

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

Appeal No.2010/4735/02

**Shri. Jaywant Shirap**  
**C-404, Bhima, Housing Board Ltd.,**  
**Shanti Colony, Borivali (E),**  
**Mumbai – 400 066.**

... **Appellant**

V/s

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

... **Respondent**

**Public Information Officer cum Under Secretary**  
**Cooperation and Textile Department**  
**Mantralaya, Mumbai – 400 032.**

#### **GROUND**

This appeal has been filed under section 19(3) of the Right to Information Act, 2005. The appellant by his application dated 21.07.2009 had sought information regarding disciplinary against taken against the officer who did not dispose the file within 45 days as per the existing law.

Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant filed this second appeal before the commission. The appeal was heard on 03.05.2010. Appellant and respondents were present.

After going through the case papers and considering the arguments advanced by parties I have come to the conclusion that no action was required to be taken as the complaint was received on 17.01.2005 and it was attended to on the same day. I therefore pass the following order.

#### **Order**

The appeal is dismissed.

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

Place: Mumbai  
Date: 03.05.2010.

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

**Appeal No.2010/4744/02**

**Shri. Digambar R. Kumthekar  
30/15, Century Mill Workers Colony,  
P.B. Marg. Worli, Mumbai – 400 030.**

... **Appellant**

V/s

**First Appellate Officer cum Asstt Commissioner  
Municipal Corporation of Greater Mumbai  
G/South Ward Office, 1<sup>st</sup> & 3<sup>rd</sup> Floor,  
N.M. Joshi Marg, Lover Parel, Mumbai – 400 013.**

... **Respondent**

**Public Information Officer cum Colony Officer  
Municipal Corporation of Greater Mumbai  
G/South Ward Office, 1<sup>st</sup> & 3<sup>rd</sup> Floor,  
N.M. Joshi Marg, Lover Parel, Mumbai – 400 013.**

### **GROUNDS**

This appeal has been filed under section 19(3) of the Right to Information Act, 2005. The appellant by his application dated 05.11.2009 had sought a copy of the AGM dated 18.03.2008 mentioned in Asstt Commissioner, G / South Ward, MCGM order.

Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant filed this second appeal before the commission. The appeal was heard on 03.05.2010. Appellant and respondents were present.

It was revealed during the hearing that the appellant has been given a copy of the minutes but wanted it to be certified. It was agreed that the respondent will make an endorsement to the effect that the information has been furnished under the RTI Act. The case therefore is closed.

### **Order**

The appeal is disposed off.

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

Place: Mumbai  
Date: 03.05.2010.

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

Appeal No.2010/4743/02

**Shri. Ambrish C. Modi**  
**3, Shethia Sadan, 18 M.G. Mandir Marg,**  
**Don Basco School, Matunga (E),**  
**Mumbai – 400 019.**

... **Appellant**

V/s

**First Appellate Officer cum Dy Controller**  
**Dy Controller of Legal Metrology,**  
**Barrack No.7, Free Press Journal Marg,**  
**Nariman Point, Mumbai – 400 021.**

... **Respondent**

**Public Information Officer cum Asst Controller**  
**Dy Controller of Legal Metrology,**  
**Barrack No.7, Free Press Journal Marg,**  
**Nariman Point, Mumbai – 400 021.**

### **GROUND**

This appeal has been filed under section 19(3) of the Right to Information Act, 2005. The appellant by his application dated 24.09.2009 had sought clarification regarding circular bearing no WM-9(12) 98 dated 07.01.1999 issued by Govt. of India Ministry of Food and Consumer, Affairs Weights and Measures Unit.

Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant filed this second appeal before the commission. The appeal was heard on 03.05.2010. Appellant and respondents were present.

The appellant has contended that he did not get the required information. The respondent replied that no clarification is expected to be given under the RTI Act. It was however agreed that the respondent will inform him how the situation is handled in Maharashtra under the same circumstances Parties agreed.

### **Order**

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

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

Place: Mumbai  
Date: 03.05.2010.

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

**Appeal No.2010/3377/02**

**Shrimati. Najmunnisa Altaf Sheikh  
Transist Camp No.2, Chawl No.34,  
Room No.271, Bandra Reclamation,  
Bandra (W), Mumbai – 400 051.**

**... Appellant**

**V/s**

**First Appellate Officer cum Joint Chief Officer  
Mumbai Repair & Reconstruction Board,  
Grihanirman Bhavan, Bandra (E),  
Mumbai – 400 051.**

**... Respondent**

**Public Information Officer cum Estate Manager  
Mumbai Repair & Reconstruction 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 by his application dated 13.05.2009 had sought information regarding offer letter issued to Mr. Salim Sheikh and relevant papers submitted by him.

Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant filed this second appeal before the commission. The appeal was heard on 03.05.2010. Appellant and respondents were present.

The appellant has contended that she has been given the information but requires certain corrections in the order passed by the Dy Chief Officer / RT in his order dated 12.04.2010. The respondent agreed to do the same.

### **Order**

Necessary correction in the order passed by the Dy Chief Officer (RT) dated 12.04.2010 to be carried out within 3 weeks and appellant to be informed accordingly.

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

Place: Mumbai  
Date: 03.05.2010.

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

**Appeal No.2010/4745/02**

**Shri. Indra bahadur Sharma  
Parasnath Sharma, Krishna Nagar,  
Marol Naka, Andheri Kurla Rd,  
Andheri (E), Mumbai – 400 059.**

**... Appellant**

**V/s**

**First Appellate Officer cum Registrar  
University of Mumbai Room No.109,  
University Bldg., Fort Campus,  
M.G. Rd, Mumbai – 400 032.**

**... Respondent**

**Public Information Officer cum Dy Registrar, CONCOL  
University of Mumbai Room No.109,  
University Bldg., Fort Campus,  
M.G. Rd, Mumbai – 400 032.**

### **GROUND**

This appeal has been filed under section 19(3) of the Right to Information Act, 2005. The appellant had sought information regarding minority status of the Rajasthani Seva Sangh's College of Arts and Commerce. The college directed him to the University. The University Registrar and the First Appellate Authority by his order dated 08.02.2010 directed the college to provide the information. The appellant received no information.

Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant filed this second appeal before the commission. The appeal was heard on 03.05.2010. Appellant was present. Nobody from the college was present. The First Appellate Authority was represented. The appellant has contended

that the order of the First Appellate Authority has not been complied. Since the college was not represented, it could not be verified. I therefore pass the following order.

**Order**

The Principal, Rajasthani Seva Sangh's College of Arts & Commerce to provide the information as directed by the First Appellate Authority. The information to be furnished within 15 days from the date of receipt of this order failing which action under section 20 of the RTI Act will be initiated.

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

Place: Mumbai  
Date: 03.05.2010.

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

**Appeal No.2010/3602/02**

**Shri. Sunil Bhalerao  
A/2, Samyak Kalptaru CHS.,  
Opp. Nutan Dyanmandir,  
Pundlik Rd, Kalyan (E),  
Dist. Thane.**

**... Appellant**

**V/s**

**First Appellate Officer cum Principal  
Mumbai University,  
Fort, Mumbai – 400 032.**

**... Respondent**

**Public Information Officer cum Exam Controller  
Mumbai University,  
Fort, Mumbai – 400 032.**

### **GROUND**

This appeal has been filed under section 19(3) of the Right to Information Act, 2005. The appellant by his application dated nil had sought copies of answersheets bearing roll no 11451, 10054, 10055 in respect of Poetry, Vans literature and cultural history, Abhidhamma Literature and Khuddak path Attakatha (MA Pali Part II- April 2008).

Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant filed this second appeal before the commission. The appeal was heard on 03.05.2010. Appellant was present but the respondent was absent.

Respondents submitted that copies the appellant's answersheet has been provided but those of others have been denied as University rules do not allow and they also constitute third party information.

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

**Order**

The appeal is disposed off.

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

Place: Mumbai  
Date: 03.05.2010.



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

**Appeal No.2010/4751/02  
Appeal No.2010/4752/02**

**Shri. Sachin Jadhav  
Second Petit Mill Compound,  
Taddeo Police Camp,  
2/14, Taddeo, Mumbai – 400 034.**

**... Appellant**

**V/s**

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

**... Respondent**

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

### **GROUNDS**

These appeals have been filed under section 19(3) of the Right to Information Act, 2005. The appellant by his application dated 15.09.2009 had sought information regarding no. of vacancies of Police Hawaldar in the Dog Squad, the procedure for filling in posts and why the appellant has not been promoted.

Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant filed this second appeal before the commission. The appeal was heard on 03.05.2010. Appellant and respondents were present.

The appellant has contended that he was not satisfied with information given to him. The respondent submitted that available information has been furnished. As far as his promotion was concerned a reference has been made to the Home Department and instructions are awaited.

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

commission cannot go into reasons as to why the appellant has not been promoted. In any case, the position has been explained to him. I therefore pass the following order.

**Order**

The appeals are disposed off.

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

Place: Mumbai  
Date: 03.05.2010.

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

**Appeal No.2010/4857/02**

**Shri.Ramchandra S. Sarvekar  
31/5, Mahatma Gandhi Memorial Hospital,  
Staff Quarters, Dr. S.S. Rao Rd,  
Parel, Mumbai – 400 012.**

**... Appellant**

**V/s**

**First Appellate Officer,  
The Mahatma Gandhi Memorial Hospital,  
Staff Quarters, Dr. S.S. Rao Rd,  
Parel, Mumbai – 400 012.**

**... Respondent**

**Public Information Officer,  
The Mahatma Gandhi Memorial Hospital,  
Staff Quarters, Dr. S.S. Rao Rd,  
Parel, Mumbai – 400 012.**

#### **GROUND**

This appeal has been filed under section 19(3) of the Right to Information Act, 2005. The appellant by his application dated 14.12.2009 had sought information relating to selection, appointment and others details of ambulance drivers, Mahatma Gandhi Memorial Hospital, Parel, Mumbai. Information has been sought on 17 points.

Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant filed this second appeal before the commission. The appeal was heard on 12.05.2010. Appellant and respondents were present.

The appellant has contended that he has not been furnished the required information. It has been stated by the appellant that the First Appellate Authority did not take up the appeal and information has not been furnished in time. The respondent submitted that the appellant was asked to deposit Rs.3500/- which he did. It was however found that the information runs into more than 5000 pages. He was asked to

deposit the additional amount. The appellant but did not deposit the amount. The information has been kept ready.

After going through the case papers and hearing the parties I have come to the conclusion that the appellant has been properly informed. It is true that there has been delay but not without reason. The information sought is voluminous and was bound to take time. There is nothing to suggest that it was deliberate or with a view to deny the information. I pass the following order.

**Order**

The appeal is allowed. Information be to furnished by PIO within 7 days after the requisite amount is deposit.

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

Place: Mumbai  
Date: 12.05.2010.

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

**Appeal No.2010/4820/02**

**Shri. Nipun Mathkar  
B-5, Jivdani Kripa Chawl,  
Ramchandra Jadhavwadi, Vijay Nagar,  
Nala Sopara (E), Thane.**

**... Appellant**

**V/s**

**First Appellate Officer cum Dy Secretary  
Maharashtra Parliament Secretariat  
Vidhan Bhavan, Vidhan Bhavan Marg,  
Mumbai – 400 032.**

**... Respondent**

**Public Information Officer cum Samiti Officer  
Maharashtra Parliament Secretariat  
Vidhan Bhavan, Vidhan Bhavan Marg,  
Mumbai – 400 032.**

#### **GROUND**

This appeal has been filed under section 19(3) of the Right to Information Act, 2005. The appellant by his application dated 21.02.2009 had sought information relating to implementation of section 25 of the Right to Information Act, 2005.

Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant filed this second appeal before the commission. The appeal was heard on 10.05.2010. Appellant and respondents were present.

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

The respondent in his written submission stated that reports under section 25 of the RTI act is placed before the legislature. Copies are available in the Legislative Secretariat. Performance of different department as well as the commission have been incorporated in the report & copies can be given to the appellant 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 appellant has been properly informed. The case is being closed.

**Order**

The appeal is disposed off.

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

Place: Mumbai  
Date: 13.05.2010.

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

**Complaint No.2010/790/02**

**Shri. Kiran S. Gholap  
Sanjay Gandhi Nagar Soc.,  
Room No A-44, T.H. Kataria Marg,  
Matunga Labor Cump,  
Mumbai – 400 019.**

**...Complainant**

**Vs**

**Public Information Officer cum Secretary  
M.P.D.A. Board,  
Home Department (Special),  
New Administrative Bldg.,  
12<sup>th</sup> Floor, Mantralaya, Mumbai – 400 032.**

**... Respondent**

**GROUND**

This complaint has been filed under section 18 of the Right to Information Act 2005. The complainant had alleged that he has been denied information relating to his detention under Maharashtra Prevention of Dangerous Activities of slumlords, Bootleggers, Drug Offenders and Dangerous Persons Act, 1981.

The complaint was heard on 13.05.2010. Complainant and defendants were present.

The complainant has stated that he has not been furnished the required information. The respondent submitted that the appellant was detained under MPDA Act. The order was confirmed by the Govt. and the Review Committee also found it in order. It was not desirable to furnish the details required by the appellant. Section 8(1) (g) of the RTI Act says that there shall be no obligation to furnish information the disclosure of which would endanger the life and physical security of any person or identify the source of information or assistance given in confidence for law enforcement or security purposes. The appellant was detained based on certain information &

evidence. The order was confirmed by Govt. and the review committee found it in order. My conclusion is that the case does fit into section 8(1) (g) of the RTI Act. The information has been rightly denied.

**Order**

The complaint is dismissed.

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

Place: Mumbai  
Date: 13.05.2010.



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

Appeal No.2010/794/02

**Shri. Bharat H. Wadia,  
Rajnigandha CHS,  
Mahatma Phule Marg,  
B Wing, 1<sup>st</sup> Floor, Flat No.56,  
Panvel, Dist. Raigad.**

... **Appellant**

V/s

**First Appellate Officer cum Superintendent Engineer  
Maharashtra Jeevan Pradhikara Mumbai Parimandal Thane,  
New Administrative Bldg,  
3<sup>rd</sup> Floor, Thane (E) – 400 603.**

... **Respondent**

**Public Information Officer cum Asstt Superintendent Engineer  
Maharashtra Jeevan Pradhikara Mumbai Parimandal Thane,  
New Administrative Bldg,  
3<sup>rd</sup> Floor, Thane (E) – 400 603.**

#### **GROUND**

This appeal has been filed under section 19(3) of the Right to Information Act, 2005. The appellant by his application dated 15.06.2007 had sought information relating to his bound promotion and related issues.

Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant filed this second appeal before the commission. The appeal was heard on 13.05.2010. The appellant did not turn up but the respondent was present.

The respondents have contended that the appellant was given time bound promotion. Subsequently he was given regular promotion and transferred. Since he did not joint, it cancelled. The same has been restored after he represented to Govt. All related information has been furnished to him. A copy has been kept on commission's record.

In view of the appellant's absence and respondent's submission I com to the conclusion that information has been furnished. The case is close.

#### **Order**

The appeal is disposed off.

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

Place: Mumbai  
Date: 13.05.2010.

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

**Complaint No.2010/806/02  
Complaint No.2010/807/02**

**Shri. Shriprasad P. Rege  
102/3, Shripooja CHS,  
Patel Park, Pardeshi Aali,  
Panvel – 410 206.**

**...Complainant**

**Vs**

**Public Information Officer,  
Dy Chairman & Chief Executive Officer,  
Maharashtra Housing & Area Development Board,  
Bandra (E), Mumbai – 400 051.**

**... Respondent**

**GROUND**

These complaints have been filed under section 18 of the Right to Information Act 2005. The complainant had sought copies of documents which formed the basis of allotment of flat no 2595, building no 76, Nehru Nagar, Kurla (E), Mumbai. In favour of Shri Pandurang Govind Rege and Subsequent transfer to Smt Swati Pandurang Rege.

These complaints were heard on 13.05.2010. The defendant was present but the complainant did not turn up.

It has been stated by the defendants that copies of documents relating to allotment of flat to Mr. Pandurang Govind Rege have been furnished. The documents relating to transfer in favour of Smt Swati Pandurang Rege were not readily available and information could not be furnished.

In view of the respondents submission and appellants absence I conclude that available information has been furnished. The case therefore close.

**Order**

The complaints are filed.

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

Place: Mumbai  
Date: 13.05.2010.

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

Appeal No.2010/4815/02

**Shri. Nipun Mathkar**  
**B-5, Jivdani Kripa Chawl,**  
**Ramchandra Jadhavwadi, Vijay Nagar,**  
**Nala Sopara (E), Thane.**

... **Appellant**

V/s

**First Appellate Officer,**  
**Metropolitan Region Development Authority,**  
**3<sup>rd</sup> Floor, Bandra-Kurla Complex,**  
**Bandra (E), Mumbai – 400 0051.**

... **Respondent**

**Public Information Officer cum Administrative Officer**  
**Metropolitan Region Development Authority,**  
**3<sup>rd</sup> Floor, Bandra-Kurla Complex,**  
**Bandra (E), Mumbai – 400 0051.**

### **GROUND**

This appeal has been filed under section 19(3) of the Right to Information Act, 2005. The appellant by his application dated 07.03.2009 had information relating to reports of Controller & Auditor General on the working of Mumbai Metropolitan Region Development Authority.

Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant filed this second appeal before the commission. The appeal was heard on 10.05.2010. Appellant and respondents were present.

After going through the case papers and considering the arguments advanced by parties I have come to the conclusion that MMRDA should inform the appellant how many reports have been received so far. The information should be furnished free of cost.

### **Order**

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

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

Place: Mumbai  
Date: 13.05.2010.

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

**Complaint No.2010/831/02**

**Shri. Dhurandhar R. Sing  
Behind Magataram Petrol Pump,  
Bhandup (W), Mumbai – 400 078.**

**...Complainant**

**Vs**

**Public Information Officer cum Dy Education Inspector  
Office of the Education Inspector (West),  
Ismail Yusul College Compound,  
Jogeshwari (E), Mumbai – 400 060.**

**... Respondent**

**GROUND**

This complaint has been filed under section 18 of the Right to Information Act 2005. The complainant by his application dated 27.09.2009 had sought information on 8 points. The PIO by his order dated 08.10.2009 furnished the information. The complainant found the information misleading and unsatisfactory. Hence this complaint.

The complaint was heard on 18.05.2010. The defendant was present but the complainant did not turn up.

