Mumbai – 400 032.**

### **GROUNDS**

This appeal has been filed under section 19 (3) of the Right to Information Act 2005. The appellant had sought the information relating to Mazgaon Dock Restaurant and Bar – provisions under which licensees are made to deposit National Saving Certificates, provisions under which licenses are issued etc.

Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant has filed this second appeal before the Commission. the appeal was heard on 25.3.2009.

Appellant and respondents were present. The appellant has contended that he has not been furnished the required information. He has also requested the Commission to take action against the Public Information Officer for not furnishing the information.

The respondent's contention is that the information sought was not clear to them whether it was about Mazgaon Dock Restaurant & Bar or general. This mixing of the two caused delay. They have however sent the information by speed post and also brought a copy.

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

If points are not clear, the appellant could be asked to clarify. These can be no justification for delay. Since the information has already been sent I pass the following order.

**Order**

The Public Information Officer to show cause why he should not be penalised @ Rs.250/- per day for not furnishing the information. His explanation to reach the Commission within 3 weeks.

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

Place: Mumbai  
Date: 26.3.2009.

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

**Appeal No.2009/2170/02**

**Shri. Gordhandas K. Vangani  
C/o. Vanganey International,  
7 /1, Hind Service Industrial Premises Co-op. Socty. Ltd.,  
Veer Savarkar Marg, Cadel Road,  
Mumbai – 400 028.**

**.... Appellant**

**V/s**

**First Appellate Officer cum Dy. Chief Engineer,  
(Reconstruction)  
Bombay Building Repair and Reconstruction Board,  
Sonawala Bldg.,  
Shinde Wadi,  
Dadar (E),  
Mumbai – 400 014.**

**.... Respondent**

**Public Information Officer cum Executive Engineer,  
RU -1, Bombay Housing Area,  
Bombay Building Repair and Reconstruction Board,  
Sonawala Bldg.,  
Shinde Wadi,  
Dadar (E),  
Mumbai – 400 014.**

### **GROUNDS**

This appeal has been filed under section 19 (3) of the Right to Information Act 2005. The appellant had sought certified copies of all documents relating to redevelopment of property bearing CS No. 253 building no. 15-15A Bhorbat Lane, building known as Vangani Chambers Girgaum, “D” Ward, Mumbai.

Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant has filed this second appeal before the Commission. The appeal was heard on 31.3.2009.

Appellant and respondents were present. The appellant has contended that he has not been furnished the information he required.

The respondent’s contention is that the whole file was shown to him and he has obtained copies of whatever he wanted.

After going through the case papers and considering the arguments advanced by parties I have come to the conclusion that the appellant does admit having received certain information but feels that the papers required by him are not there. RTI Act ensures furnishing of available and non existent information cannot be furnished. The

appellant however was offered one more inspection by the respondent and he accepted the offer. I therefore, pass the following order.

**Order**

The appeal is allowed. The appellant will carry out the inspection and respondent shall furnish certified copies of selected documents.

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

Place: Mumbai  
Date: 31.3.2009.

**Shri. Abdul Razak Mohammed Suleman**  
**Flat No. 1901, 19<sup>th</sup> Floor,**  
**Rehmani Tower, Madanpura,**  
**7/9/11, Mohammed Umer Rajjab Road,**  
**Mumbai – 400 008.**

.... Appellant

V/s

**First Appellate Officer cum Asstt. Registrar,**  
**Co-op. Societies,**  
**“E” South Ward, Malhotra House,**  
**6<sup>th</sup> Floor, Opp. G.P.O.,**  
**Mumbai – 400 001.**

.... Respondent

**Public Information Officer cum Asstt. Registrar,**  
**Co-op. Societies,**  
**“E” South Ward, Malhotra House,**  
**6<sup>th</sup> Floor, Opp. G.P.O.,**  
**Mumbai – 400 001.**

### GROUNDS

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

- 1) I would like to know whether the said Rehmani Tower Co-op. Hsg. Soc. Ltd. is registered in your department and the above said registration number given by the office bearer of the said society is true or correct.
- 2) Names of the office bearer with their designation of the said society, mentioned in your record.
- 3) Have the office bearers of the said society had submitted complete Audit / Account of the Rehmani Tower CHS. Ltd., If yes, then give me the certified true copy of the same and if no then why? Why they did not submit the required audit / account report to you.
- 4) There has flat size of 225 Sq. Ft. 360 Sq. Ft. & 275 Sq. Ft. and Office bearers of the said society is charging @ Rs. 800.00, 1100.00 and 900.00 respectively.
- 5) Now they are desirous to increase my maintenance of area 225 Sq. Ft. from 800.00 to 1800.00 on which Ground and have they right to increase the maintenance directly more than double.
- 6) Have they opened the required Bank Account for keeping the record of the said society?

- 7) Have they submitted the required record of income and expenditure in your office.

Not satisfied with responses from the Public Information Officer and the First Appellant has filed this second appeal before the Commission. The appeal was heard on 31.3.2009.

The appellant has contended that he was not satisfied with the information furnished to him. He has been informed that most of the information are with the society.

The respondent's contention is that whatever information was available with him has been furnished. He also informed the Commission that he has gone beyond the information sought and has appointed an administrator according to the Maharashtra Co-operative Society Act 1960. He also informed that an Administrative Committee in construction with the appellant is going to be set and he will also ask the administrator to get the accounts audited. The appellant also admitted that these steps have been taken.

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

**Order**

Appeal is disposed off.

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

Place: Mumbai  
Date: 31.3.2009.

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

**Appeal No.2009/2171/02**

**Shri. Shivnarayan R. Rajbhar  
Ramkhilawan Rajbhar Chawl,  
Marol Naka, A.K.Road,  
Andheri (E),  
Mumbai – 400 059.**

**.... Appellant**

**V/s**

**First Appellate Officer cum Addl. Collector &  
Competent Authority,  
7<sup>th</sup> Floor, Administrative Bldg.  
Bandra (E),  
Mumbai – 400 059.**

**.... Respondent**

**Public Information Officer cum Dy. Collector (ENG) &  
Competent Authority,  
Grihnirman Bhavan,  
Kala Nagar,  
Bandra (E),  
Mumbai.**

**GROUNDS**

This appeal has been filed under section 19 (3) of the Right to Information Act 2005. The appellant had sought the information relating to structure no.95 and 95 A, Ramkhilawan chawl, Krishna Nagar, Marol Naka, A.K.Road, Andheri (E), Mumbai. The appellant has pointed out both these huts have been shown as projected affected person. The appellant has sought copies of documents.

Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant has filed this second appeal before the Commission. The appeal was heard on 31.3.2009.

The appellant did not turn up but the respondent was present. The appellant has contended that he has not been given the information he had asked for. The respondent's contention is that papers relating to the issue are not available. He has however shown to me the list of PAPs where Mr.John's name has been shown twice against hut no.95 and 95 A.

After going through the case papers and considering the arguments advanced by parties I have come to the conclusion that the Public Information Officer has to make all efforts to trace the underlying papers. It becomes more important when two huts have been shown against the name of one person. The electricity bill shown by the Public Information Officer does not even bear the hut no. It is very important to know what



documents were submitted at the time of survey. If the PAP has been given two units in the rehabilitation scheme it becomes more serious.

**Order**

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

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

Place: Mumbai  
Date: 31.3.2009.

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

Appeal No.2009/2165/02

**Shri.Chandrakant Amritlal Merchant  
J.M. Rane Building & Khambata Pathan Chawl,  
153-E, Mosses Road,  
Worli, Mumbai – 400 018.**

.... Appellant

V/s

**First Appellate Officer cum Dy. Chief Engineer (North)  
Mumbai Building Repair & Reconstruction and Redevelopment Authority,  
Grihnirman Bhavan,  
Kalanagar,  
Bandra (E),  
Mumbai – 400 051.**

.... Respondent

**Public Information Officer cum Executive Engineer,  
“D” Ward,  
Mumbai Building Repair & Redevelopment Authority,  
Parel, Mumbai – 400 012.**

### GROUNDS

This appeal has been filed under section 19 (3) of the Right to Information Act 2005. The appellant had sought the information relating to repair, reconstruction and redevelopment of the Lower Parel Division, Mumbai.

Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant has filed this second appeal before the Commission. The appeal was heard on 31.3.2009.

Appellant and respondents were present. The appellant has contended that he has not been furnished the information he had asked for. The respondent's contention is 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 the information has been furnished. The Public Information Officer by his letter dated 12.9.2008 has given pointwise replies. The appellant reason for not being satisfied was not clear to the Commission. He was advised to inspect the relevant files if he so desires.

### Order

The appeal is disposed off.

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

Place: Mumbai  
Date: 31.3.2009.

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

**Appeal No.2009/2147/02**

**Shri. Vishwanath Ramchandra Desai  
601, 6<sup>th</sup> Floor, Shri. Sainath Co-op. Hsg. Soc. Ltd.,  
Anandnagar, Vakola,  
Vakola Police Station Road,  
Santacruz (E),  
Mumbai – 400 055.**

**.... Appellant**

**V/s**

**First Appellate Officer cum Registrar,  
Co-op. Societies, H.E. Ward,  
Bandra (E),  
Mumbai – 400 055.**

**.... Respondent**

**Public Information Officer cum District Dy. Registrar,  
Co-op. Societies, H.E. Ward,  
Bandra (E),  
Mumbai – 400 055.**

**GROUND**

This appeal has been filed under section 19 (3) of the Right to Information Act 2005. The appellant by his application dated 19.9.2008 had sought the information relating to registration of Shri. Sainath Co-operative Housing Society, Anand Nagar, Santacruz (E), Mumbai – 400 055. He had sought true copies of documents submitted at the time of registration of the society.

The Public Information Officer informed the appellant that the information sought was available with the society and the same can be obtained from there.

Not satisfied the reply from the Public Information Officer the appellant filed the first appeal under section 19 (1) of the RTI Act. The First Appellate Authority ordered that the information be furnished. The appellant is not satisfied.

Hence this appeal before the Commission.

The appeal was heard on 26.3.2009. The appellant did not turn up but the respondent was present. The appellant has sought adjournment but the same is not granted in view of the simplicity of the information sought.

After going through the case papers and considering the arguments advanced by parties I have come to the conclusion that information must be furnished. The Public Information in this case is the holder of the required information and there is no way he can shift the burden to the society. The information should be sent by post and free of cost.

**Order**

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

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

Place: Mumbai  
Date: 30.3.2009.

**Prof. Patankar Nisarali Mohammed**  
2/204, Aaghadi Nagar,  
Andheri (W), Pump House,  
Mumbai – 400 093.

.... Appellant

V/s

**First Appellate Officer cum General Secretary**  
**Maharashtra College of Arts Science & Commerce**  
246 – A, Jahangir Boman Behram Road,  
Mumbai – 400 008.

.... Respondent

**Public Information Officer cum The Treasurer**  
**Maharashtra College of Arts Science & Commerce**  
246 – A, Jahangir Boman Behram Road,  
Mumbai – 400 008.

### GROUNDS

This appeal has been filed under section 19 (3) of the Right to Information Act 2005. The appellant had sought the following information relating to Maharashtra College, Mumbai.

Attested copies of audited (1) Statement of accounts

(2) Account Statement of Income & Expenditure

(3) Ledger books /s

(4) Cash book / s

(5) Credit Voucher

(6) Debit Voucher Files

(7) Bank's Pass book/s or Statement of banks a/c's

All for financial year ending 31<sup>st</sup> March, 2008 and all for Maharashtra College.

Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant has filed this second appeal before the Commission. The appeal was heard on 31.3.2009. Appellants and respondents were present.

The appellant has contended that he has not been furnished information despite repeated requests. However, taking into account the nature of information sought. I am of the view that the information must be furnished. It is however, seen that the appellant has sought copies of documents which may be cumbersome to provide or may not be of relevance like, bank accounts, credit /debit vouchers etc. I am therefore of the view that

information on point no. I & II should be made available. I therefore pass the following order.

**Order**

The appeal is partially allowed. Information on point no. I & II to be furnished by Public Information Officer within 30 days.

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

Place: Mumbai  
Date: 31.3.2009.

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

**Appeal No.2009/2169/02**

**Shri. Govind Sayaji Salvi  
B-25, Chaturth Shreni Vasahat,  
Mumbai Vidyapith (E),  
Mumbai – 400 098.**

**.... Appellant**

**V/s**

**First Appellate Officer cum Kulsachiv  
Mumbai Vidyapith,  
Mumbai – 400 032.**

**.... Respondent**

**Public Information Officer cum Asstt. Kulsachiv  
General Administration Department,  
Mumbai Vidyapith,  
Mumbai – 400 032.**

**GROUND**

This appeal has been filed under section 19 (3) of the Right to Information Act 2005. The appellant had sought the information relating to allotment of staff quarters to employees of the university. The appellant had sought information on 22 points.

Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant has filed this second appeal before the Commission. The appeal was heard on 31.3.2009.

Appellant and respondents were present. The appellant has contended that he has not been given the information required by him. The respondent did not have any credible answer. I therefore pass the following order.

**Order**

Information to be furnished within 30 days. Public Information Officer to show within 30 days. Public Information Officer to show cause why action under section 20 of the RTI Act 2005 should not be taken against him. His explanation to reach the Commission within 3 weeks.

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

Place: Mumbai  
Date: 31.3.2009.

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

Appeal No.2009/2154/02

**Shri. D.B. Ambade**  
**Bldg. No. 19, Plot No. 72,**  
**M.S.E.B. Staff Quarters,**  
**Bandra Reclamation,**  
**Bandra (W),**  
**Mumbai – 400 051.**

.... Appellant

V/s

**First Appellate Officer cum General Manager**  
**General Administration Department,**  
**Maharashtra State Electricity Board Co.Ltd.,**  
**Prakashgad, 4<sup>th</sup> Floor,**  
**Bandra (E),**  
**Mumbai – 400 051.**

.... Respondent

**Public Information Officer cum Dy. Manager**  
**General Administration Department,**  
**Maharashtra State Electricity Board Co.Ltd.,**  
**Prakashgad, 4<sup>th</sup> Floor,**  
**Bandra (E),**  
**Mumbai – 400 051.**

### **GROUND**

This appeal has been filed under section 19 (3) of the Right to Information Act 2005. The appellant had sought the information relating to transfer policy, transfer on administrative ground, request and promotion.

Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant has filed this second appeal before the Commission. The appeal was heard on 30.3.2009.

The appellant has sought information on 7 points. Records do not reveal any order passed by the Public Information Officer or the First Appellate Authority. Under the circumstances I pass the following order.

### **Order**

Information to be furnished within 30 days failing which action under section 20 of the RTI Act 2005 will be initiated against the Public Information Officer.

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

Place: Mumbai  
Date: 31.3.2009.



**Shri. Arjunlal M.Chabria**  
**Belle Vista, Flat No. 15,**  
**3<sup>rd</sup> Floor, Opp. Lake & L.I.C. Office,**  
**S.V.Road,**  
**Bandra, Mumbai – 400 050.**

**.... Appellant**

V/s

**First Appellate Officer cum Asstt. Municipal Commissioner,**  
**Municipal Corporation of Greater Mumbai,**  
**K /West, Municipal Ward Office,**  
**Andheri (W),**  
**2<sup>nd</sup> Floor, Paliram Path,**  
**Opp. Best Station,**  
**Mumbai – 400 058.**

**.... Respondent**

**Public Information Officer cum Asstt. Engineer,**  
**Building & Factory,**  
**Municipal Corporation of Greater Mumbai,**  
**K /West, Municipal Ward Office,**  
**Andheri (W),**  
**2<sup>nd</sup> Floor, Paliram Path,**  
**Opp. Best Station,**  
**Mumbai – 400 058.**

### **GROUNDS**

This appeal has been filed under section 19 (3) of the Right to Information Act 2005. The appellant had sought the following information regarding the canteen in the compound of Tahsildar Andheri, Mumbai.

- 1) It is a fact that there is a canteen in the compound of Tehsildar, Dadabhoy Naoroji Road, Andheri (W), Mumbai.
- 2) Please supply me the copy of the documents submitted by the owner of the canteen for the permission and N.O.C. for the said canteen.
- 3) Whether the permission has been given to the said canteen or whether the authorisation is given by your Department, then please supply me the copy of the permission of the N.O.C. or the Authorisation of the said canteen.
- 4) Please supply me the copy of the approved plan of the said canteen in the compound of Tehsildar.

- 5) If no permission / authorisation and no approved plan is there in respect of the said canteen, then why action is not taken under section 351 B.M.C.Act.

Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant has filed this second appeal before the Commission. The appeal was heard on 30.3.2009.

Appellant and respondents were present. The appellant did not turn up but the respondent was present. The appellant has contended that he has not been furnished the information despite the First Appellate Authority direction to do so within 10 days.

The respondent's contention is that the canteen is located in the compound of Tahsildar and so information may be collected from him.

After going through the case papers and considering the arguments advanced by parties I have come to the conclusion that information as directed by the First Appellate Authority should be furnished. The Public Information Officer should write to the Tahsildar, Andheri collect the information and furnish to the appellant.

### **Order**

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

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

Place: Mumbai  
Date: 31.3.2009.

**Shri. Arjunlal M.Chabria  
Belle Vista, Flat No. 15,  
3<sup>rd</sup> Floor, Opp. Lake & L.I.C. Office,  
S.V.Road,  
Bandra, Mumbai – 400 050.**

**.... Appellant**

V/s

**First Appellate Officer cum Asstt. Municipal Commissioner,  
Municipal Corporation of Greater Mumbai,  
K /West, Municipal Ward Office,  
Andheri (W),  
2<sup>nd</sup> Floor, Paliram Path,  
Opp. Best Station,  
Mumbai – 400 058.**

**.... Respondent**

**Public Information Officer cum Asstt. Engineer,  
Building & Factory,  
Municipal Corporation of Greater Mumbai,  
K /West, Municipal Ward Office,  
Andheri (W),  
2<sup>nd</sup> Floor, Paliram Path,  
Opp. Best Station,  
Mumbai – 400 058.**

### **GROUNDS**

This appeal has been filed under section 19 (3) of the Right to Information Act 2005. The appellant had sought the following information relating to the Xerox stall in the compound of Tahsildar, Andheri, Mumbai and documents submitted by the owner for authorisation of the Xerox stall.

1. Is it a fact that there is a Xerox stall in the compound of Tahsildar, Dadabhoy Naroji road, Andheri (W), Mumbai.
2. Please supply me the copy of the documents submitted by the owner of the Xerox stall for the permission and N.O.C. for the said Xerox stall.
3. Whether the permission has been given to the said stall or whether the authorization is given by your Department, then please supply me the copy of the permission of the N.O.C. or authorization of the said Xerox stall.
4. Please supply me the copy of the Approved plan of the said Xerox stall in the compound of Tahsildar.
5. If no permission / authorization and no approved plan is there in respect of the said stall, then why action is not taken under section 351, BM.C.Act.

Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant has filed this second appeal before the Commission. The appeal was heard on 30.3.2009.

The appellant did not turn up but the respondent was present. The appellant has contended that he has not been furnished the required information. The respondent's contention is that the stall lies in the compound of Tahsildar, Andheri and the information may be sought from there. The First Appellate Authority however directed the Public Information Officer to furnish correct reply within 10 days.

After going through the case papers and considering the arguments advanced by parties I have come to the conclusion that the Public Information Officer should write to the Tahsildar, Andheri whether the stall has required authorisation and inform the appellant accordingly.

### **Order**

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

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

Place: Mumbai  
Date: 30.3.2009.

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

**Appeal No.2009/2138/02  
Appeal No.2009/2139/02**

**Shri. S.W. Kochikar  
7 'Om Satlaj Irla,  
Vile Parle (W),  
Mumbai – 400 056.**

**.... Appellant**

**V/s**

**First Appellate Officer cum Director,  
Engineering Services and Projects,  
Municipal Corporation of Greater Mumbai,  
5<sup>th</sup> Floor Annex Bldg.,  
Mahapalika Road,  
Mumbai – 400 001.**

**.... Respondent**

**Public Information Officer cum City Engineer,  
Engineering Services and Projects,  
Municipal Corporation of Greater Mumbai,  
5<sup>th</sup> Floor Annex Bldg.,  
Mahapalika Road,  
Mumbai – 400 001.**

**GROUNDS**

These appeals have been filed under section 19 (3) of the Right to Information Act 2005. The appellant had copies of documents reports with relevant file and whether the court order was perused before dismissal order was issued.

Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant has filed this second appeal before the Commission. The appeal was heard on 25.3.2009.

Appellant and respondents were present. The appellant has contended that he has not been given the information despite repeated requests. He has stated that he had inspected the documents but did not get the required information. The respondent's contention is that the appellant was offered inspection of documents and furnished documents also.

After going through the case papers and considering the arguments advanced by parties, it is revealed that the appellant had sought the same information through so many applications / appeals. One of such appeals was decided by this Commission and order dated 31.7.2008 was issued. It was ordered that the required information should be furnished within 30 days. The appellant is a dismissed employee of the MCGM. He may

be in need of this information for his defence. Nobody is permitted to ask the purpose for which the information is sought. Seeing the way in which the case was handled in the past and is being handled now I have come to the conclusion that there is reluctance on the part of the Public Information Officer to furnish the information. Although I had advised earlier that the game of shifting responsibilities must stop and information furnished, it does not seem to have any impact. I therefore, pass the following order.

**Order**

The appeal is allowed. Information to be furnished by Public Information Officer within 15 days. The Public Information Officer to show cause why he should be fined @ Rs. 250/- per day under section 20 of the RTI Act, 2005.

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

Place: Mumbai  
Date: 30.3.2009.

**Shri. Vijay Raju Rathod**  
**Room No. 36/37,**  
**Government College,**  
**Students Hostel,**  
**Sea Road, Churchgate,**  
**Mumbai – 400 020.**

.... Appellant

V/s

**First Appellate Officer cum Joint Director,**  
**Higher Education, Mumbai Division, Mumbai,**  
**Elphiston Technical College Campus,**  
**3, Mahapalika Marg,**  
**Mumbai – 400 001.**

.... Respondent

**Public Information Officer**  
**Higher Education, Mumbai Division, Mumbai,**  
**Elphiston Technical College Campus,**  
**3, Mahapalika Marg,**  
**Mumbai – 400 001.**

### GROUNDS

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

- 1) Copies of notes, mark list seniority list and select list of candidates interviewed on 14.1.2004 for appointment as peon
- 2) Roster for appointment as peon from VJNT
- 3) Copies of orders promoting Shri.Rajendra Rajput, Smt. Yamuna Nagargoje and Shri. Hiranman Jagtap
- 4) Name of the administrative officers who looked after administration from 2004.

Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant has filed this second appeal before the Commission. The appeal was heard on 25.3.2009.

Appellate and respondent were present. The appellant has contended that he has not been given the most important information – The Seniority list he has stated that the seniority list which formed the basis for promotion from peon to clerk is faulty as he has been shown junior and hence promoted late.

The respondent's contention is that the appellant has been given all the information except the seniority list prepared after the interview. The list which was

considered at the time of promotion was based on the date of joining. So the persons who have been promoted before him are above him according to date of joining.

After going through the case papers and considering the arguments advanced by parties it is revealed that the most crucial point is what should form the basis of seniority - date of joining or the position in the list prepared after the interview. It is also important to know that any seniority list is not finalised unless objections and suggestions are invited. It is not understood how the appellant feels that he was senior to those promoted before him. If he has the list, he could confront the authority concerned. In any case his case for deemed promotion is pending. Copies of available information have been given. The case is closed at our end.

I therefore, pass the following order.

**Order**

The appeal is disposed off.

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

Place: Mumbai  
Date: 26.3.2009.



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

**Appeal No.2009/1985/02**

**Smt. M.M. Warkhandkar  
4 / 94, Sahjivan, Ganesh Nagar,  
Lalbaug, Mumbai – 400 012.**

**.... Appellant**

**V/s**

**First Appellate Officer cum Director,  
Engineering Service & Project,  
Municipal Corporation of Greater Mumbai.  
Head Office, 3<sup>rd</sup> Floor, Mahapalika Marg,  
Fort, Mumbai – 400 001.**

**.... Respondent**

**Public Information Officer cum Chief Officer,  
(Enquiry) Municipal Corporation of Greater Mumbai,  
Head Office, 3<sup>rd</sup> Floor, Mahapalika Marg,  
Fort, Mumbai – 400 001.**

**GROUNDS**

This appeal has been filed under section 19 (3) of the Right to Information Act 2005. The appellant had sought information regarding Shri. Vijay Maruti Jakhani (MLJO) Solid Waste Management, MCGM. The appellant had asked for information whether some action was taken against him for indulging into the business of money lending & also information available with MCGM regarding court cases in this regard. Not satisfied with responses from the Public Information Officer and the First Appellate Authority, the appellant has come in second appeal before the Commission. The appeal was heard on 2.3.2009. Appellant and respondents were present. The appellant stated that information has been denied on the ground that the information sought does not fit into the definition and it is in the form of question. The respondent did not have anything to add. I do not agree with the findings. Answers to hypothetical questions are not expected. Information which is available in material form has to be furnished.

I therefore do not agree with the findings. I pass the following order.

**Order**

The appeal is allowed and order of the First Appellate Authority is set aside.  
The available information relating to enquiry against Shri. Jakhani should be furnished.  
This should be done within 30 days.

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

Place: Mumbai  
Date: 03.03.2009.

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

**Appeal No.2009/1989/02**

**Shri. Jagnarayan M. Kahar  
C.I.T.U., Andheri Centre,  
Bakhtawar Bldg.,  
2<sup>nd</sup> Floor, Andheri (W),  
Mumbai – 400 058.**

**.... Appellant**

**V/s**

**First Appellate Officer cum Chief Transportation Manager,  
Best Undertaking,  
Transport Head Office,  
Administrative Building, 2<sup>nd</sup> Floor,  
Wadala Bus Depot,  
Wadala,  
Mumbai – 400 031.**

**.... Respondent**

**Public Information Officer cum Senior Government Officer,  
(Transport), Best Undertaking,  
Transport Head Office,  
Administrative Building, 2<sup>nd</sup> Floor,  
Wadala Bus Depot,  
Wadala,  
Mumbai – 400 031.**

**GROUNDS**

This appeal has been filed under section 19 (3) of the Right to Information Act 2005. The appellant by his application dated 23.7.2008 had sought information regarding payment of overtime from 1.11.2008 to employees working at Oshiwara Bus Depot. His application / first appeal was rejected because he had asked for future information where as the RTI Act ensures furnishing of available information. The appellant has come in second appeal before the Commission. The appeal was heard on 2.3.2009. Appellant and respondent were present. The appellant submitted that it was a slip of pen on his part and what he wanted was information from November, 2007 to July 2008. The respondents were agreeable to furnish the information.

**Order**

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

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

Place: Mumbai  
Date: 03.03.2009.

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

**Appeal No.2009/1988/02**

**Shri. Jagnarayan M. Kahar  
C.I.T.U., Andheri Centre,  
Bakhtawar Bldg.,  
2<sup>nd</sup> Floor, Andheri (W),  
Mumbai – 400 058.**

**.... Appellant**

**V/s**

**First Appellate Officer cum Chief Transportation Manager,  
Best Undertaking,  
Transport Head Office,  
Administrative Building, 2<sup>nd</sup> Floor,  
Wadala Bus Depot,  
Wadala,  
Mumbai – 400 031.**

**.... Respondent**

**Public Information Officer cum Senior Government Officer,  
(Transport), Best Undertaking,  
Transport Head Office,  
Administrative Building, 2<sup>nd</sup> Floor,  
Wadala Bus Depot,  
Wadala,  
Mumbai – 400 031.**

### **GROUNDS**

This appeal has been filed under section 19 (3) of the Right to Information Act 2005. The appellant had sought information regarding plying of air conditioned bus on route no. 415. He had also asked information on 6 other related points. The appellant was not satisfied with responses from the Public Information Officer and the First Appellate Authority and hence this appeal. The appeal was heard on 2.3.2009. The appellant has stated that the information given was not complete. Respondents submitted that they have given all the required information. They have also made written submission. I have gone through the case papers and also detailed submission made by the respondent. The information furnished is elaborate and exhaustive. I therefore, come to the conclusion that information has been furnished. I pass the following order.