The defendant has submitted a copy of his reply dated 08.10.2009. The complainant was not present. It is not clear how the information has been found misleading. Taking into account the nature of information sought, the answer given and also in view of the fact that the complainant has remained absent. I decide to close the case.

**Order**

The complaint is filed.

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

Place: Mumbai  
Date: 18.05.2010.

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

**Complaint No.2010/830/02**

**Shri. Sandeep D. Dhobale  
1/6 Anthony Dimelo Colony,  
Ganeshwadi, Kanjurmarg (E),  
Mumbai – 400 042.**

**...Complainant**

**Vs**

**Public Information Officer cum Dy Executive Engineer  
Maharashtra State Electricity Distribution Company Ltd.,  
M.V.R. Shinde Marg, L.B.S. Rd,  
Bhandup, Mumbai – 400 078.**

**... Respondent**

**GROUND**

This complaint has been filed under section 18 of the Right to Information Act 2005. The complainant had sought information regarding disconnection of power supply on account of non payment of charges. He was asked to pay Rs.6 and was furnished one page information. He has also alleged that he was not given notice as per the procedure, the opponent admits.

The complaint was heard on 18.05.2010. Complainant and defendants were present.

After hearing the parties it is clear that the prescribed procedure has not been followed. This has been admitted by the opponent and this information has been furnished. As far as charging Rs.6/- for one page information is concerned, it is wrong. The complainant has to be refunded Rs.4/-. I therefore pass the following order.

**Order**

Excess payment of RS.4/- to be refunded within 15 days from the receipt of this order.

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

Place: Mumbai  
Date: 18.05.2010.

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

**Complaint No.2010/835/02**

**Shri. C.V. Natarajan  
No.3, Rashmi Vihar,  
K.A.S. Rd, Matunga,  
Mumbai – 400 019.**

**...Complainant**

**Vs**

**Public Information Officer cum Registrar  
University of Mumbai,  
Mumbai.**

**... Respondent**

**GROUND**

This complaint has been filed under section 18 of the Right to Information Act 2005. The complainant by his application dated 14.07.2007 had sought the following order.

Xerox copy of Lease Agreement / Allotment letter by the Collector of Mumbai / Govt. of Maharashtra Regarding Llyolds Reclamation Ground (behind Plot No.79 Marine Drive, Mumbai) to University of Mumbai.

He does not seem to be satisfied with the information furnished hence this complaint.

The complaint was heard on 18.05.2010. The defendant was present but the complainant did not turn up.

It has been submitted by the defendant that the required information was not available with them. His application has been sent to the Executive Engineer, PWD, Presidency Division, Mumbai and the complainant has been informed. Section 6(3) of the RTI Act stands complied. The case is closed.

**Order**

The complaint is filed.

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

Place: Mumbai  
Date: 18.05.2010.

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

**Complaint No.2010/834/02**

**Shri. Anand Dhanvijay  
C/o B.T. Dhanvijay,  
C-3/303, Gulmohar Lokwatika,  
Kalyan (E), Dist. Thane.**

**...Complainant**

**Vs**

**Public Information Officer cum President / Secretary  
Pali Bhasha Prachar & Prasar Trust,  
Reg. No. E 868 (Thane),  
Tisgaon Pada, Kalyan (E), Dist. Thane.**

**... Respondent**

**GROUND**

This complaint has been filed under section 18 of the Right to Information Act 2005. The complainant had sought certain information from the President / Secretary, Pali Bhasha Prachar Trust, Kalyan. Not satisfied with the responses received, he has filed this complaint.

The complaint was heard on 18.05.2010. The defendant was present but the complainant did not turn up.

Case papers reveal that the information has been sought from a trust and trusts are not covered under the RTI Act according to the order passed in writ petition no 5294 of 2008 by the Hon High Court, Nagpur, Bench at Nagpur, dated 28.04.2009. The case is therefore closed.

**Order**

The complaint is filed.

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

Place: Mumbai  
Date: 18.05.2010.

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

**Complaint No.2010/832/02**

**Shri. Siraj Ahmed Gulam Nabi Momin  
178, Jaitunpura, Kotar Gate,  
Behind Havai Bldg., Ta. Bhivandi,  
Dist. Thane.**

**...Complainant**

**Vs**

**Public Information Officer cum Principal  
Swayam Shiddhi Mitra Sangh College of Education,  
Sonadevi Compound, Near Toll Naka,  
Kalyan Rd, Ta. Bhivandi, Dist. Thane.**

**... Respondent**

**GROUND**

This complaint has been filed under section 18 of the Right to Information Act 2005. The complainant had sought information from the Swayam Siddhi Mitra Sangh & its Chief Trustee regarding registration, membership of the trust, donations received and spent and related issues.

The complaint was heard on 18.05.2010. The defendant was present but the complainant did not turn up.

Case papers show that information has sought from the trust. The Nagpur Bench of Hon High Court of judicature at Bombay in writ petition no 5294 of 2008 by its order dated 28.04.2009 has ordered that as far Right to Information Act in concerned, there is no need for any public trust to appoint any information officer and to entertain any application under the Right to Information Act. The case is therefore closed.

**Order**

The complaint is filed.

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

Place: Mumbai  
Date: 18.05.2010.



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

**Complaint No.2010/837/02**

**Shri. Madhav Vaidhya  
251/102, Ambika Towers,  
P.U.U. Bhatt Marg,  
Matunga, Mumbai – 400 019.**

**...Complainant**

**Vs**

**Public Information Officer cum Secretary  
Bar Council of Maharashtra & Goa,  
2<sup>nd</sup> Floor, High Court Extension,  
Fort, Mumbai – 400 032.**

**... Respondent**

**GROUND**

This complaint has been filed under section 18 of the Right to Information Act 2005. The complainant had sought information from the Bar Council of Maharashtra & Goa, Mumbai. He was informed that since the Bar Council did not come within the purview of the RTI Act, information could not be furnished. Hence this complaint.

The complaint was heard on 18.05.2010. Complainant and defendants were present.

This point has already been settled that the Bar Council of Maharashtra & Goa is a public authority and the RTI Act is applicable to them. This commission has ordered furnishing of information in so many cases. My observation is that the council is still having reservation and I consider this as unusual and atrocious. The council must fall in line and furnish available information. I therefore pass the following order.

**Order**

The complainant must be allowed inspection of the relevant file / register and furnish copies of documents selected by him. The date of inspection should be fixed mutually. The inspection has to be organized within 30 days failing which action under section 20 of the RTI Act will be initiated.

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

Place: Mumbai  
Date: 18.05.2010.

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

Appeal No.2010/4879/02

**Shri. Hygino Fernandes**  
6/285, M.H.B. Colony,  
Khernagar, Bandra (E),  
Mumbai – 400 051.

... **Appellant**

V/s

**First Appellate Officer,**  
The office of the Collector of Stamps,  
(Enforcement II), Town Hall,  
Fort, Mumbai – 400 023.

... **Respondent**

**Public Information Officer,**  
The office of the Collector of Stamps,  
(Enforcement II), Town Hall,  
Fort, Mumbai – 400 023.

#### **GROUND**

This appeal has been filed under section 19(3) of the Right to Information Act, 2005. The appellant had sought information regarding refund of the excess stamp duty paid by him.

Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant filed this second appeal before the commission. The appeal was heard on 18.05.2010. Appellant and respondents were present.

It transpired during the hearing that the final decision regarding refund is likely to be taken soon. The respondent agreed to expedite the matter. The appellant seemed satisfied.

#### **Order**

Information to be furnished within 30 days.

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

Place: Mumbai  
Date: 18.05.2010.

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

**Complaint No.2010/833/02**

**Shri. Manohar Rajput  
12, Bori Bldg.,  
Shri Ramtekdi Rd,  
Shivadi, Mumbai – 400 015.**

**...Complainant**

**Vs**

**Public Information Officer cum AEO (NA)  
The Chief Land and Survey Officer  
CIDCO Ltd, Belapur,  
Navi Mumbai.**

**... Respondent**

**GROUND**

This complaint has been filed under section 18 of the Right to Information Act 2005. The complainant by his application dated 11.12.2007 had sought the following information: -

Whether any order / stay received by the High Court or any other Court for transfer of plot no 110, Sector 1, Sanpada, Navi Mumbai, from the name of licensee A.G. Patil and T.G. Patil to the name of purchaser of flats / society / company etc.

The complaint was fixed for hearing on 18.05.2010. The complainant and defendants were absent.

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

**Order**

The complaint is allowed. Information to be furnished 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: 19.05.2010.

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

**Complaint No.2010/853/02**

**Shri. Ramesh Pillai  
C-301, Kailash Dham,  
Mansarovar Complex,  
Mira-Bhaindar Rd, Mira Rd,  
Thane – 401 107.**

**...Complainant**

**Vs**

**Public Information Officer,  
Dist Dy Registrar, Co-op Board,  
Vardhavat Mention, 1<sup>st</sup> Floor,  
Shivaji Path, Thane.**

**... Respondent**

### **GROUND**

This complaint has been filed under section 18 of the Right to Information Act 2005. The complainant has complained that although the society has been registered, the builder is still calling the shots. He is recovering transfer charges from transferees which should have come to the society.

The complaint was heard on 19.05.2010. Complainant and defendants were present.

The complainant has stated that he had requested for action against the builder. The defendants submitted that taking action does not come within their jurisdiction but they will certainly visit the society, meet members and try to help the complainant and the society.

After considering the arguments advanced by parties and going through the file I have come to the conclusion that the complaint needs to be allowed.

### **Order**

The complaint is allowed. PIO to visit the society and inform the complainant what legal action was feasible.

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

Place: Mumbai  
Date: 19.05.2010.

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

**Complaint No.2010/854/02**

**Shri. Sam Daruwala  
145, Daruwala House,  
Allibhai Premji Rd,  
Lamington Cross Rd,  
Grant Rd, Mumbai – 400 007.**

**...Complainant**

**Vs**

**Public Information Officer cum Asstt Engineer (B & F)  
Municipal Corporation of Greater Mumbai,  
D Ward Office, Nana Chowk,  
Jobanputra Compound, Mumbai – 400 007.**

**... Respondent**

**GROUND**

This complaint has been filed under section 18 of the Right to Information Act 2005. The complainant had sought a certified copy of the letter no ACD/16272/MP/BF dated 21.08.2007 addressed PS to Shir. Milind Deora, MP

The complaint was heard on 19.05.2010. The defendant was present but the complainant did not turn up.

It transpired during the hearing that information has been furnished under letter dated 12.03.2008. A copy of the letter was given during the hearing. The complaint is therefore filed.

**Order**

The complaint is filed.

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

Place: Mumbai  
Date: 19.05.2010.

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

**Complaint No.2010/787/02**

**Shri. Gopinath S. Avasare  
1/49, Thokarshi Jeevaraj Bldg.,  
T.J. Rd, Shivadi, Mumbai – 400 015.**

**...Complainant**

**Vs**

**Public Information Officer cum Nayab Tahsildar  
Tahsildar Office, Haveli, Ta. Haveli,  
Dist. Pune.**

**... Respondent**

**GROUNDS**

This complaint has been filed under section 18 of the Right to Information Act 2005 in the context of the commission's order dated 25.01.2010 passed in appeal no 2010/4081/02. The facts in brief are as follows: - The present complainant by his application dated 24.08.2009 had sought copies of village form No 14 for 2007-2008 and 2008-2009 the documents which formed the basis of the entry of the schools name.

Not satisfied with responses from the Public Information Officer and First Appellate Authority the complainant filed appeal under section 19 (3) of the RTI Act, 2005. The commission by its order dated 25.01.2010 directed that information should be furnished within 15days. The present complaint is against alleged non compliance of commissions order.

The complaint was heard on 07.05.2010. The complainant was present but the defendant was absent.

The complainant has stated that he has not been furnished the required information. There is nothing on record to the contrary. I therefore pass the following order.

**Order**

The PIO has prima facie violated the provisions of the RTI Act 2005. It is proposed to fine him Rs.25, 000/-. He is directed to show cause why this should not be confirmed. His reply to come within 4 weeks.

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

Place: Mumbai  
Date: 19.05.2010.

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

**Complaint No.2010/784/02**

**Shri. Abdul Aziz Memon  
B-302, Sunmoon Apt.1,  
S.G. Sawant Rd, Jogeshwari (W),  
Mumbai – 400 102.**

**...Complainant**

**Vs**

**Public Information Officer cum Dy Registrar  
Co-op. Soc., K-West Ward, Mhada Bldg,  
Grihanirman Bhavan, Bandra (E),  
Mumbai – 400 051.**

**... Respondent**

**GROUNDS**

This complaint has been filed under section 18 of the Right to Information Act 2005. The complainant by his application dated 19.03.2008 had sought the following information:-

Details of whether inquiry and inspection proceedings have been initiated against the Sun Moon Apt No.1 Co-op Housing Society Ltd, Near Agarwal Estate, Jogeshwari (W), Mumbai – 400 102 in response to Non-compliance of letters of your office dated 11.12.2007 under no Mumbai/K W/B.6/Complaint/07 and letter dated 09.01.2008 under no. Mumbai/K W/B.6 Complaint /07 and letter dated 09.01.2008 under no. Mumbai/KW/B.6/Complaint/2420/2008.

Certified copies of all letters addressed by the Sun Moon Apt. No.1 Co-op Housing Society Ltd, addressed to your office from Nov, 2007 till date.

Certified copies of letter dated 27.12.2007 addressed by Advocate Simi D. Chhabra to the Dy. Registrar Co-op. Societies.

The complaint was heard on 07.05.2010. Complainant and defendants were present.

The complainant has stated that he was not satisfied with the information furnished.

The defendant's contention was that the society's office has been inspected and compliance sought. It has also been stated that the defendant had no jurisdiction to initiate action against unauthorized construction.

After considering the arguments advanced by parties and going through the file I have come to the conclusion that a copy of the compliance report should be furnished to the complainant. The RTI Act ensures furnishing of readily available information. Since the compliance report was yet to be received, a copy should be sent after it was received by the defendant.

**Order**

The complaint is allowed.

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

Place: Mumbai  
Date: 19.05.2010.



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

Appeal No.2010/4822/02

**Shrimati Preeti Gharat  
Salvad (Gharatwadi)  
Po. T.A.P.P. Ta. Palghar,  
Dist Thane – 401 504.**

... **Appellant**

V/s

**First Appellate Officer cum Superintendent Engineer  
Maharashtra State Electricity Distribution Company  
Parkashganga, Flat C-19, E Block,  
Bandra-Kurla Complex,  
Bandra (E), Mumbai – 400 051.**

... **Respondent**

**Public Information Officer,  
Maharashtra State Electricity Distribution Company  
Parkashganga, Flat C-19, E Block,  
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 her application dated 01.02.2010 had sought information regarding action taken on her complaint dated 14.11.2009.

Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant filed this second appeal before the commission. The appeal was heard on 11.05.2010. The respondent was present but the appellant did not turn up.

After going through the case papers and considering the arguments advanced by parties I have come to the conclusion that a copy of the action taken report should be furnished to her within 30 days from the date of receipt of this order.

### **Order**

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

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

Place: Mumbai  
Date: 19.05.2010.

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

**Appeal No.2010/4818/02**

**Shri. Nipun Mathkar  
B-5, Jivdani Kripa Chawl,  
Ramchandra Jadhavwadi, Vijay Nagar,  
Nala Sopara (E), Thane.**

**... Appellant**

**V/s**

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

**... Respondent**

**Public Information Officer,  
General Administrative Department,  
Mantralaya, Mumbai – 400 032.**

### **GROUND**

This appeal has been filed under section 19(3) of the Right to Information Act, 2005. The appellant by his application dated 23.01.2010 had sought information on points contained in his application.

Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant filed this second appeal before the commission. The appeal was heard on 10.05.2010. Appellant and respondents were present.

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

The respondent's contention is that they have not been able to understand the precise nature of the information sought. They have however furnished the available information to the best of their understanding.

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.

### **Order**

The appeal is disposed off.

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

Place: Mumbai  
Date: 19.05.2010.

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

**Appeal No.2010/4875/02**

**Shri. Hajrat Sardar Pathan  
Room No.246,  
Indira Nagar Zopadpatti,  
Kurla Andheri Rd,  
Jarimari, Sakinaka, Mumbai – 400 072.**

**... Appellant**

**V/s**

**First Appellate Officer cum Niwasi Dy Collector  
Western Suburban, Administrative Bldg,  
7<sup>th</sup> Floor, Govt. Colony,  
Bandra (E), Mumbai – 400 051.**

**... Respondent**

**Public Information Officer cum Nayab Tahsildar  
Western Suburban, Administrative Bldg,  
7<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 appellant by his application dated 18.01.2010 had sought information regarding survey to rehabilitate those affected by the modernization of the Mumbai Airport. The appellant wanted to know the name of agency entrusted with the task of survey, a copy of the table survey plans etc.

Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant filed this second appeal before the commission. The appeal was heard on 17.05.2010. Appellant and respondents were present.

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

The respondent's contention is that survey was to start but had to be stopped because of opposition from the local people.

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.

**Order**

The appeal is disposed off.

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

Place: Mumbai  
Date: 19.05.2010.

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

**Appeal No.2010/4868/02**

**Shrimati. Saroj Gupta  
B/4, Bank of Badoda Colony,  
Arjun CHS Soc.,  
Olem, Malad (W),  
Mumbai – 400 064.**

**... Appellant**

**V/s**

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

**... Respondent**

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

**GROUND**

This appeal has been filed under section 19(3) of the Right to Information Act, 2005. The appellant by his application dated 24.12.2009 had sought information regarding action taken on her complaint against her neighbor Shri Nandlal Vala.

Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant filed this second appeal before the commission. The appeal was heard on 17.05.2010. Appellant and respondents were present.

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

The respondent's contention is that they have taken various steps to redress the appellant's grievance. A notice under section 53 (1) was issued. The notice structure was demolished on 15.07.2009 and 18.07.2009. It has also been submitted by them that these chawls were old and approved plan was not available. They have however been promised by the appellant's neighbor that he would take steps to ensure that the appellant does suffer any hardship.

After hearing the parties I have come to the conclusion that what is being sought is not information but redressal of grievances. Available information has been furnished and the case is being closed.

**Order**

The appeal is disposed off.

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

Place: Mumbai  
Date: 19.05.2010.

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

**Appeal No.2010/4874/02**

**Shri. Hajrat Sardar Pathan  
Room No.246,  
Indira Nagar Zopadpatti,  
Kurla Andheri Rd,  
Jarimari, Sakinaka, Mumbai – 400 072.**

**... Appellant**

**V/s**

**First Appellate Officer,  
Land Division,  
MMRDA, Bandra–Kurla Complex,  
Bandra (E), Mumbai – 400 051.**

**... Respondent**

**Public Information Officer,  
Land Division,  
MMRDA, 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 18.01.2010 had sought information regarding survey to rehabilitate those affected by the modernization of the Mumbai Airport. The appellant wanted to know the name of agency entrusted with the task of survey, a copy of the table survey plans etc.

Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant filed this second appeal before the commission. The appeal was heard on 17.05.2010. Appellant and respondents were present.

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

The respondent's contention is that survey was to start but had to be stopped because of opposition from the local people.

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.

**Order**

The appeal is disposed off.

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

Place: Mumbai  
Date: 19.05.2010.



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

**Appeal No.2010/4872/02**

**Shri. Hajrat Sardar Pathan  
Room No.246,  
Indira Nagar Zopadpatti,  
Kurla Andheri Rd,  
Jarimari, Sakinaka, Mumbai – 400 072.**

**... Appellant**

**V/s**

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

**... Respondent**

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

#### **GROUND**

This appeal has been filed under section 19(3) of the Right to Information Act, 2005. The appellant by his application dated 18.01.2010 had sought information regarding survey to rehabilitate those affected by the modernization of the Mumbai Airport. The appellant wanted to know the name of the agency entrusted with the task of survey, a copy of the table survey plans etc.

Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant filed this second appeal before the commission. The appeal was heard on 17.05.2010. Appellant and respondents were present.

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

The respondent's contention is that survey was to start but had to be stopped because of opposition from the local people.

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.

**Order**

The appeal is disposed off.

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

Place: Mumbai  
Date: 19.05.2010.

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

**Appeal No.2010/4862/02**

**Shri. Vaibhav Koregaonkar  
48/3, Radhakrushan Niwas,  
Dr. Ambedkar Rd, Dadar (E),  
Mumbai – 400 014.**

... **Appellant**

**V/s**

**First Appellate Officer cum Dy Secretary  
General Administrative Department,  
Mantralaya, Mumbai – 400 032.**

... **Respondent**

**Public Information Officer,  
General Administrative Department,  
Mantralaya, Mumbai – 400 032.**

### **GROUND**

This appeal has been filed under section 19(3) of the Right to Information Act, 2005. The appellant by his application dated 30.11.2008 had sought copy of the undertaking given by the Govt. of Maharashtra to the Govt. of India / President of India to the effect that the Bombay Land Requisition Act will not be extended beyond, 1997.

Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant filed this second appeal before the commission. The appeal was heard on 17.05.2010. Appellant and respondents were present.

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

The respondent's contention is that the information sought was not available on record and hence could not be furnished. The appellant has inspected the relevant file but the information sought was not available.

After going through the case papers and considering the arguments advanced by parties I have come to the conclusion that the appellant has inspected the file but could

not find the information he was looking for. I see no attempt on the part of the respondent to deny the information. Case papers also reveal that he has collected information from the Law and Judiciary & Department of housing. It seems that he has not been able to lay his hands on the information required by him. Under these circumstances I have to close the case. I therefore pass the following order.

**Order**

The appeal is disposed off.

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

Place: Mumbai  
Date: 19.05.2010.

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

**Appeal No.2010/4869/02**

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

**... Appellant**

**V/s**

**First Appellate Officer cum Executive Engineer  
Municipal Corporation of Greater Mumbai  
H/West Ward, Bandra (W), Mumbai – 400 050.**

**... Respondent**

**Public Information Officer cum Asstt Engineer  
Municipal Corporation of Greater Mumbai  
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 regarding action taken his advocates reply to the notice issued to him under section 53(1) of the MRTP Act 1966. The MCGM issued notice dated 03.07.1992 and the appellant's advocate replied by his letter dated 07.08.1992. The appellant wanted to know that happened after that.

Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant filed this second appeal before the commission. The appeal was heard on 17.05.2010. Appellant and respondents were present.

The appellant has contended that he has not been furnished the required information. He expected information within 48 hours but the same does not seem to have been done.

The respondent seemed to be clueless.

After going through the case papers and considering the arguments advanced by parties I have come to the conclusion that the appellant's contention that the information

should have been furnished within 48 hours as it concerned the life and liberty of the appellant is wrong. The notice was given in 1992 and he wanted to know in 2009 what happened finally. This is noting but gross misinterpretation of section 7(1) and cannot be accepted. The appellant however is entitled to know what the MCGM did after he replied through his advocate. This information has to 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: 19.05.2010.

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

**Appeal No.2010/4870/02**

**Shri. Sumeer Sabharwal**

**2, Grotto Bldg.,**

**33<sup>rd</sup> Rd & 9<sup>th</sup> Rd Crossing,**

**Old Khar, Mumbai – 400 052.**

**... Appellant**

**V/s**

**First Appellate Officer cum Executive Engineer**

**Municipal Corporation of Greater Mumbai**

**H/West Ward, Bandra (W), Mumbai – 400 050.**

**... Respondent**

**Public Information Officer cum Asstt Engineer**

**Municipal Corporation of Greater Mumbai**

**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 which was not provided to him within 48 hours according to section 7(1) of the RTI Act, 2005.

Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant filed this second appeal before the commission. The appeal was heard on 17.05.2010. Appellant and respondents were present.

The appellant has contended that he was not provided information within 48 hours and the PIUO should be penalized for that.

The respondent's contention is that the appellant was asked to inspect the documents and select the ones he needed and was ready to provide the same.

After going through the case papers and considering the arguments advanced by parties I have come to the conclusion that the appellant has not made it clear what information was sought by him. Case papers do not reveal the nature of information sought compliance of the provision of section 7(1) would necessarily require to examine

the nature of information and to determine whether it concerns the life or liberty of the appellant. In view of the fact that the appellant has not revealed the precise nature of the information sought, it is not possible to determine whether this should have been provided within 48 hours. I therefore reject the appeal.

**Order**

The appeal is dismissed.

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

Place: Mumbai  
Date: 19.05.2010.



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

**Appeal No.2010/4459/02**

**Shri. Shirish Shanbaug  
127-A/4458 & 4466, Jeewan-Deep,  
Rd No.8, Tilak Nagar,  
Chembur, Mumbai – 400 089.**

**... Appellant**

**V/s**

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

**... Respondent**

**Public Information Officer cum Dy Registrar  
Cooperative Board,  
Mumbai 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 by his application dated 26.03.2009 had sought information regarding action taken on his complaint dated 27.02.2009 against the Managing Committee, Chembur Jeewan Deep Cooperative Housing Society Ltd building no 127, Tilak Nagar, Chembur, Mumbai.

Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant filed this second appeal before the commission. The appeal was heard on 10.05.2010. Appellant and respondents were present.

The appellant has contended that he has not been informed as to what action has been taken against the managing committee.

The respondent's contention is that action has been initiated and notice under section 89 A of the MCS Act 1960 has also been given.

After going through the case papers and considering the arguments advanced by parties I have come to the conclusion that information has been furnished. The appellant wanted action to be taken and Managing Committee to be superceded. This might not have happened according to the appellant's expectation. The RTI ensures furnishing of available information and is not mandated to order supercession of a society. The appellant has been kept informed. I would however order that he should be given a copy of the notice given to the society / Managing Committee and should be informed of the latest developments.

**Order**

The appeal is disposed off.

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

Place: Mumbai  
Date: 19.05.2010.

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

**Appeal No.2010/4792/02**

**Shri. Ishtiaque Mohd. Ebrahim Bagban  
Sitaram Bldg, "G" Block,  
R. No.15/15, 3<sup>rd</sup> Floor,  
MRA Marg, Crawford Market,  
Mumbai – 400 001.**

**... Appellant**

**V/s**

**First Appellate Officer cum Ex Engineer  
Municipal Corporation of Greater Mumbai  
A Ward, Shahid Bhagatsing Rd, Fort,  
Mumbai – 400 001.**

**... Respondent**

**Public Information Officer,  
Municipal Corporation of Greater Mumbai  
A Ward, Shahid Bhagatsing Rd, Fort,  
Mumbai – 400 001.**

**GROUNDS**

This appeal has been filed under section 19(3) of the Right to Information Act, 2005. The appellant by his application dated 17.11.2009 had sought information relating to letter no Asstt C/A/40013/Bldg dated 21.01.2004.

Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant filed this second appeal before the commission. The appeal was heard on 06.05.2010. Appellant and respondents were present.

The appellant has contended that he has not been informed as to what action has been taken against the managing committee.

The respondent's contention that he has not been furnished the required information. He has also complained that the First Appellate Authority had fixed the hearing but remained absent.

After going through the case papers and considering the arguments advanced by parties I have come to the conclusion that that the First Appellate Authority has not

discharged his duties cast under the RTI Act 2005. The courtesy of informing the appellant about his inability to hear the appeal has not been shown. I therefore pass the following order.

**Order**

The First Appellate Authority to hear the appellant within 30 days from the date of receipt of this order pass orders.

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

Place: Mumbai  
Date: 19.05.2010.

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

**Appeal No.2010/4737/02**

**Shri. Mohammed Amin S.A. Ansari  
19/A, Kallu Bidiwala Chawl Tenant Association,  
Room No.21, 1<sup>st</sup> Floor, Umer Rajjab Rd,  
Madanpura, Mumbai – 400 008.**

**... Appellant**

**V/s**

**First Appellate Officer cum Dy Chief Engineer  
Municipal Corporation of Greater Mumbai  
E Ward, 3<sup>rd</sup> Floor, Shaikh Afizuddin Marg,  
Byculla, Mumbai – 400 008.**

**... Respondent**

**Public Information Officer cum Ex. Engineer (B P)  
Municipal Corporation of Greater Mumbai  
E Ward, 3<sup>rd</sup> Floor, Shaikh Afizuddin Marg,  
Byculla, Mumbai – 400 008.**

**GROUND**

This appeal has been filed under section 19(3) of the Right to Information Act, 2005. The appellant by his application dated 10.11.2009 had sought the following information: -

Re-development of Mohammadi Manzil (CTS No.1551 Byculla Division).  
Situating at Mohd. Umer Rajjab Rd, Madanpura, Mumbai – 400 008 and Sakina Mansion,  
(CTS No.1788 Byculla Division), situated of Shaikh Haffizuddin Marg (Sankil Street),  
Byculla, Mumbai – 400 008.

Information in respect of Sakina Mansion CTS No.1788 has been received by the appellant but he has not been provided information as far as CTS No.1551- Mohammadi Manzil is concerned because its file is not traceable.

Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant filed this second appeal before the commission. The appeal was heard on 03.05.2010. Appellant and respondents were present.

The appellant has contended that he has not been furnished the documents in respect of CTS No 1551 on the ground that the file was not traceable.

The respondent's contention that they have made all possible efforts, written to all concerned including the architect to furnish details so that information could be furnished to the appellant.

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. Case papers show that the Building Proposal Deptt has written to various departments to locate the file / furnish details of the approved. It is important to note that the building has been redevelopment and simply means that the file may not be very old. The commission cannot take it lightly if records of recent origin are reported lost / misplaced. I would therefore direct that efforts must continue to trace the file and furnish the file is not traced an enquiry to fix responsibility will have to be fixed. I pass the following order.

**Order**

The appeal is allowed. Information to be furnished by PIO within 60 days.

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

Place: Mumbai  
Date: 19.05.2010.

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

**Appeal No.2010/4878/02**

**Shri. Atish Kasbe  
Sant Dyaneshwar Soc.,  
Sanjay Nagar, Vikroli Park Side,  
Vikroli (W), Mumbai – 400 079.**

**... Appellant**

**V/s**

**First Appellate Officer cum Ex Engineer  
Municipal Corporation of Greater Mumbai  
N Ward, Jawahar Rd, Ghatkopar (E),  
Mumbai – 400 077.**

**... Respondent**

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

### **GROUND**

This appeal has been filed under section 19(3) of the Right to Information Act, 2005. The appellant by his application dated 19.12.2009 had sought information relating to Subhedar Ambedkar Garden, Vikroli, Mumbai. The POI by his letter dated 22.01.2010 furnished the required information. There does not seem to be any order from the First Appellate Authority.

Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant filed this second appeal before the commission. The appeal was heard on 18.05.2010. Appellant was present but the respondent was absent.

The appellant has contended that he has been given incomplete information. The area of the garden, map and expenses incurred has not been given. The information has also been furnished late. Since the respondent was absent, it could not be verified. Case papers reveal that the PIO by his letter dated 22.01.2010 has furnished the information but not on points 2 & 5. It is necessary to furnish the required information. In case the

information is not available with the PIO, he should collect it from the department concerned and furnish to the appellant free of cost.

**Order**

The appeal is allowed. Information to be furnished by PIO within 30 days. PIO to show cause why action under section 20 of the RTIO Act 2005 should not be taken against him for furnishing the information late. His reply to come within 4 weeks.

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

Place: Mumbai  
Date: 19.05.2010.



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

**Appeal No.2010/4814/02**

**Shri. R.P. Yajurvedi  
302/A, Nav Asavari CHS,  
182, J.B. Nagar, Andheri (E),  
Mumbai – 400 059.**

**... Appellant**

**V/s**

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

**... Respondent**

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

### **GROUND**

This appeal has been filed under section 19(3) of the Right to Information Act, 2005. The appellant by his application dated 13.11.2009 had sought the following information: -

- a. Please provide the Station Diary of the Senior PI Shri Pradeep Suryavanshi of 13<sup>th</sup> to 15<sup>th</sup> Feb, 2009.
- b. Please provide the vehicle movement log book which Mr. Pradeep Suryavanshi used during the aforementioned dates.

Not satisfied with responses from the Public Information Officer & First Appellate Authority the complainant filed appeal under section 19 (3) of the RTI Act, 2005.

The appeal was heard on 10/5/2010. Appellant & respondent were present.

The complainant has stated that he has not been furnished the required information. He had sought a copy of the personal diary of Shri. Pradeep Suryavanshi where as he has been given a copy of the station diary. He has also stated that the

information was furnished late. The respondent in his written submission has stated that word “station diary” the application mentioned the ward section diary & therefore the appellant was provided a copy of same. He was however, willing to furnish a copy of the “personal diary”.

After going through the case paper and considering the submission made by parties I have come to the conclusion that the appellant should be allowed to inspect the personal diary and also furnished copies of documents selected by him. It is also see that the application is dated 13.11.2009 and the reply by the PIO is dated 11.01.2010. There has delay in responding to the appellant. He is therefore directed to show cause why action U/s 20 of the RTI Act should not be taken against him. His reply to come within 4 weeks.

**Order**

Inspection to be facilitated within 15 days from the date of receipt of this order & show cause to be replied within 4 weeks from the date of receipt of this order.

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

Place: Mumbai  
Date: 19.05.2010.

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

**Appeal No.2010/4750/02**

**Shri. Pramod Pawar  
Sadguru Sadan Vachanalaya,  
06, R2, Goldan Soc.,  
Ghatkopar (E), Mumbai – 400 077.**

**... Appellant**

**V/s**

**First Appellate Officer cum Asstt Commissioner  
Municipal Corporation of Greater Mumbai  
N Ward, Jawahar Marg, Ghatkopar (E)  
Mumbai – 400 077.**

**... Respondent**

**Public Information Officer cum Dy Superintendent Udhyan Vidhya Asstt  
Municipal Corporation of Greater Mumbai  
N Ward, Jawahar Marg, Ghatkopar (E)  
Mumbai – 400 077.**

### **GROUND**

This appeal has been filed under section 19(3) of the Right to Information Act, 2005. The appellant by his application dated 03.12.2009 had sought information relating to the garden on CTS No.225 & CTS No.226 and Rs.6.35 lakhs spent from M.L.A.'s Fund on the development of the garden and related details.

Not satisfied with responses from the Public Information Officer & First Appellate Authority the complainant filed this second appeal before the commission. The appeal was heard on 03.05.2010. Appellant and respondents were present.

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

The respondent's contention is that the garden is not a municipal garden nor reserved as municipal garden and they have no details. This information has been furnished.

After going through the case paper and considering the submission made by parties I have come to the conclusion that information has been furnished. I would however like to advise the appellant to get in touch with MHADA which normally undertakes works funded through the M.L.A. Fund. The case at our level is closed.

**Order**

The appeal is disposed off.

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

Place: Mumbai  
Date: 20.05.2010.

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

Appeal No.2010/4742/02

**Shri. Raju M. Dethe**  
**T-71/26 Matunga Sindhi Camp,**  
**Bhau Daji Rd, Near Sion Hospital,**  
**Sion, Mumbai – 400 022.**

... **Appellant**

V/s

**First Appellate Officer cum Dy Secretary**  
**General Administrative Department (27),**  
**Mantralaya, Mumbai – 400 032.**

... **Respondent**

**Public Information Officer cum Under Secretary**  
**General Administrative Department (27),**  
**Mantralaya, Mumbai – 400 032.**

### **GROUND**

This appeal has been filed under section 19(3) of the Right to Information Act, 2005. The appellant by his application dated 01.01.2009 had sought information regarding Rs.3.5 crores reported to have been sent to Govt. of Maharashtra by Govt. of India.

Not satisfied with responses from the Public Information Officer & First Appellate Authority the complainant filed this second appeal before the commission. The appeal was heard on 03.05.2010. Appellant and respondents were present.

Case papers reveal that there is absolutely no details furnished by the appellant. This is nothing but a kind of roving and fishing enquiry and deserves to be dismissed.

### **Order**

The appeal is dismissed.

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

Place: Mumbai  
Date: 20.05.2010.