**Order**

The appeal is disposed off.

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

Place: Mumbai  
Date: 03.03.2009.

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

**Appeal No.2009/1984/02**

**Shri. Nitin M. Sarvaiya  
51 / 1119 Aazad Nagar 3,  
Vira Desai Road,  
Andheri (W),  
Mumbai – 400 058.**

**.... Appellant**

**V/s**

**First Appellate Officer cum Estate Manager II,  
Mumbai Housing Area Development Authority,  
Bandra (East),  
Mumbai – 400 051.**

**.... Respondent**

**Public Information Officer cum Estate Manager II,  
Mumbai Housing Area Development Authority,  
Bandra (East),  
Mumbai – 400 051.**

### **GROUND**

This appeal has been filed under section 19 (3) of the Right to Information Act 2005. The appellant by his application dated 29.4.2009 had sought information relating to building no. 51, Veera Desai Road, Azad Nagar, Andheri. The Public Information Officer by his reply dated 22.5.2009 furnished the required information. The appellant was not satisfied and preferred the first appeal under section 19 (1) of the Right to Information Act 2005. There is nothing on record to show that the First Appellate Authority has passed any order. Hence this appeal.

The appeal was heard on 2.3.2009. Appellant and respondent were present. The appellant has alleged that the information was incomplete and he never received the copies mentioned in Public Information Officer's letter dated 22.5.2009 (point no. 2). The respondent showed willingness to furnish the information again. Following order is passed.

**Order**

The appeal is partially allowed. Public Information Officer to send a copy of the letter as mentioned in para 2 of his reply dated 22.5.2008.

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

Place: Mumbai  
Date: 03.03.2009.



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

**Appeal No.2009/1983/a/02**

**Shri. Noorul Huda Shamsuddoha  
U.T.No.553, Separate Barrack,  
Ratnagiri Special Prison,  
Ratnagiri,  
M.S. 415612.**

**.... Appellant**

**V/s**

**First Appellate Officer cum Dean  
K.E.M. Hospital,  
Parel,  
Mumbai – 400 012.**

**.... Respondent**

**Public Information Officer cum Dean  
K.E.M. Hospital,  
Parel,  
Mumbai – 400 012.**

**GROUNDS**

This appeal has been filed under section 19 (3) of the Right to Information Act 2005. The appellant had sought copies of his medical report prepared at K.E.M. Hospital, Mumbai. The Public Information Officer, K.E.M. Hospital sent the information but the appellant was not satisfied. He preferred the first appeal under section 19 (1) of the RTI Act 2005. The appellant says no response has been received from the First Appellate Authority and hence this appeal.

The appeal was heard on 2.3.2009. The appellant did not turn up. The respondent was present. It has been submitted by him that the appellant was brought to the hospital by police. He was examined like any other patient and reports / copies have been sent to him at his Arthur Jail address. Appellant does admit having received 3 reports but says he should have been given 12-15 reports. The respondent told the Commission that whatever papers were available have been furnished. He also stated that the hospital treats everyone as a patient and the question of furnishing some reports and retaining some does not arise. In fact the appellant is also not sure and have not indicated specific

reports which have not been given to him. In the light of the above discussion, I conclude that the information has been furnished.

**Order**

The appeal is disposed off.

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

Place: Mumbai  
Date: 03.03.2009.

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

**Appeal No.2009/1986/02**

**Shri. Subhash A. Pawar  
Sir J.J. Institute of Applied Arts,  
Fort, Mumbai – 400 001.**

**.... Appellant**

V/s

**First Appellate Officer cum Prabhari Adhishtata  
Sir J.J. Institute of Applied Arts,  
Fort, Mumbai – 400 001**

**.... Respondent**

**Public Information Officer cum Prabhari Adhishtata  
Sir J.J. Institute of Applied Arts,  
Fort, Mumbai – 400 001**

**GROUNDS**

This appeal has been filed under section 19 (3) of the Right to Information Act 2005. The appellant had asked for copies abstract of attendance register of students, copies of correspondence made by the administrative office, list of students who were expelled from the college and copies of letters sent to students as per law. The information was sought for the year 2003-2004 till the applicant's application for information. The information was furnished but not in time. This is the main reason of appeal.

The appeal was heard on 2.3.2009. Appellant and respondent were present. As stated earlier, the main contention of the appellant is that information was submitted late. The respondent has pleaded that lack of staff, reluctance on the part of some of the staff members and nature of the information have contributed for the delay. It is admitted that the furnishing of information has been delayed. I pass the following order.

## **Order**

The appeal is allowed. The Public Information Officer to explain why action should not be initiated under section 20 of the Right to Information Act for not furnishing information in time. The explanation should come to the Commission within 30 days. The appeal is disposed off.

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

Place: Mumbai  
Date: 03.03.2009.

**Shri. Chandu Tulsidas Pahuja**  
**C/603, Atlanta Co-operative Hsg. Socty. Ltd..**  
**Evershine Nagar, Malad Marve Link Road,**  
**Valnai Village, Malad West,**  
**Mumbai – 400 064.**  
V/s

.... Appellant

**First Appellate Officer cum Dy. Registrar**  
**Co-operative Societies, “P” Ward,**  
**Malhotra House, 6<sup>th</sup> Floor,**  
**Opp. G.P.O., Fort,**  
**Mumbai – 400 001.**

.... Respondent

**Public Information Officer cum Hon. Secretary / Chairman,**  
**Atlanta Co-operative Hsg. Socty. Ltd..**  
**Evershine Nagar, Malad Marve Link Road,**  
**Valnai Village, Malad West,**  
**Mumbai – 400 064.**

### **GROUNDS**

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

6. Certified legible True Copies of very first and last paid Property Tax Bills and Water Bills to Mumbai Municipal Corporation by Atlanta Cooperative Housing Society Ltd.
7. Certified legible True Copy of very first of the Old Registered Bye-Laws in the year 1987-88 of the Society.
8. Legible Certified True Copy of City Survey Plan, Property Card and Occupation Certificate of Atlanta Co-operative Housing Society Ltd.
9. List of Managing Committee Members Elected and co-opted from time to time till date.
10. Certified True Copies of Address and Telephone Numbers of Contractors, Consultants, Office Managers and Staff appointed by Atlanta Co-operative Housing Society Ltd, since 2003 till date.

Not satisfied with responses from the Public Information Officer and the First Appellate Authority, the appellant has come in second appeal before the Commission. The appeal was heard on 17.2.2009. Appellant and respondent were present. The

information sought by the appellant is available at the Society's level. The Maharashtra Co-operative Societies Act 1960 gives enough powers to the District Deputy Registrar to force societies to meet legitimate demands of members. The issues whether Societies come under the RTI Act has not been finally decided. The Hon. Karnataka High Court in its judgment in writ petition no. 16901 / 2006 (GM RES) has held that solely on the basis of supervision and control by the Registrar of Societies, a society cannot be termed as public authority. So as to include a Society, within the definition of the term 'Public Authority' it should fulfill the conditions stipulated in such clause (d) of clause (b) of section 2 of the RTI Act. We at the Commission however have devised a via media the information which is held by the office of the Deputy Registrar or should have been held by him can be accessed. The information sought by the appellant obviously does not fit into the category. Property tax, addresses and telephone no. of members, occupation certificate etc. The appellant however can approach the Deputy Registrar under the Maharashtra Co-operative Societies Act 1960 which sufficiently arms the Deputy Registrar to provide relief to Society members. I therefore, pass the following order.

**Order**

The appeal is disallowed.

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

Place: Mumbai  
Date: 03.03.2009.

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

**Appeal No.2009/1992/02**

**Shri. Satish Ramchandra Rane  
Peru Chawl, 1<sup>st</sup> Floor, Room No. 27,  
Lalbaug, Mumbai – 400 012.**

**.... Appellant**

**V/s**

**First Appellate Officer cum Chief Fire Officer,  
Municipal Corporation Of Greater Mumbai,  
Mumbai Fire Brigade,  
Mumbai.**

**.... Respondent**

**Public Information Officer cum Chief Fire Officer,  
Municipal Corporation Of Greater Mumbai,  
Mumbai Fire Brigade,  
Mumbai.**

### **GROUND**

This appeal has been filed under section 19 (3) of the Right to Information Act 2005. The appellant had sought information regarding inquiries against Shri. Devidas Madhukar Lokhande, Fire Service of MCGM. 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 fixed for hearing on 2.3.2009. The appellant did not turn up. The respondent was present. He has submitted a copy of the letter dated 13.8.2008. The letter is from the Asstt. Public Information Officer and addressed to the appellant. It has given details of enquiries and punishment awarded to Mr. Lokhande. In view of this, I conclude that information has been furnished and the case is closed.

### **Order**

The appeal is disposed off.

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

Place: Mumbai  
Date: 03.03.2009.

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

**Appeal No.2009/1987/02**

**Shri. Jaan Mohammad Gulam Mohammad Khan  
C/o. Plot No. 27/A/46-47 (Road No. 2),  
Shivaji Nagar, Gowandi,  
Mumbai – 400 043.**

**.... Appellant**

**V/s**

**First Appellate Officer cum Jt. Municipal Commissioner (I),  
(Sudhar) Municipal Corporation of Greater Mumbai,  
Head Office, Ext. Bldg., 3<sup>rd</sup> Floor,  
Mahapalika Marg, Fort,  
Mumbai – 400 001.**

**.... Respondent**

**Public Information Officer cum  
TAVO, Municipal Corporation of Greater Mumbai,  
Room No.211, 2<sup>nd</sup> Floor, Ext. Bldg.,  
Head Office, Fort,  
Mumbai – 400 001.**

### **GROUNDS**

This appeal has been filed under section 19 (3) of the Right to Information Act 2005. The appellant is one of the persons whose structures were affected because of training of Rafi Nagar Nulla. The appellant was offered a pitch but the same was encroached by another person. The MCGM allotted to him another plot. The appellant however, wanted a photo pass which was denied saying that while structure was protected, he is not entitled to have a photo pass. The appeal was heard on 2.3.2009. Appellant and respondent were present. The respondents have conducted an enquiry into the allegations made by the appellant. They have obtained Municipal Commissioner's order and the same has been communicated. A copy of the report was also furnished to him. The appellant is still not satisfied and fears that MCGM may remove him at will. He wants to be assured that his structure will remain protected. The formal allotment letter has been issued to him. He has also pointed that enquiry officer has remarked that his structure is illegal and should be removed.

I have gone through the entire file and also listened to parties. Since the appellant has been formally allotted pitch no.28, the question of his being illegally does not arise. The enquiry officer said that the remark was because of the fact that allotment letter was not shown to him. The remark thus becomes infructuous and invalid. Since it has



already been admitted that his structure is protected, I see no reason for him to worry. The officials present also assured him that he would get the same protection and treatment as other allottees. In the light the above discussion, the case is closed.

**Order**

The appeal is disposed off.

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

Place: Mumbai  
Date: 03.03.2009.

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

**Appeal No.2009/2011/02**

**Shri. Arun Ganpat Bhowar  
A / 603, Sai Aashih,  
Near Jankalyan Bank,  
Station Road, Vikroli,  
Mumbai – 400 083.**

**.... Appellant**

**V/s**

**First Appellate Officer cum Dy. Registrar,  
Co-operative Societies,  
Mumbai Housing Area Development Authority,  
Grihnirman Bhavan,  
Bandra (E),  
Mumbai – 400 083.**

**.... Respondent**

**Public Information Officer cum Secretary,  
Arun Niwara Co-operative Housing Society Ltd.,  
Bldg. No. 167, Kannamwar Nagar No. 1,  
Vikroli (E),  
Mumbai – 400 083.**

### **GROUND**

This appeal has been filed under section 19 (3) of the Right to Information Act 2005. The appellant had sought certain information from Arun Niwas Co-operative Housing Society Ltd., Kannamwar Nagar, Vikroli. There is nothing on record to show that any information was passed on to the appellant. The appellant approached the First Appellate Authority but no order seems to have been passed. The appeal was heard on 4.3.2009. Appellant and respondents were present.

The appellant had approached the society under section 6(1) of the Right to Information Act. He preferred first appeal before the Deputy Registrar. He has approached the Commission in the second appeal. The society has not been designated as Public Information Authority. Then the first appeal and again the second appeal are not in order and hence not tenable. Since the first application under RTI was presented to society which has not been designated as Public Information Authority by the competent

authority, the question of second appeal does not arise. I therefore, pass the following order.

**Order**

The appeal is dismissed.

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

Place: Mumbai  
Date: 04.3.2009.

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

Appeal No.2009/2009/02

**Shri. Bhushan Bhagwandas Ghodi (Patel)**  
**Bhagwandas House, C/16, Chincholi Bandar Road,**  
**Malad (West),**  
**Mumbai – 400 064.**

.... Appellant

V/s

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

.... Respondent

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

### GROUNDS

This appeal has been filed under section 19 (3) of the Right to Information Act 2005. The appellant had wanted to know whether any redevelopment scheme on his property CTS 1061, Part 1 to 22 Survey No. 448 / 2, CTS No.1060 part 1 to 13 Survey no. 448/3, CTS 1135 Survey No. 440 Part I has been sanctioned. He was not satisfied with responses from the Public Information Officer and the First Appellate Authority and hence this appeal. The appeal was heard on 4.3.2009. The appellant did not turn up. The respondent was present. He has stated that no scheme has been sanctioned on those CTS / SN as mentioned by the appellant. It is not enough to inform the Commission, the appellant must be informed. I therefore, pass the following order.

### Order

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

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

Place: Mumbai  
Date: 04.3.2009.

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

**Appeal No.2009/2006/02**

**Shri. Shekhar Kashinath L. Kapure  
59, Ambedkar Sadan,  
Curry Road,  
Mumbai – 400 013.**

**. ... Appellant**

**V/s**

**First Appellate Officer cum Asstt. Commissioner  
Municipal Corporation of Greater Mumbai,  
“L” Ward, Kurla,  
Mumbai – 400 070.**

**.... Respondent**

**Public Information Officer Senior Inspector Licenses  
License Department,  
394 Section,  
Municipal Corporation of Greater Mumbai,  
“L” Ward, Kurla,  
Mumbai – 400 070.**

**GROUNDS**

This appeal has been filed under section 19 (3) of the Right to Information Act 2005. The appellant had asked for copies of documents submitted by the management of Sai Enterprises for obtaining license under section 394 of BMC Act. Not satisfied with responses from the Public Information Officer and the First Appellate Authority, the appellant has preferred this second appeal before the Commission. The appeal was heard on 4.3.2009. Appellant and respondents were present. The appellant has stated that he has not been given complete information. The respondent stated that they granted license in 2002 and necessary copies have been provided to the appellant. The appellant however has pointed out that the owners of Sai Enterprises in their application for license under section 394 of the BMC Act have mentioned that they were doing business at the premises since 1991. The respondent's response was that they are having information and related papers from 2002 although Sai Enterprises might be running business unauthorisedly. They have stated that they have no papers / documents of 1991.

I have gone through the case papers and also considered the arguments advanced by parties. The fact that applicant mentioned that he was doing business since 1991 does not make it necessary that he must have applied for license. The license department will have documents only when someone approaches them for a license. The appellant's contention that because the applicant claims to be doing business since 1991 and

therefore the license department must be having related papers is not correct. If papers from 2002 have been furnished, I see no reason to deny papers of 1991. I accept respondent's contention. In the light of above discussion I come to the conclusion that available information has been furnished. I decide to close the case.

**Order**

The appeal is disposed off.

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

Place: Mumbai  
Date: 04.3.2009.

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

Appeal No.2009/2003/02

**Shri. Shekhar Kashinath L. Kapure**  
59, Ambedkar Sadan,  
Curry Road,  
Mumbai – 400 013.

. ... Appellant

V/s

**First Appellate Officer cum Asstt. Commissioner**  
**Municipal Corporation of Greater Mumbai,**  
“L” Ward,  
Kurla, Mumbai – 400 070.

.... Respondent

**Public Information Officer cum Engineer**  
**Building & Factory,**  
**Municipal Corporation of Greater Mumbai,**  
“L” Ward,  
Kurla, Mumbai – 400 070.

### GROUNDS

This appeal has been filed under section 19 (3) of the Right to Information Act 2005. Shri. Shekhar Kashinath Kapure had sought information whether permit under section 390 of the BMC Act has been given to M/s. Sai Enterprises. The Asstt. Commissioner by his order dated 30.8.2008 informed him permit under section 390 has not been given to Sai Enterprises. The appellant however has quoted your report saying that the permit was shown to you during your inspection. This to be clarified. It is therefore, requested that kindly attend this office on 30.4.2009 at 4.00 p.m. along with relevant papers. Failure to appear may lead to issuance summons under the Right to Information Act.

### Order

The appeal is disposed off.

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

Place: Mumbai  
Date: 04.3.2009.

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

**Appeal No.2009/2015/02**

**Shri. Leslie Almeida  
"Casa Almeida" Flat 103,  
1, St. Joseph Road, Off St. Paul Rd.,  
Bandra (W),  
Mumbai – 400 050.**

**. . . . Appellant**

**V/s**

**First Appellate Officer cum Divisional Dist. Registrar,  
Co-operatives Societies,  
Grihnirman Bhavan (MHADA Bldg.),  
Ground floor, Room No. 69,  
Bandra (East),  
Mumbai – 400 051.**

**.... Respondent**

**Public Information Officer cum Dy. Registrar,  
Cooperatives Societies,  
Grihnirman Bhavan (MHADA Bldg.),  
Ground floor, Room No. 69,  
Bandra (East),  
Mumbai – 400 051.**

**GROUNDS**

This appeal has been filed under section 19 (3) of the Right to Information Act 2005. The appellant had sought certain information from Salsette Catholic Co-operative Housing Society. The Deputy Registrar Co-operative Society, H /West, Mumbai passed an order under, section 7(92) (A) of the Maharashtra Co-operative Societies Act 1960. The appellant has sought information regarding its compliance. He was not satisfied with responses from the Public Information Officer or the First Appellate Authority and hence this appeal. These appeals were heard on 4.3.2009. Appellant and respondent were present. The appellant has stated that since the Deputy Registrar has passed an order in his favour, he should know the status of compliance. He was also emphatic that the First Appellate Authority also directed 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 must be provided. I therefore, pass the following order.



**Order**

The appeal is allowed. Public Information Officer to furnish the information required by the appellant within 15 days.

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

Place: Mumbai  
Date: 05.3.2009.

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

**Appeal No.2009/2012/02**

**Smt. Leena Rao  
1403, Cascade – I, Kulupwadi,  
Borivali (East),  
Mumbai – 400 066.**

**.... Appellant**

**V/s**

**First Appellate Officer cum Registrar,  
University of Mumbai,  
Fort Campus,  
Mumbai – 400 032.**

**.... Respondent**

**Public Information Officer  
University of Mumbai,  
Fort Campus,  
Mumbai – 400 032.**

**GROUND**

This appeal has been filed under section 19 (3) of the Right to Information Act 2005. The appellant had asked for a copy of the list of examiners in order of seniority in the subject of Chemistry for M.Sc. (Organic) and B.Sc. (Chemistry) sent by SIES College of Arts, Science and Commerce, Sion (West), Mumbai. The appellant has been denied the information because it was treated as confidential. Hence this appeal. The appeal was heard on 4.3.2009. The appellant was present. Respondents were absent. The main point in the appeal is whether the information sought can be treated as confidential. The reference to section 8(d) is not relevant. Everything that we do not want others to know is marked confidential. The regime of Right to Information has changed all that. In this case the college has sent list of persons who can be considered for examinership. Nobody is asking the list which the university has finalised. The appellant is asking for the list which her college has sent. I see no confidentiality in it. The appellant has to get it. I pass the following order.

**Order**

The Public Information Officer to furnish the information sought by the appellant within 15 days.

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

Place: Mumbai  
Date: 05.3.2009.

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

Appeal No.2009/2018/02

Shri. Vijay Jaiswal,  
35, Kanta Niwas, D.J.Road,  
Vile Parle (W),  
Mumbai – 400 056.

. ... Appellant

V/s

First Appellate Officer cum City Survey Officer,  
City Survey Department  
S.V.Road,  
Municipal Corporation of Greater Mumbai  
Motor Garage Camp,  
Santacruz,  
Mumbai – 400 054.

.... Respondent

Public Information Officer cum The Sr. State Information Officer,  
City Survey Department  
S.V.Road,  
Municipal Corporation of Greater Mumbai  
Motor Garage Camp,  
Santacruz,  
Mumbai – 400 054.

### GROUNDS

This appeal has been filed under section 19 (3) of the Right to Information Act 2005. The hearing was fixed on 5.3.2009. The appellant however has submitted his application stating therein that he wanted to withdraw his appeal. The request is granted.

### Order

The appeal is disposed off.

(Ramanand Tiwari)  
State Information Commissioner, Mumbai

Place: Mumbai  
Date: 05.3.2009.

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

**Appeal No.2009/1237/02**

**Shri. Rajendra Panditrao Mali  
C – 3, Bachat Sarita Building,  
Civil Hudco, Tarakpur,  
Tal. Dist. – Ahmednagar.**

**. ... Appellant**

**V/s**

**First Appellate Officer cum Secretary,  
Maharashtra Public Service Commission,  
Bank of India Bldg., Mahatma Gandhi Marg,  
Mumbai – 400 001.**

**.... Respondent**

**Public Information Officer Dy. Secretary,  
Maharashtra Public Service Commission,  
Bank of India Bldg., Mahatma Gandhi Marg,  
Mumbai – 400 001.**

**GROUNDS**

This appeal has been filed under section 19 (3) of the Right to Information Act 2005. The appellant had sought certain information from the Maharashtra Public Service Commission. The information has been denied on the ground that the Anti Corruption Bureau is investigating the case. The appellant has filed appeal against these orders. The appeal was fixed for hearing on 2.3.2009. The appellant did not turn up. The respondent was present. I have gone through the case papers. The First Appellate Authority has passed a reasoned order. It is a fact that the ACB is still investigating the case. The request has been rightly denied. There is no need to interfere with the order of the First Appellate Authority.

**Order**

The appeal is disposed off.

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

Place: Mumbai  
Date: 05.3.2009.

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

Appeal No.2009/2030/02

**Shri. Leslie Almeida**  
"Casa Almeida" Flat 103,  
1, St. Joseph Road, Off St. Paul Rd.,  
Bandra (W),  
Mumbai – 400 050.

. ... Appellant

V/s

**First Appellate Officer cum Divisional Dist. Registrar,**  
**Co-operatives Societies,**  
**Grihnirman Bhavan (MHADA Bldg.),**  
**Ground floor, Room No. 69,**  
**Bandra (East),**  
**Mumbai – 400 051.**

.... Respondent

**Public Information Officer cum Dy. Registrar,**  
**Cooperatives Societies,**  
**H/W Ward, Sahakar Bazar Building,**  
**4<sup>th</sup> Floor, Bandra (W),**  
**Mumbai – 400 050.**

### **GROUNDS**

This appeal has been filed under section 19 (3) of the Right to Information Act 2005. The appellant had sought information regarding his case – Leslie Almeida V/s Salsette Catholic Co-operative Society. Not satisfied with responses from the Public Information Officer and the First Appellate Authority, the appellant has in 2<sup>nd</sup> appeal before the Commission. The appeal was heard on 5.3.2009. Appellant and respondent were present. I have gone through the case papers and also considered the arguments advanced by parties. The information sought has to be provided. I therefore, pass the following order.

### **Order**

The appeal is allowed. Public Information Officer to furnish the information required by the appellant within 15 days.

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

Place: Mumbai  
Date: 06.3.2009.

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

**Appeal No.2009/2031/02**

**Shri. Leslie Almeida  
"Casa Almeida" Flat 103,  
1, St. Joseph Road, Off St. Paul Rd.,  
Bandra (W),  
Mumbai – 400 050.**

**. ... Appellant**

**V/s**

**First Appellate Officer cum Divisional Dist. Registrar,  
Co-operatives Societies,  
Grihnirman Bhavan (MHADA Bldg.),  
Ground floor, Room No. 69,  
Bandra (East),  
Mumbai – 400 051.**

**.... Respondent**

**Public Information Officer cum Dy. Registrar,  
Cooperatives Societies,  
H/W Ward, Sahakar Bazar Building,  
4<sup>th</sup> Floor, Bandra (W),  
Mumbai – 400 050.**

**GROUNDS**

This appeal has been filed under section 19 (3) of the Right to Information Act 2005. The appellant by his application dated 17.6.2008 had sought information regarding case file Leslie Almeida V/s Salsette Catholic Co-operative Society. He also wanted to know what action has been taken against the society and if no action has been taken, reasons for not taking action. Not satisfied with responses from the Public Information Officer and the First Appellate Authority, the appellant has preferred this second appeal before the Commission. The appeal was heard on 5.3.2009. Appellant and respondent were present. The appellant has stated that despite order from the First Appellate Authority, no information has been received by him. The respondent did not have much to say. After going through the case papers and considering the arguments advanced by parties. I have come to the conclusion that information must be furnished. I therefore, pass the following order.

**Order**

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

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

Place: Mumbai  
Date: 06.3.2009.



**Shri. Chandu Tulsidas Pahuja**  
**C/603, Atlanta Co-operative Hsg. Socty. Ltd..**  
**Evershine Nagar, Malad Marve Link Road,**  
**Valnai Village, Malad West,**  
**Mumbai – 400 064.**  
V/s

.... Appellant

**First Appellate Officer cum Dy. Registrar**  
**Co-operative Societies, “P” Ward,**  
**Malhotra House, 6<sup>th</sup> Floor,**  
**Opp. G.P.O., Fort,**  
**Mumbai – 400 001.**

.... Respondent

**Public Information Officer cum Hon. Secretary / Chairman,**  
**Atlanta Co-operative Hsg. Socty. Ltd..**  
**Evershine Nagar, Malad Marve Link Road,**  
**Valnai Village, Malad West,**  
**Mumbai – 400 064.**

### GROUNDS

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

- 1) Required Certificate True Copy of Resolution Passed in the Annual General Meeting of Atlanta Co-operative Housing Ltd., held on 14<sup>th</sup> August 2005.
- 2) How much amount has been spent on Major Repairs since April 2004 till date and how much amount has been collected from each of Member on Sq. Ft. basis, furnish detail along with certified True abstract of the up to date bills of the contractors involved in the Major Repairs of the Society Buildings?
- 3) Whether Permission for Major Repairs has been obtained from Mumbai Municipal Corporation through concerned department?, if yes please furnish me the Certified True Copy of the Application made by the License Structural Engineer appointed by the Society, also Certified True Copy of the Permission granted by the Mumbai Municipal Corporation “P” Ward, Mumbai For allowing you for Major Repairs.

- 4) Whether Buildings of Atlanta Co-operative Housing Society Ltd., areas per BMC Approved Plans i.e. Structural, Elevation, Room Layout Open Space around the Buildings, Common area, Garden recreation, Common Terraces on all levels of the Society Buildings?
- 5) Whether Society Land is lease hold or Free hold? Please give clarifications with concerned documents (Certified True, signed and sealed by Hon. Secretary of the society).

Not satisfied with responses from the Public Information Officer and the First Appellate Authority, he has preferred second appeal before the Commission. The appeal was heard on 17.2.2009. Appellant and respondents were present. It is seen from case papers that the appellant sought information from the society by his letter dated 3.7.2008. The appellant says that he received a reply through society's advocate saying that societies are not covered under RTI Act 2005. The appellant filed the first appeal under section 19(1) of the RTI Act. It seems that the First Appellate Authority has not passed any order. The appellant has requested for penal action against him. The issue whether cooperative societies come under the RTI Act or not has not been finally settled. The Hon'ble Karnataka High Court in its judgment in writ petition no. 16901 / 2006 (GM RES) has held that solely on the basis of supervision and control by the Registrar of Societies, a society cannot be termed as public authority. So as to include a Society, within the definition of the term 'Public Authority' it should fulfill the conditions stipulated in sub clause (d) of clause (b) of section 2 of the RTI Act. We at the Commission, however, have devised a via media – the information which is held by the office of the Deputy Registrar or should have been held by him can be accessed. The information sought by the appellant obviously does not fit into the category. Property tax, addresses and telephone no. of members, occupation certificate etc. are available at society's level. The appellant however can approach the Deputy Registrar under the Maharashtra Co-operative Societies Act 1960 which sufficiently arms the Deputy Registrar to provide relief to Society members. I therefore, pass the following order.

**Order**

The appeal is disallowed.

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

Place: Mumbai  
Date: 06.03.2009.

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

**Appeal No.2009/2039/02**

**Shri.Nasir M.Shaikh  
H – 145, Rafi Nagar, Shivaji Nagar,  
Gowandi, Mumbai – 400 043.**

**.... Appellant**

**V/s**

**First Appellate Officer cum Asstt. Commissioner,  
Municipal Corporation of Greater Mumbai,  
Office of the M / East Ward bldg.,  
Mumbai**

**.... Respondent**

**Public Information Officer cum District Dy. Collector,  
Welfare Centre Bldg., P.Y. Thorat Marg,  
Near Chembur Railway Station,  
Chembur (W),  
Mumbai – 400 089.**

**GROUND**

This appeal has been filed under section 19 (3) of the Right to Information Act 2005. The appellant had sought the information regarding zopadpatti survey form no. 1517328 whether this form was with the Mumbai Municipal Council and other related issues. The Public Information Officer by his letter dated 1.12.2008 informed him that his form has been sent to ward office M East). The Asstt. Commissioner M (East) however has informed him that the form was not available in his office.

Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant has filed this second appeal before the Commission. The appeal was heard on 9.3.2009. The appellant did not turn up but the respondent was present. The appellant has contended that the information has not been furnished to him.

The respondent's contention is that appellant's form has been sent to the ward office M (East). He has stated that this survey was conducted on Municipal Land and because of change in the policy the whole set of documents was sent to the ward M (East). He has produced copies of some document which show that appellant's application was incomplete and sent to the ward office.

After going through the case papers and considering the arguments advanced by parties. It is revealed that these are two versions-tahsildar says, records have been sent but the Asstt. Commissioner says they are not with him. Both versions cannot be true. Since the tahsildar has submitted some papers to the Commission, I am inclined to direct

the Asstt. Commissioner to look into his records more carefully otherwise he may be held responsible for furnishing wrong information.

**Order**

The appeal is allowed. The tahsildar will send a set of documents to the Asstt. Commissioner M (East) who will thoroughly search his record collect the relevant information and furnish to the appellant in 45 days.

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

Place: Mumbai  
Date: 09.03.2009.

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

**Appeal No.2009/2041/02**

**Shri. Hurbert James Misquitta  
A – 501, Gokul Divine C.H.S.Ltd.,  
'James Wadi', Off S.V.Road, Irla,  
Vile-Parle (West),  
Mumbai – 400 056.**

**.... Appellant**

**V/s**

**First Appellate Officer cum District Sub-Registrar,  
Co-Op. Society (3), Room No. 69,  
Ground Floor, Grihnirman Bhuvan,  
Bandra (E), Mumbai – 400 051.**

**.... Respondent**

**Public Information Officer cum Dy. Registrar,  
Co-Op. Society (3), Room No. 69,  
Ground Floor, Grihnirman Bhuvan,  
Bandra (E), Mumbai – 400 051.**

**GROUNDS**

This appeal has been filed under section 19 (3) of the Right to Information Act 2005. The appellant had sought Certified Copies of all Meetings of Managing Committee & Certified Copies of all payments made to various parties by cash or cheque by Gokul Divine CHS Ltd. Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant has filed this second appeal before the Commission. The appeal was heard on 9.3.2009. Appellant and respondents were present. The appellant has contended that the information sought has not been provided. The respondent's contention is that the information is available with the society and appellant should collect from there.

After going through the case papers and considering the arguments advanced by parties I have come to the conclusion that the required information is not available with the Public Information Officer. The Maharashtra Co-operative Societies Act 1960 empowers the District Deputy Registrar to provide relief to members of societies. I therefore, pass the following order.

**Order**

The appeal is disposed off. The Deputy Registrar should provide relief to the appellant under Maharashtra Co-operative Societies Act 1960.

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

Place: Mumbai  
Date: 09.03.2009.

**Shri. Hurbert James Misquitta**  
A – 501, Gokul Divine C.H.S.Ltd.,  
'James Wadi', Off S.V.Road, Irla,  
Vile-Parle (West),  
Mumbai – 400 056.

.... Appellant

V/s

**First Appellate Officer cum District Sub-Registrar,**  
Co-Op. Society (3), Room No. 69,  
Ground Floor, Grihnirman Bhuvan,  
Bandra (E), Mumbai – 400 051.

.... Respondent

**Public Information Officer cum Dy. Registrar,**  
Co-Op. Society (3), Room No. 69,  
Ground Floor, Grihnirman Bhuvan,  
Bandra (E), Mumbai – 400 051.

### GROUNDS

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

- d) What is the percentage for Non-Occupancy Charges levied by the Society and whether it is calculated on basis of maintenance charges or service charges?
- e) Certified copy of List of Parkings in the building, both stilt parking & open parking.
- f) Which parkings have been transferred, from & to whom, by the Society from the formation of Society till date.

Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant has filed this second appeal before the Commission. The appeal was heard on 9.3.2009.

Appellant and respondents were present. The appellant has contended that he has still not been furnished the information. The respondent's contention is that this information is available at society's level and the appellant should obtain from these.

After going through the case papers and considering the arguments advanced by parties it is revealed that the society is not furnishing the information. Since society have

not been designated as Public Authorities it is not possible for the Commission to intervene directly. The Commission however, is of the view that the information on point no.1 may be furnished to the appellant. I therefore, pass the following order.

**Order**

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

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

Place: Mumbai  
Date: 09.03.2009.



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

**Appeal No.2009/2026/02**

**Shri. Mohammed Nasir Mohammed Jahir Shaikh  
Haji Yasin Chawl, Andheri Plot,  
Jogeshwari (East),  
Mumbai – 400 060.**

**.... Appellant**

**V/s**

**First Appellate Officer cum Asstt. Commissioner,  
Municipal Corporation of Greater Mumbai,  
K / West Ward Office Bldg., 2<sup>nd</sup> Floor,  
Paliram Path,  
Andheri (W),  
Mumbai – 400 053.**

**.... Respondent**

**Public Information Officer cum Asstt. Engineer,  
Building & Factories,  
Municipal Corporation of Greater Mumbai,  
K / West Ward Office Bldg., 2<sup>nd</sup> Floor,  
Paliram Path,  
Andheri (W),  
Mumbai – 400 053.**

**GROUNDS**

This appeal has been filed under section 19 (3) of the Right to Information Act 2005. The appellant had sought a certified copy of the complaint made against encroachment by Mrs. Shehnaz Khan. The appellant also wanted to know details of action taken.

Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant has filed this second appeal before the Commission. The appeal was heard on 5.3.2009.

Appellant and respondents were present. The appellant has contended that he has received a copy of the complaint made by Shri. Pir Mohammed against Mohammed Kalim and not Mrs. Shehnaz Khan as requested. The notice by MCGM was issued in the name of Shehnaz Khan.

After going through the case papers and considering the arguments advanced by parties it is revealed that the notice was served to Shehnaz Khan and structure demolished although the complaint was against Kalim Mohammed. It is nobody's case that authorised structure has been demolished. The appellant's argument that complaint was received on 6.8.2007 and notice issued on 7.8.2007. He suspected some conspiracy.

Nobody can be hauled up for being prompt. Technically, there was no complaint against Shehnaz Khan. In view of the fact that unauthorised structure has been demolished after service of notice I am of the view that the case should be closed. It is not correct to conclude that the unauthorised structure was demolished without complaint and hence it is wrong. I pass the following order.

**Order**

The appeal is disallowed.

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

Place: Mumbai  
Date: 09.03.2009.

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

**Appeal No.2009/2034/02**

**Shri. Leslie Almeida  
"Casa Almeida" Flat 103,  
1, St. Joseph Road, Off St. Paul Rd.,  
Bandra (W),  
Mumbai – 400 050.**

**.... Appellant**

**V/s**

**First Appellate Officer cum Divisional Dist. Registrar,  
Co-operatives Societies,  
Grihnirman Bhavan (MHADA Bldg.),  
Ground floor, Room No. 69,  
Bandra (East),  
Mumbai – 400 051.**

**.... Respondent**

**Public Information Officer cum Dy. Registrar,  
Cooperatives Societies,  
Grihnirman Bhavan (MHADA Bldg.),  
Ground floor, Room No. 69,  
Bandra (East),  
Mumbai – 400 051.**

**GROUNDS**

This appeal has been filed under section 19 (3) of the Right to Information Act 2005. The appellant had sought the information relating to his complaint dated 22.1.2007 and action taken on his complaint. Not satisfied with responses from Public Information Officer and the First Appellate Authority the appellant has filed this second appeal before the commission. The appeal was heard on 9.3.2009. The appellant did not turn. Respondents were present. He has not been informed what action has been taken on his complaint against the Salsette Catholic Co-operative Housing Society. He has also pleaded for action against the Public Information Officer. The respondent contention is that action has already been initiated 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 information has been furnished. Action has already been initiated. The Public Information Officer informs the appellant about the latest position. Action against societies has a long process and it is not possible to monitor under the RTI Act. The Maharashtra Cooperative Societies Act is sufficiently equipped to provide relief to members of Cooperative Societies.

**Order**

The appeal is disallowed.

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

Place: Mumbai  
Date: 09.03.2009.

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

**Appeal No.2009/2033/02**

**Shri. Leslie Almeida  
"Casa Almeida" Flat 103,  
1, St. Joseph Road, Off St. Paul Rd.,  
Bandra (W),  
Mumbai – 400 050.**

**.... Appellant**

**V/s**

**First Appellate Officer cum Divisional Dist. Registrar,  
Co-operatives Societies,  
Grihnirman Bhavan (MHADA Bldg.),  
Ground floor, Room No. 69,  
Bandra (East),  
Mumbai – 400 051.**

**.... Respondent**

**Public Information Officer cum Dy. Registrar,  
Cooperatives Societies,  
Grihnirman Bhavan (MHADA Bldg.),  
Ground floor, Room No. 69,  
Bandra (East),  
Mumbai – 400 051.**

**GROUNDS**

This appeal has been filed under section 19 (3) of the Right to Information Act 2005. The appellant had sought the information regarding case file Leslie Almeida V/s. Selsette Catholic Co-operative Society – Compliance of circular from Commissioner of Co-operative and Registrar, Maharashtra State Pune regarding adopting society in society. Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant has filed this second appeal before the Commission. The appeal was heard on 9.3.2009. The appellant did not turn up but the respondent was present.

The appellant has contented he has not been furnished the information. He has brought to the Commission's notice that the First Appellate Authority had ordered the Public Information Officer to arrange inspection relevant documents to the appellant. The respondent's contention is that necessary documents will be shown to him and copies of selected ones will be provided.

After going through the case papers and considering the arguments advanced by parties I have come to the conclusion that the appeal is to be allowed. I therefore, pass the following order.

**Order**

The appeal is allowed. The Public Information Officer to arrange for inspection of documents and furnish copies of documents requested the appellant.

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

Place: Mumbai  
Date: 09.03.2009.

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

**Appeal No.2009/2010/02**

**Shri. Shankar N. Shetty  
11-B, Shop No.  
D'Silva Baug, Asalfa,  
Ghatkopar (W),  
Mumbai – 400 084.**

**.... Appellant**

**V/s**

**First Appellate Officer  
M.M.R.D.A.,  
Office of the Executive Engineer,  
Bandra-Kurla Complex,  
Bandra (E),  
Mumbai – 400 051.**

**.... Respondent**

**Public Information Officer  
M.M.R.D.A.,  
Office of the Executive Engineer,  
Bandra-Kurla Complex,  
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 1.9.2008 had asked information on the following points:

- f) Whether the road Alignment of Eastern Express Highway to Sakinaka up to L.B.S. of AGLR Sanctioned or not.
- g) Provide a copy of Plan & related documents to road Alignment of Asalfa at Map No. 9 & Map No. 8 of AGLR.
- h) At map No.9 of Sakinaka to Asalfa, whether alignment was changed after 2004, give a copy of Map No.9.
- i) The sanctioned Road line of BMC for AGLR at Sakinaka to LBS is strictly followed by the competent authority while road widening in said road.
- j) Name of the Officer in charge regarding supervision this above matter.

There is nothing on record to show that either the Public Information Officer or the First Appellate Authority has passed any order. The appeal was heard on 4.3.2008. Appellant and respondent were present. The appellant reiterated his stand that

information has not been furnished to him. The respondent stated that they are only executing the work and do not have all the information required by the appellant. I do not agree. The Act provides that if the information sought does not relate to him, he should have transferred the application to the Public Authority who is having the information. Alternatively he can also seek information and furnish to the appellant. Neither of the step has been taken by the Public Information Officer. I therefore, pass the following order.

**Order**

The Public Information Officer to furnish information within 30 days. If he does not have all the information he should collect from relevant development and furnish to the appellant since this has not been done earlier.

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

Place: Mumbai  
Date: 9.3.2009.



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

**Appeal No.2009/2056/02**

**Shri. Sanjay Govind Dhuwali  
4/305, 'Rachna', Chikhalwadi,  
N.B.Marg,  
Grant Road (W),  
Mumbai – 400 007.**

**.... Appellant**

**V/s**

**First Appellate Officer cum Director (Marketing)  
Mumbai Board, Marketing  
Grihnirman Bhavan,  
Bandra,  
Mumbai – 400 051.**

**.... Respondent**

**Public Information Officer cum Dy. Director (Marketing)  
Mumbai Board, Marketing  
Grihnirman Bhavan,  
Bandra,  
Mumbai – 400 051.**

**GROUNDS**

This appeal has been filed under section 19 (3) of the Right to Information Act 2005. The appellant had sought the information relating to building no. 21 A 21 B, Bimbisar Nagar, Goregaon, Mumbai. The appellant has sought information regarding grant of occupancy certificate, no. of tenements, no. of times advertisement for sale has been given etc.

Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant has filed this second appeal before the Commission. The appeal was heard on 12.3.2009. The appellant did not turn up but the respondent was present. The appellant has contended that he has not been furnished the information. The respondents have agreed to furnish the same. It is therefore, ordered that information must be furnished within the time prescribed in this order failing which action under section 20 of the RTI Act will be initiated against the Public Information Officer.

**Order**

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

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

Place: Mumbai  
Date: 12.3.2009.

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

**Appeal No.2009/2055/02**

**Shri.Ramesh Madhukar Salwe  
Surji Vallabhdas Chawl,  
(Shivshankar Chawl),  
Vikroli (E),  
Mumbai – 400 083.**

**.... Appellant**

**V/s**

**First Appellate Officer cum Officer,  
Rehabilitation, M.U.T.P,  
M.M.R.D.A.,  
Bandra Kurla Complex,  
Mumbai – 400 051.**

**.... Respondent**

**Public Information Officer cum Project Manager,  
Rehabilitation, M.U.T.P,  
M.M.R.D.A.,  
Bandra Kurla Complex,  
Mumbai – 400 051.**

**GROUNDS**

This appeal has been filed under section 19 (3) of the Right to Information Act 2005. The appellant had sought the information relating to allotment of tenements to Shri. Govind Kanade ID No. 184 at Nahar. The appellant stated that his name did not appear in map no.7 but he has been allotted a tenement. He wanted to have copies of documents which formed the basis of allotment.

Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant has filed this second appeal before the Commission. The appeal was heard on 12.3.2009. The appellant did not turn up but the respondent was present.

The appellant has contended that despite the fact that Shri. Bhaskar Govind Ranade's name did not appear in map no.7, he was given tenement. He has not been given copies of document which made him eligible. The respondent's contention is that the allotment has been done based on the baseline survey conducted by SPARK – an agency which was appointed in consultation with the World Bank. The MMRDA does not have any of the documents. They have gone by the survey report. They have also contended that they had offered whatever information was in their possession but the appellant refused to accept.

After going through the case papers and considering the arguments advanced by parties it is revealed that MMRDA has allotted tenement based on the Baseline Survey report. They have contended the names were included in accordance with the guidelines given to SPARK. Under these circumstances appellant can get whatever is available and non existent information cannot be furnished.

**Order**

The appeal is disposed off.

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

Place: Mumbai  
Date: 12.3.2009.

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

**Appeal No.2009/2045/02**

**Shri.Ramesh Madhukar Salwe  
Surji Vallabhdas Chawl,  
(Shivshankar Chawl),  
Vikroli (E),  
Mumbai – 400 083.**

**.... Appellant**

**V/s**

**First Appellate Officer cum Officer,  
Rehabilitation, M.U.T.P,  
M.M.R.D.A.,  
Bandra Kurla Complex,  
Mumbai – 400 051.**

**.... Respondent**

**Public Information Officer cum Project Manager,  
Rehabilitation, M.U.T.P,  
M.M.R.D.A.,  
Bandra Kurla Complex,  
Mumbai – 400 051.**

**GROUND**

This appeal has been filed under section 19 (3) of the Right to Information Act 2005. The appellant had sought the information relating to allotment of tenements to Shri.Sunil Vasant Kudtarkar, Smt. Rekha Sunil Kudtarkar, Raghunath B.Karande, Ibrahim Dustagir Bagwan & Smt. Hazarabi Ibrahim Bagwan at different sites. The appellant wanted copies of document which formed the basis of allotment to them.

Not satisfied with responses from Public Information Officer and the First Appellate Authority the appellant has filed this second appeal before the Commission. The appeal was heard 12.3.2009.

The appellant has contended that he has not been furnished copies of documents which made these people eligible for allotment. The respondent's contention is that allotments have been done on the basis of the base line survey done by SPARK and SRS. It has been stated by them that they do not have any original documents. They therefore cannot furnish the information required by the appellant.

After going through the case papers and considering the arguments advanced by parties I have come to the conclusion that the issues raised by the appellant requires investigation. Names of allottees reveal that they are husband and wife team. I am not

aware whether the Rehabilitation Policy allows allotment of separate tenements to husband and wife. All the three cases are similar. I therefore, pass the following order.

I therefore, pass the following order.

**Order**

The appeal is allowed. The MMRDA will get this investigated. Whether husband and wife can be given separate tenements and inform the appellant within 30 days.

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

Place: Mumbai  
Date: 12.3.2009.

**Shri. Muharam Ali Shafiulla Ansari  
Dr. Zakir Husain Nagar,  
Ghatkopar-Mankhurd Link Road,  
Govandi, Mumbai – 400 043.**

.... Appellant

V/s

**First Appellate Officer cum cum Asstt. Commissioner  
M – East Ward Office,  
2<sup>nd</sup> Floor, Sharad Bhau Acharya Marg,  
Chembur, Mumbai – 400 071.**

.... Respondent

**Public Information Officer  
Colony Office (4),  
M – East Ward Office,  
2<sup>nd</sup> Floor, Sharad Bhau Acharya Marg,  
Chembur, Mumbai – 400 071.**

### GROUNDS

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

- 1) Information required about the complaint lodged with Sr. Colony Officer, higher officers of M.C.G.M., lower officers of M.C.G.M. and complaint received by Sr. Colony Officer from various places against Abdul Khalid Sardar Shaikh.
- 2) What action Sr. Colony Officer had taken over my complaint against above person over my complaint dispatch letters
  - 1) 16.04.2007 dispatch no. P-209
  - 2) 10.05.2007 dispatch no. P- 2147 with your office. Please inform me in detail about the action taken.
- 3) The jhopada constructed by Abdul Khalid Sardar Shaikh in Dr. Zakir Hussain Nagar is illegal, unauthorised, nor his name figure in voters list as on 1.1.1995 then what action has been taken by your office against him and his jhopada.
- 4) The Colony Officer Mr.Katkar has claimed to issue notice to Abdul Khalid Sardar Shaikh, I asked him to furnish me the copy of the notice, its receiving dated but no such required copy has been issued to me.

Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant has filed this second appeal before the commission. The appeal was heard on 12.3.2009 and the respondent has made his submission in writing the appellant has contended that he has not been given information regarding action taken on his complaint against Abdul Khalid Sardar Shaikh. The respondent's contention is that information has already been furnished. He has submitted copies of documents offered to the appellant.

After going through the case papers and considering the arguments advanced by parties I have come to the conclusion that the required information has been furnished. The Public Information Officer by his order dated 18.6.2007 has furnished the information. It clearly says that verification was done and no action as per the Slum Act was warranted against Shri. Abdul Khalid Sardar Shaikh. In the light of this I pass the following order.

**Order**

The appeal is disposed off.

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

Place: Mumbai  
Date: 12.3.2009.



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

**Appeal No.2009/1848/02**

**Shri. Gopal Bapu Avghade  
Bldg. No. 46, Room No. 1895,  
2<sup>nd</sup> floor, Vartak Nagar,  
Pokharan Road No. 1,  
Thane – 400 606.**

**.... Appellant**

**V/s**

**First Appellate Officer cum Managing Director,  
Lokshahir Annabhau Sathe,  
Vikas Mahamandal (Ltd.)  
Govt. of Maharashtra Undertaking,  
Collector's Office,  
5<sup>th</sup> Floor, Thane (W).**

**.... Respondent**

**Public Information Officer District Manager,  
Lokshahir Annabhau Sathe,  
Vikas Mahamandal (Ltd.)  
Govt. of Maharashtra Undertaking,  
Collector's Office,  
5<sup>th</sup> Floor, Thane (W).**

### **GROUNDS**

This appeal has been filed under section 19 (3) of the Right to Information Act 2005. The appellant had sought the information regarding applications sent by Rajashri Shikshan Sanstha to Lokshahir Annabhau Sathe Vikas Mahamandal Ltd. for Computer Training, Beauty Parlour, Painting Automobile during 2004-2005 & 2005-2006. He has also sought information regarding grants released to the institution during 2004-2005, 2005-2006.

Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant has filed this second appeal before the Commission. The appeal was heard on 5.2.2009. The appellant did not turn up but the respondent was present. The appellant has contended that he has not been furnished the required information. The respondent's contention is that the information has been collected and the appellant was asked to deposit Rs.500/-. He did not deposit the amount and has come in appeal.

After going through the case papers and considering the arguments advanced by parties, it is revealed that the Public Information Officer has asked the appellant to

deposit Rs.500/-. He also stated that there were 395 applications and excess if any will be refunded and short fall recovered from the appellant. This, I feel is not unreasonable. The appellant should deposit the amount and collect the information.

**Order**

The appeal is disposed off.

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

Place: Mumbai  
Date: 31.3.2009.

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

**Appeal No.2009/2095/02**

**Shri. Sunil Haribhau Jogdand  
63, Shastri Nagar,  
Near Evergreen Hotel,  
Bandra (E),  
Mumbai – 400 051.**

**.... Appellant**

**V/s**

**First Appellate Officer cum Dy. Commissioner,  
Bhabha Hospital Bldg.  
Bandra (E),  
Mumbai – 400 069.**

**.... Respondent**

**Public Information Officer Asstt. Commissioner,  
Western Syburb, K-East Zone Office,  
Gundawali, Andheri (East),  
Mumbai – 400 069.**

**GROUNDS**

This appeal has been filed under section 19 (3) of the Right to Information Act 2005. The appellant had sought a copy of the complaint letter written by Hon.Dy.Chairman, Vidhan Parishad and action taken on that. Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant has filed this second appeal before the Commission. The appeal was heard on 19.3.2009.

Appellant and respondents were present. Appellant has contended that the Hon. Chairman had written a letter dated 12.9.2006. He had requested for a copy of the letter and action taken report. The Public Information Officer and Asstt. Commissioner (Encroachment Western Suburbs) by his letter dated 30.8.2007 informed the appellant that they are in correspondence with Hon. Dy. Chairman for no objection. The First Appellate Authority by his order dated 16.7.2008 ordered that a copy off the letter should be given after taking necessary permission.

After going through the case papers the Commission has come to the conclusion that information must be furnished. This is a letter written by a Public figure to a public authority. The request for no objection remains unreplied. Again section II proviso is very clear except in the case of trade or commercial secrets protected by law, disclosure

may be allowed if public interest in disclosure outweighs in importance any possible harm or injury to the interest of such third party. In the light the above discussion I am of the opinion that the required information should be furnished.

**Order**

Information to be furnished by Asstt. Commissioner (Encroachment Removal) within 30 days.

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

Place: Mumbai  
Date: 31.3.2009.

**Shri.Nishant Subhash Ghadge**  
21, "Gokul",  
Dr.Pednekar Bldg.,  
S.M. Marg,  
Kurla (W),  
Mumbai – 400 070.

.... Appellant

V/s

**First Appellate Officer**  
Charity Commissioner's Office,  
Mumbai Division,  
Worli, Mumbai – 400 018.

.... Respondent

**Public Information Officer**  
Charity Commissioner's Office,  
Mumbai Division,  
Worli, Mumbai – 400 018.

### GROUNDS

This appeal has been filed under section 19 (3) of the Right to Information Act 2005. The appellant had sought the information relating to Kachchhi Visa Oswal Jain Seva Samaj, Kurla. He sought documents relating to registration of the trust, permission obtained from the Charity Commissioner, copy of the memorandum of association and other documents.

Not satisfied with the responses from the Public Information Officer and the First Appellate Authority the appellant has filed this second appeal before the Commission. The appeal was heard on 19.3.2009.

Appellant and respondents were present. The appellant has contended that he has not been given the required information. The respondent's contention is that since the range of information was very wide it took sometime to compile. It was stated by her that she has brought the information and was ready to hand over to the appellant. The appellant also agreed to accept. The documents were handed over to the appellant. The appellant however expressed his apprehension that he might not have been given full information. The balance available information if any should be handed over / furnished to him within 15 days of his request.

**Order**

Appeal is disposed off.

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

Place: Mumbai  
Date: 12.3.2009.

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

Appeal No.2009/2092/02

**Shri. Pradeep Shamrao Patil**  
**508/B2, Unity Complex,**  
**Rajanpada, Off Link Road,**  
**Opp. Toyota Showroom,**  
**Malad (W),**  
**Mumbai – 400 064.**

.... Appellant

V/s

**First Appellate Officer Additional District Registrar,**  
**Family Court Building,**  
**Bandra (East),**  
**Mumbai – 400 051.**

.... Respondent

**Public Information Officer**  
**Family Court Building,**  
**Bandra (East),**  
**Mumbai – 400 051.**

### **GROUND**

This appeal has been filed under section 19 (3) of the Right to Information Act 2005. The appellant had sought the information relating to the agreement deed registered under registration receipt no. P/2556/91. Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant has filed this second appeal before the Commission. The appeal was heard on 19.3.2009.

Appellant and respondents were present. The appellant has contended that he has not been provided the information despite furnishing all relevant details. The respondent's contention is that the document was not readily available and hence 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 the information must be furnished.

### **Order**

Appeal is allowed. Information to be furnished by Public Information Officer within 15 days, failing which action under section 20 of the RTI Act will be initiated.

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

Place: Mumbai  
Date: 19.3.2009.

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

**Appeal No.2009/2091/02**

**Shri. Namdeo Kashinath Kamble  
Rameshwar Chawl Committee Unit – 1559,  
Sandesh Nagar, Bail Bazar,  
Kurla Andheri Road,  
Kurla (W),  
Mumbai – 400 070.**

**.... Appellant**

**V/s**

**First Appellate Officer Asstt. Commissioner,  
Municipal Corporation of Greater Mumbai,  
N – Ward, Municipal Office,  
Ghatkopar (E),  
Mumbai – 400 077.**

**.... Respondent**

**Public Information Officer Asstt. Engineer,  
Municipal Corporation of Greater Mumbai,  
N – Ward, Municipal Office,  
Ghatkopar (E),  
Mumbai – 400 077.**

### **GROUND**

This appeal has been filed under section 19 (3) of the Right to Information Act 2005. The appellant had sought the information relating to the office of the Asstt. Engineer (Maintenance) N- Ward, Ghatkopar (East), Mumbai. Not satisfied with the responses from the Public Information Officer and the First Appellate Authority the appellant has filed this second appeal before the Commission. The appeal was heard on 19.3.2009.