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

**Appeal No.2010/4899/02**

**Shri. C.P. Singh  
02 Classic Power Residency,  
Opp. Guru Niwas Subway Rd No.02,  
TPS VI, Santacruz (W), Mumbai – 400 054.**

**... Appellant**

**V/s**

**First Appellate Officer cum Dy Commissioner  
Mira Bhaindar Nagarpalika  
Head Office, Indira Gandhi Bhavan,  
Chatrapati Shivaji Maharaj Marg,  
Bhaindar (W), Ta. Dist. Thane – 401 101.**

**... Respondent**

**Public Information Officer cum Senior Clark  
Mira Bhaindar Nagarpalika  
Head Office, Indira Gandhi Bhavan,  
Chatrapati Shivaji Maharaj Marg,  
Bhaindar (W), Ta. Dist. Thane – 401 101.**

**GROUND**

This appeal has been filed under section 19(3) of the Right to Information Act, 2005. The appellant by his application dated 03.07.2009 had sought following information: -

- A. Copy of all documents submitted by Mr. Ramlakhan M. Gupta to take a photopass bearing no. 362 under application No. D-15.
- B. The officer name and designation who has issued the said photopass.
- C. The application No.D-15 issued photopass No.362 and application No.D-14 issued photopass No.363 both date is 28.12.2005. What is the Difference between 363 & 362.
- D. The complaint tiled by Mr Anirudha M. Gupta. What order passed against the said letter.
- E. Date of application & date of issued the photopass.

Not satisfied with responses from the Public Information Officer & First Appellate Authority the complainant filed this second appeal before the commission. The appeal was fixed for hearing on 20.05.2010. Appellant and respondents were absent.

Case papers reveal that information has been furnished by the PIO under letter dated 06.08.2009. The case is therefore closed.

**Order**

The appeal is disposed off.

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

Place: Mumbai  
Date: 20.05.2010.

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

**Appeal No.2010/4835/02  
Appeal No.2010/4836/02**

**Shri. Roman Silvera  
Souvenir Apt.,  
3<sup>rd</sup> Floor, Flat No.11,  
Dr. Peter Dias Rd,  
Bandra (W), Mumbai – 400 050.**

**... Appellant**

**V/s**

**First Appellate Officer cum Ex Engineer  
Municipal Corporation of Greater Mumbai  
H/West Ward, St. Martins Rd, Bandra (W)  
Mumbai – 400 050.**

**... Respondent**

**Public Information Officer cum Asstt Engineer (B & F)  
Municipal Corporation of Greater Mumbai  
H/West Ward, St. Martins Rd, Bandra (W)  
Mumbai – 400 050.**

### **GROUND**

These appeals have been filed under section 19(3) of the Right to Information Act, 2005. The appellant had sought information regarding his complained that against his neighbour and owner of flat no 12. The appellant had complaint the owner of flat no 12 has fixed an iron grill clad door unlawfully causing nuisance and obstruction to him.

Not satisfied with responses from the Public Information Officer & First Appellate Authority the complainant filed this second appeal before the commission. The appeal was heard on 11.05.2010. The appellant did not turn up but the respondent was present.

It has been stated by the respondent that the appellant has been complaining since 1991. Case papers reveal that the appellant has been informed that the door has been fixed for safety and no action was warranted.



After going through the case paper and considering the submission made by parties I have come to the conclusion that what the appellant needs is not information but arbitration. He expects the commission to redress his grievance. I would like to make it clear that the commission is not mandated to redress grievances. The RTI Act ensures furnishing of available information. The appellant has been informed that no action was warranted. That is the end of the story.

**Order**

The appeals are disposed off.

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

Place: Mumbai  
Date: 20.05.2010.

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

**Complaint No.2010/856/02  
Complaint No.2010/858/02**

**Shri. Awdhesh Jha  
Near Barrack No.1877,  
Of Room No.10, Section-39,  
House-275, Dist-Thane,  
Ulhasnagar – 421 005.**

**...Complainant**

**Vs**

**Public Information Officer,  
Office of the District Magistrate (Home Dpet)  
2<sup>nd</sup> Floor, Collector Office,  
Court Naka, Thane (W) – 400 601.**

**... Respondent**

### **GROUND**

These complaints have been filed under section 18 of the Right to Information Act 2005. The complainant had requested for action against the PIO, office of the District Magistrate, Thane for not furnishing information in time.

The complaints were heard on 20.05.2010. The defendant was present but the complainant did not turn up.

Case papers reveal that his application for information was forwarded to the commissioner of Police, Thane. The PIO showed to me a copy of the report from the commissioner of Police, Thane. The report has extensively dealt with issues raised by the complainant. The PIO is directed to send a copy of this report dated 02.06.2009 to the complainant free of cost.

### **Order**

The complaints are filed

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

Place: Mumbai  
Date: 20.05.2010.

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

**Complaint No.2010/859/02  
Complaint No.2010/860/02**

**Shri. Awdhesh Jha  
Near Barrack No.1877,  
Of Room No.10, Section-39,  
House-275, Dist-Thane,  
Ulhasnagar – 421 005.**

**...Complainant**

**Vs**

**Public Information Officer,  
Police Commissioner Office, Thane,  
Kharkar Lane, Thane (W),  
Pin – 400 601.**

**... Respondent**

**GROUND**

These complaints have been filed under section 18 of the Right to Information Act 2005. The complainant wanted action to be taken against the public information officer, office of the Police Commissioner, Thane for not furnishing the required information in time.

The complaint was fixed for hearing on 20.05.2010. The complaint and defendant were absent.

The complainant has not enclosed copies of his application for information and the information furnished by PIO. Since he is not present it could not be verified. Under these circumstances I am constrained to reject his request.

**Order**

The complaints are filed

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

Place: Mumbai  
Date: 20.05.2010.

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

**Complaint No.2010/844/02**

**Shri. Vijay Hari Bhosale  
1701, Rambha Kunj Mettam Nagar,  
Ambarnath (E), Dist Thane 421 505.**

**...Complainant**

**Vs**

**Public Information Officer cum Estate Manager No.5  
Mumbai Housing & Area Development Board,  
(Mhada), Grihanirman Bhavan, Bandra (E),  
Mumbai – 400 051.**

**... Respondent**

**GROUNDS**

This complaint has been filed under section 18 of the Right to Information Act 2005. The complainant has been filed in the context of commission's order dated 30.11.2009 in appeal no 2008/3613/02. The complainant had sought information in respect of gala no B 2/7 to B 2/12 Dyneshwer Nagar, Sewari, Wadala, Mumbai. He was give the inspection but could not find the document he was looking for. The commission directed that MHADA should search the file and furnish information after the file is traced. The complaint is against alleged non compliance of the order.

The complaint was heard on 20.05.2010. Complainant and defendants were present.

The complainant has stated that the papers he is looking for was not available on record. The defendant stated that they have shown him all the files available with them but he did not find what he was looking for. They have regretted their inability to furnish the desired information.

After considering the arguments advanced by parties and going through the file I have come to the conclusion that the commission's order has been complied. The RTI Act ensures furnishing of available information. Non existent information cannot be

furnished. The complainant suspects foul play but mere suspicion takes us nowhere. I am therefore constrained to close the file.

**Order**

The complaint is filed.

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

Place: Mumbai  
Date: 20.05.2010.

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

**Complaint No.2010/855/02**

**Shri. Awdhesh Jha  
Near Barrack No.1877,  
Of Room No.10, Section-39,  
House-275, Dist-Thane,  
Ulhasnagar – 421 005.**

**...Complainant**

**Vs**

**Public Information Officer,  
Human Rights Commission,  
9 Hajariamal Somani Marg,  
Near CST Staion, Mumbai – 400 001.**

**... Respondent**

**GROUNDS**

This complaint has been filed under section 18 of the Right to Information Act 2005. The complainant has requested for action against the PIO, office of the Maharashtra Human Rights Commission for not furnishing the desired information in time.

The complaint was fixed for hearing on 20.05.2010. The defendant was present but the complainant did not turn up.

Case papers show that he has neither enclosed a copy of the application for information nor a copy of the information received. It is therefore not possible to verify the date and come to the conclusion regarding delay. The respondent however has shown documents which reveal that the complainant's application dated 24.03.2008 was on replied on 09.04.2008, information furnished and acknowledged on 23.04.2008. There is therefore no delay.

**Order**

The complaint is filed

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

Place: Mumbai  
Date: 20.05.2010.

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

**Complaint No.2010/778/02**

**Shri. Sharad V. Dikshit  
Near Shri Naik Wada,  
Borgaon Manju,  
Ta. Dist. Akola 444 102.**

**...Complainant**

**Vs**

**Public Information Officer cum Desk Officer  
Revenue & Forest Dept,  
Mantralaya, Mumbai – 400 032.**

**... Respondent**

**GROUND**

This complaint has been filed under section 18 of the Right to Information Act 2005. The complainant by his application dated 21.11.2009 had sought a copy of File No.745/81 from the Law and Judiciary Department, Govt. of Maharashtra. He does not seem to be satisfied with the responses received hence this complaint.

The complaint was fixed for hearing on 03.05.2010. Complainant and defendants were present.

The complainant stated that he did not get the information he had sought. The defendant submitted that the information pertains to the Revenue & Forest Department and his application has been forwarded to them under intimation to the complainant. It is thus seen that the requirement under section 6(3) stands complied. The case is therefore closed.

**Order**

The complaint is filed

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

Place: Mumbai  
Date: 20.05.2010.

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

**Complaint No.2010/777/02**

**Shri. N.M. Patankar  
2/24, Aghadi Nagar,  
Andheri (E), Mumbai – 400 093.**

**...Complainant**

**Vs**

**Public Information Officer cum Principal  
Maharashtra College, Arts, Science & Commerce  
246-A, J.B. Behram Marg,  
Mumbai – 400 008.**

**... Respondent**

**GROUND**

This complaint has been filed under section 18 of the Right to Information Act 2005. The complainant has made complaints against the Principal of Maharashtra College Mumbai and wanted Departmental Enquiry to be initiated.

The complaint was fixed for hearing on 05.05.2010. The complainant and defendants were absent.

Case papers reveal that the complainant has dialled the wrong no. The commission is not mandated to initiate Departmental Enquiry. The complaint is filed.

**Order**

The complaint is dismissed.

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

Place: Mumbai  
Date: 20.05.2010.



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

**Complaint No.2010/812/02**

**Shri. Mushtak Shaikh  
295, Quitters Colony,  
Near Goregaon Flyover Breeze,  
Malad (E), Mumbai – 400 097.**

**...Complainant**

**Vs**

**Public Information Officer cum Colony Officer  
Municipal Corporation of Greater Mumbai  
P/South Ward, Mithanagar,  
Goregaon (W), Mumbai – 400 090.**

**... Respondent**

**GROUND**

This complaint has been filed under section 18 of the Right to Information Act 2005.

The complaint was heard on 14.05.2010. The defendant was present but the complainant did not turn up.

It has been stated by the defendant that the complainant has been shown relevant files and he has expressed his satisfaction. He did not want to pursue the matter and the complaint should be files. In view of the complainant's absence and the defendant's submission, the complaint has to be closed.

**Order**

The complaint is filed.

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

Place: Mumbai  
Date: 20.05.2010.

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

**Complaint No.2010/850/02**

**Shrimati Munni Devi Mishra  
Pathak Bhavan, Just Opp. to Colton School,  
Gayatri Nagar, Line Pav,  
Moradabad (U.P) – 244 001.**

**...Complainant**

**Vs**

**Public Information Officer,  
Office of the Police Commissioner  
Greater Mumbai.**

**... Respondent**

**GROUND**

This complaint has been filed under section 18 of the Right to Information Act 2005. The complainant has alleged that her son was killed on 20.06.2009 by the police in a fake encounter. The complainant has sought related information from the Department of Home, Govt. of Maharashtra.

The complaint was heard on 19.05.2010. The defendant was present but the complainant did not turn up.

It has been stated by the defendant that the application / complaint has been sent to the Police Commissioner, Mumbai under intimation to the complainant. The complainant has been advised to get in touch with the office of the police commissioner, Mumbai.

I have gone through the case papers. The Department of Home has discharged its responsibility as expected under section 6(3) of the RTI Act 2005. The subject was related to the office of the Police Commissioner and the complainant's application has been sent to his office. The complaint has to be filed.

**Order**

The complaint is filed.

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

Place: Mumbai  
Date: 20.05.2010.

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

**Appeal No.2010/4763/02**

**Shri. Hasmukh Shah  
23, Shreeji Bhavan,  
51, Mangaldas Rd,  
Mumbai – 400 002.**

... **Appellant**

**V/s**

**First Appellate Officer cum Ex Engineer (C & D Ward)  
Municipal Corporation of Greater Mumbai  
C Ward Office, 76, Shrikant Palekar Marg,  
Off. Chandanwadi, Mumbai – 400 002.**

... **Respondent**

**Public Information Officer cum Asstt Engineer  
Municipal Corporation of Greater Mumbai  
C Ward Office, 76, Shrikant Palekar Marg,  
Off. Chandanwadi, Mumbai – 400 002.**

### **GROUND**

This appeal has been filed under section 19(3) of the Right to Information Act, 2005. The appellant by his application dated 14.09.2009 had sought information regarding action taken on his complaint against unauthorized construction in the building named Sukoshal Niwas, 191, Kika Street, Mumbai.

Not satisfied with responses from the Public Information Officer & First Appellate Authority the complainant filed this second appeal before the commission. The appeal was fixed for hearing on 04.05.2010. Appellant and respondents were present.

The appellant has contended that he has not been provided the information required by him. The respondent has submitted that the appellant was informed to inspect the relevant documents and copies of selected documents would be provided.

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

The appellant wanted a copy of the notice issued under section 351 of BMC Act. The same must be provided. The respondent stated that some of the information sought was not available with him and could be had only from the Building Proposal Department. A copy of this order is being endorsed to him directing to call the appellant, show him the documents and furnish copies of selected documents. I therefore pass the following order.

**Order**

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

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

Place: Mumbai  
Date: 21.05.2010.

Copy forwarded to the Executive Engineer, BP III, E Ward, Municipal Office, Sheikh Hafizuddin Marg, (Sakhali Street) Next to Byculla Fire Brigade, Mumbai – 400 008.

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

**Appeal No.2010/4804/02**

**Shri. Rajeev Ajgaonkar  
Maharashtra Wajan Maap Association,  
71, Patankar Marg, Kurla (W)  
Mumbai – 400 070.**

**... Appellant**

**V/s**

**First Appellate Officer cum Dy Controller  
Office of the Vaidh Mapan Shastra  
Vaidh Mapan Shastra Head Office  
Free Press General Marg,  
Mumbai – 400 021.**

**... Respondent**

**Public Information Officer cum Asstt Controller  
Office of the Vaidh Mapan Shastra  
Vaidh Mapan Shastra Head Office  
Free Press General Marg,  
Mumbai – 400 021.**

**GROUND**

This appeal has been filed under section 19(3) of the Right to Information Act, 2005. The appellant by his application dated 30.01.2010 had sought copies of certificates of approvals of Models by Govt. of India. The appellant feels that copies are endorsed to the respondent and he should be in a position to furnish.

Not satisfied with responses from the Public Information Officer & First Appellate Authority the complainant filed this second appeal before the commission. The appeal was heard on 07.05.2010. Appellant and respondents were present.

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

The respondent's contention is that since the certificates are not issued by them they could not furnish the required information. The appellant has been advised to get in touch with Govt. of India.

After going through the case papers and considering the arguments advanced by parties I have come to the conclusion that the appellant has been correctly informed. The information is not generated in the office of the PIO / First Appellate Authority. Copies of specific certificate if endorsed by Govt. of India can be given. The general request has been rightly rejected.

**Order**

The appeal is disposed off.

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

Place: Mumbai  
Date: 21.05.2010.

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

Appeal No.2010/4873/02

**Shri. Hajrat Sardar Pathan**  
Room No.246,  
Indira Nagar Zopadpatti,  
Kurla-Anderi Rd, Jarimari,  
Sakinaka, Mumbai – 400 072.

... **Appellant**

V/s

**First Appellate Officer cum Executive Engineer (Special)**  
**Municipal Corporation of Greater Mumbai,**  
L Ward, 1<sup>st</sup> Floor, S.G.B. Marg,  
Kurla (W), Mumbai – 400 070.

... **Respondent**

**Public Information Officer,**  
**Municipal Corporation of Greater Mumbai,**  
L Ward, 1<sup>st</sup> Floor, S.G.B. Marg,  
Kurla (W), Mumbai – 400 070.

#### **GROUND**

This appeal has been filed under section 19(3) of the Right to Information Act, 2005. The appellant by his application dated 18.01.2010 had sought information relating to the survey & rehabilitation of person affected by the modernization of the Mumbai Airport.

Not satisfied with responses from the Public Information Officer & First Appellate Authority the complainant filed this second appeal before the commission. The appeal was heard on 17.05.2010. Appellant was present but the respondent was absent. I therefore pass the following order.

#### **Order**

PIO to furnish information within 4 weeks from the date of receipt of this order failing which action under section 20 of the RTI Act, 2005 will be initiated against him.

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

Place: Mumbai  
Date: 21.05.2010.

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

**Appeal No.2010/4521/02**

**Shri. M.B. Lall**

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

**... Appellant**

**V/s**

**First Appellate Officer cum Joint Secretary  
Revenue & Forest Department  
Mantralaya, Mumbai – 400 032.**

**... Respondent**

**Public Information Officer cum Desk Officer  
Revenue & Forest Department  
Mantralaya, Mumbai – 400 032.**

### **GROUND**

This appeal has been filed under section 19(3) of the Right to Information Act, 2005. The appellant had sought information regarding various representations for refund of the excess stamp duty paid by him. He has received replies also. He however wanted to inspect relevant file to know how his representations have been disposed off.

Not satisfied with responses from the Public Information Officer & First Appellate Authority the complainant filed this second appeal before the commission. The appeal was heard on 06.04.2010. The appellant and respondents were present.

The appellant has contended that his request has not been considered favorably. He has also requested for penal action against the PIO and the First Appellate Authority.

The respondent's contention is that available information has been furnished. The respondent in his written submission has enclosed copies of letters informing the appellant.

After going through the case paper and considering the submission made by parties I have come to the conclusion that although available information has been



furnished, his right to inspect relevant document cannot be compromised. He is entitled to inspect relevant documents and also obtain copies of selected ones. As far as imposition of penalty is concerned, I see no deliberate attempt on anybody's part to delay or deny the information. I therefore do not accept the appellant's request. I pass the following order.

**Order**

The appeal is allowed. The PIO is directed to facilitate inspection of the relevant documents. In case some documents are not with the PIO he should obtain from the branch / office concerned, inform the appellant about the date time of inspection as mutually agreed. The PIO should furnish copies of documents selected by the appellant.

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

Place: Mumbai  
Date: 21.05.2010.

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

**Appeal No.2010/4552/02**

**Shri. M.B. Lall**

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

**... Appellant**

**V/s**

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

**... Respondent**

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

### **GROUND**

This appeal has been filed under section 19(3) of the Right to Information Act, 2005. The appellant had sought information regarding various representations for the refund of the excess stamp duty paid by him. He has received replies also. He however wanted to inspect relevant file to know how his representations have been disposed off.