Appellant and respondents were present. The appellant has contented that he has not been furnished complete information. The ward officer has denied the existence of unauthorised structure and has also not given information regarding deposit made by the contractor. The respondent's contention is that there are no structures and information regarding deposit will be furnished.

After going through the case papers and considering the arguments advanced by parties I have come to the conclusion that remaining information must be furnished. The Public Information Officer will inform him whether there are unauthorised structures and if yes, he will take action and inform the appellant. The Public Information Officer will furnish information regarding deposit made by the contractor.



**Order**

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

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

Place: Mumbai  
Date: 19.3.2009.

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

Appeal No.2009/2090/02

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

.... Appellant

V/s

**First Appellate Officer Asstt. Municipal Commissioner,**  
**K /West Ward Office, 2<sup>nd</sup> Floor,**  
**Paliram Path, Opp. BEST Stn.,**  
**S.V.Road, Andheri (W),**  
**Mumbai – 400 058.**

.... Respondent

**Public Information Officer Medical Officer of Health**  
**K /West Ward Office, 2<sup>nd</sup> Floor,**  
**Paliram Path, Opp. BEST Stn.,**  
**S.V.Road, Andheri (W),**  
**Mumbai – 400 058.**

### **GROUND**

This appeal has been filed under section 19 (3) of the Right to Information Act 2005. The appellant had sought the information relating to Hotel Maya Bhuvan “Spring”, Hazarabai Shop No.1, Irla Station Road, Vile Parle, Mumbai – 400 056.

Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant has filed this second appeal before the Commission. The appeal was heard on 19.3.2009. The appellant did not turn up but the respondent was present.

The appellant has contended that he has not been furnished the required information - Certified copies of license, details of violations of conditions and encroachment on compulsory open space. The respondent’s contention is that information has already been furnished. It has also been disposed off within the time limit.

After going through the case papers and considering the arguments advanced by I have come to the conclusion that the required information has been furnished. It is therefore, decided to close the case.

### **Order**

The appeal is disposed off.

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

Place: Mumbai  
Date: 19.3.2009.

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

**Appeal No.2009/2097/02**

**Smt.Poonam P. Patel  
17, Vijay Bharat, 4<sup>th</sup> Floor,  
Sahayog Nagar, Four Bunglow,  
Andheri (W),**

**.... Appellant**

**V/s**

**First Appellate Officer District Dy. Registrar,  
Co-operative Societies (3), Mumbai Office,  
Grihnirman Bhavan, Ground Floor,  
Desk No. 69, Bandra (East),  
Mumbai – 400 051.**

**.... Respondent**

**Public Information Officer Dy. Registrar,  
Co-operative Societies (3), Mumbai Office,  
K – West Ward,  
Grihnirman Bhavan, Ground Floor,  
Desk No. 69, Bandra (East),  
Mumbai – 400 051.**

**GROUNDS**

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

“Under which law and act administrator Mr. S.M.Mohite removed my membership and my name from the “J” register of the society without any reason. In case, if the information is not available with you, you are as per R.T.I. act 2005, suppose to obtain from the administrator deputed by the Deputy Registrar K-west and provide me. In case, if the information is not provided, it will be regarded as malafide suppression of information by the Public Information Officer, the Deputy Registrar K-west ward.”

Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant has filed this second appeal before the Commission. The appeal was heard on 19.3.2009. Appellant was present but the respondent was absent. The appellant has contended that his name has been removed from ‘J’ register of the society. He has sought information under which law his name was removed from the register and for what reason.

The respondent was not present and so it is presumed that he has nothing to say. After going through the case papers and considering the arguments advanced by the appellant, it is revealed that the appellant had sought information by his application dated

4.8.2008. The Public Information Officer by his letter dated 28.8.2008 informed the appellant that he should obtain information from the Managing Committee to whom the charge has been handed over by the Administrator. There is nothing on record to show that the First Appellate Authority has passed any order. It is also pertinent to note that the issue whether societies are covered under the Right to Information Act has not been finally settled. The Hon. Karnataka High Court in its order in writ petition no. 16901 / 2006 (GM – RES) has observed that ‘solely on the basis of supervision and control by the Register of Societies.... a society cannot be termed as public authority. So as to include a society within the definition of the term public authority it should fulfill the conditions stipulated in sub clause (d) of clause (h) of section 2 of the RTI Act.’ The information asked in this case is not very clear. The DOPT under its circular dated 25.4.2008 has clarified as follows:

Only such information is required to be supplied which already exists and is held by the public authority or held under the control of the public authority. It is not required under the Act to create information or to interpret information or to solve the problems raised by the applicants or to furnish replies to hypothetical questions.

In the light of the above discussion it is clear that the Public Information has informed the appellant in time and the question of any action against him does not arise. I am also in agreement with him on the issue that the information is not available with him and should be collected from the society. I therefore, pass the following order.

**Order**

The appeal is dismissed.

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

Place: Mumbai  
Date: 19.3.2009.

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

**Appeal No.2009/1721/02**

**Shri.Pravin Nagesh Ratnapur  
9, Kamathipura, Bldg. No. 28/30/32,  
Room No. 8, 1<sup>st</sup> Floor,  
S.P.Road,  
Mumbai – 400 008.**

**.... Appellant**

**V/s**

**First Appellate Officer cum Investigation Officer,  
Member Secretary,  
Divisional Caste Certificate Verification Committee No.1,  
Mumbai Division,  
Kokan Bhavan,  
New Bombay.**

**.... Respondent**

**Public Information Officer cum Tahsildar,  
Collector's Office,  
Mumbai City, Old Custom House,  
Shahid Bhagatsingh Marg,  
Fort, Mumbai – 400 001.**

### **GROUNDS**

This appeal has been filed under section 19 (3) of the Right to Information Act 2005. The appellant had sought the information regarding issuance of caste certificate. Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant has filed this second appeal before the commission. The appeal was heard on 24.2.2009.

Appellant and respondents were present. The appellant has contended that his original certificate was sent for verification to the Divisional Caste Verification Committee. The Divisional Caste Verification Committee by his letter dated 18.10.2008 informed him that available evidence does not support his claim of being a Hindu Parit. The appellant says that his certificate has been confiscated by the committee. He applied to the Dy. Collector for a certificate that he belongs to 'Kamati' caste. No decision has been taken and no information furnished. The respondent has contended that unless the earlier certificate is cancelled, his application for caste certificate cannot be considered. In the light the above following order is passed.

After going through the case papers and considering the arguments advanced by parties I am of the view that the Divisional Caste Verification Committee must clearly inform the appellant about the status of his case for verification. The respondent has

agreed to consider appellant's case once they receive some communication from the committee that the earlier certification is cancelled / or no longer valid. I therefore, pass the following order

**Order**

The Divisional Caste Verification Committee must inform clearly the appellant and Dy. Collector regarding the status of his certificate (Hindu Parit). In case they have cancelled, the same may be informed. This should be done within 3 weeks. The Dy. Collector in charge of issuing caste certificate should consider appellant's case on merit and inform him accordingly.

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

Place: Mumbai  
Date: 27.2.2009.

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

**Appeal No.2009/1860/02**

**Shri.Tushar Babanrao Deshmukh  
C/o Shri. B.N.Deshmukh  
"Chandramauli" Rajarshi Shahu Nagar,  
Ward No. 16, Tal – Buldhana,  
Dist.- Buldhana – 443001.**

**.... Appellant**

**V/s**

**First Appellate Officer cum Secretary,  
Maharashtra Public Service Commission's Office,  
Mumbai – 400 001.**

**.... Respondent**

**Public Information Officer cum Dy.Secretary,  
Maharashtra Public Service Commission's Office,  
Mumbai – 400 001.**

### **GROUND**

This appeal has been filed under section 19 (3) of the Right to Information Act 2005. The appellant had sought the information relating to his application for copies evaluated answer sheets. His request has been denied by the Public Information Officer and the First Appellate Authority.

Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant has filed this second appeal before the Commission. The appeal was heard on 21.2.2009.

The appellant has contended that he had sought copies of his answer books which have been denied. The respondent has contended that copies of evaluated answer books are not given to candidates although marks are communicated to them. It has also been stated that this is personal information and has no content of public interest. The respondents have stated that even the Hon. Supreme Court does not accept this as a fundamental right.

After going through the case papers and considering the arguments advanced by parties, it is revealed that the appellant had appeared for the competitive examination for selection of Asstt. Sales Tax Inspector / Deputy Inspector of Police. He feels that his paper no. 1 and 2 have not been evaluated properly. The Commission has been receiving a large no. of such appeals. The Commission however is of the view that copies of evaluated answer books need not be given. The Central Information Commission in Appeal No. ICPB / A-2/ CIC / 2006 has held that supply of a copy of the evaluated

answer paper would compromise the fairness and impartiality of the selection process. I therefore, feel that the Public Information Officer's and the First Appellate Authority's decision need not be interfered with. I therefore, disallow the appeal

**Order**

The appeal is disallowed

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

Place: Mumbai  
Date: 21.3.2009.



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

**Appeal No.2009/1858/02**

**Shri. Purushottam Trimbak Vyas  
Samarth Gajanan Nagar,  
Old City,  
Akola – 444002.**

**.... Appellant**

**V/s**

**First Appellate Officer cum Joint Secretary,  
Seva – 4 / A Health Department,  
Mantralaya,  
Mumbai – 400 032.**

**.... Respondent**

**Public Information Officer  
Seva – 4 / A Health Department,  
Mantralaya,  
Mumbai – 400 032.**

**GROUND**

This appeal has been filed under section 19 (3) of the Right to Information Act 2005. The appellant had sought the information relating to alleged irregularities at Murtuzapur Hospital, names of those involved whether Secretary's Committee submitted report to govt., names of officers who were suspended and names of officers who were reinstated.

Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant has filed this second appeal before the Commission. The appeal was heard on 21.2.2009. The appellant has contended that he has not been furnished the information despite repeated requests.

The respondent's contention is that since the matter is still under investigation, the required information was not furnished.

After going through the case papers and considering the arguments advanced by parties I have come to the conclusion that the respondent has denied the information under section 8(1) (h) of the RTI Act. The section says that there shall be no obligation to give information to any citizen if this was likely to impede the process of investigation or apprehension or prosecution of offenders. While the report submitted to govt. and names of officers allegedly involved and the proposed action may not be disclosed but names of officers who were suspended and reinstated are matters of record and in my view do not stand covered under section 8(1) (h) of the RTI Act. I am therefore, of the

view that names of officers who were suspended and those reinstated should be furnished. I therefore, pass the following order.

**Order**

The appeal is partially allowed. Information to be furnished by Public Information Officer within 30 days.

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

Place: Mumbai  
Date: 27.2.2009.

**Prof. Patankar Nisarali Mohammed**  
2/204, Aaghadi Nagar,  
Andheri (W), Pump House,  
Mumbai – 400 093.

.... Appellant

V/s

**First Appellate Officer cum General Secretary**  
**Maharashtra College of Arts Science & Commerce**  
246 – A, Jahangir Boman Behram Road,  
Mumbai – 400 008.

.... Respondent

**Public Information Officer cum Principal**  
**Maharashtra College of Arts Science & Commerce**  
246 – A, Jahangir Boman Behram Road,  
Mumbai – 400 008.

### GROUNDS

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

- Attested copies of audited (1) Statement of accounts  
(2) Statement of income & expenditure  
(3) Receipt books  
(4) Ledger books /s  
(5) Cash book / s  
(6) Credit Voucher File  
(7) Debit Voucher File  
(8) Pass book/s or Statement of banks a/c's  
(9) Fixed deposit's certificates

All for financial year ending 31<sup>st</sup> March, 2001 and all for Maharashtra College.

Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant has filed this second appeal before the Commission. The appeal was heard on 18.3.2009. Appellants and respondents were present.

The appellant has contended that he has not been furnished information despite repeated requests. However, taking into account the nature of information sought. I am of the view that the information must be furnished. It is however, seen that the appellant has sought copies of documents which may be cumbersome to provide or may not be of relevance like fixed deposit certificate, bank accounts etc. I am therefore of the view that

information on point no. I & II should be made available. I therefore pass the following order.

**Order**

The appeal is partially allowed. Information on point no. I & II to be furnished by Public Information Officer within 30 days.

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

Place: Mumbai  
Date: 27.2.2009.

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

**Appeal No.2009/1887/02**

**Shri. Mahavir Prasad Saini & Others  
Shri. Abdul Gaful K. Hunshal  
Hotel President, Maharashtra Nagar,  
Bandra (E), Mumbai – 400 032.**

**.... Appellant.**

**V/s**

**First Appellate Officer cum Upper District Collector  
7<sup>th</sup> Floor, Administrative Bldg.,  
Suburb, Bandra (E),  
Mumbai – 400 051.**

**.... Respondent**

**Public Information Officer cum Dy. District Collector  
7<sup>th</sup> Floor, Administrative Bldg.,  
Suburb, Bandra (E),  
Mumbai – 400 051.**

**GROUNDS**

This appeal has been filed under section 19 (3) of the Right to Information Act 2005. The appellant had sought the following information relating to Maharashtra Nagar, Residents Sahakari Grih Nirman Sanstha Kherwadi, CTS No. 629. The appellant had sought copies all documents in connection with redevelopment exchanged between SRA and the developer.

Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant has filed this second appeal before the Commission. The appeal was heard on 11.2.2009. Appellant and respondent were present. The appellant has contended that he has not been furnished the information required by him. It appears from case papers that he had inspected the documents and informed the Additional Collector by his letter dated 20.5.2008 regarding his requirement. There is nothing on record to show that he has been given the information. I therefore, pass the following order.

**Order**

The appeal is partially allowed. Information to be furnished by Public Information Officer within 15 days. Public Information Officer to show cause why action under section 20 of the Right to Information Act, 2005 should not be initiated against him.

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

Place: Mumbai  
Date: 27.2.2009.

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

**Appeal No.2009/1053/02**

**Shri.Raju Maruti More  
Siddharth Nagar, Room No. 40,  
Bhalekar Wadi,  
Near Munjal Nagar Complex,  
Chembur, Mumbai – 400 089.**

**.... Appellant**

**V/s**

**First Appellate Officer  
Mumbai Metro city Redevelopment Authority,  
Bandra Kurla Complex,  
Bandra (E),  
Mumbai – 400 051.**

**.... Respondent**

**Public Information Officer  
Mumbai Metro city Redevelopment Authority,  
Bandra Kurla Complex,  
Bandra (E),  
Mumbai – 400 051.**

**GROUND**

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

- vii) Detailed Project Report (DPR) of Slum Sanitation Project (SSPS) in Mumbai.
  - viii) Implementing agency.
  - ix) Time required for implementation of the project.
  - x) Share of funds from Central, State govt. under the JNNURM Scheme
  - xi) Any Community which has been affected.
  - xii) If yes, Rehabilitation policy for the project affected people (PAPs).
- 1) The period to which the information relates: Dec 2005 – July 2007.

Not satisfied with responses from the Public Information Officer and the First Appellate Officer and the First Appellate Authority the appellant has filed this second appeal before the Commission. The appeal was fixed for hearing on 16.2.2002. Appellant and respondent were absent. The appeal was fixed earlier also on 23.12.2000 but nobody had turned up. The case is therefore closed.

**Order**

The appeal is dismissed.

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

Place: Mumbai  
Date: 27.2.2009.

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

**Appeal No.2009/2063/02**

**Shri. Sanjay C. Patel  
Canteen Plot No.2,  
Kandivali Co-op.Ind. Estate Ltd.,  
Charkop, Kandivali (W),  
Mumbai – 400 067.**

**.... Appellant**

**V/s**

**First Appellate Officer cum Jt. Registrar of Director  
Industries (C.I.E.), 3<sup>rd</sup> Floor,  
New Administrative Bldg.,  
Opp. Mantralaya,  
Mumbai.**

**.... Respondent**

**Public Information Officer  
Industries (C.I.E.), 3<sup>rd</sup> Floor,  
New Administrative Bldg.,  
Opp. Mantralaya,  
Mumbai.**

**GROUNDS**

This appeal has been filed under section 19 (3) of the Right to Information Act 2005. The appellant had sought the information relating to Kandivali Co-operative Industrial Estate, Kandivali. The appellant had sought information on 14 points relating to the Industrial Estate. His application dated 29.4.2008 to the Industrial has remained unreplyed. He filed the first appeal with Joint Registrar in the Director of Industries but did not get the required information.

Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant has filed this second appeal before the Commission. The appeal was heard on 16.3.2009.

Appellant has contended that he has been designation as a Public Information Officer and cannot act as the First Appellate Authority has been designated separately. The respondent's contention is that he needs information which he is not getting from the Industrial Estate or the concerned Dy.Registrar of the area or the Joint Registrar in the Directorate of Industries.

After going through the case papers and considering the arguments advanced by parties I have come to the conclusion that it is question of not designating Public Information Officer and the First Appellate Authority properly. The Joint Registrar is a Public Information Officer so; he cannot hear the first appeal. Normally, the First Appellate Authority should have been designated. Taking into account, the fact that



furnishing information is the most important of all issues I order that the Joint Registrar who has been designated as Public Information Officer in the office of the Directorate of Industries should furnish the information. If it is not available with him, he should arrange to collect it and furnish to the appellant on point no.3,4,5 and 4 since the rest is concerned with jurisdiction and other hypothetical issues. I pass the following order.

**Order**

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

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

Place: Mumbai  
Date: 20.3.2009.

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

**Appeal No.2009/2110/02**

**Shri. Dattatray Ganpat Pawar,  
F – 17, Police Colony,  
Pathardi Junction,  
Nasik – 9.**

**.... Appellant**

**V/s**

**First Appellate Officer cum Divisional Controller,  
Maharashtra State Road Transport Corporation – Mumbai Division,  
Kirol Road, Vidyavihar (W),  
Mumbai – 400 086.**

**.... Respondent**

**Public Information Officer cum Divisional Employee's Officer,  
Maharashtra State Road Transport Corporation – Mumbai Division,  
Kirol Road, Vidyavihar (W),  
Mumbai – 400 086.**

**GROUND**

This appeal has been filed under section 19 (3) of the Right to Information Act 2005. The appellant had sought the information relating to no. of vacancies to be filled in by SC / ST. The appellant also asked for copies of evaluated answer books of 5 candidates who appeared for the departmental examination conducted for MSRTC.

Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant has filed this second appeal before the Commission. The appeal was heard on 23.3.2009.

Appellant and respondent were present. The appellant has contended that he has not been furnished the required information. He has also stated that it has been wrongly denied to him by quoting section (8) which does not apply.

The respondent's contention is that they do not furnish copies of evaluated answer books. He also submitted that the information regarding no. of vacancies filled in by SC/ST is being furnished. He also apologised for delay and furnished to appellant information relating to vacancies filled by SC/ST.

After going through the case papers and considering the arguments advanced by parties I have come to the conclusion that the first part of the information has been rightly denied. The Commission also holds the view that copies of evaluated answer books need not be furnished as this will lead to compromising the fairness and impartiality of the examination system. Information on the second point has been furnished with apology. I therefore, close the case.

**Order**

The appeal is disposed off.

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

Place: Mumbai  
Date: 20.3.2009.

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

**Appeal No.2009/2111/02**

**Shri. Laxman Tanka Devare  
Chairman, Mahatma Jyotiba Phule Seva Mandal,  
85, Navi Peth, Jalgaon – 425001.**

**.... Appellant**

**V/s**

**First Appellate Officer  
Industries, Energy and Labour Department,  
Mantralay, Mumbai – 400 032.**

**.... Respondent**

**Public Information Officer  
Industries, Energy and Labour Department,  
Mantralay, Mumbai – 400 032.**

### **GROUNDS**

This appeal has been filed under section 19 (3) of the Right to Information Act 2005. The appellant had sought the information relating to display of photographs of Mahatma Phule and Savitribai Phule in Govt. Offices as directed by Govt. The appellant has also asked for information regarding no.of photographs collected by departments of Govt.

Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant has filed this second appeal before the Commission. The appeal was heard on 23.3.2009.

Appellant and respondents were present. The appellant has contended that many photographs have been supplied on payment. They are however collecting the figure of distribution free of cost.

After going through the case papers and considering the arguments advanced by parties I have come to the conclusion that this information must be furnished. Govt. instruction in this regard needs to be followed honestly. The required information will show the extent of its implementation by different departments.

## **Order**

The appeal is allowed. Information to be furnished by Public Information Officer within 15 days failing which action under section 20 of the RTI Act will be initiated against the appellant.

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

Place: Mumbai  
Date: 23.3.2009.

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

**Appeal No.2009/1536/02**

**Prof. Patankar Nisarali Mohammed  
2/204, Aaghadi Nagar,  
Andheri (W), Pump House,  
Mumbai – 400 093.**

**.... Appellant**

**V/s**

**First Appellate Officer cum The President  
Maharashtra College of Arts Science & Commerce  
246 – A, Jahangir Boman Behram Road,  
Mumbai – 400 008.**

**.... Respondent**

**Public Information Officer cum Hon. Gen. Secretary  
Maharashtra College of Arts Science & Commerce  
246 – A, Jahangir Boman Behram Road,  
Mumbai – 400 008.**

**GROUNDS**

This appeal has been filed under section 19 (3) of the Right to Information Act 2005. The appellant had sought the information relating to the appointment of Enquiry Officer by the Disciplinary authority. He has sought the following information:-

1. Disciplinary Authority's order dated 25.5.2007 which is appointment order of Inquiry Officer.
2. Annexure I of Inquiry Report of Departmental Inquiry of the appellant.

Not satisfied with the responses from the Public Information Officer and the First Appellate Authority the appellant has filed this second appeal before the Commission. The appeal was heard on 16.3.2009.

Appellant and respondents were present. The appellant has contended that he has not been given the information despite repeated request.

The respondent's contention is that the appellant has already these documents in his possession. These documents were given to the appellant during the course of enquiry.

After going through the case papers and considering the arguments advanced by the parties I have come to the conclusion that the information must be furnished. The fact the appellant is in possession of the information cannot be a ground for denial of the required information. I therefore, pass the following order.

**Order**

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

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

Place: Mumbai  
Date: 21.3.2009.

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

**Appeal No.2009/1599/02**

**Shri. Raj Bihari Pathak  
15/534 (802/C), Mrugvihar Co-op.Hsg. Socty. Ltd.,  
Subhash Nagar, Chembur,  
Mumbai – 400 071.**

**.... Appellant**

**V/s**

**First Appellate Officer cum Dy.Chief Officer (EM – II)  
Grihnirman Bhawan, Bandra (E),  
Mumbai – 400 051.**

**.... Respondent**

**Public Information Officer cum Estate Manager 3  
Grihnirman Bhawan, Bandra (E),  
Mumbai – 400 051.**

**GROUNDS**

This appeal has been filed under section 19 (3) of the Right to Information Act 2005. The appellant had sought the expanded form of his name R.R.Pathak. In fact he is occupying a tenement which belonged to one Mr. R.K.Pathak. Mr. R.K.Pathak's father name also begins with 'R'. The abbreviated forms of both names are R.R.Pathak. This has led to some property dispute.

Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant has filed this second appeal before the Commission. The appeal was heard on 17.3.2009.

Appellant and respondents were present. The appellant has contended that he has already given the information to the appellant by his letter dated 5.4.2008. The respondent's contention is that the information given was wrong because the name given was that of the earlier owner.

After going through the case papers and considering the arguments advanced by parties I have come to the conclusion that this is some kind of comedy of error. The appellant claims to be Raj Bihar R.Pathak and the original allottees name is Ram Khelawan R.Pathak. The abbreviated form of both the name is R.R.Pathak. I see no solution unless the appellant inspects the whole file and asks for whatever suits him. The respondent agreed.



**Order**

The appellant to arrange inspection of the relevant file & furnish the copies of selected documents. This should be done within 30 days.

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

Place: Mumbai  
Date: 21.3.2009.

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

**Appeal No.2009/1809/02**

**Shri. Deepak Madhavrao Padalkar  
17, Forest Colony,  
Mini Bypass Road,  
Amaravati – 444 606.**

**.... Appellant**

**V/s**

**First Appellate Officer  
Maharashtra Public Service Commission,  
Main Bldg. of Bank of India,  
3<sup>rd</sup> Floor, Hutatma Chowk,  
Mahatma Gandhi Marg,  
Mumbai – 400 01.**

**.... Respondent**

**Public Information Officer  
Maharashtra Public Service Commission,  
Main Bldg. of Bank of India,  
3<sup>rd</sup> Floor, Hutatma Chowk,  
Mahatma Gandhi Marg,  
Mumbai – 400 01.**

**GROUNDS**

This appeal has been filed under section 19 (3) of the Right to Information Act 2005. The appellant had sought a copy of his evaluated answer book (Paper VII) for the Maharashtra Finance and Accounts Services Class III. The examination was conducted by Maharashtra Service Commission. The Commission has denied the information.

Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant has filed this second appeal before the Commission. The appeal was heard on 20.2.2009 (Video Conference).

This Commission has been receiving such applications. The Central Information Commission in Appeal No. ICPB / A-2 / CIC / 2006 has concluded that supply of the evaluated answer paper would compromise the fairness and impartiality of the selection process. The case was identical. Ms. Treesa Irish, employed as a postman (post woman) in Ernakulam. North Post Office, Kerala appeared for departmental examination on 24.4.2005 for promotion as LGO. She was not successful and applied for a photocopy of her evaluated answer sheet. The Public Information Officer and the First Appellate Authority denied the information and the order was finally confirmed by the Central Information Commission.

After going through the case papers and considering the arguments advanced by parties I have come to the conclusion that the information has been correctly denied. The information held by the public authority in his fiduciary capacity is also exempt under section 8(1) (e) and the information being personal having no relation to any public interest is exempted from disclosure under section 8(1) (J) of the RTI Act. I therefore, pass the following order

**Order**

The appeal is disposed off.

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

Place: Mumbai  
Date: 27.3.2009.

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

**Appeal No.2009/1520/02**

**Prof. Patankar Nisarali Mohammed  
2/204, Aaghadi Nagar,  
Andheri (W), Pump House,  
Mumbai – 400 093.**

**.... Appellant**

**V/s**

**First Appellate Officer cum The President  
Maharashtra College of Arts Science & Commerce  
246 – A, Jahangir Boman Behram Road,  
Mumbai – 400 008.**

**.... Respondent**

**Public Information Officer cum Hon. General Secretary  
Maharashtra College of Arts Science & Commerce  
246 – A, Jahangir Boman Behram Road,  
Mumbai – 400 008.**

### **GROUNDS**

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

Attested copy of presenting officers written say in response to appellant's application to Enquiry Officer for allowing him to cross examine PO in question answer form.

Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant has filed this second appeal before the Commission. The appeal was heard on 16.3.2009.

Appellant and respondents were present. The appellant has contended that he was not allowed to cross examine saying that it was not allowed in question answer form and can be only in narration. The respondent did not have much to say.

After going through the case papers and considering the arguments advanced by parties I have come to the conclusion that information must be furnished. Information has been defined as any information in material form. Thus, if the presenting officer has placed on record his say, the appellant is entitled to have a copy of it.

I therefore pass the following order.

**Order**

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

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

Place: Mumbai  
Date: 21.3.2009.

**Dr. Satishchandra B.Kumar**  
**EMP 10/103, 1<sup>st</sup> Floor,**  
**Evershine Millennium Paradise,**  
**Thakur Village, Kandivali (East),**  
**Mumbai – 400 101.**

.... Appellant

V/s

**First Appellate Officer cum Principal**  
**Registrar, University of Mumbai,**  
**Room No.114, Fort Campus,**  
**Mumbai – 400 032.**

.... Respondent

**Public Information Officer**  
**University of Mumbai,**  
**Room No.114, Fort Campus,**  
**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 17.6.2008 had sought the following information:-

- 4) Kindly provide me with the certified copies of the recommendation /s of all the four experts appointed to evaluate my research publications as reported in your letter 27<sup>th</sup> May 2008, Ref.No. TAU/660/2008.
- 5) Please let me know as to what objective criteria and guidelines were followed by the said experts in evaluating my research publications.
- 6) Please let me know:
  - a) As to on what basis were the said four experts appointed to evaluate my research publications.
  - b) The names, qualifications and field of specializations in psychology of the said four experts.

The Public Information Officer by his letter dated 17.7.2008 informed the appellant that these information are confidential cannot be furnished. He also informed him that the experts were senior most academicians possessing high qualification and experience. The appellant was not satisfied and preferred the first appeal under section 19(1) of the Right to Information Act, 2005. The First Appellate Authority by his order dated 19.9.2008 has virtually confirmed the Public Information Officer's order. The appellant has come in second appeal before the Commission. The appeal was heard on

17.2.2009. Appellant and respondent were present. The appellant has submitted that he has not been given the information. The respondents have stated that the information cannot be furnished because they are confidential.

I have gone through the case papers and also considered the arguments advanced by parties. My conclusion is that the information has been correctly denied. It would not be desirable to disclose the findings of the examiner because the information has been given to the respondent in confidence. There does not seem to be any delay by the Public Information Officer and so the question of taking penal action against him does not arise. I am therefore, of the view that the case should be closed.

I therefore pass the following order.

**Order**

The appeal is disposed off.

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

Place: Mumbai  
Date: 27.2.2009.

**Prof. Patankar Nisarali Mohammed**  
2/204, Aaghadi Nagar,  
Andheri (W), Pump House,  
Mumbai – 400 093.

.... Appellant

V/s

**First Appellate Officer cum General Secretary**  
**Maharashtra College of Arts Science & Commerce**  
246 – A, Jahangir Boman Behram Road,  
Mumbai – 400 008.

.... Respondent

**Public Information Officer cum The Treasurer**  
**Maharashtra College of Arts Science & Commerce**  
246 – A, Jahangir Boman Behram Road,  
Mumbai – 400 008.

### GROUNDS

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

- Attested copies of audited (1) Statement of accounts  
(2) Statement of income & expenditure  
(3) Receipt books  
(4) Ledger books /s  
(5) Cash book / s  
(6) Credit Voucher File  
(7) Debit Voucher File  
(8) Pass book/s or Statement of banks a/c's  
(9) Fixed deposit's certificates

All for financial year ending 31<sup>st</sup> March, 2002 and all for Maharashtra College.

Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant has filed this second appeal before the Commission. The appeal was heard on 12.2.2009. Appellants and respondents were present.

The appellant has contended that he has not been furnished information despite repeated requests. However, taking into account the nature of information sought. I am of the view that the information must be furnished. It is however, seen that the appellant has sought copies of documents which may be cumbersome to provide or may not be of relevance like fixed deposit certificate, bank accounts etc. I am therefore of the view that



information on point no. I & II should be made available. I therefore pass the following order.

**Order**

The appeal is partially allowed. Information on point no. I & II to be furnished by Public Information Officer within 30 days.

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

Place: Mumbai  
Date: 27.2.2009.

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

**Appeal No.2009/1960/02**

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

**.... Appellant**

**V/s**

**First Appellate Officer cum Asstt. Commissioner,  
Municipal Corporation of Greater Mumbai,  
K /West Ward Office,  
Andheri (W),  
Mumbai – 400 058.**

**.... Respondent**

**Public Information Officer cum MOH  
Municipal Corporation of Greater Mumbai,  
K /West Ward Office,  
Andheri (W),  
Mumbai – 400 058.**

**GROUNDS**

This appeal has been filed under section 19 (3) of the Right to Information Act 2005. The appellant had sought information relating to various eating houses on Irla Society Road, Mumbai. He has sought copies of licenses; report on use of compulsory open space and action taken against those who violated the regulations.

Not satisfied with responses from the Public Information Officer and First Appellate Authority the appellant has filed this second appeal before the Commission. The appeal was heard on 24.2.2009. The appellant did not turn up. The respondent in his written submission has contended that the information the appellant he could deposit necessary fee and collect the information. The appellant however informed the Public Information Officer that his replies do not cover all the points. The respondent claims that Public Information Officer's replies covered all the points and the case should be closed. Since the appellant was absent it could not be verified.

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 Public Information Officer's letter dated 18.9.2008 (on record) shows hat the required information has been furnished. In fact I would like to add that the information sought is not very clear and the replies are adequate.

I therefore pass the following order.

**Order**

The appeal is partially allowed. Information on point no. I & II to be furnished by Public Information Officer within 30 days.

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

Place: Mumbai  
Date: 27.2.2009.

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

**Appeal No.2009/1933/02**

**Shri. Jagnarayan M. Kahar  
C.I.T.U.Andheri Centre,  
Bakhtawar Bldg.,  
Andheri (W),  
Mumbai – 400 058.**

**.... Appellant**

**V/s**

**First Appellate Officer cum Chief Security & Vigilance Officer,  
BEST Undertaking,  
Best Bhawan,  
Best Marg, P.O.Box No. 192,  
Colaba, Mumbai – 400 001.**

**.... Respondent**

**Public Information Officer cum Chief Security & Vigilance Officer,  
BEST Undertaking,  
Best Bhawan,  
Best Marg, P.O.Box No. 192,  
Colaba, Mumbai – 400 001.**

**GROUND**

This appeal has been filed under section 19 (3) of the Right to Information Act 2005. The appellant had sought the information relating to visits of union leaders to different depots of Best and meeting held in canteens. The appellant also sought information regarding the rules according to which they were permitted.

Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant has filed this second appeal before the commission. The appeal was heard on 18.2.2009.

Appellant was present but the respondent was absent. The appellant has contended that the management has been allowing union leaders from BEST Kamgar Union, BEST Kamgar Sena, BEST Bahujan Employees Union and BEST Parivartan Kamagar Sangh to visit depot and have meeting where as his union has been refused permission. He sought details of those visits but the same has not been furnished. The respondent was absent so his views could not be ascertained. Security of the case papers however reveal that the management has furnished the information.

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

**Order**

The appeal is disposed off.

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

Place: Mumbai  
Date: 27.2.2009.

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

**Appeal No.2009/2125/02**

**Shri.R.P.Yajurvedi (Rao)  
302 / A, Nav Asawari CHS Ltd.,  
182, J.B.Nagar, Andheri (E),  
Mumbai – 400 059.**

**.... Appellant**

**V/s**

**First Appellate Officer  
Office of the Charity Commissioner,  
Mumbai Area,  
Maharashtra State,  
Worli,  
Mumbai – 400 018.**

**.... Respondent**

**Public Information Officer  
Office of the Charity Commissioner,  
Mumbai Area,  
Maharashtra State,  
Worli,  
Mumbai – 400 018.**

**GROUND**

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

- g) INDIAN PHARMACEUTICAL ASSOCIATION Kalina, Santacruz (E), Mumbai
- h) Bombay College of Pharmacy : Kalina : Santacruz (E), Mumbai
- i) Copy of the Yearly Returns filed with the Office of the Charity Commissioner Maharashtra.
- j) Copy of the Amendments, inclusions, exclusions intimated to Office of the Charity Commissioner as mandated by law.
- k) Financial sanctions if any obtained for Capital Expenditure by the said Trusts or institutions for the Year 2006-07, 07-08 and 08-09 FY from Office of the Charity Commissioner Maharashtra. Worli Office or other authority.
- l) Pls. provide date and time for inspection of file w.r.t. the above institutions / Trusts on mob. 9870351359

Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant has filed this second appeal before the Commission. The appeal was heard on 24.3.2009.

The respondent was apologetic for not furnishing the information earlier but had brought the same at the time of hearing. It was handed over to the appellant during the hearing. The case therefore is closed.

**Order**

The appeal is disposed off.

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

Place: Mumbai  
Date: 24.03.2009.

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

**Appeal No.2009/1949/02**

**Shri. Nipun Mathkar  
B-5, Jivdani Kripa Chawl,  
Ramchandra Jadhav Wadi,  
Vijay Nagar,  
Near Saibaba Mandir,  
Nalasopara (E), Dist. - Thane – 401 208.**

**.....Appellant**

**V/s**

**First Appellate Officer  
State Central Library, Maharashtra State,  
Shahid Bhagatsingh Marg, Nagar Bhawan,  
Mumbai – 400 023.**

**.... Respondent**

**Public Information Officer  
State Central Library, Maharashtra State,  
Shahid Bhagatsingh Marg, Nagar Bhawan,  
Mumbai – 400 023.**

**GROUNDS**

This appeal has been filed under section 19 (3) of the Right to Information Act 2005. The appellant had sought the information relating to organisation and functions of the State Central Library, Shahid Bhagat Singh Marg, Nagar Bhawan, Mumbai. The appellant wanted to know whether complaint box has been taken against those who stole the books or did not return books.

Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant has filed this second appeal before the Commission. The appeal was heard on 24.2.2009.

Appellant and respondents were present. The appellant has contended that he is not satisfied with the information furnished. The respondent has stated that they have furnished whatever information was available with them. They have also volunteered that the appellant can inspect documents and ask for information which would be furnished. Taking into account the nature of information sought and the respondents offer to facilitate inspection of document, I pass the following order.



I pass the following orders.

**Order**

Inspection to be allowed within 15 days.

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

Place: Mumbai  
Date: 27.2.2009.

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

**Appeal No.2009/1756/02**

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

**.....Appellant**

**V/s**

**First Appellate Officer  
City & Industrial Development Corporation of Maharashtra Ltd.,  
Corporation Register Office,  
2<sup>nd</sup> Floor, Madam Cama Road,  
Nariman Point,  
Mumbai – 400 022.**

**.... Respondent**

**Public Information Officer  
City & Industrial Development Corporation of Maharashtra Ltd.,  
Corporation Register Office,  
2<sup>nd</sup> Floor, Madam Cama Road,  
Nariman Point,  
Mumbai – 400 022.**

**GROUNDS**

This appeal has been filed under section 19 (3) of the Right to Information Act 2005. The appellant had sought information relating to City & Industrial Development Corporation of Maharashtra. The appellant has sought information regarding its organisation functions, recruitment of staff, details of existing staff, arrangement made by Cidco to access information and no. of illegal recruitment done and action taken against those responsible.

Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant has filed this second appeal before the Commission. The appeal was heard on 24.3.2009.

Appellant and respondent were present. The appellant however refused to sign on the ground that the Right to Information Act does not require him to sign his attendance.

After going through the case papers and considering the arguments advanced by parties I have come to the conclusion that information must be furnished. Respondents also agreed to furnish the required information. They were apologetic about their inability to comprehend the range and variety of information sought by the appellant. I therefore pass the following orders.

I pass the following orders.

**Order**

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

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

Place: Mumbai  
Date: 24.3.2009.

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

**Appeal No.2009/1744/02  
Appeal No.2009/1745/02**

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

**.... Appellant**

**V/s**

**First Appellate Officer cum Asstt. Municipal Commissioner,  
R /South Ward Office, 2<sup>nd</sup> Floor,  
Near S.V.P. Swimming Pool,  
M.G.Road No.2,  
Kandivali (W),  
Mumbai – 400 067.**

**.... Respondent**

**Public Information Officer cum Asstt. Engineer (B.F.)  
Executive Engineer(B.P.),  
R /South Ward Office, 2<sup>nd</sup> Floor,  
Near S.V.P. Swimming Pool,  
M.G.Road No.2,  
Kandivali (W),  
Mumbai – 400 067.**

### **GROUND**

This appeal has been filed under section 19 (3) of the Right to Information Act 2005. The appellant had sought information relating to Hotel Delicacy Pure Veg. and Hotel Suruchi Pure Veg. The appellant had asked for certified copies of permission granted for construction of boundary walls and if no permission was granted, the action taken against owners.

Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant has filed this second appeal before the Commission. The appeal was heard on 24.3.2009.

The appellant did not turn up but has contended that he has not been furnished information. The respondent in his written statement has stated that information has been furnished and action against illegal portion taken and appellant informed.

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

**Order**

The appeal is disposed off.

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

Place: Mumbai  
Date: 24.3.2009.

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

**Appeal No.2009/1937/02**

**Shri. Dattatray Shivram Chavan  
129 /6, Dhanshree – A,  
Le. Dilip Gupte Road,  
Mahim,  
Mumbai – 400 016.**

**.... Appellant**

**V/s**

**First Appellate Officer cum Asstt. Commissioner,  
Municipal Corporation of Greater Mumbai,  
G / South Ward Office,  
Room No. 29, 1<sup>st</sup> Floor,  
Harishchandra Yewale Marg,  
Dadar (W),  
Mumbai – 400 028.**

**.... Respondent**

**Public Information Officer cum Asstt. Engineer,  
Water Works,  
Municipal Corporation of Greater Mumbai,  
G / South Ward Office,  
Room No. 29, 1<sup>st</sup> Floor,  
Harishchandra Yewale 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 is a tenant in Dhanashree building, Dilip Gupte Road, Mahim. It seems that water supply to the building was disconnected putting tenants to hardship. It is understood that water charges in tenants' occupied buildings are paid by the land-lord. Tenants in turn pay to the landlord. Whenever landlords fail to pay the bill, MCGM disconnects the supply. It goes without saying that the occupants are put to hardship. The Commission has received many such applications which apparently seem to be seeking information but basically are petitions for restoration of water supply connection.

The appeal was heard on 18.2.2009. Appellant and respondent were present. The appellant wanted this practice of disconnecting water supply stopped. This case is different in one sense – the ownership of the building has under transfer and tenants insisted that if the property is transferred in the name of the owner they would permit upon him to pay the bill. The respondents reply was that transfer property is subject to fulfilling conditions and submission of documents.

After going through the case papers and considering the arguments I have come to the Commission cannot pretend to be empowered to intervene. I therefore, close the case.

**Order**

The appeal is disposed off.

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

Place: Mumbai  
Date: 27.2.2009.

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

**Appeal No.2009/2141/02**

**Shri. Swapnil Kadam  
510, Himalaya House,  
79, Palton Road,  
Mumbai – 400 001.**

**.... Appellant**

V/s

**First Appellate Officer cum Deputy Chief Engineer  
(Building Proposal) City,  
Municipal Corporation of Greater Mumbai,  
“E” Ward Office, 3<sup>rd</sup> Floor,  
10, S.K. Hafizuddin Marg,  
Byculla, Mumbai – 400 008.**

**.... Respondent**

**Public Information Officer cum Executive Engineer,  
Municipal Corporation of Greater Mumbai,  
“E” Ward Office, 3<sup>rd</sup> Floor,  
10, S.K. Hafizuddin Marg,  
Byculla, Mumbai – 400 008.**

**GROUNDS**

This appeal has been filed under section 19 (3) of the Right to Information Act 2005. The appellant had sought the information relating to the use of the 1<sup>st</sup> & 2<sup>nd</sup> floor of New Akashganga Co-operative Housing Society. He wanted to know whether the trust which is occupying the floors has obtained permission for change of user.

Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant has filed this second appeal before the Commission. The appeal was heard on 26.3.2009

Appellant and respondent were present. The appellant has contended that these floors were occupied by Bhulabhai and Dhirajlal Desai memorial trust for carrying out Educational Medical and relief of poverty, social and cultural activities. The trust is using it for commercial purposes and it is necessary to know whether change of user has been permitted.

The respondent contention is that some information has been furnished but files relating to remaining information have not been traced.

After going through the case papers and considering the arguments advanced by parties I have come to the conclusion that the required information must be furnished. The information sought is simple and it has to be furnished. It is not enough to say that files are not available.



**Order**

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

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

Place: Mumbai  
Date: 26.3.2009.

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

**Appeal No.2009/2140/02**

**Shri.Sanjay Anandrao Kalatre  
8/13, Sayhadri Nagar,  
Charkop,  
Kandivali (W),  
Mumbai – 400 067.**

**.... Appellant**

**V/s**

**First Appellate Officer cum Principal  
K.J.Somaiya College of Science & Commerce,  
Vidyanagar, Vidyavihar,  
Mumbai – 400 077.**

**.... Respondent**

**Public Information Officer cum Principal  
K.J.Somaiya College of Science & Commerce,  
Vidyanagar, Vidyavihar,  
Mumbai – 400 077.**

**GROUNDS**

This appeal has been filed under section 19 (3) of the Right to Information Act 2005. The appellant had sought the information regarding his application for employment in K. J. Somaiya College of Science & Commerce.

Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant has filed this second appeal before the Commission. The appeal was heard on 25.3.2009.

Appellant and respondents were present. The appellant has contended that he has not been furnished the information.

The respondent's contention is that the application has not been considered favourably as the same was received after the lapse of permissible time period as per the guidelines issued by the Government of Maharashtra in this behalf. This information was furnished by the Public Information Officer's letter dated 23<sup>rd</sup> September, 2008.

After going through the case papers and considering the arguments advanced by parties I have come to the conclusion that the required information has been furnished. The college has to go as per the guidelines issued by the Govt. The appellant was advised to approach Govt.

**Order**

The appeal is disposed off.

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

Place: Mumbai  
Date: 26.3.2009.

**Shri. Pramod Rajaram Pawar  
120/B/60, Rajgadh,  
Mumbai Nagari Parivahan Project,  
M.U.T.P. Tata Nagar,  
Mankhurd,  
Mumbai – 400 043.**

**.... Appellant**

V/s

**First Appellate Officer cum Commissioner,  
M.M.R.D.A, Mumbai,  
Bandra – Kurla Complex,  
Bandra (E),  
Mumbai – 400 051.**

**.... Respondent**

**Public Information Officer cum Dy.Registrar,  
Co-operative Society, Mumbai,  
M.M.R.D.A, Mumbai,  
Bandra – Kurla Complex,  
Bandra (E),  
Mumbai – 400 051.**

### **GROUND**

This appeal has been filed under section 19 (3) of the Right to Information Act 2005. The appellant had sought the information relating to Raigad Co-operative Housing Society, Tata Nagar Road, Mankhurd, Mumbai. He had asked audit report for the period ending March 2006, 2007 and 2008, no. shops in the building, no. of residents who have been issued share certificate and accounts maintained by the Chief Promoter for maintenance of the building.

Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant has filed this second appeal before the Commission. The appeal was heard on 26.3.2009.

Appellant and respondents were present. The appellant has contended that he received incomplete information. He has also stated that the Public Information Officer's reply to him was that remaining information was available at the society level.

The respondent's contention is that he has given the information which was available at his level. In his detailed written submission he has given pointwise information. He also assured that he would help the appellant in securing information from the society.

After going through the case papers and considering the arguments advanced by parties it is revealed that the society consists of project affected people (MUTP) who have been rehabilitated as per the policy. These are a large no. of such societies of PAP's. These nascent societies are yet to set their feet firmly. The Public Information Officer has furnished the available information. Accounts of expenditure prior to formation of the society will have to be obtained from the society. The Public Information Officer should help the appellant. I pass the following order.

**Order**

The appeal is disposed off.

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

Place: Mumbai  
Date: 26.3.2009.

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

Appeal No.2009/1823/02

**Shri. Shirish T. Engineer**  
**111, Yasho Mandir,**  
**Sane Guruji Marg,**  
**Tardeo,**  
**Mumbai – 400 034.**

.... Appellant

V/s

**First Appellate Officer cum Asstt. Commissioner,**  
**Municipal Corporation of Greater Mumbai,**  
**Office of the ‘D’ Ward,**  
**Nana Chowk,**  
**Grant Road (W),**  
**Mumbai – 400 007.**

.... Respondent

**Public Information Officer cum Executive Engineer,**  
**Building Proposal, City,**  
**Municipal Corporation of Greater Mumbai,**  
**Office of the “E” Ward,**  
**Sankhali Street,**  
**Byculla, Mumbai.**

### **GROUND**

This appeal has been filed under section 19 (3) of the Right to Information Act 2005. The appellant had sought the information regarding complaint for repair of WC Pipe at Bhatt Chawl, ‘D’ ward, Mumbai.

Not satisfied with responses from the Public Information Officer and the First Appellate Authority, the appellant has filed the second appeal. The appeal was heard on 26.3.2009. The appellant did not turn up but the respondent was present. The respondent has submitted a copy the appellant letter dated 6.3.2009 that the WC pipe has been repaired. He has enclosed a photo of the repaired pipe.

In the light of this, the case is closed.

### **Order**

The appeal is disposed off.

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

Place: Mumbai  
Date: 26.3.2009.

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

Appeal No.2009/1878/02

**Shri.Devendra M. Shah  
132 / D, 13, Bhagatwadi,  
Bhuleshwar, Mumbai – 400 002.**

**.... Appellant**

V/s

**First Appellate Officer cum Dy. City Engineer,  
M.B.R. & R. Board, South,  
MHADA,  
Rajani Mahal, Tardeo Road,  
DI, DII, MHADA,  
Mumbai – 400 034.**

**.... Respondent**

**Public Information Officer cum Executive Engineer,  
M.B.R. & R. Board, South,  
MHADA,  
Rajani Mahal, Tardeo Road,  
DI, DII, MHADA,  
Mumbai – 400 034.**

### **GROUND**

This appeal has been filed under section 19 (3) of the Right to Information Act 2005. The appellant had sought the information relating to building no. 250 known as Hendre Building, V.P.Road, Mumbai.

Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant has filed this second appeal before the Commission. the appeal was heard on 26.3.2009.

Appellant and respondent were present. The appellant has stated during the hearing that the required information has been furnished to him and nothing needs to be done.

In view of this the case is closed.

### **Order**

The appeal is disposed off.

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

Place: Mumbai  
Date: 26.3.2009.

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

Appeal No.2009/1879/02

**Shri.Devendra M. Shah  
132 / D, 13, Bhagatwadi,  
Bhuleshwar, Mumbai – 400 002.**

**.... Appellant**

V/s

**First Appellate Officer cum Dy. City Engineer,  
M.B.R. & R. Board, South,  
MHADA,  
Rajani Mahal, Tardeo Road,  
DI, DII, MHADA,  
Mumbai – 400 034.**

**.... Respondent**

**Public Information Officer cum Executive Engineer,  
M.B.R. & R. Board, South,  
MHADA,  
Rajani Mahal, Tardeo Road,  
DI, DII, MHADA,  
Mumbai – 400 034.**

### **GROUND**

This appeal has been filed under section 19 (3) of the Right to Information Act 2005. The appellant had sought the information relating to building no. 250 known as Hendre Building, V.P.Road, Mumbai.

Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant has filed this second appeal before the Commission. The appeal was heard on 26.3.2009.

The appellant has stated that he has received all the required information and nothing needs to be done. It is therefore decided to close the case.

### **Order**

The appeal is disposed off.

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

Place: Mumbai  
Date: 26.3.2009.

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

**Appeal No.2009/2137/02**

**Smt. Sulochana C. Bane  
Vishwakiran Co-op. Hsg. Society Ltd.,  
31/16, 3<sup>rd</sup> Floor,  
Shardadevi Road,  
Bandra (E),  
Mumbai – 400 051.**

**.... Appellant**

**V/s**

**First Appellate Officer cum Dy. Registrar,  
Co-operative Societies,  
Mumbai Housing and Development Authority,  
Grihnirman Bhavan, 3<sup>rd</sup> Floor,  
Bandra (E),  
Mumbai – 400 051.**

**.... Respondent**

**Public Information Officer cum Secretary,  
Dahisar (E.W.S.), Saphalya Co-op. Hsg. Socty. Ltd.,  
Chawl No. 17, Room No. 97,  
M.H.B.Colony,  
S.N.Dube Road,  
Dahisar, Chunabhatti (E),  
Mumbai – 400 068.**

**GROUNDS**

This appeal has been filed under section 19 (3) of the Right to Information Act 2005. The appellant had sought the information relating to Saphalya C.H.S. Dahisar (E), Mumbai. The appellant also disputes the outstanding shown against her.

Not satisfied with responses from the Public Information Officer and First Appellate Authority the appellant has filed this second appeal before the Commission. The appeal was heard on 25.3.2009.

Appellant was present but the respondent was absent. The appellant has contended that no information has been furnished. She wanted a copy of the minutes of the meeting held on 5.6.2006 and 18.6.2006 but refused on the ground that she was a defaulter although no action under section 101 of the MCS Act was initiated against her.

The respondent was absent and therefore it is presumed that he has nothing to say.

After going through the case papers and considering the arguments advanced by parties I have come to the conclusion that the appellant basically wants the dispute to be resolved. The appellant have shown to me the original bill for Rs. 612/- which the society denies having received although the appellant stated that there is an endorsement



on the bill itself. The society has shown outstanding of Rs. 2541/-. There is no way the Commission can intervene. I am constrained to close the case.

**Order**

The appeal is disposed off.

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

Place: Mumbai  
Date: 25.3.2009.

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

**Appeal No.2009/1841/02**

**Prof. Patankar Nisarali Mohammed  
2/204, Aaghadi Nagar,  
Andheri (W), Pump House,  
Mumbai – 400 093.**

**.... Appellant**

**V/s**

**First Appellate Officer cum General Secretary  
Maharashtra College of Arts Science & Commerce  
246 – A, Jahangir Boman Behram Road,  
Mumbai – 400 008.**

**.... Respondent**

**Public Information Officer cum The treasurer  
Maharashtra College of Arts Science & Commerce  
246 – A, Jahangir Boman Behram Road,  
Mumbai – 400 008.**

**GROUNDS**

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

- 10) Statement of Accounts
- 11) Statement of income & expenditure
- 12) Receipt book/s
- 13) Ledger book/s
- 14) Cash book/s
- 15) Credit voucher's file/s
- 16) Debit voucher file/s
- 17) Pass book/s files or Statements of Bank A/cs
- 18) Fixed deposit certificates all for financial year ending 31<sup>st</sup> March, 2008.

Not satisfied with responses from the Public Information Officer and the First Appellate has filed this second appeal before the Commission. The appeal was heard on 9.2.2009.

Appellant and respondents were present. The appellant has contended that he has not been furnished the information despite repeated requests.

The respondent's contention is that the trust is exempted from the Right to Information Act, 2005.

**Order**

The appeal is partially allowed. Information on point no. 122 to be furnished by Public Information Officer within 30 days.

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

Place: Mumbai  
Date: 26.3.2009.

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

**Appeal No.2009/2128/02**

**Shri. H.S.Ghadge  
Adhikshak (Bhandar),  
Dadasaheb Phalke Chitranagari,  
Mumbai – 400 065.**

**.... Appellant**

**V/s**

**First Appellate Officer  
Maharashtra Chitrapat Rangbhumi ani  
Sanskritik Vikas Mahamandal Maryadit,  
Film City,  
Goregaon (E),  
Mumbai – 400 065.**

**.... Respondent**

**Public Information Officer cum Finance Consultant & Chief Account Officer  
Maharashtra Chitrapat Rangbhumi ani  
Sanskritik Vikas Mahamandal Maryadit,  
Film City,  
Goregaon (E),  
Mumbai – 400 065.**

**GROUNDS**

This appeal has been filed under section 19 (3) of the Right to Information Act 2005. The appellant had sought a copy of his pay revision order according to the 5<sup>th</sup> Pay Commission. The information was furnished to him. All documents were also shown to him.

Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant has filed this second appeal before the Commission. The appeal was heard on 25.3.2009.

Appellant and respondents were present. Appellant has contended that his pay has been wrongly fixed. It seems that his request for the remaining information was incidental.

The respondent's contention is that the appellant was heading the administration at the time fixing his pay. In any case his request pending and decision will be communicated to him.

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. The issue of fixation pay cannot be sorted by the Commission. The appellant has already taken it up and the same should be decided at the appropriate level. I close the case.