Not satisfied with responses from the Public Information Officer & First Appellate Authority the appellant filed this second appeal before the commission. The appeal was heard on 06.04.2010. The appellant and respondents were present.

The appellant has contended that his request has not been considered favorably. He has also requested for penal action against the PIO and the First Appellate Authority.

The respondent's contention is that available information has been furnished. The respondent in his written submission has enclosed copies of letters informing the appellant.

After going through the case paper and considering the submission made by parties I have come to the conclusion that although available information has been

furnished, his right to inspect relevant document cannot be compromised. He is entitled to inspect relevant documents and also obtain copies of selected ones. As far as imposition of penalty is concerned, I see no deliberate attempt on anybody's part to delay or deny the information. I therefore do not accept the appellant's request. I pass the following order.

The PIO is directed to facilitate inspection of the relevant documents. In case some documents are not with the PIO he should obtain from the branch / office concerned inform the appellant about the date time of inspection as mutually agreed. The PIO should furnish copies of documents selected by the appellant.

**Order**

The appeal is allowed.

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

Place: Mumbai  
Date: 21.05.2010.

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

**Appeal No.2010/3369/02**

**Shri. Ashok Shinde  
Naigaon, Old BDD Chawl No.12,  
Room No.18. B.J. Devrukhakar Marg,  
Mumbai – 400 014.**

**... Appellant**

**V/s**

**First Appellate Officer cum Dy Police Commissioner  
Office of the Control & Security,  
28, Vaju Kotak Marg, Mumbai – 400 001.**

**... Respondent**

**Public Information Officer cum Additional Police Commissioner  
Central Divisional Division,  
Bavala Compound, Dr. B.A. Rd,  
Mumbai – 400 027.**

### **GROUND**

This appeal has been filed under section 19(3) of the Right to Information Act, 2005. The appellant by his application dated 29.01.2008 had sought information relating to the payment of arrears due to him.

Not satisfied with responses from the Public Information Officer & First Appellate Authority the complainant filed this second appeal before the commission. The appeal was heard on 04.05.2010. The appellant and respondents were present.

It transpired during the hearing that part payment has been made and the balance will be paid soon.

### **Order**

The respondent will ensure that the appellant is informed regarding payment of all his dues within one month from the date of receipt of this order

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

Place: Mumbai  
Date: 21.05.2010.

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

**Appeal No.2010/4767/02**

**Shri. Pranalal Rathod  
R-85, C-2, Mahaveer Nagar,  
Shankar Lane, S.V.Rd,  
Kandivali, Mumbai – 400 067.**

**... Appellant**

**V/s**

**First Appellate Officer cum Dy Police Commissioner &  
Asstt Police Commissioner  
Zone – 2, South Divisional Division Office Bldg,  
Nagpada, Mumbai – 400 008.**

**... Respondent**

**Public Information Officer cum Dy Police Commissioner &  
Asstt Police Commissioner  
Zone – 12, North Divisional Division (Control Desk),  
Samata Nagar, Kandivali (E), Mumbai.**

#### **GROUND**

This appeal has been filed under section 19(3) of the Right to Information Act, 2005. The appellant by his application dated 24.08.2009 had sought information as to why the accused in CR 393/84 under sections 448, 114 of the Indian Penal Code has not been arrested so far.

Not satisfied with responses from the Public Information Officer & First Appellate Authority the complainant filed this second appeal before the commission. The appeal was heard on 04.05.2010. The appellant and respondents were present.

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

The respondent's contention is that the appellant has been informed that the accused had gone abroad and therefore could not be arrested.

After going through the case paper and considering the submission made by parties I have come to the conclusion that available information has been furnished. The

appellant himself informed the commission during the hearing that the accused surrendered after attachment order was issued. The issue seems to have been sorted out.

I therefore close the case.

**Order**

The appeal is disposed off.

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

Place: Mumbai  
Date: 21.05.2010.

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

Appeal No.2010/4780/02

**Shri. Dinesh Mahadev Tarkar**  
**Raja Shivaji Vidhyasankul Hindu Colony Soc Office,**  
**Dadar (E), Mumbai – 400 014.**

... **Appellant**

V/s

**First Appellate Officer,**  
**Executive Engineer,**  
**SRA, 5<sup>th</sup> Floor, MHADA Office,**  
**Bandra (E), Mumbai – 400 051.**

... **Respondent**

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

### **GROUND**

This appeal has been filed under section 19(3) of the Right to Information Act, 2005. The appellant by his application dated 17.09.2010 had sought information regarding resale of SRA project sanctioned on FP No.36 of TOS III of Mahim Division, Mumbai.

Not satisfied with responses from the Public Information Officer & First Appellate Authority the complainant filed this second appeal before the commission. The appeal was heard on 05.05.2010. The appellant and respondents were present.

The respondent assured the appellant that his right to get rehabilitated will in way get affected one though the project is developed by some other person. His name is there in Annexure II whosoever develops the land, will have to provide him a tenement. The appellant seemed satisfied.

### **Order**

The appeal is disposed off.

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

Place: Mumbai  
Date: 21.05.2010.

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

**Appeal No.2010/4808/02**

**Shri. Pramod Kumar Agrawal  
E/12, 2<sup>nd</sup> Floor, Berkley Place,  
Railway Colony, Sir J.J. Rd,  
Byculla, Mumbai – 400 008.**

**... Appellant**

**V/s**

**First Appellate Officer,  
Director of Technical Education  
3, Mahapalika Marg, Post Box No.1967,  
Mumbai – 400 001.**

**... Respondent**

**Public Information Officer,  
Director of Technical Education  
3, Mahapalika Marg, Post Box No.1967,  
Mumbai – 400 001.**

**GROUND**

This appeal has been filed under section 19(3) of the Right to Information Act, 2005. The appellant by his application dated 16.11.2009 had sought information regarding implementation of the circular no 2004/86/04-4 dated 07.08.2004 issued by Government of Maharashtra, Higher and Technical Education Department and Mumbai University Circular no Exam 92/2006 dated 05.08.2006. These circulars provide for giving facilities to learning disabled students.

Not satisfied with responses from the Public Information Officer & First Appellate Authority the complainant filed this second appeal before the commission. The appeal was heard on 07.05.2010. The appellant and respondents were present.

The appellant has contended that he has not been provided the information required by him. The allegation is that most of the officers were ignorant and it was after his constant persuasion that some action was initiated. The respondent on the other hand stated that she is fully aware of the provision and has helped the appellant securing admission she even wrote a letter to the principal, Sardar Patel College of



Engineering, Andheri asking him to provide the facilities in accordance with the govt. circular. This of course was done after the parents of the student approached the Directorate.

After discussing the whole issue I have come to the conclusion that the appellant has felt hurt because of the ignorance and apathy of all those involved. The Directorate of Higher and Technical Education should find out ways to educate all those who are supposed to implement the scheme.

**Order**

The appeal is disposed off.

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

Place: Mumbai  
Date: 21.05.2010.

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

**Appeal No.2010/4776/02**

**Shri. Mehboobkhan Babu Peshkar  
50/56, A.P. Marg, 4<sup>th</sup> Floor, R.No.25,  
Dhobi Talao, Mumbai – 400 002.**

... **Appellant**

**V/s**

**First Appellate Officer cum Executive Engineer (C & D Ward)  
Municipal Corporation of Greater Mumbai  
C Ward, 76, Shrikant Palekar Marg,  
Chandanwadi, Marine Lines, Mumbai – 400 002.**

... **Respondent**

**Public Information Officer cum Asstt Engineer (B & F)  
Municipal Corporation of Greater Mumbai  
C Ward, 76, Shrikant Palekar Marg,  
Chandanwadi, Marine Lines, Mumbai – 400 002.**

#### **GROUNDS**

This appeal has been filed under section 19(3) of the Right to Information Act, 2005. The appellant by his application dated 19.11.2009 had sought a certified copy of the report prepared by the Asstt Commissioner, “C” Ward and sent to the Hon, Municipal Commissioner vide no 11815/SEB II dated 11.08.2003.

Not satisfied with responses from the Public Information Officer & First Appellate Authority the complainant filed this second appeal before the commission. The appeal was heard on 05.05.2010. The appellant and respondents were present.

The appellant has contended that he has not been furnished the required document. He has also stated that files are supposed to be maintained by the office concerned and in case of transfer they should be handed over to the successor.

The respondent’s contention is that since the file was not available, the information could not be furnished.

After going through the case paper and considering the submission made by parties I have come to the conclusion that information has not furnished. It is not enough

to say that the document was not available. The First Appellate Authority had already ordered that a copy of the letter should be provided to the appellant under these circumstances. I pass the following order.

**Order**

The PIO is directed to make diligent search of the records and provide a copy of the required document to the appellant. This should be done within 6 weeks. The appeal is allowed and order of the First Appellate Authority is confirmed.

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

Place: Mumbai  
Date: 21.05.2010.

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

**Complaint No.2010/870/02**

**Shri. Pranjivan N. Chheda & Kamlakar V. Pusalkar  
55A, Hazi Kasam Chawl Shop Owners Assoc.,  
Curree Rd (E), Mahadeo Palav Marg,  
Mumbai – 400 012.**

**...Complainant**

**Vs**

**Public Information Officer,  
Office of the Dy Chief Engineer (B P) (City)  
Municipal Corporation of Greater Mumbai  
E Ward Office Bldg, 3<sup>rd</sup> Floor,  
Byculla (W), Mumbai – 400 008.**

**... Respondent**

**GROUNDS**

This complaint has been filed under section 18 of the Right to Information Act 2005. The complainant had sought information and inspection of documents. He has also alleged that the First Appellate Authority also did not given proper hearing.

The complaint was heard on 21.05.2010. Complainant and defendants were present.

It was agreed that the complainant will inspect relevant documents on 28.05.2010 at 3 pm. He should be given copies of documents selected by him free of cost.

**Order**

The complaint is allowed.

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

Place: Mumbai  
Date: 21.05.2010.

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

**Complaint No.2010/878/02**

**Shri. Pranjivan N. Chheda & Kamlakar V. Pusalkar  
55A, Hazi Kasam Chawl Shop Owners Assoc.,  
Curree Rd (E), Mahadeo Palav Marg,  
Mumbai – 400 012.**

**...Complainant**

**Vs**

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

**... Respondent**

**GROUND**

This complaint has been filed under section 18 of the Right to Information Act 2005. The complainant had sought information by his application dated 24.06.2008. The PIO did not furnish the information. He preferred the first appeal. He received the information late. He wants action to be taken against officers. Hence this complaint.

The complaint was heard on 21.05.2010. Complainant and defendants were present.

Parties agreed that the information was furnished late. The defendant however pleaded that it was not deliberate and care will be taken to ensure that applications under the RTI Act are responded in time. The complainant seemed satisfied.

After considering the submission made by parties I have come to the conclusion that the information was furnished late but it was not deliberate. In view of the defendant's assurance. I close the case.

**Order**

The complaint is filed.

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

Place: Mumbai  
Date: 21.05.2010.

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

**Complaint No.2010/874/02  
Complaint No.2010/875/02**

**Shri. Shivkumar Agrawal  
15, Agrawal Nagar Vashinaka,  
R.C.Marg, Chembur,  
Mumbai – 400 074.**

**...Complainant**

**Vs**

**Public Information Officer cum Executive Engineer  
MMRDA, Thane Khadi Pool Division,  
Chembur, Mumbai – 400 071.**

**... Respondent**

**GROUNDS**

These complaints have been filed under section 18 of the Right to Information Act 2005. The complainant by his letter dated 21.01.2008 has stated that the survey and rehabilitation of these affected by Panjarapol Link Road are doubtful and the whole operation should be stayed.

The complaint was heard on 21.05.2010. The defendant was present but the complainant did not turn up.

The defendant submitted that the complainant has not asked for any information and has made a general complaint. He therefore submitted that the complaint deserves to be dismissed.

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

**Order**

The complaints are dismissed.

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

Place: Mumbai  
Date: 21.05.2010.

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

**Complaint No.2010/774/02**

**Complaint No.2010/773/02**

**Complaint No.2010/776/02**

**Shri. N.M. Patankar  
2/24, Aghadi Nagar,  
Andheri (E), Mumbai – 400 093.**

**...Complainant**

**Vs**

**Public Information Officer cum Principal  
Maharashtra College, Arts, Science & Commerce  
246-A, J.B. Behram Marg,  
Mumbai – 400 008.**

**... Respondent**

**GROUNDS**

These complaints have been filed under section 18 of the Right to Information Act 2005. The complainant has brought to the commissioners notice that Maharashtra College, Mumbai was not implementing the RTI Act, 2005 saying that they do not come within the definition of public authority.

The complaint was fixed for hearing on 05.05.2010. The complainant and defendants were absent.

Case papers reveal that the matter has been clarified by the Deptt of Higher & Technical Education Govt. of Maharashtra under their letter dated 26.03.2007.

The commission has in so many cases directed the college to furnish the information. The college has appointed the PIO & the First Appellate Authority.

**Order**

The complaints are filed.

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

Place: Mumbai  
Date: 21.05.2010.

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

**Complaint No.2010/852/02**

**Shri. Yogesh Keni  
123, Keni House, Bhandarwada,  
Pannalal Ghosh Marg, Malad (W),  
Mumbai – 400 064.**

**...Complainant**

**Vs**

**Public Information Officer cum Asstt Commissioner  
Municipal Corporation of Greater Mumbai  
P/North Ward, Mamletdarwadi, Liberty Garden,  
Malad (W), Mumbai – 400 064.**

**... Respondent**

**GROUND**

This complaint has been filed under section 18 of the Right to Information Act 2005. The complainant had sought information whether MCGM's permission was required for hosting parties on private land. His application is dated 18.07.2008 and reply has been sent by the PIO's letter dated 19.09.2008. The complainant is about delay.

The complaint was fixed for hearing on 19.05.2010. Complainant and defendants were absent.

Case papers confirm the appellant's assertion that the information was furnished late. The PIO has prima facie violated the provisions of the RTI Act, 2005. He should show cause why a penalty of Rs.7, 750/- (31 days x Rs.250/-) should not be recovered from him. His reply to reach the commission within 4 weeks.

**Order**

The complaint is allowed.

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

Place: Mumbai  
Date: 21.05.2010.



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

**Complaint No.2010/851/02**

**Shri. Yogesh Keni  
123, Keni House, Bhandarwada,  
Pannalal Ghosh Marg, Malad (W),  
Mumbai – 400 064.**

**...Complainant**

**Vs**

**Public Information Officer cum Dy Chief Engineer  
Municipal Corporation of Greater Mumbai  
Ambedkar Market Bldg,  
1<sup>st</sup> Floor, Narayan Joshi Cross Rd.,  
Near Kandivali Rly. Stn,  
Kandivali (W, Mumbai – 400 067.**

**... Respondent**

**GROUND**

This complaint has been filed under section 18 of the Right to Information Act 2005. The facts in brief are as follows: The complainant had sought information regarding development on land bearing CTS No 1406 A 3/8, 1406 A 3/9, 1406 A10 Malad (W), Mumbai.

The complaint was fixed for hearing on 19.05.2010. Complainant and defendants were absent.

Case papers reveal that the application for information dated 27.08.2007 has been replied by the PIO's letter dated 17.09.2007 which has been acknowledged by the appellant on 20.11.2007. The case is therefore closed.

**Order**

The complaint is disposed off.

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

Place: Mumbai  
Date: 20.05.2010.

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

**Complaint No.2010/815/02**

**Shri. Kisan Gholap  
T.L. Kataria Marg,  
Matunga Labour Camp,  
Sanjay Gandhi Nagar,  
Survey No A-44,  
Near Railway Crossing Bridge,  
Mumbai – 400 019.**

**...Complainant**

**Vs**

**Public Information Officer cum Senior Police Inspector  
Shahu Nagar Polic Thane,  
Mumbai – 400 017.**

**... Respondent**

### **GROUND**

This complaint has been filed under section 18 of the Right to Information Act 2005. The complainant is against alleged harassment by the police and the appellant wanted the commission to intervene.

The complaint was heard on 14.05.2010. Complainant and defendants were present.

Case papers reveal that the appellant was detained under MPDA. The detention order was confirmed by govt. and also the committee constituted for review. The National Human Rights Commission has also expressed its inability to intervene. The RTI Act is mandated to provide permissible information. Intervention in such case is beyond the Mandate of the RTI Act. I therefore decide to close the case.

### **Order**

The complaint is filed.

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

Place: Mumbai  
Date: 20.05.2010.

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

**Complaint No.2010/814/02**

**Shri. Sanjeev Mohite  
Trishul No.2, Room No.525,  
5<sup>th</sup> Floor, Sitaram Jadhav Marg,  
Lover Parel, Mumbai – 400 013.**

**...Complainant**

**Vs**

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

**... Respondent**

**GROUND**

This complaint has been filed under section 18 of the Right to Information Act 2005. The facts in brief are as follows: The complainant had made a complaint dated 04.10.2007. He sought information regarding action taken on the complaint.

The complaint was fixed for hearing on 14.05.2010. Complainant and defendants were absent.

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

**Order**

The PIO is directed to show cause why action under section 20 of the RTI should not be taken against him for not furnishing information to the complainant. His reply to reach the commission within 4 weeks.

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

Place: Mumbai  
Date: 20.05.2010.

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

**Complaint No.2010/880/02**

**Shri. Suresh Gawade & Others  
Jayant Provision Stores, Shop No 9,  
Aram Shopping Centre,  
Sant Dyaneshwer Marg,  
Bandra (E), Mumbai – 400 051.**

**...Complainant**

**Vs**

**Public Information Officer cum Asstt Engineer  
Municipal Corporation of Greater Mumbai  
H/East Ward, 137 TPS, Santacruz (E),  
Mumbai – 400 055.**

**... Respondent**

**GROUND**

This complaint has been filed under section 18 of the Right to Information Act 2005 in the context of the First Appellate Authority's order dated 16.08.2008. The complainant had sought the following information: -

- A. All notices issued or served in this connection.
- B. Replies received to notices, if any.

Since he did not receive the information, he filed the first appeal. The First Appellate Authority directed that information should be furnished within 7 days. This order has not been complied. Hence the complaint.

The complaint was heard on 21.05.2010. Complainant and defendants were present.

The complainant has stated that he has not been given the required information and the order of the First Appellate Authority has not been complied.