**Order**

The appeal is disposed off.

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

Place: Mumbai  
Date: 26.3.2009.

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

**Appeal No.2009/2132/02**

**Shri. Pravin M. Dali  
A – 603, Mauli Co-op. Hsg. Socty.,  
Near Municipal School,  
Mithanagar,  
Goregaon (W),  
Mumbai – 400 062.**

**.... Appellant**

**V/s**

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

**.... Respondent**

**Public Information Officer cum Under Secretary / Chief Engineer (Electrical)  
Energy Department,  
Mantralaya,  
Mumbai – 400 032.**

**GROUNDS**

This appeal has been filed under section 19 (3) of the Right to Information Act, 2005. The appellant had sought the information relating to the position of recovery of electric duty and tax on sale of electricity amounting to Rs.99.25 crores between 2001 to 2008.

Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant has filed this second appeal before the Commission. The appeal was heard on 25.3.2009.

The appellant did not turn up. The appellant has contended that he has not been given information on such a vital and critical issue. The respondent's contention is that the information sought pertains to Accountant General's audit para. The information has been sent to the Public Accounts Committee of the legislature. The respondent has stated that disclosure at this stage may lead to breach of Parliamentary Privilege. The same has been communicated by to the appellant by letter dated 18.12.2008.

After going through the case papers and considering the arguments by parties I have come to the conclusion that information has been rightly denied as disclosure may lead to breach of privilege.

**Order**

The appeal is disposed off.

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

Place: Mumbai  
Date: 26.3.2009.

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

**Appeal No.2009/2167/02**

**Shri. Raj Bihari Pathak  
15/534 (802/C), Mrugvihar Co-op.Hsg. Socty. Ltd.,  
Subhash Nagar, Chembur,  
Mumbai – 400 071.**

**.... Appellant**

**V/s**

**First Appellate Officer cum Dy.Chief Officer (EM – II)  
Grihnirman Bhawan, Bandra (E),  
Mumbai – 400 051.**

**.... Respondent**

**Public Information Officer cum Estate Manager 3  
Grihnirman Bhawan, Bandra (E),  
Mumbai – 400 051.**

**GROUNDS**

This appeal has been filed under section 19 (3) of the Right to Information Act 2005. The appellant had sought the expanded form of his name R.R.Pathak. In fact he is occupying a tenement which belonged to one Mr. R.K.Pathak. Mr. R.K.Pathak's father's name also begins with 'R'. The abbreviated forms of both names are R.R.Pathak. This has led to some property dispute.

Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant has filed this second appeal before the Commission. The appeal was heard on 31.3.2009.

Appellant was present but the respondent was absent. The appellant has contended that he has already given the information to the appellant by his letter dated 5.4.2008. The respondent's contention is that the information given was wrong because the name given was that of the earlier owner.

After going through the case papers and considering the arguments advanced by parties I have come to the conclusion that this is some kind of comedy of error. The appellant claims to be Raj Bihar R.Pathak and the original allottees name is Ram Khelawan R.Pathak. The abbreviated form of both the name is R.R.Pathak. I see no solution unless the appellant inspects the whole file and asks for whatever suits him.

**Order**

The appellant to arrange inspection of the relevant file & furnish the copies of selected documents. This should be done within 30 days.

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

Place: Mumbai  
Date: 31.3.2009.



**Shri.M. Mohandas Roy  
Bldg. No. 21 – B,  
Block No. 1097 / 2<sup>nd</sup> Floor,  
M.H.B. Colony,  
Mahim (W),  
Mumbai – 400 016.**

**.... Appellant**

**V/s**

**First Appellate Officer cum Superintendent (City)  
State Excise,  
Office of Superintendent (City),  
Ground Floor, Old Custom House,  
S.B.Road,  
Mumbai – 400 032.**

**.... Respondent**

**Public Information Officer  
State Excise,  
Office of Superintendent (City),  
Ground Floor, Old Custom House,  
S.B.Road,  
Mumbai – 400 032.**

### **GROUNDS**

This appeal has been filed under section 19 (3) of the Right to Information Act 2005. The appellant had sought the information relating to Mazgaon Dock Restaurant and Bar – provisions under which licensees are made to deposit National Saving Certificates, provisions under which licenses are issued etc.

Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant has filed this second appeal before the Commission. the appeal was heard on 25.3.2009.

Appellant and respondents were present. The appellant has contended that he has not been furnished the required information. He has also requested the Commission to take action against the Public Information Officer for not furnishing the information.

The respondent's contention is that the information sought was not clear to them whether it was about Mazgaon Dock Restaurant & Bar or general. This mixing of the two caused delay. They have however sent the information by speed post and also brought a copy.

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

If points are not clear, the appellant could be asked to clarify. These can be no justification for delay. Since the information has already been sent I pass the following order.

**Order**

The Public Information Officer to show cause why he should not be penalised @ Rs.250/- per day for not furnishing the information. His explanation to reach the Commission within 3 weeks.

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

Place: Mumbai  
Date: 26.3.2009.

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

**Appeal No.2009/2170/02**

**Shri. Gordhandas K. Vangani  
C/o. Vanganey International,  
7 /1, Hind Service Industrial Premises Co-op. Socty. Ltd.,  
Veer Savarkar Marg, Cadel Road,  
Mumbai – 400 028.**

**.... Appellant**

**V/s**

**First Appellate Officer cum Dy. Chief Engineer,  
(Reconstruction)  
Bombay Building Repair and Reconstruction Board,  
Sonawala Bldg.,  
Shinde Wadi,  
Dadar (E),  
Mumbai – 400 014.**

**.... Respondent**

**Public Information Officer cum Executive Engineer,  
RU -1, Bombay Housing Area,  
Bombay Building Repair and Reconstruction Board,  
Sonawala Bldg.,  
Shinde Wadi,  
Dadar (E),  
Mumbai – 400 014.**

**GROUNDS**

This appeal has been filed under section 19 (3) of the Right to Information Act 2005. The appellant had sought certified copies of all documents relating to redevelopment of property bearing CS No. 253 building no. 15-15A Bhorbat Lane, building known as Vangani Chambers Girgaum, “D” Ward, Mumbai.

Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant has filed this second appeal before the Commission. The appeal was heard on 31.3.2009.

Appellant and respondents were present. The appellant has contended that he has not been furnished the information he required.

The respondent’s contention is that the whole file was shown to him and he has obtained copies of whatever he wanted.

After going through the case papers and considering the arguments advanced by parties I have come to the conclusion that the appellant does admit having received certain information but feels that the papers required by him are not there. RTI Act ensures furnishing of available and non existent information cannot be furnished. The

appellant however was offered one more inspection by the respondent and he accepted the offer. I therefore, pass the following order.

**Order**

The appeal is allowed. The appellant will carry out the inspection and respondent shall furnish certified copies of selected documents.

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

Place: Mumbai  
Date: 31.3.2009.

**Shri. Abdul Razak Mohammed Suleman**  
**Flat No. 1901, 19<sup>th</sup> Floor,**  
**Rehmani Tower, Madanpura,**  
**7/9/11, Mohammed Umer Rajjab Road,**  
**Mumbai – 400 008.**

.... Appellant

V/s

**First Appellate Officer cum Asstt. Registrar,**  
**Co-op. Societies,**  
**“E” South Ward, Malhotra House,**  
**6<sup>th</sup> Floor, Opp. G.P.O.,**  
**Mumbai – 400 001.**

.... Respondent

**Public Information Officer cum Asstt. Registrar,**  
**Co-op. Societies,**  
**“E” South Ward, Malhotra House,**  
**6<sup>th</sup> Floor, Opp. G.P.O.,**  
**Mumbai – 400 001.**

### GROUNDS

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

- 8) I would like to know whether the said Rehmani Tower Co-op. Hsg. Soc. Ltd. is registered in your department and the above said registration number given by the office bearer of the said society is true or correct.
- 9) Names of the office bearer with their designation of the said society, mentioned in your record.
- 10) Have the office bearers of the said society had submitted complete Audit / Account of the Rehmani Tower CHS. Ltd., If yes, then give me the certified true copy of the same and if no then why? Why they did not submit the required audit / account report to you.
- 11) There has flat size of 225 Sq. Ft. 360 Sq. Ft. & 275 Sq. Ft. and Office bearers of the said society is charging @ Rs. 800.00, 1100.00 and 900.00 respectively.
- 12) Now they are desirous to increase my maintenance of area 225 Sq. Ft. from 800.00 to 1800.00 on which Ground and have they right to increase the maintenance directly more than double.
- 13) Have they opened the required Bank Account for keeping the record of the said society?

- 14) Have they submitted the required record of income and expenditure in your office.

Not satisfied with responses from the Public Information Officer and the First Appellant has filed this second appeal before the Commission. The appeal was heard on 31.3.2009.

The appellant has contended that he was not satisfied with the information furnished to him. He has been informed that most of the information are with the society.

The respondent's contention is that whatever information was available with him has been furnished. He also informed the Commission that he has gone beyond the information sought and has appointed an administrator according to the Maharashtra Co-operative Society Act 1960. He also informed that an Administrative Committee in construction with the appellant is going to be set and he will also ask the administrator to get the accounts audited. The appellant also admitted that these steps have been taken.

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

**Order**

Appeal is disposed off.

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

Place: Mumbai  
Date: 31.3.2009.

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

**Appeal No.2009/2171/02**

**Shri. Shivnarayan R. Rajbhar  
Ramkhilawan Rajbhar Chawl,  
Marol Naka, A.K.Road,  
Andheri (E),  
Mumbai – 400 059.**

**.... Appellant**

**V/s**

**First Appellate Officer cum Addl. Collector &  
Competent Authority,  
7<sup>th</sup> Floor, Administrative Bldg.  
Bandra (E),  
Mumbai – 400 059.**

**.... Respondent**

**Public Information Officer cum Dy. Collector (ENG) &  
Competent Authority,  
Grihnirman Bhavan,  
Kala Nagar,  
Bandra (E),  
Mumbai.**

**GROUNDS**

This appeal has been filed under section 19 (3) of the Right to Information Act 2005. The appellant had sought the information relating to structure no.95 and 95 A, Ramkhilawan chawl, Krishna Nagar, Marol Naka, A.K.Road, Andheri (E), Mumbai. The appellant has pointed out both these huts have been shown as projected affected person. The appellant has sought copies of documents.

Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant has filed this second appeal before the Commission. The appeal was heard on 31.3.2009.

The appellant did not turn up but the respondent was present. The appellant has contended that he has not been given the information he had asked for. The respondent's contention is that papers relating to the issue are not available. He has however shown to me the list of PAPs where Mr.John's name has been shown twice against hut no.95 and 95 A.

After going through the case papers and considering the arguments advanced by parties I have come to the conclusion that the Public Information Officer has to make all efforts to trace the underlying papers. It becomes more important when two huts have been shown against the name of one person. The electricity bill shown by the Public Information Officer does not even bear the hut no. It is very important to know what

documents were submitted at the time of survey. If the PAP has been given two units in the rehabilitation scheme it becomes more serious.

**Order**

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

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

Place: Mumbai  
Date: 31.3.2009.



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

Appeal No.2009/2165/02

**Shri.Chandrakant Amritlal Merchant  
J.M. Rane Building & Khambata Pathan Chawl,  
153-E, Mosses Road,  
Worli, Mumbai – 400 018.**

.... Appellant

V/s

**First Appellate Officer cum Dy. Chief Engineer (North)  
Mumbai Building Repair & Reconstruction and Redevelopment Authority,  
Grihnirman Bhavan,  
Kalanagar,  
Bandra (E),  
Mumbai – 400 051.**

.... Respondent

**Public Information Officer cum Executive Engineer,  
“D” Ward,  
Mumbai Building Repair & Redevelopment Authority,  
Parel, Mumbai – 400 012.**

### GROUNDS

This appeal has been filed under section 19 (3) of the Right to Information Act 2005. The appellant had sought the information relating to repair, reconstruction and redevelopment of the Lower Parel Division, Mumbai.

Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant has filed this second appeal before the Commission. The appeal was heard on 31.3.2009.

Appellant and respondents were present. The appellant has contended that he has not been furnished the information he had asked for. The respondent's contention is 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 the information has been furnished. The Public Information Officer by his letter dated 12.9.2008 has given pointwise replies. The appellant reason for not being satisfied was not clear to the Commission. He was advised to inspect the relevant files if he so desires.

### Order

The appeal is disposed off.

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

Place: Mumbai  
Date: 31.3.2009.

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

**Appeal No.2009/2147/02**

**Shri. Vishwanath Ramchandra Desai  
601, 6<sup>th</sup> Floor, Shri. Sainath Co-op. Hsg. Soc. Ltd.,  
Anandnagar, Vakola,  
Vakola Police Station Road,  
Santacruz (E),  
Mumbai – 400 055.**

**.... Appellant**

**V/s**

**First Appellate Officer cum Registrar,  
Co-op. Societies, H.E. Ward,  
Bandra (E),  
Mumbai – 400 055.**

**.... Respondent**

**Public Information Officer cum District Dy. Registrar,  
Co-op. Societies, H.E. Ward,  
Bandra (E),  
Mumbai – 400 055.**

**GROUND**

This appeal has been filed under section 19 (3) of the Right to Information Act 2005. The appellant by his application dated 19.9.2008 had sought the information relating to registration of Shri. Sainath Co-operative Housing Society, Anand Nagar, Santacruz (E), Mumbai – 400 055. He had sought true copies of documents submitted at the time of registration of the society.

The Public Information Officer informed the appellant that the information sought was available with the society and the same can be obtained from there.

Not satisfied the reply from the Public Information Officer the appellant filed the first appeal under section 19 (1) of the RTI Act. The First Appellate Authority ordered that the information be furnished. The appellant is not satisfied.

Hence this appeal before the Commission.

The appeal was heard on 26.3.2009. The appellant did not turn up but the respondent was present. The appellant has sought adjournment but the same is not granted in view of the simplicity of the information sought.

After going through the case papers and considering the arguments advanced by parties I have come to the conclusion that information must be furnished. The Public Information in this case is the holder of the required information and there is no way he can shift the burden to the society. The information should be sent by post and free of cost.

**Order**

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

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

Place: Mumbai  
Date: 30.3.2009.

**Prof. Patankar Nisarali Mohammed**  
2/204, Aaghadi Nagar,  
Andheri (W), Pump House,  
Mumbai – 400 093.

.... Appellant

V/s

**First Appellate Officer cum General Secretary**  
**Maharashtra College of Arts Science & Commerce**  
246 – A, Jahangir Boman Behram Road,  
Mumbai – 400 008.

.... Respondent

**Public Information Officer cum The Treasurer**  
**Maharashtra College of Arts Science & Commerce**  
246 – A, Jahangir Boman Behram Road,  
Mumbai – 400 008.

### GROUNDS

This appeal has been filed under section 19 (3) of the Right to Information Act 2005. The appellant had sought the following information relating to Maharashtra College, Mumbai.

- Attested copies of audited (1) Statement of accounts
- (2) Account Statement of Income & Expenditure
  - (3) Ledger books /s
  - (4) Cash book / s
  - (5) Credit Voucher
  - (6) Debit Voucher Files
  - (7) Bank's Pass book/s or Statement of banks a/c's

All for financial year ending 31<sup>st</sup> March, 2008 and all for Maharashtra College.

Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant has filed this second appeal before the Commission. The appeal was heard on 31.3.2009. Appellants and respondents were present.

The appellant has contended that he has not been furnished information despite repeated requests. However, taking into account the nature of information sought. I am of the view that the information must be furnished. It is however, seen that the appellant has sought copies of documents which may be cumbersome to provide or may not be of relevance like, bank accounts, credit /debit vouchers etc. I am therefore of the view that

information on point no. I & II should be made available. I therefore pass the following order.

**Order**

The appeal is partially allowed. Information on point no. I & II to be furnished by Public Information Officer within 30 days.

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

Place: Mumbai  
Date: 31.3.2009.

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

**Appeal No.2009/2169/02**

**Shri. Govind Sayaji Salvi  
B-25, Chaturth Shreni Vasahat,  
Mumbai Vidyapith (E),  
Mumbai – 400 098.**

**.... Appellant**

**V/s**

**First Appellate Officer cum Kulsachiv  
Mumbai Vidyapith,  
Mumbai – 400 032.**

**.... Respondent**

**Public Information Officer cum Asstt. Kulsachiv  
General Administration Department,  
Mumbai Vidyapith,  
Mumbai – 400 032.**

**GROUND**

This appeal has been filed under section 19 (3) of the Right to Information Act 2005. The appellant had sought the information relating to allotment of staff quarters to employees of the university. The appellant had sought information on 22 points.

Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant has filed this second appeal before the Commission. The appeal was heard on 31.3.2009.

Appellant and respondents were present. The appellant has contended that he has not been given the information required by him. The respondent did not have any credible answer. I therefore pass the following order.

**Order**

Information to be furnished within 30 days. Public Information Officer to show within 30 days. Public Information Officer to show cause why action under section 20 of the RTI Act 2005 should not be taken against him. His explanation to reach the Commission within 3 weeks.

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

Place: Mumbai  
Date: 31.3.2009.

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

Appeal No.2009/2154/02

**Shri. D.B. Ambade**  
**Bldg. No. 19, Plot No. 72,**  
**M.S.E.B. Staff Quarters,**  
**Bandra Reclamation,**  
**Bandra (W),**  
**Mumbai – 400 051.**

.... Appellant

V/s

**First Appellate Officer cum General Manager**  
**General Administration Department,**  
**Maharashtra State Electricity Board Co.Ltd.,**  
**Prakashgad, 4<sup>th</sup> Floor,**  
**Bandra (E),**  
**Mumbai – 400 051.**

.... Respondent

**Public Information Officer cum Dy. Manager**  
**General Administration Department,**  
**Maharashtra State Electricity Board Co.Ltd.,**  
**Prakashgad, 4<sup>th</sup> Floor,**  
**Bandra (E),**  
**Mumbai – 400 051.**

### **GROUND**

This appeal has been filed under section 19 (3) of the Right to Information Act 2005. The appellant had sought the information relating to transfer policy, transfer on administrative ground, request and promotion.

Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant has filed this second appeal before the Commission. The appeal was heard on 30.3.2009.

The appellant has sought information on 7 points. Records do not reveal any order passed by the Public Information Officer or the First Appellate Authority. Under the circumstances I pass the following order.

### **Order**

Information to be furnished within 30 days failing which action under section 20 of the RTI Act 2005 will be initiated against the Public Information Officer.

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

Place: Mumbai  
Date: 31.3.2009.

**Shri. Arjunlal M.Chabria  
Belle Vista, Flat No. 15,  
3<sup>rd</sup> Floor, Opp. Lake & L.I.C. Office,  
S.V.Road,  
Bandra, Mumbai – 400 050.**

**.... Appellant**

V/s

**First Appellate Officer cum Asstt. Municipal Commissioner,  
Municipal Corporation of Greater Mumbai,  
K /West, Municipal Ward Office,  
Andheri (W),  
2<sup>nd</sup> Floor, Paliram Path,  
Opp. Best Station,  
Mumbai – 400 058.**

**.... Respondent**

**Public Information Officer cum Asstt. Engineer,  
Building & Factory,  
Municipal Corporation of Greater Mumbai,  
K /West, Municipal Ward Office,  
Andheri (W),  
2<sup>nd</sup> Floor, Paliram Path,  
Opp. Best Station,  
Mumbai – 400 058.**

### **GROUNDS**

This appeal has been filed under section 19 (3) of the Right to Information Act 2005. The appellant had sought the following information regarding the canteen in the compound of Tahsildar Andheri, Mumbai.

- 1) It is a fact that there is a canteen in the compound of Tehsildar, Dadabhoy Naoroji Road, Andheri (W), Mumbai.
- 2) Please supply me the copy of the documents submitted by the owner of the canteen for the permission and N.O.C. for the said canteen.
- 3) Whether the permission has been given to the said canteen or whether the authorisation is given by your Department, then please supply me the copy of the permission of the N.O.C. or the Authorisation of the said canteen.
- 4) Please supply me the copy of the approved plan of the said canteen in the compound of Tehsildar.



- 5) If no permission / authorisation and no approved plan is there in respect of the said canteen, then why action is not taken under section 351 B.M.C.Act.

Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant has filed this second appeal before the Commission. The appeal was heard on 30.3.2009.

Appellant and respondents were present. The appellant did not turn up but the respondent was present. The appellant has contended that he has not been furnished the information despite the First Appellate Authority direction to do so within 10 days.

The respondent's contention is that the canteen is located in the compound of Tahsildar and so information may be collected from him.

After going through the case papers and considering the arguments advanced by parties I have come to the conclusion that information as directed by the First Appellate Authority should be furnished. The Public Information Officer should write to the Tahsildar, Andheri collect the information and furnish to the appellant.

### **Order**

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

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

Place: Mumbai  
Date: 31.3.2009.

**Shri. Arjunlal M.Chabria  
Belle Vista, Flat No. 15,  
3<sup>rd</sup> Floor, Opp. Lake & L.I.C. Office,  
S.V.Road,  
Bandra, Mumbai – 400 050.**

**.... Appellant**

V/s

**First Appellate Officer cum Asstt. Municipal Commissioner,  
Municipal Corporation of Greater Mumbai,  
K /West, Municipal Ward Office,  
Andheri (W),  
2<sup>nd</sup> Floor, Paliram Path,  
Opp. Best Station,  
Mumbai – 400 058.**

**.... Respondent**

**Public Information Officer cum Asstt. Engineer,  
Building & Factory,  
Municipal Corporation of Greater Mumbai,  
K /West, Municipal Ward Office,  
Andheri (W),  
2<sup>nd</sup> Floor, Paliram Path,  
Opp. Best Station,  
Mumbai – 400 058.**

### **GROUNDS**

This appeal has been filed under section 19 (3) of the Right to Information Act 2005. The appellant had sought the following information relating to the Xerox stall in the compound of Tahsildar, Andheri, Mumbai and documents submitted by the owner for authorisation of the Xerox stall.

1. Is it a fact that there is a Xerox stall in the compound of Tahsildar, Dadabhoy Naroji road, Andheri (W), Mumbai.
2. Please supply me the copy of the documents submitted by the owner of the Xerox stall for the permission and N.O.C. for the said Xerox stall.
3. Whether the permission has been given to the said stall or whether the authorization is given by your Department, then please supply me the copy of the permission of the N.O.C. or authorization of the said Xerox stall.
4. Please supply me the copy of the Approved plan of the said Xerox stall in the compound of Tahsildar.
5. If no permission / authorization and no approved plan is there in respect of the said stall, then why action is not taken under section 351, BM.C.Act.

Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant has filed this second appeal before the Commission. The appeal was heard on 30.3.2009.

The appellant did not turn up but the respondent was present. The appellant has contended that he has not been furnished the required information. The respondent's contention is that the stall lies in the compound of Tahsildar, Andheri and the information may be sought from there. The First Appellate Authority however directed the Public Information Officer to furnish correct reply within 10 days.

After going through the case papers and considering the arguments advanced by parties I have come to the conclusion that the Public Information Officer should write to the Tahsildar, Andheri whether the stall has required authorisation and inform the appellant accordingly.

### **Order**

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

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

Place: Mumbai  
Date: 30.3.2009.

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

**Appeal No.2009/2138/02  
Appeal No.2009/2139/02**

**Shri. S.W. Kochikar  
7 'Om Satlaj Irla,  
Vile Parle (W),  
Mumbai – 400 056.**

**.... Appellant**

**V/s**

**First Appellate Officer cum Director,  
Engineering Services and Projects,  
Municipal Corporation of Greater Mumbai,  
5<sup>th</sup> Floor Annex Bldg.,  
Mahapalika Road,  
Mumbai – 400 001.**

**.... Respondent**

**Public Information Officer cum City Engineer,  
Engineering Services and Projects,  
Municipal Corporation of Greater Mumbai,  
5<sup>th</sup> Floor Annex Bldg.,  
Mahapalika Road,  
Mumbai – 400 001.**

**GROUNDS**

These appeals have been filed under section 19 (3) of the Right to Information Act 2005. The appellant had copies of documents reports with relevant file and whether the court order was perused before dismissal order was issued.

Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant has filed this second appeal before the Commission. The appeal was heard on 25.3.2009.

Appellant and respondents were present. The appellant has contended that he has not been given the information despite repeated requests. He has stated that he had inspected the documents but did not get the required information. The respondent's contention is that the appellant was offered inspection of documents and furnished documents also.

After going through the case papers and considering the arguments advanced by parties, it is revealed that the appellant had sought the same information through so many applications / appeals. One of such appeals was decided by this Commission and order dated 31.7.2008 was issued. It was ordered that the required information should be furnished within 30 days. The appellant is a dismissed employee of the MCGM. He may

be in need of this information for his defence. Nobody is permitted to ask the purpose for which the information is sought. Seeing the way in which the case was handled in the past and is being handled now I have come to the conclusion that there is reluctance on the part of the Public Information Officer to furnish the information. Although I had advised earlier that the game of shifting responsibilities must stop and information furnished, it does not seem to have any impact. I therefore, pass the following order.

**Order**

The appeal is allowed. Information to be furnished by Public Information Officer within 15 days. The Public Information Officer to show cause why he should be fined @ Rs. 250/- per day under section 20 of the RTI Act, 2005.

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

Place: Mumbai  
Date: 30.3.2009.

**Shri. Vijay Raju Rathod**  
**Room No. 36/37,**  
**Government College,**  
**Students Hostel,**  
**Sea Road, Churchgate,**  
**Mumbai – 400 020.**

.... Appellant

V/s

**First Appellate Officer cum Joint Director,**  
**Higher Education, Mumbai Division, Mumbai,**  
**Elphiston Technical College Campus,**  
**3, Mahapalika Marg,**  
**Mumbai – 400 001.**

.... Respondent

**Public Information Officer**  
**Higher Education, Mumbai Division, Mumbai,**  
**Elphiston Technical College Campus,**  
**3, Mahapalika Marg,**  
**Mumbai – 400 001.**

### GROUNDS

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

- 1) Copies of notes, mark list seniority list and select list of candidates interviewed on 14.1.2004 for appointment as peon
- 2) Roster for appointment as peon from VJNT
- 3) Copies of orders promoting Shri.Rajendra Rajput, Smt. Yamuna Nagargoje and Shri. Hiranman Jagtap
- 4) Name of the administrative officers who looked after administration from 2004.

Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant has filed this second appeal before the Commission. The appeal was heard on 25.3.2009.

Appellate and respondent were present. The appellant has contended that he has not been given the most important information – The Seniority list he has stated that the seniority list which formed the basis for promotion from peon to clerk is faulty as he has been shown junior and hence promoted late.

The respondent's contention is that the appellant has been given all the information except the seniority list prepared after the interview. The list which was

considered at the time of promotion was based on the date of joining. So the persons who have been promoted before him are above him according to date of joining.

After going through the case papers and considering the arguments advanced by parties it is revealed that the most crucial point is what should form the basis of seniority - date of joining or the position in the list prepared after the interview. It is also important to know that any seniority list is not finalised unless objections and suggestions are invited. It is not understood how the appellant feels that he was senior to those promoted before him. If he has the list, he could confront the authority concerned. In any case his case for deemed promotion is pending. Copies of available information have been given. The case is closed at our end.

I therefore, pass the following order.

**Order**

The appeal is disposed off.

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

Place: Mumbai  
Date: 26.3.2009.

**Shri. Vijay Raju Rathod**  
**Room No. 36/37,**  
**Government College,**  
**Students Hostel,**  
**Sea Road, Churchgate,**  
**Mumbai – 400 020.**

.... Appellant

V/s

**First Appellate Officer cum Joint Director,**  
**Higher Education, Mumbai Division, Mumbai,**  
**Elphiston Technical College Campus,**  
**3, Mahapalika Marg,**  
**Mumbai – 400 001.**

.... Respondent

**Public Information Officer**  
**Higher Education, Mumbai Division, Mumbai,**  
**Elphiston Technical College Campus,**  
**3, Mahapalika Marg,**  
**Mumbai – 400 001.**

### GROUNDS

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

- 1) Copies of notes, mark list seniority list and select list of candidates interviewed on 14.1.2004 for appointment as peon
- 2) Roster for appointment as peon from VJNT
- 3) Copies of orders promoting Shri.Rajendra Rajput, Smt. Yamuna Nagargoje and Shri. Hiranman Jagtap
- 4) Name of the administrative officers who looked after administration from 2004.

Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant has filed this second appeal before the Commission. The appeal was heard on 25.3.2009.

Appellate and respondent were present. The appellant has contended that he has not been given the most important information – The Seniority list he has stated that the seniority list which formed the basis for promotion from peon to clerk is faulty as he has been shown junior and hence promoted late.

The respondent's contention is that the appellant has been given all the information except the seniority list prepared after the interview. The list which was



considered at the time of promotion was based on the date of joining. So the persons who have been promoted before him are above him according to date of joining.

After going through the case papers and considering the arguments advanced by parties it is revealed that the most crucial point is what should form the basis of seniority - date of joining or the position in the list prepared after the interview. It is also important to know that any seniority list is not finalised unless objections and suggestions are invited. It is not understood how the appellant feels that he was senior to those promoted before him. If he has the list, he could confront the authority concerned. In any case his case for deemed promotion is pending. Copies of available information have been given. The case is closed at our end.

I therefore, pass the following order.

**Order**

The appeal is disposed off.

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

Place: Mumbai  
Date: 26.3.2009.

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

**Appeal No.2009/1516/02**

**Prof. Patankar Nisarali Mohammed  
2/204, Aaghadi Nagar,  
Andheri (W), Pump House,  
Mumbai – 400 093.**

**.... Appellant**

**V/s**

**First Appellate Officer cum General Secretary  
Maharashtra College of Arts Science & Commerce  
246 – A, Jahangir Boman Behram Road,  
Mumbai – 400 008.**

**.... Respondent**

**Public Information Officer cum Principal  
Maharashtra College of Arts Science & Commerce  
246 – A, Jahangir Boman Behram Road,  
Mumbai – 400 008.**

**GROUNDS**

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

Attested copies of audited (1) Statement of accounts ending 31<sup>st</sup> March, 2006

(2) Statement of income & expenditure ending 31<sup>st</sup> March 2006.

(3) Ledger books /s for the financial year ending 31<sup>st</sup> Mach, 2006.

(4) Cash book / s for the financial year ending 31<sup>st</sup> March 2006.

(5) Credit Voucher File for the financial year ending 31<sup>st</sup> March 2006.

(6) Debit Voucher File for the financial year ending 31<sup>st</sup> March 2006

(7) Pass book/s or Statement of banks a/c's pertaining to the above period

Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant has filed this second appeal before the Commission. The appeal was heard on 9.3.2009. Appellant was present but the respondents was present.

The appellant has contended that he has not been furnished information despite repeated requests. The respondent has stated that their society is covered under RTI Act. However taking into account the nature of information sought. I am of the view that the information must be furnished. It is however, seen that the appellant has sought copies of documents which may be cumbersome to provide or may not be of relevance like Credit vouchers / Debit vouchers, bank accounts etc. I am therefore of the view that information on point no. I & II should be made available. I therefore pass the following order.

**Order**

The appeal is partially allowed. Information on point no. I & II to be furnished by Public Information Officer within 30 days.

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

Place: Mumbai  
Date: 30.3.2009.

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

**Appeal No.2009/1518/02**

**Prof. Patankar Nisarali Mohammed  
2/204, Aaghadi Nagar,  
Andheri (W), Pump House,  
Mumbai – 400 093.**

**.... Appellant**

**V/s**

**First Appellate Officer cum The President  
Maharashtra College of Arts Science & Commerce,  
246 – A, Jahangir Boman Behram Road,  
Mumbai – 400 008.**

**.... Respondent**

**Public Information Officer cum General Secretary  
Maharashtra College of Arts Science & Commerce,  
246 – A, Jahangir Boman Behram Road,  
Mumbai – 400 008.**

### **GROUNDS**

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

Attested copy of Departmental Inquiry verdict submitted by the Inquiry Officer Mr. Q.J.Shaikh to the Management KIHES in connection with DI of the applicant.

Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant has filed this second appeal before the Commission. The appeal was heard on 29.3.2009.

The appellant has contended that he has not been given the information required by him. Since the respondent was not present, it could not be verified.

After going through the case papers and considering the arguments advanced by parties I have come to the conclusion that information should be furnished. Getting a copy of the report against who an enquiry was ordered is almost a fundamental right.

### **Order**

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

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

Place: Mumbai  
Date: 31.3.2009.

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

**Appeal No.2009/1519/02**

**Prof. Patankar Nisarali Mohammed  
2/204, Aaghadi Nagar,  
Andheri (W), Pump House,  
Mumbai – 400 093.**

**.... Appellant**

**V/s**

**First Appellate Officer cum The President  
Maharashtra College of Arts Science & Commerce,  
246 – A, Jahangir Boman Behram Road,  
Mumbai – 400 008.**

**.... Respondent**

**Public Information Officer cum General Secretary  
Maharashtra College of Arts Science & Commerce,  
246 – A, Jahangir Boman Behram Road,  
Mumbai – 400 008.**

### **GROUNDS**

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

Competent Authorities written say in response to applicant's application to Enquiry Officer for attested copies of additional documents needed for writing defense statement in connection with Department Enquiry of the applicant.

Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant has filed this second appeal before the Commission. The appeal was heard on 12.3.2009.

Appellant and respondents were present. Appellant has contended that he has not been furnished the information despite repeated requests. The respondent's contention is that the information has been supplied during the enquiry and there was no need to furnish it again.

After going through the case papers and considering the arguments advanced by parties I have come to the conclusion that information should be furnished. Although the appellant's application does not specify the documents he request and simply asks for copies of additional documents. I hope he must have submitted the list to the competent authority.

### **Order**

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

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

Place: Mumbai  
Date: 31.3.2009.

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

**Appeal No.2009/1974/02**

**Shri. Jitendra K. Patel  
Shri. Kishor K. Patel  
Patkar's Old Block No.5,  
Lalita Sadan, Ground Floor,  
S.V.Road, Bandra (W),  
Mumbai – 400 050.**

**.... Appellant**

**V/s**

**First Appellate Officer cum Asstt. Commissioner  
Municipal Corporation of Greater Mumbai,  
H / West Ward Office,  
St. Martins Road,  
Bandra (W), Mumbai – 400 050.**

**.... Respondent**

**Public Information Officer cum Asstt. Engineer,  
Water Works,  
Municipal Corporation of Greater Mumbai,  
H / West Ward Office,  
St. Martins Road,  
Bandra (W), Mumbai – 400 050.**

### **GROUNDS**

This appeal has been filed under section 19 (3) of the Right to Information Act 2005. The appellant had sought the information relating to water connection provided on CTS F/ 1168 since January, 1986. The appellant also wanted to know details of water meters, water bills, action by the department for non payment, copies of the notice issued, amount outstanding against each of the water meters and details of water bills paid during the last 3 years.

Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant has filed this second appeal before the Commission. The appeal was heard 26.2.2009.

Appellant and respondents were present. The appellant has contended that he has not been furnished the information despite repeated requests.

The respondent's contention is that he has furnished whatever was available. Disconnection of supply is the usual procedure of MCGM and they resort to it in all cases.

After going through the case papers and considering the arguments advanced by parties I have come to the conclusion that the remaining information must be furnished. Appellant has not furnished any copy of the reply received and the Commission has to go

with respondent's version. I am however, of the view that the RTI Act's basic purpose is to help citizens get the information they require. I therefore, pass the following order.

**Order**

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

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

Place: Mumbai  
Date: 26.3.2009.

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

Appeal No.2009/1975/02

**Shri. Mumtaz Iqbal Shaikh**  
Victoria Terrace,  
1<sup>st</sup> floor, Flat No. 4,  
3<sup>rd</sup> Victoria Cross Lane,  
Byculla, Mumbai – 400 027.

.... Appellant

V/s

**First Appellate Officer cum Asstt. Commissioner**  
**Municipal Corporation of Greater Mumbai,**  
**E Ward Office,**  
**10, Shaikh Hafizuddin Marg,**  
**Mumbai – 400 008.**

.... Respondent

**Public Information Officer cum Asstt. Engineer,**  
**Building & Factories,**  
**Municipal Corporation of Greater Mumbai,**  
**E Ward Office,**  
**10, Shaikh Hafizuddin Marg,**  
**Mumbai – 400 008.**

**GROUND**

This appeal has been filed under section 19 (3) of the Right to Information Act 2005. The appellant had sought the information relating to the notice issued under section 53(1) dated 4.10.2006. He has asked for copies of the complaint and correspondence between the ward office and the complaint.

Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant has filed this second appeal before the Commission. The appeal was heard on 26.2.2009.

Appellant and respondents were present. The appellant has contended that he has not been given the information required by him. Although he says he has attached copies of documents but there is nothing on record. I am however, of the view that the RTI Act is there to help citizens get the information they require. The record also does not show any information furnished by the respondent. I therefore, pass the following order.

**Order**

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

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

Place: Mumbai  
Date: 26.3.2009.



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

**Appeal No.2009/1913/02**

**Shri. Swati M. Karande  
1, Jyotsna Prakash, 1<sup>st</sup> Floor,  
Opp. Sydicate Bank, Near Rly. Station,  
Goregaon (E), Mumbai – 400 063.**

**....Appellant**

**V/s**

**First Appellate Officer cum Sr. Architect  
Architect Department,  
MHADA,  
Bandra (W),  
Mumbai – 400 050.**

**.... Respondent**

**Public Information Officer cum Architect  
Architect Department,  
MHADA,  
Bandra (W),  
Mumbai – 400 050.**

**GROUND**

This appeal has been filed under section 19 (3) of the Right to Information Act 2005. The appellant had sought the information relating to the redevelopment of property at CTS No. 195 part survey no. 106 A, K-3 / K – 4, (now known as Neptune Co-operating Hsg. Society, D.N. Nagar Co-operative Housing Society, J.P. Road, Andheri (W), Mumbai.

Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant has filed this second appeal before the Commission. The appeal was heard on 16.2.2009.

Appellant and respondents were present. The appellant has contended that no information has been provided. The respondent did not have any clarification to offer.

After going through the case paper and considering the arguments advanced by parties it is revealed that this is basically a complaint. There are allegations against the management, architect, objections against the way in which property is proposed to be developed. Since the complaints are too many, I think it would not be desirable to direct the Public Information Officer to arrange to furnish the information. The Maharashtra Co-operative Act, 1960 provides for relief in such cases. The RTI Act can not be used for redressal of grievances.

**Order**

Appeal is disposed off.

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

Place: Mumbai  
Date: 26.3.2009.

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

**Appeal No.2009/1666/02**

**Shri.Abdul Gafur K. Hunshal  
Hotel President,  
Maharashtra Nagar,  
Bandra (E),  
Mumbai – 400 051.**

**....Appellant**

**V/s**

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

**.... Respondent**

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

**GROUNDS**

This appeal has been filed under section 19 (3) of the Right to Information Act 2005. The appellant had sought a copy of the circular no. 15 issued by the Slum Rehabilitation Authority. The Public Information Officer by his letter dated 5.5.2008 sent a copy of the circular. The appellant preferred the first appeal. There is nothing on record to show whether any order has been passed.

Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant has filed this second appeal before the Commission. The appeal was heard on 25.2.2009.

Appellant and respondent were absent.

After going through the case papers and considering the arguments advanced by parties I have come to the conclusion that the information has been furnished. In his first appeal the appellant has stated that he was not satisfied with the reply. He sought a copy of the circular and the same was furnished. The contents its desirability or otherwise cannot be disclosed under the RTI. I pass the following order.

**Order**

The appeal is disposed off.

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

Place: Mumbai  
Date: 26.3.2009.

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

**Appeal No.2009/1980/02**

**Shri. Padmawati Krishnkant Bhosale  
C / 40, Dhakenagar, Bhardawadi Road,  
S.V.Road, Andheri (W),  
Mumbai – 400 058.**

**....Appellant**

**V/s**

**First Appellate Officer,  
Maharashtra Rajya Mahila Aayog,  
MHADA Office, Potmala,  
Bandra (E),  
Mumbai – 400 051.**

**.... Respondent**

**Public Information Officer,  
Maharashtra Rajya Mahila Aayog,  
MHADA Office, Potmala,  
Bandra (E),  
Mumbai – 400 051.**

**GROUNDS**

This appeal has been filed under section 19 (3) of the Right to Information Act 2005. The appellant had sought the information relating to her complaint dated 19.4.2007 and 23.4.2007 for payment of her dues and sexual harassment at work place. She had sought copies of some documents and action taken report.

Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant has filed this second appeal before the Commission. The appeal was heard on 26.2.2009.

Appellant and respondent were present. The appellant has contended that she has not been provided copies of the documents required by her. She has also stated that whatever documents have been given are not certified. She has also not been helped in getting her dues. The respondent's contention is that a joint meeting was held and she has been paid Rs. 98,500 /-. The appellant was to contact the employer for the balance payment. It has also been stated that a committee was set up to look into her complaint

of sexual harassment but since the appellant remained absent, the committee did not proceed further. She has also been offered legal aid.

After going through the case paper and considering the arguments advanced by parties I have come to the conclusion that the required information has been furnished. It is possible that all the payment might not have been made but as agreed by her she has to pursue. In any case the Commission does not take up cases of redressal of grievances. In the light all this I pass the following order.

**Order**

Appeal is disposed off.

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

Place: Mumbai  
Date: 26.3.2009.

**Prof. Patankar Nisarali Mohammed**  
2/204, Aaghadi Nagar,  
Andheri (W), Pump House,  
Mumbai – 400 093.

.... Appellant

V/s

**First Appellate Officer cum General Secretary**  
**Maharashtra College of Arts Science & Commerce**  
246 – A, Jahangir Boman Behram Road,  
Mumbai – 400 008.

.... Respondent

**Public Information Officer cum Principal**  
**Maharashtra College of Arts Science & Commerce**  
246 – A, Jahangir Boman Behram Road,  
Mumbai – 400 008.

### GROUNDS

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

Attested copies of KIHES's

- 1) Audited Statements of accounts ending 31<sup>st</sup> March, 2007.
- 2) Statement of income and expenditure ending 31<sup>st</sup> March, 2007.
- 3) Ledger book for the financial year ending 31<sup>st</sup> March, 2007.
- 4) Cash book of financial year ending 31<sup>st</sup> March 2007.
- 5) Credit Voucher file of financial year ending 31<sup>st</sup> March, 2007.
- 6) Debit Voucher file of financial year ending 31<sup>st</sup> March, 2007.
- 7) Pass books of the Bank a/cs/statements of a/c pertaining to above period.

The appeal was heard on 9.3.2009. Appellant was present but the respondents was absent.

The appellant has contended that he has not been furnished information despite repeated requests. The respondent has stated that their society is covered under RTI Act. However taking into account the nature of information sought. I am of the view that the information must be furnished. It is however, seen that the appellant has sought copies of documents which may be cumbersome to provide or may not be of relevance like Credit vouchers / Debit vouchers, bank accounts etc. I am therefore of the view that information on point no. I & II should be made available. I therefore pass the following order.

## **Order**

The appeal is partially allowed. Information on point no. I & II to be furnished by Public Information Officer within 30 days.

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

Place: Mumbai  
Date: 30.3.2009.

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

**Appeal No.2009/1958/02**

**Shri. Ravindra Bhalchandra Bhagwat  
17 / A -16, Government Officer's Quarters,  
Haji Ali, Mumbai – 400 034.**

**.... Appellant**

**V/s**

**First Appellate Officer cum Director,  
Office of the Accounts & Treasury,  
New Government's Barrack No. 15 & 16,  
Free Press Journal Marg,  
Mumbai – 400 021.**

**.... Respondent**

**Public Information Officer  
Office of the Accounts & Treasury,  
New Government's Barrack No. 15 & 16,  
Free Press Journal Marg,  
Mumbai – 400 021.**

**GROUNDS**

This appeal has been filed under section 19 (3) of the Right to Information Act 2005. The appellant had sought copies of his confidential report from 1979-80 to 1987-88. The Public Information Officer by his letter dated 13.10.2007 informed him that the same cannot be furnished under the RTI Act. The appellant filed the first appeal under section 19(1) of the Act but the same was never heard.

Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant has filed this second appeal before the Commission. The appeal was heard on 24.2.2009.

Appellant and respondent were present. The appellant has contended that he has been denied the information. His first appeal was not heard. The appellant's contention is that the Public Information Officer had replied to the appellant in time and the appellant was furnished a copy of the Commission's order in this regard and therefore the First Appellate Authority did not hear the appeal.

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

Commission has not been allowing copies of the ACR under the RTI Act. The confidential reports by its very nature are confidential. The Commission does not favour disclosure beyond that. I therefore pass the following order.



**Order**

The appeal is disposed off.

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

Place: Mumbai  
Date: 30.3.2009.

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

**Appeal No.2009/1977/02**

**Shri. Pravin Chunilal Shah  
Room No. 19, 2<sup>nd</sup> Floor,  
388, Krishna Niwas, J.S.S. Road,  
Mumbai – 400 002.**

**.... Appellant**

**V/s**

**First Appellate Officer cum S.P.I.O.  
Executive Engineer,  
Mumbai B.R.& R. Board,  
C3 / C4 South Ward,  
10 /12, Ropa Lane, Chandanwadi,  
Mumbai – 400 002.**

**.... Respondent**

**Public Information Officer Dy. Engineer  
Mumbai B.R.& R. Board,  
C3 / C4 South Ward,  
10 /12, Ropa Lane, Chandanwadi,  
Mumbai – 400 002.**

**GROUNDS**

This appeal has been filed under section 19 (3) of the Right to Information Act 2005. The appellant had sought the information relating to the building Flower Mansion, 541, J.S.S. Road, Ward Cess No. 2012, C/s 665. He had asked for the following information :-

- Certified copy of original Building Plan.
- Certified copy of Building Plan dated before 20.10.2005 by Architect & Engineer Mr. Girdharlal Agarwal.
- If there are any modification in the original plan than certified copies of subsequent modified plan.
- If Plan of a year 1944 is not available than the certified copies of earliest first plan after year 1944 available on your records.

Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant has filed this second appeal before the Commission. The appeal was heard on 26.2.2009.

Appellant was present but the respondent was absent. The appellant has contended that he has not been furnished the required information since the respondent was absent, facts could not be verified. I therefore, pass the following order.

**Order**

Appeal is allowed. Public Information Officer to furnish information within 15 days. He should also show cause why should be fined a Rs. 250 per day. His reply to reach the Commission within 15 days.

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

Place: Mumbai  
Date: 30.3.2009.

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

**Appeal No.2009/2109/02**

**Shri.Ashok Biharilal Mohare  
2179, B, Pinjar Lane,  
Yewala,  
District – Nasik.**

**.... Appellant**

**V/s**

**First Appellate Officer cum Uppar Sales Tax Commissioner,  
Sales Tax's Commissioner's Office,  
Mumbai City Area, Mumbai,  
Room No. 930, 9<sup>th</sup> Floor,  
Sales Tax Building,  
Mazgaon, Mumbai – 400 010.**

**.... Respondent**

**Public Information Officer  
Sales Tax's Commissioner's Office,  
Mumbai City Area, Mumbai,  
Room No. 930, 9<sup>th</sup> Floor,  
Sales Tax Building,  
Mazgaon, Mumbai – 400 010.**

**GROUND**

This appeal has been filed under section 19 (3) of the Right to Information Act 2005. The appellant had sought the information relating to payment of sales tax on sale of gas, stove by M/s. C.D. Patni, distributor of Hindustan Gas and Swagat Gas Agency distributor of Bharat Gas (2000-2001 to 2005-2006).

Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant has filed this second appeal before the Commission. The appeal was heard on 23.3.2009.

The appellant did not turn up but the respondent was present.

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

The respondent's contention is that the information has been furnished as per the order of the First Appellate Authority.

After going through the case papers considering the arguments advanced by parties it appears that there has been a lot correspondence because the applicant had complaint to the Hon. Chief Minister and the same landed in the office of the Joint Commissioner Sales Tax, there have been references and back references. Finally, the information has been furnished by Public Information Officer's letter dated 15.4.2006 (Swagat Gas Agency) and letter dated 23.5.2006 (M/s. C.D. Patni). He has also been

informed that assessing authorities have been directed to complete the assessment and initiate recovery proceedings from 2002-2003. I therefore, pass the following order.

**Order**

The appeal is disposed off.

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

Place: Mumbai  
Date: 30.3.2009.

**Shri. Firanghish Gai**  
**Wadia Building,**  
**598 – A, Girgaum Road,**  
**Mumbai – 400 002.**

.... Appellant

V/s

**First Appellate Officer**  
**Maharashtra State Electricity Distribution Co.Ltd.,**  
**(MHADAISCOM), Prakashgad,**  
**Plot No. G – 9,**  
**Bandra (E),**  
**Mumbai – 400 051.**

.... Respondent

**Public Information Officer**  
**Maharashtra State Electricity Distribution Co.Ltd.,**  
**(MHADAISCOM), Prakashgad,**  
**Plot No. G – 9,**  
**Bandra (E),**  
**Mumbai – 400 051.**

### GROUNDS

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

- a) What are the “Net Arrears” shows in the bills for February 2007 and March 2007 in respect of Consumer No. 020020201453, Meter No. 9101038375, standing in the name of my father Mr. Darab M. Asper?
- b) What is the planned load-shedding applicable to the area in which the above captioned consumer is location under your Billing Unit BU 4696 (relevant to the period 1-4-2006 to 30-4-2007) ?
- c) Give details of the power break-down / tripping of power / non-supply of power / failure of power in respect of the area in which the above captioned consumer is located under your Billing Unit BU 4696 (relevant to the period 1-4-2006 to 30-4-2007)?
- d) What is the name, designation and address of the First Appellate Authority before whom appeals have to be filed against the Public Information Officer’s orders?
- e) Computation of the charges, if any, payable for furnishing the above sought information.

The appellant has also complained that the MHADISCOM is not accepting applications / first appeal under the RTI Act. Case papers show that neither the Public Information Officer nor the First Appellate Authority has passed any order. Hence, this second appeal.

The case was fixed for hearing on 12.8.2008. The appellant was present. The respondent did not turn up. After going through the case papers and submission made by the respondent, I have come to the conclusion that the respondent's response has been casual and does not seem to be bothered about the RTI Act. They do not seem to have taken cognizance of the appellant's application at all. I therefore pass the following order.

I therefore, pass the following order.

### **Order**

The appeal is allowed. Respondent to furnish the information sought by the respondent within 30 days. They will also inform the Commission whether they have appointed Public Information Officer / Asstt. Public Information Officer / First Appellate Authority. Failure to comply with this direction will lead to initiation of action under 20 of the RTI Act, 2005.

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

Place: Mumbai  
Date: 30.3.2009.

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

**Appeal No.2009/2065/02**

**Shri. Ramesh Madhukar Salve  
Surji Vallabhdas Chawl, (Shivshankar Prasad Chawl),  
Vikroli (E),  
Mumbai – 400 083.**

**.... Appellant**

**V/s**

**First Appellate Officer cum Officer,  
Mumbai Metropolitan Region Development Authority,  
M.U.T.P.,  
Bandra Kurla Complex, 6<sup>th</sup> Floor,  
Bandra (E),  
Mumbai – 400 051.**

**.... Respondent**

**Public Information Officer cum Project Manager,  
Mumbai Metropolitan Region Development Authority,  
M.U.T.P.,  
Bandra Kurla Complex, 6<sup>th</sup> Floor,  
Bandra (E),  
Mumbai – 400 051.**

### **GROUNDS**

This appeal has been filed under section 19 (3) of the Right to Information Act 2005. The appellant had sought the information relating to allotment of tenement no. 18 and 19 in Priamal Holding, Kanjur Marg, Mumbai.

Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant has filed this second appeal before the Commission. The appeal was heard on 16.3.2009. The appellant did not turn up but the respondent was present.

The appellant has contended that he has been given misleading information. He wanted to know as to who were the allottee of these tenements and the basis on which they were allotted.

The respondent's contention is that these allotments were done on the basis of the Baseline Survey conducted. The MMRDA has list of eligible persons but not the papers which formed the basis of their eligibility.

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 revealed from the case papers submitted by the appellant that these tenements were wrongly occupied by Shri. Yashwant Wagh and Smt. Manisha Paradkar. It has been ordered to evict them and allot these flats to Shri. Mevalal Vasudeo Vaishyas and Smt. Usha



Premchand Vaishyas. This available 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: 31.3.2009.

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

Appeal No.2009/2064/02

**Shri. Ramesh Madhukar Salve  
Surji Vallabhdas Chawl, (Shivshankar Prasad Chawl),  
Vikroli (E),  
Mumbai – 400 083.**

.... Appellant

V/s

**First Appellate Officer cum Officer,  
Mumbai Metropolitan Region Development Authority,  
M.U.T.P.,  
Bandra Kurla Complex, 6<sup>th</sup> Floor,  
Bandra (E),  
Mumbai – 400 051.**

.... Respondent

**Public Information Officer cum Project Manager,  
Mumbai Metropolitan Region Development Authority,  
M.U.T.P.,  
Bandra Kurla Complex, 6<sup>th</sup> Floor,  
Bandra (E),  
Mumbai – 400 051.**

### **GROUND**

This appeal has been filed under section 19 (3) of the Right to Information Act 2005. The appellant had wanted to know as to how many persons have been made eligible by the High Level Grievance Redressal Committee from May 1, 2007.

Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant has filed this second appeal before the Commission. The appeal was heard on 16.3.2009. The appellant did not turn up but the respondent was present. The appellant has contended that he has been given misleading information. The respondent's contention is that the required information has been furnished. The appellant has acknowledged the receipt. Since factual and available information has been received by the appellant, I propose to close the case.

### **Order**

The appeal is disposed off.

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

Place: Mumbai  
Date: 31.3.2009.

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

**Appeal No.2009/1843/02**

**Prof. Patankar Nisarali Mohammed  
2/204, Aaghadi Nagar,  
Andheri (W), Pump House,  
Mumbai – 400 093.**

**.... Appellant**

**V/s**

**First Appellate Officer cum General Secretary  
Maharashtra College of Arts Science & Commerce  
246 – A, Jahangir Boman Behram Road,  
Mumbai – 400 008.**

**.... Respondent**

**Public Information Officer cum the Treasurer  
Maharashtra College of Arts Science & Commerce  
246 – A, Jahangir Boman Behram Road,  
Mumbai – 400 008.**

**GROUNDS**

This appeal has been filed under section 19 (3) of the Right to Information Act 2005. The appellant had sought the following information relating to Khairul Islam Higher Education Society, Mumbai. The appellant has sought the following information for the financial year ending 31<sup>st</sup> March, 2008.

Attested copies of audited

- 1) Statement of Accounts
- 2) Statement of income & expenditure
- 3) Ledger book /s
- 4) Cash book /s
- 5) Credit Voucher file /s
- 6) Debit Voucher file /s
- 7) Bank Pass book /s or Statement of accounts of all bank accounts all for the financial year ending 31<sup>st</sup> March, 2008 and all for KIHES

Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant has filed this second appeal before the Commission. The appeal was heard on 9.2.2009.

Appellant and respondents were present. The appellant has contended that has not been furnished the required information. The respondent's contentions is that theirs is a trust not covered under the Right to Information Act, 2005.

After going through the case papers and considering the arguments advanced by parties I have come to the conclusion that information on point no. 1 & 2 should be furnished. This order is passed in view of appellant's large no. of application relating to the same organisation and even on the same issue.

**Order**

The appeal is partially allowed. Information to be furnished by Public Information Officer within 15 days.

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

Place: Mumbai  
Date: 31.3.2009.