After considering the arguments advance by parties and going through the file I have come to the conclusion that information has not been furnished. The PIO to show cause why action under section 20 of the RTI Act should not be taken against him. His reply to reach the commission within 4 weeks.

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

Place: Mumbai  
Date: 20.05.2010.

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

**Complaint No.2010/836/02**

**Shri. Rajendra Shinde  
R.H. 2, A-15,  
Sector 6, Vashi,  
Navi Mumbai – 400 703.**

**...Complainant**

**Vs**

**Public Information Officer,  
MMRDA, Bandra – Kurla Complex,  
Bandra (E), Mumbai – 400 051.**

**... Respondent**

**GROUND**

This complaint has been filed under section 18 of the Right to Information Act 2005. The complainant had sought information regarding action taken on his application dated 20.07.2007 received in the MMRDA Office on 23.11.2007.

The complaint was fixed for hearing 18.05.2010. The complainant and the defendant remained absent. Case papers show that no information has been furnished. I therefore pass the following order.

**Order**

Information to be provided within 15 days failing which action under section 20 of the RTI Act, 2005 will be initiated.

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

Place: Mumbai  
Date: 21.05.2010.

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

Appeal No.2010/4882/02

**Shri. Nipun Mathkar**  
**B-5, Jivdani Kripa Chawl,**  
**Ramchandra Jadhavwadi, Vijay Nagar,**  
**Nala Sopara (E), Thane.**

... **Appellant**

V/s

**First Appellate Officer cum Dy Registrar**  
**Maharashtra Administrative Tribunal,**  
**Govt. Kutir No.3 & 4,**  
**Free Press General Marg,**  
**Opp. Mantralaya, Mumbai – 400 021.**

... **Respondent**

**Public Information Officer**  
**Maharashtra Administrative Tribunal,**  
**Govt. Kutir No.3 & 4,**  
**Free Press General Marg,**  
**Opp. Mantralaya, Mumbai – 400 021.**

**GROUND**

This appeal has been filed under section 19(3) of the Right to Information Act, 2005. The appellant had sought information on points contained in his application dated 06.02.2009.

Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant filed this second appeal before the commission. The appeal was heard on 19.05.2010. Appellant and respondents were present.

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

The respondent has stated that she needed to be explained the contents of the application. Available information to the best of her understanding has been furnished.

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

**Order**

The appeal is disposed off.

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

Place: Mumbai  
Date: 13.05.2010.

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

Appeal No.2010/4833/02

**Shri. C.P. Singh**  
**02 Classic Power Residency,**  
**Opp. Guru Niwas Subway Rd No.02,**  
**TPS VI, Santacruz (W), Mumbai – 400 054.**

... **Appellant**

V/s

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

... **Respondent**

**Public Information Officer,**  
**Mumbai Suburban District,**  
**Administrative Bldg., 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.

Not satisfied with responses from the Public Information Officer & First Appellate Authority the complainant filed this second appeal before the commission. The appeal was heard on 11.05.2010. The appellant did not turn up but the respondent was present

Case papers reveal that the appellant is not happy because he was not given 7 days advance notice for hearing. He has not enclosed a copy of his application for information to enable the commission to pass appropriate order. He not only did attend the hearing before the First Appellant Authority but failed to remain present before the commission also. Under these circumstances and in view of the fact that he has not enclosed a copy of his application, the appeal is being dismissed.

#### **Order**

The appeal is dismissed.

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

Place: Mumbai  
Date: 21.05.2010.

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

**Appeal No.2010/4802/02**

**M/s Kesar Enterprises Ltd.,  
Oriental House,  
7<sup>th</sup> Jamshedji Tata Rd,  
Churchgate, Mumbai – 400 020.**

**... Appellant**

**V/s**

**First Appellate Officer cum Dy Chief Engineer  
Customer Care (South),  
Municipal Electricity Supply & Transport Undertaking,  
Best Bhavan, Best Marg,  
Mumbai – 400 001.**

**... Respondent**

**Public Information Officer cum Divisional Engineer  
Customer Care “A” Ward,  
Municipal Electricity Supply & Transport Undertaking,  
Best Bhavan, Best Marg,  
Mumbai – 400 001.**

**GROUND**

This appeal has been filed under section 19(3) of the Right to Information Act, 2005. The appellant by his application dated 09.07.2009 had sought copies of documents submitted by M/s KESAR TRAVELS Ltd while applying for installation of Meter No.027865.

Not satisfied with responses from the Public Information Officer & First Appellate Authority the complainant filed this second appeal before the commission. The appeal was heard on 07.05.2010. The appellant and respondent were present.

The appellant has contended that information has not been furnished as desired by them.

The respondent's contention is that the papers required by the appellant were not available on record and information could not be furnished.

After going through the case paper and considering the submission made by parties I have come to the conclusion that information was not on record. This has to be



on record. I would therefore order that the respondent should undertake diligent search and inform the appellant of the outcome.

**Order**

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

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

Place: Mumbai  
Date: 20.05.2010.

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

**Complaint No.2010/879/02**

**Shri. Suresh Gawade & Others  
Jayant Provision Stores, Shop No 9,  
Aram Shopping Centre,  
Sant Dyaneshwer Marg,  
Bandra (E), Mumbai – 400 051.**

**...Complainant**

**Vs**

**Public Information Officer cum Colony Officer  
Municipal Corporation of Greater Mumbai  
H/East Ward, 137 TPS, Santacruz (E),  
Mumbai – 400 055.**

**... Respondent**

**GROUND**

This complaint has been filed under section 18 of the Right to Information Act 2005. The complainant had sought information whether the Municipal Market on CTS No.629, Bandra (E), Mumbai was a censused slum / declared slum. The PIO by his letter dated 03.03.2008 replied in the negative. The PIO however during the hearing before the First Appellate Authority stated that the information was available and the same will be furnished. The First Appellate Authority directed that the information should be furnished in 7 days. The appellant has not received the information.

The complaint was heard on 21.05.2010. Complainant and defendants were present.

The complainant has stated that action should be taken against the PIO for not furnishing the information. The defendant stated that he was not the PIO at that point of time and therefore was not in a position to comment.

After considering the arguments advance by parties and going through the file I have come to the conclusion that information has not been furnished. The PIO who

committed to furnish the information must explain reasons for not honoring his commitment. I therefore pass the following order.

**Order**

The then PIO should show cause why action under section 20 of the RTI should not be taken against him for not furnishing the information. His reply to come within 4 weeks from the date of receipt of this order.

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

Place: Mumbai  
Date: 21.05.2010.

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

**Complaint No.2010/871/02**

**Shri. Iqbal Ahmed Khan  
24/202, Park-View CHS Ltd.,  
Oshiwara MHADA,  
Andheri (W), Mumbai – 400 053.**

**...Complainant**

**Vs**

**Public Information Officer cum Estate Manager (2)  
Office of the Dy Chief Officer (E M 2)  
Grihanirman Bhavan, 1<sup>st</sup> Floor,  
MHADA, Bandra (E), Mumbai – 400 051.**

**... Respondent**

**GROUND**

This complaint has been filed under section 18 of the Right to Information Act 2005. The complainant had sent a letter to the Vice Chairman MHADA dated 19.06.2000. He by his application under Right to Information Act dated 20.12.2007 wanted to know what action was taken.

The complaint was heard on 21.05.2010. Complainant and defendants were present.

The complainant's main grievance is that the PIO did not care to furnish the information in time. The First Appellate Authority directed him to furnish the required information within one month, the order was not complied. He has requested for action under the RTI Act. The defendant was clueless.

After considering the arguments advance by parties and going through the file I have come to the conclusion that prima facie provisions of the RTI Act 2005 have been violated by not furnishing the desired information in time. The PIO needs to explain why penal action should not be taken against him under section 20 of the RTI Act 2005. His reply to reach the commission within 4 weeks failing which it will be presumed that he has nothing to say and will be proceeded as per law.

**Order**

The complaint is allowed.

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

Place: Mumbai  
Date: 21.05.2010.

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

**Complaint No.2010/662/02**

**Shri. R.G. Multani  
228/230, Motiwala Mansion,  
2<sup>nd</sup> Floor, Duncan Rd,  
Mumbai – 400 008.**

**...Complainant**

**Vs**

**Public Information Officer cum Executive Engineer E-Div,  
MBR & R board,  
Mumbai Building & Repairs and Reconstruction Board  
Kala Chowky, Mumbai – 400 033.**

**... Respondent**

**GROUND**

This complaint has been filed under section 18 of the Right to Information Act 2005. The complainant has been filed in the context of commission's order dated 23.10.2009 passed in appeal no 2008/3465/02. The commission had ordered that information should be furnished within 30 days. The complaint is against alleged non compliance of the commission's order dated 23.10.2009.

The complaint was heard on 07.04.2010. Complainant and defendants were present.

The complainant has stated that he did not receive the information in time. The defendant submitted that measurement book no 44039 was not traceable and information has been furnished to the complainant after the book was traced.

After going case papers and considering the arguments I have come to the conclusion that information has not been furnished in time. The defendant was given 30 days time but the order was not complied. The defendant is prima facie guilty of violating the provisions of the RTI Act 2005. I therefore pass the following order.

**Order**

Defendant to show cause why action under section 20 of the RTI Act 2005 should not be taken against him for not furnishing the information in time. His reply to reach the commission within 4 weeks.

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

Place: Mumbai  
Date: 20.05.2010.

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

**Appeal No.2010/4755/02**

**Shri Dattaram Pdamkar & Others  
Mariamma Nagar, Room No 223,  
Behind Nehru Centre, Dr A.B. Rd,  
Worli, Mumbai – 400 018.**

**... Appellant**

**V/s**

**First Appellate Officer cum Dy Dean  
Municipal Corporation,  
B.Y.L. Nair Hospital & Medical College,  
Dir A.L. Nair Rd, Mumbai Center,  
Mumbai – 400 008.**

**... Respondent**

**Public Information Officer cum Asstt Dean  
Municipal Corporation,  
B.Y.L. Nair Hospital & Medical College,  
Dir A.L. Nair Rd, Mumbai Center,  
Mumbai – 400 008.**

**GROUND**

This appeal has been filed under section 19(3) of the Right to Information Act, 2005. The appellant by his application dated 23.12.2009 had sought information relating to the financial help given to poor patients by the Nair Hospital, Mumbai.

Not satisfied with responses from the Public Information Officer & First Appellate Authority the complainant filed this second appeal before the commission. The appeal was heard on 04.05.2010. The appellant and respondent were present.

The appellant has contended that he was not furnished information in time. He should therefore be given information free of cost.

The respondent's contention is that the information sought was very broad and had to be collected from different registers. This compilation took time and finally the appellant was communicated to pay Rs.3725/- There was no deliberate attempt to delay or deny the information and appellant should pay the amount and collect the information.

After considering the submissions I have come to the conclusion that there was no deliberate attempt to delay or deny the information and compilation of information has taken time. I therefore order that 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: 21.05.2010.

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

**Appeal No.2010/4812/02**

**Shri Ananda Lokhande  
Mari Gold C 301, Kailas Nagar,  
Ambarnath (E), Dist. Thane.**

**... Appellant**

**V/s**

**First Appellate Officer,  
Office of the Director General of Police  
Maharashtra State, Mumbai.**

**... Respondent**

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

**GROUND**

This appeal has been filed under section 19(3) of the Right to Information Act, 2005. The appellant by his application dated 01.10.2009 had sought information relating to his request for deemed date. He wanted to know what action has been taken by govt. at different levels.

Not satisfied with responses from the Public Information Officer & First Appellate Authority the complainant filed this second appeal before the commission. The appeal was heard on 10.05.2010. The appellant did not turn up but the respondent was present.

The respondent has made submission in writing. It shows that a lot of available information has been furnished. Since the appellant was not present, it was not possible to know whether some information has remained to be furnished. In view of the respondent's submission and appellant's absence I decide to close the case.

**Order**

The appeal is disposed off.

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

Place: Mumbai  
Date: 20.05.2010.



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

**Appeal No.2010/4759/02**

**Shri Abdul Hamid Aboobaker Caatwala  
93/97, Mohammed Ali Rd,  
Topiwala Building Shop No.5,  
Mumbai – 400 003.**

... **Appellant**

**V/s**

**First Appellate Officer cum Dy Chief Engineer  
Mumbai Building & Repairs and Reconstruction Board  
1<sup>st</sup> Floor, Rajani Mahal, Opp. A.C. Market,  
Taddeo, Mumbai.**

... **Respondent**

**Public Information Officer cum Executive Engineer (B Ward)  
Mumbai Building & Repairs and Reconstruction Board  
1<sup>st</sup> Floor, Rajani Mahal, Opp. A.C. Market,  
Taddeo, Mumbai.**

#### **GROUND**

This appeal has been filed under section 19(3) of the Right to Information Act, 2005. The appellant by his application dated 24.12.2009 had sought the following information: -

1. Furnished me the Certified Copy of the letter of the department or the person who has made this False Allegation that u have not paid Repair Cass Bills since March, 1999 as per your letter dated 01.12.2009.
2. Furnished me the Certified Copies of all the Tenant's Consent letter.
3. Furnished me the Certified Copies of the Redevelopment Plan submitted by M/s. M.K. Alijiwala and Associates.
4. Furnished me the Certified Copy of the Tenant's letter making False Allegation against me as per your letter dated. 01.12.2009.

Not satisfied with responses from the Public Information Officer & First Appellate Authority the complainant filed this second appeal before the commission.

The appeal was heard on 04.05.2010. Appellant was present but the respondent was absent.

The appellant has contended that he had not received the information he had sought. The respondent was not there so it could not be verified. Case papers do not disclose that the desired information has been furnished. I therefore pass the following order.

**Order**

PIO to show cause why action under section 20 of the RTI Act 2005 should not be taken against him for not furnishing the information. His reply to reach the commission within 4 weeks.

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

Place: Mumbai  
Date: 20.05.2010.

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

**Complaint No.2010/903/02**

**Shri. Pramod H. Rungtha  
Flat No.5, Yashodhan,  
Plot No.241, Sector-3, R.D.P.,  
Charkop, Kandivali (W),  
Mumbai – 400 067.**

**...Complainant**

**Vs**

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

**... Respondent**

**GROUND**

This complaint has been filed under section 18 of the Right to Information Act 2005. The complainant had sought copy's of complaints against Charkop Cooperative Housing Society Ltd, Mumbai.

The complaint was heard on 26.05.2010. The defendant was present but the complainant did not turn up.

After going through the file and hearing the defendant. I have come to the conclusion that information must be furnished.

**Order**

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

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

Place: Mumbai  
Date: 26.05.2010.

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

**Complaint No.2010/900/02**

**Shri. Naresh D. Shaha  
80/11, Chandra Niwas,  
Sion (W), Mumbai – 400 022.**

**...Complainant**

**Vs**

**Public Information Officer cum Asstt Engineer (Maint.) (B & P)  
Municipal Corporation of Greater Mumbai  
K/West Ward Office Bldg.,  
Paliram Path, Opp. Best Station,  
Andheri (W), Mumbai – 400 058.**

**... Respondent**

**GROUNDS**

This complaint has been filed under section 18 of the Right to Information Act 2005. The complainant had written to the K-W ward complaining against unauthorized construction of garage, kitchen and toilet thus converting a garage into a residential area.

The complaint was heard on 26.05.2010. Complainant and defendants were present.

The complainant was not happy with the action taken and information furnished. He is disputing the defendant's claim that the toilet has been demolished.

The defendant assured the commission that he will visit the site, inspect the premises and take action if the construction is unauthorized. In view of the assurance I pass the following order.

**Order**

The defendant to visit the site taken appropriate action inform the complainant within 30 days from the date of receipt of this letter.

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

Place: Mumbai  
Date: 26.05.2010.

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

**Complaint No.2010/904/02**

**Shri. Ashok Wagale  
Vittal Bhavan, 25 Tanner Rd,  
Bandra (W), Mumbai – 400 050.**

**...Complainant**

**Vs**

**Public Information Officer,  
Office of the Additional Collector  
Mumbai Suburban Dist. (Western Suburban) ,  
Administrative Bldg, 7<sup>th</sup> Floor,  
Govt. Colony, Bandra (E),  
Mumbai – 400 051.**

**... Respondent**

**GROUNDS**

This complaint has been filed under section 18 of the Right to Information Act 2005. The complainant was given a notice requesting him to attend the hearing before the First Appellate Authority. The hearing was fixed on 07.04.2009. The notice also said that if he did not attend, it will be presumed that he was not interested in the appeal and the same will be disposed off. He has complained against this.

The complaint was heard on 25.05.2010. The defendant was present but the complainant did not turn up.

After going through the case papers and considering the argument advanced by the defendant I have come to the conclusion that the complaint deserves to be filed. There is nothing wrong in the notice. The complainant has unnecessarily felt hurt. I am however of the view information sought by the complainant should be furnished. I therefore pass the following order.

**Order**

The complaint against the notice is dismissed. The PIO however to ensure that the information sought by the complainant should be furnished within 30 days from the date of receipt of this order.

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

Place: Mumbai  
Date: 26.05.2010.

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

**Complaint No.2010/906/02**

**Shri. Anant Sabale  
Room No.896, Anand Nagar,  
Behind Shivsena Shaka,  
Near Om Kangori Mandal,  
Thane (E) 400 603.**

**...Complainant**

**Vs**

**Public Information Officer cum Asstt Commissioner  
Kopari Prabhag Samiti,  
Thane Municipal Corporation,  
Mahanagarpalika Bhavan, Chandanwadi,  
Thane – 400 602.**

**... Respondent**

**GROUNDS**

This complaint has been filed under section 18 of the Right to Information Act 2005. The complainant had by his application dated 16.02.2008 had sought information regarding structures in Anand Nagar (E), Thane. He was given information by the PIO under his letter dated 1403.2008. The complainant was not satisfied hence this complaint.

The complaint was heard on 26.05.2010. The complainant was present but the defendant was absent.

The complainant stated that the whole of Anand Nagar is unauthorized but only his structures are targeted by the Thane Municipal Corporation. That was reasons for seeking information.

I have gone through the case papers and also considered the submission made by the appellant my conclusion that he has not been given full information. Information on point no 2 is very important but is not satisfactory I therefore pass the following order.

**Order**

The complaint is allowed. Information on point no 2 must be furnished within 15 days from the date of receipt of this order. In case the information is not available the PIO should get it collected from the department concerned and furnish to the complainant.