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

**Appeal No.2009/1842/02**

**Prof. Patankar Nisarali Mohammed  
2/204, Aaghadi Nagar,  
Andheri (W), Pump House,  
Mumbai – 400 093.**

**.... Appellant**

**V/s**

**First Appellate Officer cum General Secretary  
Maharashtra College of Arts Science & Commerce  
246 – A, Jahangir Boman Behram Road,  
Mumbai – 400 008.**

**.... Respondent**

**Public Information Officer cum the Principal  
Maharashtra College of Arts Science & Commerce  
246 – A, Jahangir Boman Behram Road,  
Mumbai – 400 008.**

### **GROUND**

This appeal has been filed under section 19 (3) of the Right to Information Act 2005. The appellant had sought the information relating to meetings of the Local Management Committee, Maharashtra College, Mumbai. The appellant has asked for copies of notices of meeting, agenda of meetings and minutes of meetings held from 1968 to 2008.

Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant has filed this second appeal before the Commission. The appeal was heard on 9.2.2009.

Appellant and respondents were present. The appellant contended that the required information that the required information has not been furnished. The respondent's contention is that the information sought is volumes and has no consent of public interest.

After going through the case papers and considering the arguments advanced by parties I have come to the conclusion that the information has been rightly denied. The details spanning over 40 years according to me are not likely to serve any public purpose.

This would also disproportionately divert the resources of the public authority [section 7(9)]. I therefore, pass the following order.

**Order**

The appeal is dismissed.

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

Place: Mumbai  
Date: 31.3.2009.

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

**Appeal No.2009/2100/02**

**Shri. Arun Lobhnath Raibole  
B.D.D. Chawl No. 40,  
Room No. 2, Dr. G.M.Bhosale Marg,  
Mumbai – 400 018.**

**.... Appellant**

**V/s**

**First Appellate Officer cum Competent Authority  
404, New D. D. Bldg., 4<sup>th</sup> Floor,  
Old Custom House,  
Shahid Bhagatsing Road, Fort,  
Mumbai – 400 001.**

**.... Respondent**

**Public Information Officer  
404, New D. D. Bldg., 4<sup>th</sup> Floor,  
Old Custom House,  
Shahid Bhagatsing Road, Fort,  
Mumbai – 400 001.**

**GROUNDS**

This appeal has been filed under section 19 (3) of the Right to Information Act 2005. The appellant had sought the information relating to transfer of room no. 4, B.D.D. Chawl no. 40 by the Estate Manager. The appellant wants a copy of the entry made in the register of 1977 in the office of the competent authority transferring the documents to the Estate Manager by letter no. EVC 1278-77 dated 30.7.77.

Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant has filed this second appeal before the Commission. The appeal was heard on 19.3.2009.

Appellant and respondents were present. The appellant has contended that the information has not been furnished to him. In fact he has alleged that it is being concealed and he has stated that he has seen the entry himself.

The respondent's contention is that the record is not available and 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 diligent efforts must be made to locate the information and furnished to appellant. The appellant may also be offered inspection so that he can identify the point on which he needs the information. The outcome should be communicated to the Commission in the form of an affidavit.

**Order**

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

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

Place: Mumbai  
Date: 31.3.2009.



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

**Appeal No.2009/2124/02**

**Shri. Hiralal Devnath Kumbhar  
B – 406, Andheri Saibaba Hsg. Socty.,  
Old Nagar Das Road,  
Andheri (E),  
Mumbai – 400 069.**

**.... Appellant**

**V/s**

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

**.... Respondent**

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

**GROUND**

This appeal has been filed under section 19 (3) of the Right to Information Act 2005. The appellant had sought the information relating to allotment of tenement in Saibaba Co-operative Housing Society, Andheri (East). The appellant sought information regarding insquer of flat no. 504 & 505 whether any supplementary annexure 2 has been made reasons etc.

Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant has filed this second appeal before the Commission. The appeal was heard on 24.3.2009.

Appellant was present but the respondent was absent. The appellant has contended that he has not been given the information required by him.

The respondent's contention is that initially the appellant was directed to get the information from the society, but in the light of the First Appellant's order, the list was handed over to the appellant.

After going through the case papers and considering the arguments advanced by parties I have come to the conclusion that the appellant has raised some very important points. He has stated that the list does not show allotment of flat no.504 & 505 but they have not been only occupied but merged and made one. The Public Information Officer must inform the appellant to whom on what basis these flats have been allotted.

**Order**

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

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

Place: Mumbai  
Date: 30.3.2009.

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

**Appeal No.2009/1936/02**

**Shri. Prashant Murlidhar Bansode  
Vrajmohan Bldg., Room No. 1,  
Iraniwadi Road, No.4,  
Kandivali (W),  
Mumbai – 400 067.**

**.... Appellant**

**V/s**

**First Appellate Officer cum Dy. Chief Engineer,  
Building Proposal,  
P & South Ward,  
Municipal Corporation of Greater Mumbai,  
Bharatratna Dr. Babasaheb Ambedkar Market Bldg.,  
Kandivali (W),  
Mumbai – 400 067.**

**.... Respondent**

**Public Information Officer cum Executive Engineer,  
Building Proposal,  
P & South Ward,  
Municipal Corporation of Greater Mumbai,  
Bharatratna Dr. Babasaheb Ambedkar Market Bldg.,  
Kandivali (W),  
Mumbai – 400 067.**

**GROUND**

This appeal has been filed under section 19 (3) of the Right to Information Act 2005. The appellant had sought the information relating to Brajmohan Building, CTS No. 245, survey no. 85, Hissa no.1, Iraniwadi, Road No. 4, Kandivali (W). He has sought copies of the building plan and completion certificate.

Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant has filed this second appeal before the Commission. The appeal was heard on 18.2.2009.

Appellant and respondents were present. The appellant has contended that he has not been furnished the information required by him. The respondent's contention is that the building being more than 30 years, file no and other details were not available hence 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 approach of the Public Information Officer as well as the First Appellate Authority has been casual. It is not enough to say that the

file is not traceable. The appellant has given reasonably enough time to trace the file. I therefore, pass the following order.

**Order**

The appeal is allowed. Information to be furnished by Public Information Office within 30 days failing action under section 20 of the Right to Information Act will be initiated.

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

Place: Mumbai  
Date: 30.3.2009.

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

Appeal No.2009/2119/02

**Shri. Shivkumar Ramchandra Sharma**  
**B – 506, Valencia, 5<sup>th</sup> Floor,**  
**Raheja Exotica, Patilwadi,**  
**Madh Island, Madh – Marve Road,**  
**Malad (W), Mumbai – 400 061.**

.... Appellant

V/s

**First Appellate Officer cum AICTE**  
**Western Regional Office,**  
**2<sup>nd</sup> Floor, Industrial Assurance Building,**  
**V.N.Road, Opp. Churchgate Rly. Station,**  
**Churchgate, Mumbai – 400 020.**

.... Respondent

**Public Information Officer cum Regional Head / Centre Head,**  
**Wigan & Leigh College (WLC College),**  
**New Mahalaxmi Silk Mills,**  
**Mathuradas Mill Compound,**  
**Senapati Bapat Marg,**  
**N.M.Joshi Marg,**  
**Lower Parel, Mumbai – 400 013.**

### **GROUND**

This appeal has been filed under section 19 (3) of the Right to Information Act 2005. The appellant had sought the information regarding payment of emoluments due to WLC College, Mumbai. The appellant has alleged that the Public Information Officer has not settled his dues not has he issued the salary statement.

Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant has filed this second appeal before the Commission. The appeal was heard on 24.3.2009.

Appellant and respondent were present. The appellant has contended that the required information has not been furnished. The respondent stated that dues have been cleared. The appellant however wanted a certificate saying that he owes nothing to the college.

After going through the case papers and considering the arguments advanced by parties I have come to the conclusion that the information has been furnished. The college should issue a No Dues Certificate and inform the Commission.

### **Order**

The appeal is disposed off.

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

Place: Mumbai  
Date: 31.3.2009.

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

**Appeal No.2009/2157/02**

**Shri. Ganjibhai Dedhia  
405, Keshar Kunj,  
2<sup>nd</sup> Floor, Telang Road,  
Matunga, Mumbai – 400 019.**

**.... Appellant**

**V/s**

**First Appellate Officer cum Asstt. Commissioner  
Municipal Corporation of Greater Mumbai,  
F / North Ward Office,  
Bhau Daji Road,  
Matunga, Mumbai - 400 019.**

**.... Respondent**

**Public Information Officer cum Asstt. Engineer  
Maintenance,  
Municipal Corporation of Greater Mumbai,  
F / North Ward Office,  
Bhau Daji Road,  
Matunga, Mumbai - 400 019.**

**GROUNDS**

This appeal has been filed under section 19 (3) of the Right to Information Act 2005. The appellant had sought the information regarding motor loading chowky, Toilets & Bathroom pest control office, watchman chowky blocking the exit, F North BMC office illegal construction, Telang Road school ground.

Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant has filed this second appeal before the Commission. The appeal was heard on 30.03.2009.

Appellant and respondents were present. The appellant has contended that he should be supplied information free of cost and action against the Public Information Officer under section 20 of the RTI Act, 2005.

The respondent's contention is that the proposal to shift the chowky has already been moved. The structures are basically for convenience of staff engaged in different municipal services.

After going through the case papers and considering the arguments advanced by parties I have come to the conclusion that the information has been furnished. These structures are municipal ones and it is difficult to expect the Public Information Officer to get remove them unless some alternative arrangement is made. The Public

Information Officer however, should pursue the proposal to shift the chowky and keep the appellant informed. In the light of the above, I pass the following order.

**Order**

The appeal is disposed off.

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

Place: Mumbai  
Date: 31.3.2009.

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

**Appeal No.2009/2158/02**

**Shri. Sanjiv Suryakant Yadav  
1 /6, Nirmal Niwas,  
Nehru Nagar,  
Kanjur Marg (E),  
Mumbai – 400 042.**

**.... Appellant**

**V/s**

**First Appellate Officer cum  
Municipal Corporation of Greater Mumbai,  
Office of the Lokmanya Tilak Municipal General Hospital  
& Medical College,  
Sion, Mumbai – 400 022.**

**.... Respondent**

**Public Information Officer cum  
Municipal Corporation of Greater Mumbai,  
Office of the Lokmanya Tilak Municipal General Hospital  
& Medical College,  
Sion, Mumbai – 400 022.**

**GROUNDS**

This appeal has been filed under section 19 (3) of the Right to Information Act 2005. The appellant had sought the information relating to the Trauma Care Unit at Lokmanya Tilak Municipal General Hospital & Medical College. The appellant has raised issues and sought information in respect of filling up of certain vacancies, inadequacies of staff, pressure of work on the existing staff.

Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant has filed this second appeal before the Commission. The appeal was heard on 30.3.2009.

Appellant and respondents were present. Appellant has contended that he was not satisfied with the reply furnished by the Public Information Officer. The First Appellate Authority did not respond. He also stated that the idea behind seeking the information was to improve the existing working of the Trauma Care.

The respondent's contention is that available information has been furnished. They also explained that they are moving the file for creation of some post and appellant will be kept informed.

After going through the case papers and considering the arguments advanced by parties I have come to the conclusion that the available information has been furnished. The appellant's concern but cannot monitor the various steps / stages involved in creation



of posts and filling of vacancies. The respondent has been asked to keep the appellant informed & therefore pass the following order.

**Order**

The appeal is disposed off.

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

Place: Mumbai  
Date: 31.3.2009.

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

**Appeal No.2009/1941/02**

**Shri. Anil Vedvyas Galgali  
2, Old Kharwala Chawl,  
Kajupada, Sakinaka,  
Mumbai – 400 072.**

**.... Appellant**

**V/s**

**First Appellate Officer cum Jt. Municipal Commissioner,  
Nair Hospital,  
Mumbai Central – 400 008.**

**.... Respondent**

**Public Information Officer cum Executive Health Officer,  
Public Health Department,  
F / South Ward Office Bldg.,  
Dr. Ambedkar Marg,  
Parel, Mumbai – 400 012.**

**GROUNDS**

This appeal has been filed under section 19 (3) of the Right to Information Act 2005. The appellant had sought the information regarding registration of birth, issuance of extract of time of birth, no. of application pending, time being taken in issuing such certificates, no. of people engaged in this work and the fee charged for this and related issues.

Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant has filed this second appeal before the Commission. The appeal was heard on 18.2.2009.

Appellant and respondents were present. The appellant has contended that the information furnished is misleading. The appellant also alleged that the Public Information Officer avoided giving him the correct information. He is also not satisfied with the reply given by the First Appellate Authority. He has demanded action against the Public Information Officer.

The respondent's contention is that the information was furnished to him on 17.9.2007 against his application dated 7.8.2007. The first appeal was disposed off in time. He also informed the Commission that a circular dated 21.12.2007 has been issued to bring uniformity in the structure of fee for getting the information.

After going through the case papers and considering the arguments advanced by parties I have come to the conclusion that the required information has been furnished although a little late. The Public Information Officer is directed to ensure that he should

stick to the time frame prescribed in the RTI Act otherwise action against him can be initiated against him. It is also seen that steps have been taken to ensure that there is uniformity in charging the fee for furnishing a copy of the birth registration certificate. Information regarding no. of persons working and total no. of applications received from 24 wards have been furnished under these circumstances, I decide to close the case.

**Order**

The appeal is disposed off.

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

Place: Mumbai  
Date: 31.3.2009.

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

**Appeal No.2009/1760/02**

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

**.... Appellant**

**V/s**

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

**.... Respondent**

**Public Information Officer  
Housing Department,  
Mantralaya,  
Mumbai – 400 032.**

**GROUND**

This appeal has been filed under section 19 (3) of the Right to Information Act 2005. The appellant had sought the information relating to the organization, functions and duties as per Hon. Supreme Court of India & Hon. High Court at Bombay orders / judgments and allotted subject to Ministry of Housing Department. He has also sought information regarding selection of staff, illegal recruitment, and enquiry against those involved and other details.

Not satisfied with responses from the Public Information Officer and First Appellate Authority the appellant has filed this second appeal before the Commission. The appeal was heard on 26.3.2009.

Appellant and respondents were present but he refused to sign his attendance saying that the RTI Act does not require him to sign.

The appellant says that he has not received important information in lawful matter with no reasons valid in law/ rules/orders as per Right to Information Act, 2005 / Rules in right time.

The respondent by his letter dated 20.5.2008 informed the appellant that if specific information is spelt out, the same would be furnished. They repeated the same during hearing. Since the application is not clear the appellant may inspect documents and apply for copies of the selected documents.

After going through the case papers and considering the arguments advanced by parties I have come to the conclusion that the information sought lacks clarity and the appellant should visit the department and inspect documents. He should ask for specific information and the Public Information Officer shall provide the same. The case is closed at our end.

**Order**

The appeal is disposed off.

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

Place: Mumbai  
Date: 31.3.2009.

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

**Appeal No.2009/2102/02**

**Smt. Poonam Pravin Patel  
17, Vijay Bharat, 4<sup>th</sup> Floor,  
Sahayog Nagar, Four Bunglow,  
Andheri (W),  
Mumbai – 400 053.**

**.... Appellant**

**V/s**

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

**.... Respondent**

**Public Information Officer cum Dy. Registrar,  
Co-operative Societies,  
K – West Ward,  
Grihnirman Bhavan,  
Ground Floor, Desk No. 69,  
Bandra (E), Mumbai – 400 051.**

**GROUNDS**

This appeal has been filed under section 19 (3) of the Right to Information Act 2005. The appellant had sought the information, copies of the approval letters of membership from Director Social Welfare, Maharashtra State, Pune in respect of,

- 1) Mr. Govind Devrukhkar
- 2) Mr. Ramdas Jalgaonkar
- 3) Mr. Chandrakant Chiplunkar
- 4) Mr. Rakesh Pawar and
- 5) Mr. Mangal Devrukhkar

Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant has filed this second appeal before the Commission. The appeal was heard on 19.3.2009.

Appellant and respondents were present. The appellant has contended the required information has not been furnished. He has also stated that the First Appellate Authority has not passed any order. He has also stated that in case information was not available with the Public Information Officer, he should collect from the member named above, and furnish to him.

The respondent's contention is that the information was not available with the Public Information Officer and the appellant should collect it from the society.

After going through the case papers and considering the arguments advanced by parties, it is revealed that, this special society where the lists of members have been approved by the Director Social Welfare. The appellant's membership is in dispute. The Commission in the past had tried to help the appellant by writing a letter to the Director Social Welfare. Under these circumstances I am constrained to close the case. I pass the following order.

**Order**

The appeal is dismissed.

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

Place: Mumbai  
Date: 30.3.2009.

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

**Appeal No.2009/2123/02**

**Shri. Hiralal Devnath Kumbhar  
B – 406, Andheri Saibaba Hsg. Socty.,  
Juna Nagardas Road,  
Andheri (E), Mumbai – 400 069.**

**.... Appellant**

**V/s**

**First Appellate Officer cum Upper Collector,  
Western Suburb, Mumbai,  
Bandra (E),  
Mumbai – 400 051.**

**.... Respondent**

**Public Information Officer cum Dy. Collector,  
Western Suburb, Mumbai,  
Bandra (E),  
Mumbai – 400 051.**

**GROUNDS**

This appeal has been filed under section 19 (3) of the Right to Information Act 2005. The appellant had sought the information relating to Saibaba Co-operative Housing Society, City Survey no. 175 C & 175 D, Mograngaon, Andheri (E), Mumbai. The appellant has asked a copy of the enquiry report relating to Sr.No. 2 and 3 (Non residential) and Sr.No.55 & 78 (residential) in respect of their electricity bill. He also wanted a copy of the enquiry report regarding irregularities while prepared Annexure 2.

Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant has filed this appeal before the Commission. The appeal was heard on 24.3.2009.

Appellant and respondents were present. The appellant has contended that he has not been given the information required by him. The respondent has stated that the appellant was asked to collect the information but he did not do so.

After going through the case papers and considering the arguments advanced by parties it seems that there were complaints of irregularities while preparing Annexure 2. It also seems that the same was being inquired into. It is also seen that electricity bills and ration cards were sent for verification.

The appellant thus wanted information on all those points. The respondent has attached a copy of the information which for intended for the appellant. I can appreciate the concern of the appellate and it is necessary to inform him the outcome of the enquiry / verification of document. I therefore, pass the following order.



**Order**

The appeal is allowed. Information to be furnished by Public Information Officer within 30 days. Strictly on the points raised by him in application dated 18.8.2008. Failure to furnish the information will lead to initiation of action under section 20 of the RTI Act.

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

Place: Mumbai  
Date: 30.3.2009.

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

**Appeal No.2009/2067/02**

**Shri. Jaan Mohammad Gulam Mohammad Khan  
C/o. Plot No. 27/A/46-47 (Road No. 2),  
Shivaji Nagar, Gowandi,  
Mumbai – 400 043.**

**.... Appellant**

**V/s**

**First Appellate Officer cum Jt. Municipal Commissioner (I),  
(Sudhar) Municipal Corporation of Greater Mumbai,  
Head Office, Ext. Bldg., 3<sup>rd</sup> Floor,  
Mahapalika Marg, Fort,  
Mumbai – 400 001.**

**.... Respondent**

**Public Information Officer cum  
TAVO, Municipal Corporation of Greater Mumbai,  
Room No.211, 2<sup>nd</sup> Floor, Ext. Bldg.,  
Head Office, Fort,  
Mumbai – 400 001.**

**GROUNDS**

This appeal has been filed under section 19 (3) of the Right to Information Act 2005. The appellant is one of the persons whose structures were affected because of training of Rafi Nagar Nulla. The appellant was offered a pitch but the same was encroached by another person. The MCGM allotted to him another plot. The appellant however, wanted a photo pass which was denied saying that while structure was protected, he is not entitled to have a photo pass. The appeal was heard on 16.3.2009. Appellant did not turn up but the respondent was present. The respondents have conducted an enquiry into the allegations made by the appellant. They have obtained Municipal Commissioner's order and the same has been communicated. A copy of the report was also furnished to him. The appellant is still not satisfied and fears that MCGM may remove him at will. He wants to be assured that his structure will remain protected. The formal allotment letter has been issued to him. He has also pointed that enquiry officer has remarked that his structure is illegal and should be removed.

I have gone through the entire file and also listened to parties. Since the appellant has been formally allotted pitch no.28, the question of his being illegally does not arise. The enquiry officer said that the remark was because of the fact that allotment letter was not shown to him. The remark thus becomes infructuous and invalid. Since it has

already been admitted that his structure is protected, I see no reason for him to worry. The officials present also assured him that he would get the same protection and treatment as other allottees. In the light the above discussion, the case is closed.

**Order**

The appeal is disposed off.

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

Place: Mumbai  
Date: 03.03.2009.

**Shri.Mohammed Hasim Ansari Rampal Lal  
Mariamma Nagar, Behind Nehru Centre,  
Dr. S.B. Road,  
Worli,  
Mumbai – 400 018.**

**.... Appellant**

V/s

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

**.... Respondent**

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

### **GROUND**

This appeal has been filed under section 19 (3) of the Right to Information Act 2005. The appellant had sought the information relating to Mariamma Nagar Co-operative Housing Society Ltd. CS 47 (part), Dr. M.B. Road, Worli, Mumbai. The Appellant has asked copies of the statement recorded by Mr. Patil and reservation of name for the society.

Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant has filed this second appeal before the Commission. The appeal was heard on 16.3.2009.

Appellant and respondents were present. The appellant has contended that he needs copy of the statement recorded by Mr. Patil after inspection of documents. He has also stated that the name of the society was reserved twice in 1998 and 2004 but he has not been given copies deliberately. Records do not show any order by the Public Information Officer or the First Appellate Authority.

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

**Order**

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

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

Place: Mumbai  
Date: 31.03.2009.

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

**Appeal No.2009/2118/02**

**Shri.Shah Kishore Bhabutamal  
Plot No. 20 + 21/3, Parvati Nagar,  
Jalgaon – 425002.**

**.... Appellant**

**V/s**

**First Appellate Officer  
Medical Education & Drugs Department,  
Mantralaya,  
Mumbai – 400 032.**

**.... Respondent**

**Public Information Officer  
Medical Education & Drugs Department,  
Mantralaya,  
Mumbai – 400 032.**

**GROUNDS**

This appeal has been filed under section 19 (3) of the Right to Information Act 2005. The appellant had sought the information relating to the college of Physicians and Surgeons, Bombay, Dr. E. Borges Marg, Parel, Mumbai. The appellant had the following information:-

- 1) Copy of application made by Godavari Foundation, Jalgaon / Hospital for affiliation of Godavari Hospital for training candidates for DGO and DFP courses to College of Physicians and Surgeons of Bombay, Dr. E.Borges Marg, Parel, Mumbai – 400 012.
- 2) Copy of report submitted by Inspection Committee sent by College of Physicians and Surgeons of Bombay during 1998 to 2006.
- 3) Name of Members of the Inspection Committee send by College of Physicians and Surgeons of Bombay during 1998 to 2006.
- 4) Action taken by College of Physicians and Surgeons of Bombay on letter dated 23.3.2005 from Shri. Y.G.Mahajan, Member of Parliament dated 28.2.2005 and Shri. Eknathrao Khadse, Member of Legislative Assembly dated 28.2.2005.
- 5) Action taken by College of Physicians and Surgeons of Bombay on letter dated 23.3.2005 from Shri.Y.G.Mahajan, Member of Parliament.
- 6) Action taken by College of Physicians and Surgeons of Bombay on my complaint dated 14.9.2005.

Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant has filed this second appeal before the Commission. The appeal was heard on 23.3.2009.

The appellant did not turn up but the respondent was present.

The appellant has contended that he had sought information regarding affiliation of Godavari Foundation Hospital by the College of Physicians and Surgeons. He wanted to know the criteria which have been laid down by CPS for such affiliation. The information has been denied to him.

The respondent's contention is that the college of Physician and Surgeons is an autonomous body and Govt. has no control over it. The required information therefore 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 Public Information Officer has taken the correct decision. The RTI Act is very clear in regard to the definition of Public Authority. As pointed out by the Joint Secretary, Medical Education, Govt. of Maharashtra in his submission during the hearing since Govt. has no control; the information could not be furnished. The case is therefore, closed.

I therefore, pass the following order

**Order**

The appeal is disposed off.

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

Place: Mumbai  
Date: 31.03.2009.

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

**Appeal No.2009/2059/02**

**Shri. Edwin D'souza  
C – 108, Versova Jupiter Co-op. Hsg. Soc.Ltd.,  
Lokhandwala Complex, 4<sup>th</sup> Cross Road,  
Andheri (W), Mumbai – 400 058.**

**.... Appellant**

**V/s**

**First Appellate Officer Asstt. Commissioner,  
Brihanmumbai Mahanagar Palika,  
K / West Ward Office,  
Paliram Path, Andheri (W),  
Mumbai – 400 058.**

**.... Respondent**

**Public Information Officer cum Asstt. Engineer,  
Building & Factories,  
Brihanmumbai Mahanagar Palika,  
K / West Ward Office,  
Paliram Path, Andheri (W),  
Mumbai – 400 058.**

### **GROUNDS**

This appeal has been filed under section 19 (3) of the Right to Information Act 2005. The appellant had sought the information relating to Versova Jupiter Co-operative Housing Society Ltd., Lokhandwala Complex, 4<sup>th</sup> Cross Road, Andheri (W), Mumbai. The complaint and requested inspection of the building. He has sought copies of the inspection report and action taken on his complaints.

Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant has filed this second appeal before the Commission. The appeal was heard on 16.3.2009.

Appellant and respondents were present. The appellant has contended that he has not been furnished the required information. He has made specific complaints about certain flat nos. but the Public Information Officer has replied that no unauthorised construction was detected and therefore no action was initiated.

The respondent's contention is that the building was inspected and no unauthorised construction was detected.

I have considered the case papers and also the arguments advanced by parties. The appellant has made specific complaints about flat no.605, 707 and 708. The reply has to be specific. The inspection has to be with reference to the approved plan. The



First Appellate Authority has also observed that the information furnished by the Public Information was incomplete. This reveals that Public Information Officer has not taken it seriously. I therefore pass the following order.

I therefore, pass the following order

**Order**

The appeal is allowed. Information to be furnished by Public Information Officer within 30 days. Public Information Officer to show cause why he should not be fined under section 20 of the RTI Act. His explanation to reach the Commission within 3 weeks.

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

Place: Mumbai  
Date: 31.03.2009.

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

Complaint No.2009/1850/02

**Shri.Jahangir Ardeshir Rabadi**  
3 / 901, Navjivan Society,  
Lamingtion Road,  
Mumbai – 400 008.

.... Appellant

V/s

**First Appellate Officer Asstt. Commissioner,**  
**Brihanmumbai Mahanagar Palika,**  
**‘D’ Ward Office, Nana Chowk,**  
**Jobanputra Compund, Grant Road (W),**  
**Mumbai – 400 007.**

.... Respondent

**Public Information Officer cum Asstt. Engineer,**  
**Building & Factories,**  
**Brihanmumbai Mahanagar Palika,**  
**‘D’ Ward Office, Nana Chowk,**  
**Jobanputra Compund, Grant Road (W),**  
**Mumbai – 400 007.**

#### **GROUNDS**

This is complaint under section 18 of the Right to Information Act, 2005. This Commission had passed an order dated 30.7.2008 in which it was observed that the Public Information Officer had furnished the information by his letter dated 15.9.2006. The applicant complains that it should have been 14.9.2006. In fact there are two letters by the Public Information Officer dated 14.9.2006 and 15.9.2006 in response to complaints application dated 12.9.2006 and 21.8.2006. He has also alleged confusion in the order of the First Appellate Authority. This happened because the complainant had put up two applications on the same issue. The Public Information Officer has replied twice. The substance his letter does not change. The complaint therefore does not deserve to be looked into. The complaint has requested for review of the Commissions order. Since the RTI Act does not provide for review, I am constrained to close the case.

#### **Order**

The complaint is rejected.

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

Place: Mumbai  
Date: 30.03.2009.