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

Place: Mumbai  
Date: 26.05.2010.

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

**Complaint No.2010/908/02**

**Shri. Anand Koli  
37-6/7 Shastrinagar Irla Soc. Rd.,  
Vile Parle (W), Mumbai – 400 056.**

**...Complainant**

**Vs**

**Public Information Officer,  
Office of the Dy Chief Engineer  
Green Woods CHS Ltd.,  
Andheri-Kurla Rd, Chakala,  
Andheri (E), Mumbai – 400 093.**

**... Respondent**

**GROUND**

This complaint has been filed under section 18 of the Right to Information Act 2005. The complainant had by his application dated 26.02.2010 sought information regarding widening of Irla Nala, Vile Parle (W), Mumbai. He has sought information on 10 point. The PIO by his letter dated 06.04.2009 furnished the information.

The complaint was heard on 26.05.2010. The complainant was present but the defendant was absent.

The complainant has already expressed his dissatisfaction with the information furnished. He has given an application summarizing the information required by him. A copy is enclosed with this order.

**Order**

The PIO to allow inspection of files and also furnish copies of documents selected by the complainant within 30 days from the date of receipt this order.

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

Place: Mumbai  
Date: 26.05.2010.



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

**Complaint No.2010/821/02**

**Shri. Ramshankar Saroj  
Gansham Das Chawl Room 2,  
Sant Rohidas Marg,  
Kala Killa, Dharavi,  
Mumbai – 400 017.**

**...Complainant**

**Vs**

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

**... Respondent**

**GROUND**

This complaint has been filed under section 18 of the Right to Information Act 2005. The complainant has made complaint against corruption in SRA. His complaint covers MCGM, Police Dy. Registrar Cooperative Societies Society & BEST. The RTI Act is not supposed to take cognizance of general complaints. Specific complaints against specific department relating to information can be looked into.

The complaint was heard on 14.05.2010. The complainant and defendant were present.

After going through the case papers and considering the submissions made by parties I am of the view that the complaint deserves to be dismissed. The RTI Act is not supposed to take cognizance of general complaints. Specific complaint against specific department relating to information accessible under the Act can only be looked into. I therefore pass the following order.

**Order**

Complaint is dismissed.

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

Place: Mumbai  
Date: 20.05.2010.

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

**Complaint No.2010/889/02**

**Shri. M.H. Patel  
206/E, Seedat Mansion, Dr. B.A. Rd,  
Dadar, Mumbai – 400 014.**

**...Complainant**

**Vs**

**Public Information Officer,  
Office of the Collector, Mumbai City,  
Old Custom House,  
Fort, Mumbai – 400 001.**

**... Respondent**

**GROUNDS**

This complaint has been filed under section 18 of the Right to Information Act 2005. The complainant had sought a copy of the caste certificate issued in favour of Mr.N.R. Duragkar.

Not satisfied with responses from the Public Information Officer and First Appellate Authority the complainant filed this complaint under section 18.

The complaint was heard on 24.05.2010. The complainant and defendant were present.

The complainant has stated that he has not been provided the information he had sought.

The defendant's contention was that the relevant file could not be traced and therefore information could not be furnished.

**Order**

Since the relevant file was not available, the case is being closed.

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

Place: Mumbai  
Date: 24.05.2010.

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

**Complaint No.2010/891/02**

**Shri. Mehmood Shaikh  
Room No.7, Dost Mohd. Chawl,  
Nityanand Nagar, Ghatkopar (W),  
Mumbai – 400 086.**

**...Complainant**

**Vs**

**Public Information Officer cum Asstt Engineer  
Municipal Corporation of Greater Mumbai,  
K/East Ward, Andheri (E), Mumbai.**

**... Respondent**

**GROUND**

This complaint has been filed under section 18 of the Right to Information Act 2005. The complainant has sought the following order: -

- a. Xerox copies of penalties by Vigilance to the CWC Contractors attached with your department.
- b. Xerox copies of Works Order and Measurement Book related with Horticultural Asstt Works and trench filling.
- c. Xerox copies of Work order and Measurement Book related with Corporator's Fund.

Not satisfied with responses from the Public Information Officer and First Appellate Authority the complainant filed this complaint under section 18.

The complaint was heard on 24.05.2010. The defendant was present but the complainant did not turn up.

He has submitted that the information sought by the complainant has been furnished. The case is therefore closed.

**Order**

The complaint is filed.

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

Place: Mumbai  
Date: 25.05.2010.

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

**Complaint No.2010/882/02**

**Shri. Manoj Paralkar  
Adarsh Rahiwasi Seva Sangh,  
L.M.Rd, Navagaon,  
Dahisar (W), Mumbai – 400 068.**

**...Complainant**

**Vs**

**Public Information Officer cum Asstt Engineer (B & F)  
Municipal Corporation of Greater Mumbai,  
R/North, Jayvant Sawant Marg,  
Dahisar (W), Mumbai – 400 068.**

**... Respondent**

**GROUND**

This complaint has been filed under section 18 of the Right to Information Act 2005. The facts in brief are as follows: - The complainant had sought information regarding unauthorized slums in Ganapat Patil Nagar, IC Colony, Link Rd, Borivili (W), Mumbai.

The complaint was heard on 24.05.2010. The defendant was present but the complainant did not turn up.

The respondent submitted that the appellant has been informed to deposit requisite amount of money and collect the information.

**Order**

The complainant to deposit requisite amount of money and collect the information.

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

Place: Mumbai  
Date: 25.05.2010.

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

**Complaint No.2010/890/02**

**Shri. Mohan Krushnan  
B-3/1, Macchindra Nagar,  
Dayabhai Patel Rd,  
Malad (E), Mumbai – 400 097.**

**...Complainant**

**Vs**

**Public Information Officer cum Asstt Conservator of Forest  
Office of the Conservator & Director,  
Sanjay Gandhi Udyan, Borivili (E),  
Mumbai – 400 066.**

**... Respondent**

**GROUND**

This complaint has been filed under section 18 of the Right to Information Act 2005. The complainant had sought some information which was not given to him in time. Hence this complaint.

The complaint was heard on 24.05.2010. The defendant was present but the complainant did not turn up.

The respondent submitted that information has been sent free of cost. In view of the respondent's submission and the appellant's absence I decide to close the case.

**Order**

The complaint is filed.

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

Place: Mumbai  
Date: 26.05.2010.

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

**Complaint No.2010/897/02**

**Shri. Mangesh Jadhav  
B/1, Jai Bharat CHS,  
Sundarbaug, Kamani,  
Kurla (W), Mumbai – 400 070.**

**...Complainant**

**Vs**

**Public Information Officer cum Dy. Registrar  
Co-op Board, L Division, Mumbai Division,  
Malhotra House, 6<sup>th</sup> Floor, Fort,  
Mumbai – 400 001.**

**... Respondent**

**GROUND**

This complaint has been filed under section 18 of the Right to Information Act 2005. The facts in brief are as follows: The complainant had some term deposit with Sundar Cooperative Credit Society. He has not been given his money back. He wanted to know what action has been taken on his complaint against the Credit Society

The complaint was heard on 24.05.2010. The defendant was present but the complainant did not turn up.

It has been submitted that the society has been superceded and administrative Board appointed. Payments to depositors are made on the basis of recovery of loan given by the Society.

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

**Order**

The complaint is filed.

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

Place: Mumbai  
Date: 25.05.2010.

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

**Complaint No.2010/896/02**

**Shri. Munnabhai Mehata  
B-605, Lucky Tower CHS Ltd.,  
M.G Cross Rd No.4,  
Kandivali (W), Mumbai – 400 067.**

**...Complainant**

**Vs**

**Public Information Officer,  
Office of the Admi. Officer (Schools)  
Municipal Corporation, 3<sup>rd</sup> Floor,  
S.B.A. Rd, Chembur – 400 071.**

**... Respondent**

**GROUND**

This complaint has been filed under section 18 of the Right to Information Act 2005. The complainant had sought information relating to the management of Luck Tower Cooperative Housing Society Ltd, Mumbai. He wanted to know what action has been taken on his complaint.

The complaint was heard on 24.05.2010. The defendant was present but the complainant did not turn up.

It has been submitted by the defendant that action has been initiated against the society and the complaint has been informed.

**Order**

The complaint is filed.

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

Place: Mumbai  
Date: 25.05.2010.

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

**Complaint No.2010/892/02**

**Shri. Mohd. Iqbal Ghulam Rasood  
Saliabai Chawl No.168, R.No.5A/5B,  
Sayyed Wadi Pipe Rd, Kurla (W),  
Mumbai – 400 070.**

**...Complainant**

**Vs**

**Public Information Officer cum Dy. Registrar  
Co-op Board, R Division, Mumbai,  
315, A/1 Bldg, 3<sup>rd</sup> Floor,  
Truck Terminal, Near RTO Office,  
Wadala (E), Mumbai – 400 037.**

**... Respondent**

**GROUND**

This complaint has been filed under section 18 of the Right to Information Act 2005. The complainant had sought the following information: -

1. Salary of Deb, 82 not – paid
2. Subsistence allowances as per the M.S.R. for eight-months certain queries in context to the above matter. Information sought is not provided.

Not satisfied with responses from the Public Information Officer and First Appellate Authority the complainant filed this complaint under section 18.

The complaint was heard on 24.05.2010. Complainant and defendants were present.

The complainant signed his attendance but remained absent during the hearing. The defendants were present. It has been submitted by them that the bill was submitted but has come back with some queries certain documents are required from the complainant. The complainant has been informed and matter is being pursued. I therefore pass the following order.

**Order**

The complaint is filed.

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

Place: Mumbai  
Date: 25.05.2010.



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

**Complaint No.2010/888/02**

**Shri. Shivdas Shirodkar  
22/3, Hari Niwas Bldg.,  
Dr. B.A. Rd., Lalbagh,  
Mumbai – 400 012.**

**...Complainant**

**Vs**

**Public Information Officer cum Senior Inspector  
Municipal Corporation of Greater Mumbai,  
Dr. B.A. Marg, Parelnaka, Mumbai – 400 012.**

**... Respondent**

**GROUNDS**

This complaint has been filed under section 18 of the Right to Information Act 2005. The complainant had sought action against municipal officers who showed inability to furnish the required information. The complainant is a resident of Ganesh Galli Lalabagh and is up set with the kind of nuisance created by hawkers during the Ganapati Festival. He has given suggestions which he wanted to be acted upon.

The complaint was heard on 24.05.2010. Complainant and defendants were present.

It transpired during the hearing that the complainant wanted municipal employees to be prompt in removing unauthorized hawkers. He was however appreciative of the efforts made by the current staff. The defendant also assured to cooperate with him.

**Order**

Since no information as such has been sought the case is being closed.

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

Place: Mumbai  
Date: 25.05.2010.

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

**Complaint No.2010/881/02**

**Shri. Balasaheb Shinde  
Patonapada Yeuar Gaon,  
Ta.Dist. Thane – 400 606.**

**...Complainant**

**Vs**

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

**... Respondent**

**GROUNDS**

This complaint has been filed under section 18 of the Right to Information Act 2005 in the context of the commission's order dated 31.01.2010 passed in appeal no 2010/ 3521/02. The facts in brief are as follows: The complainant by his application dated 07.07.2009 had sought information regarding action taken on his application list of members and a copy of the court order.

Not satisfied with responses from the Public Information Officer and First Appellate Authority the complainant filed appeal under section 19 (3) of the RTI Act, 2005. The commission by its order dated 31.01.2010 directed that information should be furnished within 30 days. The present complaint is against alleged non compliance of commissions order.

The complaint was heard on 24.01.2010. The complainant was present but the defendant was absent.

The complainant has stated that the commission's order has not been complied and information not finished. Since the defendant was not present, it could not be verified. Case papers do not reveal that information has not been furnished. I therefore pass the following order.

**Order**

The PIO to show cause why he should not be fined Rs.25, 000/- for violating the provisions of the RTI Act. His reply to come within 4 weeks failing which the proposed fine will be confirmed and recovery from his salary made.

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

Place: Mumbai  
Date: 25.05.2010.

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

**Complaint No.2010/893/02**

**Shri. Anand Castelino  
248/10] Basco Mansion,  
Wadala, Mumbai – 400 031.**

**...Complainant**

**Vs**

**Public Information Officer,  
MMRDA, Bandra – Kurla Complex,  
Bandra (E), Mumbai – 400 051.**

**... Respondent**

**GROUNDS**

This complaint has been filed under section 18 of the Right to Information Act 2005. The complainant had sought the following information: -

- a. Details of work being carried out on David Barretto Rd, Wadala – copy of work order for the same, date of commencement and date of completion.
- b. Any action taken for not displaying details of work, not barricading the area, no supervision be4ing carried out, no responsible person at site. Details of the same.
- c. Copy of any notice published or issued inviting suggestions / objections from citizens regarding proposed Skywalk / Monorail at Wadala.
- d. Copies of documents filed by electe4d representatives, MCGM, or citizens organizations with regard to the Skywalk / Monorail at Wadala.

Not satisfied with responses from the Public Information Officer and First Appellate Authority the complainant filed the complaint under section 18 of the RTI Act, 2005. The complaint was heard on 24.05.2010. Complainant and defendants were present.

The complainant has stated that he was not satisfied with the response from the Public Information Officer. The defendant submitted that available information has been furnished. He also assures that any such request in future will be promptly responded.

**Order**

In view of the fact that available information has been furnished and the defendant has assured to be prompt in future the case is closed.

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

Place: Mumbai  
Date: 25.05.2010.

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

**Appeal No.2010/4790/02**

**Shri Krushna B. Damodalekar  
A-1/12, Asmita Jyoti CHS. Ltd.,  
Marve Rd, Malad (W), Mumbai – 400 095.**

... **Appellant**

**V/s**

**First Appellate Officer cum Addl Sale Tax Commissioner  
Sale Tax Office, Sala Tax Bhavan,  
Mazgaon, Mumbai – 400 010.**

... **Respondent**

**Public Information Officer cum Asstt Sale Tax Commissioner  
Sale Tax Office, Sala Tax Bhavan,  
Mazgaon, Mumbai – 400 010.**

### **GROUND**

This appeal has been filed under section 19(3) of the Right to Information Act, 2005. The appellant by his application dated 04.11.2009 had sought information relating to the letter dated 15.03.2005 written by the Dy Commissioner Sales Tax (Adm) to the Additional Commissioner, Sale Tax, Bombay Suburban Zone regarding recovery of Rs.2, 35, 90, 000/- from M/s HICO Products Ltd. The letter was appreciative of the efforts made by the appellant. The appellant wanted to know what action was taken by the Additional Commissioner.

Not satisfied with responses from the Public Information Officer & First Appellate Authority the complainant filed this second appeal before the commission. The appeal was heard on 06.05.2010. The appellant and respondent were present.

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

The respondent's contention is that the information was not available and hence could not be furnished.

After going through the case papers and considering the arguments advanced by parties I have come to the conclusion that the appellant has been properly informed. A copy of the letter has been enclosed by the appellant. Such appreciation letters need not be necessarily acted upon. It depends upon the person to whom the letter was addressed. It is possible that the Additional Commissioner to whom it was addressed has filed it. In any case the appellant has a copy of the appreciation letter and he can use it the way he wanted. The case will have to be closed.

**Order**

The appeal is disposed off.

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

Place: Mumbai  
Date: 20.05.2010.

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

**Appeal No.2010/4585/02**

**Shri Madan Mishra  
19/3, Narhari Sadan, Jawahar Nagar,  
S.V. Rd, Goregaon (W),  
Mumbai – 400 062.**

**... Appellant**

**V/s**

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

**... Respondent**

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

#### **GROUNDS**

This appeal has been filed under section 19(3) of the Right to Information Act, 2005. The appellant had sought information relating to the SR Scheme on plot bearing CTS 698, 697/1 to 73 of Village Pahadi, Goregaon at Jawahar Nagar, Gorehaon (W), Mumbai. The plan was approved and IOA was given on 08.03.2006. The amended plan was approved on 23.08.2007. The appellant has raised objections and wanted to know what action has been taken.

Not satisfied with responses from the Public Information Officer & First Appellate Authority the complainant filed this second appeal before the commission. The appeal was heard on 15.04.2010. The appellant and respondent were present.

Case papers reveal that the SRA inspected the site and came across some irregularities & stop work notice has also been issued. The architect and the developer have been asked to explain. The respondent was willing to facilitate inspection of relevant documents and also furnish copies of selected documents.



After going through the case papers and considering the arguments advanced by parties I have come to the conclusion that available information should be furnished to the appellant free of cost.

**Order**

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

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

Place: Mumbai  
Date: 29.05.2010.

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

**Appeal No.2010/4788/02**

**Shri J.D. Sawant  
3/37, Madina Mention,  
G.K. Rd, Dadar,  
Mumbai – 400 014.**

**... Appellant**

**V/s**

**First Appellate Officer,  
Joint District Registrar-2,  
Office of the Mumbai District,  
Old Custom House, Ground Floor,  
Fort, Mumbai – 400 023.**

**... Respondent**

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

**GROUNDS**

This appeal has been filed under section 19(3) of the Right to Information Act, 2005. The appellant by his application dated 16.12.2009 had sought a certified copy of the lease agreement signed by MCGM with the lessee Smt Dhun Dalal in respect of CS No 425 Worli Division, Plot no 66, Scheme No 58 of Worli estate, Worli Hill Rd, Mumbai. The agreement was lodged for registration in around Dec, 1987.

Not satisfied with responses from the Public Information Officer & First Appellate Authority the complainant filed this second appeal before the commission. The appeal was heard on 06.05.2010. The appellant and respondent were present.

The appellant has contended that he did not receive the information in time & the First Appellate Authority refused to accept the first appeal. He has requested for penal action against the PIO and the First Appellate Authority.

The respondent's contention is that the appellant had not mentioned the registration no and therefore it was not possible to furnish the information. He has stated that as soon as it came to their notice, it was done and the party was handed over the document on 26.03.2010.

After going through the case papers and considering the arguments advanced by parties I have come to the conclusion that information has been furnished though late. The document was lodged in 1987 and finally it was registered in 2010. There is nothing to prove that the information was not furnished within the stipulated time deliberately or the intention was to delay or deny. The complaint of not accepting the first appeal is serious enough to warrant an explanation to enable the commission to decide the course of action. I therefore order that the First Appellate Authority should explain why disciplinary action should not be recommended against him for refusing to accept the first appeal. His explanation to reach the commission within 4 weeks from the date of receipt of this order.

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

Place: Mumbai  
Date: 29.05.2010.

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

**Appeal No.2010/4781/02**

**Shri Kamruddin Mulla  
A 2/304, Saraf Choudhry Nagar,  
Thakur Complex, Kandivali (E),  
Mumbai – 400 101.**

**... Appellant**

**V/s**

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

**... Respondent**

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

#### **GROUNDS**

This appeal has been filed under section 19(3) of the Right to Information Act, 2005. The appellant had sought information regarding action taken on his complaint against KB Associates who had informed the appellant that he had been admitted as a member of Shivanjali CHS (Proposed) but refused to allot to him a flat as promised. He wanted action against the developer.

Not satisfied with responses from the Public Information Officer & First Appellate Authority the complainant filed this second appeal before the commission. The appeal was heard on 05.05.2010. The appellant and respondent were present.

The appellant has contended that he has not been given any information and no action has been taken against the developer.

The respondent's contention is that they have investigated the case and concluded that this was a civil matter and the police had no role to play. The appellant has been informed accordingly.

After going through the case papers and considering the arguments advanced by parties I have come to the conclusion that what the appellant needs is not information but adjudication. Records show the plot belonged to MHADA and Shivanjali CHS was one of the applicants for allotment. It seems that the plot was allotted to some other society and the appellant was left out. I have advised him to seek information from MHADA. The commission is constrained to close the case.

**Order**

Appeal is disposed off.

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

Place: Mumbai  
Date: 29.05.2010.

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

**Appeal No.2010/4813/02**

**Shrimati Chitra Salunke  
1 B /1 Good earth Soc, Rd No.2,  
Sindhi Society, Chembur,  
Mumbai – 400 071.**

**... Appellant**

**V/s**

**First Appellate Officer cum Dy Police Commissioner  
South Divisional Division Office Bldg.,  
Sir J.J. Marg, Nagpada, Mumbai – 400 008.**

**... Respondent**

**Public Information Officer cum Asstt Police Commissioner  
South Divisional Division,  
Sir J.J. Marg, Nagpada, Mumbai – 400 008.**

**GROUNDS**

This appeal has been filed under section 19(3) of the Right to Information Act, 2005. The appellant by his application dated 06.10.2009 had sought a copy of the expert opinion on her complaint under protection of Civil Right received from the Director of Public Prosecutor, Maharashtra State.

Not satisfied with responses from the Public Information Officer & First Appellate Authority the complainant filed this second appeal before the commission. The appeal was heard on 10.05.2010. The appellant and respondent were present.

The appellant has contended that she was not given a copy of the expert opinion received from the Director of Public Prosecutor, Maharashtra State.

The respondent's contention is that the opinion was not available on their record. It has been stated that attempt has been made to find out from Shri Sonavane who is reported to have received the copy form the Asstt Commissioner of Police, Azad Maidan.

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

appellant has stated that the office record of the Director of Public Prosecutor shows that the opinion has been sent. The Asstt Commissioner of Police, Azad Maidan sent the copy Shri Sonawane but the Azad Maidan Police Station say it was not available. This amounts to denial of information. It is therefore necessary get it enquired as to how the opinion is not available on the record of the Police Station, Azad Maidan. I would therefore direct that the Commissioner of Police should order an internal investigation the outcome should be communicated to the appellant.

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

Place: Mumbai  
Date: 29.05.2010.

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

**Appeal No.2010/4901/02**

**Shri. Ajay Dara  
206, Shrikrushan Apt., Shastri Nagar,  
Kopar Cross Rd, Opp. Santoshi Mata Mandir  
Dombivali (W), Dist. Thane – 421 202.**

**... Appellant**

**V/s**

**First Appellate Officer,  
Office of the Joint Commissioner,  
Cast Verification Committee  
2<sup>nd</sup> Floor, Tribal Development Bhavan,  
Gadkari Chowk, Nashik – 422 002.**

**... Respondent**

**Public Information Officer cum Research Officer  
Office of the Joint Commissioner,  
Cast Verification Committee  
2<sup>nd</sup> Floor, Tribal Development Bhavan,  
Gadkari Chowk, Nashik – 422 002.**

**GROUNDS**

This appeal has been filed under section 19(3) of the Right to Information Act, 2005. The appellant by his application dated 18.01.2010 had sought information relating to scheduled tribe Validity Certificates issued to persons belonging to ‘Mannewar tribe’. He wanted to know no of persons who applied no. of persons whose certificates were found to be valid / invalid, customs traditions of the tribe, govt’s policy regarding validity of certificates and documents relating to their way of worship etc.

Not satisfied with responses from the Public Information Officer & First Appellate Authority the complainant filed this second appeal before the commission. The appeal was heard on 20.05.2010. The appellant did not turn up but the respondent was present.



It has been stated by him that information available in record has been furnished although case papers do not show that information has been furnished. I therefore pass the following order.

**Order**

A copy of the information submitted to the commission should be sent to the appellant free of cost within 15 days from the date of receipt of this order.

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

Place: Mumbai  
Date: 29.05.2010.

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

**Appeal No.2010/4909/02**

**Shri. V.V. Kamath  
B-22 Gladhurs, Phirozeshah Mehta Rd,  
Santa Cruz (W), Mumbai – 400 054.**

... **Appellant**

**V/s**

**First Appellate Officer cum Dy Police Commissioner  
Zone-9, Bandra (W), Mumbai – 400 050.**

... **Respondent**

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

**GROUNDS**

This appeal has been filed under section 19(3) of the Right to Information Act, 2005. The appellant by his application dated 15.01.2010 had sought information relating to case no 1036/S/94 New no CC No 3827/PW/05. He had sought a copy of the Investigation Report, report of further investigation under section 178/(8) and a copy of paper book no 2.

Not satisfied with responses from the Public Information Officer & First Appellate Authority the complainant filed this second appeal before the commission. The appeal was heard on 28.05.2010. Appellant and respondents were present.

The appellant has contended that he was wrongly informed that the information was not on record. He stated that he thereafter applied for permission to inspect, carried out the inspection, located the relevant document he was looking for and finally got copies of them. His main point was informed he was informed wrongly without verification. He has pleaded for penalty for giving misleading information. The respondent had nothing to contribute. I have therefore come to the conclusion that the PIO is prima facie guilty of giving misleading information and needs to explain why

action under section 20 of the RTI Act should not be taken against him. I therefore pass the following order.

**Order**

PIO to show cause why action under section 20 of the RTI Act should be taken for giving misleading information. The reply to reach the commission within 4 weeks.

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

Place: Mumbai  
Date: 28.05.2010.

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

Appeal No.2010/4758/02

**Shri. Vaman Govale**  
**Asstt Police Inspector,**  
**Kurla Railway Police Station,**  
**Mumbai.**

... **Appellant**

V/s

**First Appellate Officer cum Dy Secretary**  
**Home Deptt., 5 A.,**  
**Mantralaya, Mumbai – 400 032.**

... **Respondent**

**Public Information Officer,**  
**Home Deptt., 5 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 information regarding his petition for revaluation of his papers and also his complaints that a large no questions were outside the syllabus.

Not satisfied with responses from the Public Information Officer & First Appellate Authority the complainant filed this second appeal before the commission. The appeal was heard on 04.05.2010. Appellant was present but the respondent was absent.

The appellant has stated that justice has not been done to him. The respondent was not present but the case papers reveal that govt. has not conceded to his request. There is a communication from the Home Deptt dated 22.02.2010 which says that his request has not been accepted. The RTI Act 2005 ensures furnishing of available information which can be used by citizens to solve their problems. The commission directly cannot indulge into redressal of grievances. I therefore close the case as the information on record has been furnished.

### **Order**

Appeal is disposed off.

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

Place: Mumbai  
Date: 28.05.2010.

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

Appeal No.2010/4361/02

**Shri. Gopinath Gharat**  
**Jeevdani Pooja CHS.,**  
**Lokmanya Nagar, Kacheri Rd,**  
**Near Railway power House,**  
**Palghar (W), Dist. Thane – 401 404.**

... **Appellant**

V/s

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

... **Respondent**

**Public Information Officer,**  
**Textile Department**  
**Office of the Chief Officer,**  
**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 by his application no 444374 had applied for allotment of a flat from the State Govt. (SG) quota. When the lot was drawn his application was among the successful applications but in the category of central govt. He has been pleading for correction since then. He is not satisfied with the information furnished to him.

Not satisfied with responses from the Public Information Officer & First Appellate Authority the complainant filed this second appeal before the commission. The appeal was heard on 25.05.2010. Appellant was present but the respondent was absent.

The appellant contended that he has been requesting for information but has not received the satisfactory answer. Since the respondent chose to remain absent, it could

not be verified. Case papers reveal that facts have been admitted by MHADA. The result shows that application no 444374 has been shown in the category of CG. It is not understood how this change occurred when the appellant in his application has clearly mentioned 'SG'. If the mistake has been made by MHADA there is no reason for the appellant to suffer. MHADA does not seem to be keen to sort out the issue and has not even attended the hearing. I am therefore of the view that information has been denied to the appellant. I therefore pass the following order.

**Order**

The appeal is allowed. The PIO to show cause why action under section 20 of the RTI Act should not be taken against him. He should also show cause why the appellant should not be paid a compensation of Rs.5000/- by him. His reply to reach the commission within 4 weeks.

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

Place: Mumbai  
Date: 28.05.2010.

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

**Appeal No.2010/4907/02**

**Shri. C.M. Chacko  
701, 3-C, Samruddhi CHS,  
Vaishali Nagar, K.K. Marg,  
Saat Rasta, Mahalaxmi,  
Mumbai – 400 011.**

**... Appellant**

**V/s**

**First Appellate Officer cum Dy Charity Commissioner  
Office of the Charity Commissioner  
Dr. A. Besant Rd, Worli,  
Mumbai – 400 018.**

**... Respondent**

**Public Information Officer,  
Office of the Charity Commissioner  
Dr. A. Besant Rd, Worli,  
Mumbai – 400 018.**

### **GROUNDS**

This appeal has been filed under section 19(3) of the Right to Information Act, 2005. The appellant by his application dated 05.02.2010 has sought the following information: -

- a. Is it necessary to obtain the permission NOC/ sanction of the Charity Commissioner for undertaking the construction of a hospital building through a contractor in case of a registered public trust. If yes, under what provisions of the Bombay Public Trust Act.
- b. Has the above Trust taken permission NOC sanction of the Charity Commissioner for construction of a Hospital Building at Tilak Nagar, Chembur Through contractor. If yes, a copy of the application along with the supporting documents and a copy of the permission NOC/ sanction be provided.

Not satisfied with responses from the Public Information Officer & First Appellate Authority the complainant filed this second appeal before the commission. The appeal was heard on 28.05.2010. Appellant and respondents were present.

The appellant contended that he has received information as far as point no 2 is concerned but has not been furnished information in respect of point no 1.

The respondent's contention is that the information on point no-1 was not information according to section 2(f) of the RTI Act 2005. The 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 information on point no-1 needs to be furnished. The information sought is whether a registered trust is required to seek NOC/permission from the office of the Charity Commission for undertaking construction of a hospital. The form in which information is sought is not very relevant. The information sought is important. The information whether NOC/permission is required has to be on record. The information need not always be positive. If NOC/permission is not required, this information has to be passed on to the appellant.

**Order**

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

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

Place: Mumbai  
Date: 28.05.2010.



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

**Complaint No.2010/369/02**

**Shri. Noor Mod. Safiullah Sidhiki  
Royal Communication Centre,  
Hill No.2, Narayan Nagar,  
Ghatkopar (W), Mumbai – 400 086.**

**...Complainant**

**Vs**

**Public Information Officer cum Cooperative Officer-1  
Dy Registrar Cooperative Board,  
Housing & Area Development Board,  
Grihanirman Bhavan, Bandra (E),  
Mumbai – 400 051.**

**... Respondent**

**GROUNDS**

This complaint has been filed under section 18 of the Right to Information Act 2005. This complaint has been filed in the context of the commission's order dated 30.01.2009 passed in appeal no 2008/1575/02.

The complaint was heard on 25.05.2010. The defendant was present but the complainant did not turn up.

It is clear that the order dated 30.01.2009 has not been complied. The complainant had sought information regarding action taken on his complaint letter dated 05.12.2007. It is not enough to say that it was not on record. The defendant is directed to trace the complaint and inform the complainant what action has been taken. He should also show cause why action should not be taken against him for not furnishing the information as directed by the commission. His reply to come within 4 weeks from the date of receipt of this order.

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

Place: Mumbai  
Date: 28.05.2010.

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

**Complaint No.2010/915/02**

**Shri. Nitin Rane  
U.B Rane,  
Bhagavati CHS.,  
Flat No.C-5, Near ITI College,  
Chafekar Bandhu Rd, Mulund (E),  
Mumbai – 400 081.**

**...Complainant**

**Vs**

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

**... Respondent**

**GROUNDS**

This complaint has been filed under section 18 of the Right to Information Act 2005. The complainant has alleged that he was not provided information in time and action should be taken against those responsible for the delay. The complainant by his application dated 23.10.2007 had sought information regarding action taken on his complaint against Smt Manasi Rane & Shri Pradeep Sawant who were conspiring to kill his son with the help of Smt Manisha Pawar, Shri Rajendra Sepkal & Smt Anita Sapkal.

The complaint was heard on 25.05.2010. The complainant and defendant were present. The complainant was not satisfied with the information and highlighted the issue of delay. The defendant in his detailed submission has explained that the appellant wanted information by post so he was advised to deposit Rs.14 by their letter dated 08.11.2007. The money order for Rs.14 was received on 03.03.2008 and the information was sent on 05.03.2008.

After considering the arguments advanced by parties and going through the file I have come to the conclusion that there is no deliberate delay on the part of the

respondent. There is nothing to hold them responsible for deliberate delay. The complaint has to be filed.

**Order**

The complaint is filed.

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

Place: Mumbai  
Date: 29.05.2010.

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

**Complaint No.2010/877/02**

**Shri. Manoj Karande  
Jyosna Prakash, 1<sup>st</sup> Floor,  
Near Railway Station,  
Goregaon (E), Mumbai – 400 066.**

**...Complainant**

**Vs**

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

**... Respondent**

**GROUND**

This complaint has been filed under section 18 of the Right to Information Act 2005. The complainant complained that lives of properties of hundreds of residents of D.N. Nagar was in danger due to high handed behaviour of certain forces in the area in the name of redevelopment. He wanted the police to take action.

The complaint was heard on 21.05.2010. The defendant was present but the complainant did not turn up.

The defendant has stated that the complainant has already been informed that facts mentioned in his application did not constitute any actionable wrong or criminal offence and hence no action was required.

After considering the arguments advanced by parties and going through the file I have come to the conclusion that appellant has been appropriately informed. The RTI Act ensures furnishing of available information and the same has been done in this case. The complaint deserves to be filed.

**Order**

The complaint is filed.

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

Place: Mumbai  
Date: 29.05.2010.

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

**Complaint No.2010/876/02**

**Shri. Manoj Karande  
Jyosna Prakash, 1<sup>st</sup> Floor,  
Near Railway Station,  
Goregaon (E), Mumbai – 400 066.**

**...Complainant**

**Vs**

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

**... Respondent**

**GROUNDS**

This complaint has been filed under section 18 of the Right to Information Act 2005. The complainant by his application dated 27.03.2008 had complained that lives and properties of hundreds of residents of D.N. Nagar was in danger because of high handedness of certain forces in the area in the name of redevelopment.

The complaint was heard on 21.05.2010. The defendant was present but the complainant did not turn up.

Case papers reveal that he could not attend the hearing before the First Appellate Authority four times. The defendant states that available information was furnished under their letter dated 26.06.2008. He was also informed on 24.10.2008 that the question delay does not arise in matters which are judicial in nature. In view of the defendant's submission and appellant's absence, I decide to close the case.

**Order**

The complaint is filed.

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

Place: Mumbai  
Date: 29.05.2010.

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

**Complaint No.2010/914/02**

**Shri. Manoj Paralkar  
Adarsh Rahiwasi Seva Sangh,  
L.M.Rd, Navagaon,  
Dahisar (W), Mumbai – 400 068.**

**...Complainant**

**Vs**

**Public Information Officer cum Asstt Police Commissioner  
Airport Division, Mumbai.**

**... Respondent**

**GROUND**

This complaint has been filed under section 18 of the Right to Information Act 2005 in the context of commission's order dated 26.02.2010 passed appeal no 2009/4334/02. The complainant had complained against Mumbai International Airport Private Ltd (MIAL) and wanted to know what action has been taken. The complainant was fined Rs.300/- for wrong parking and he felt that MIAL was not authorized do that and should be proceeded against.

The complaint was heard on 26.05.2010. Complainant and defendants were present.

The complainant is not satisfied with the defendant's response. The defendant has submitted that all available information has been furnished and commission's order has been complied.

I have gone through the case papers and also considering the arguments advanced by parties. I am of the view that what the complainant wants is not information but adjudication – whether MIAL is authorized to recover fine which the commission is not expected to do. Under these circumstances I decide to close the case.

**Order**

The complaint is filed.

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

Place: Mumbai  
Date: 28.05.2010.

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

**Complaint No.2010/932/02**

**Shri. Manohar Desai  
A/412, Tree Shade CHS Ltd.,  
Koldongri Rd No.2,  
Andheri (E), Mumbai – 400 069.**

**...Complainant**

**Vs**

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

**... Respondent**

**GROUNDS**

This complaint has been filed under section 18 of the Right to Information Act 2005. The complainant by his application dated 09.02.2008 had asked for a copy of the power of attorney dated 27.10.2004 granted by Virji Mohan Rathod HUF to M/s Rajendra Builders to develop the land being CS no 479 (part 1 to 17) situated at village Chakala, Mumbai. He was informed that the complainant had not mentioned the registration no and the documents cannot of be given to the complainant under the Registration Act 1908. The complainant sent clarification but the same was refused by the defendant.

The complaint was fixed for hearing on 28.05.2010. Neither the complainant nor the defendant turned up. Case papers however reveal that no information has been furnished. The commission is in agreement with the complainant's submission that the Right to Information Act 2005 has overriding effect. The exceptions are contained in section 8 and 9 of the RTI Act. The information therefore will have to be furnished. I have also taken a serious note of the fact that the letter sent by the complainant has been

refused by the defendant. The defendant will have to explain this I therefore pass the following order.

**Order**

Information to be provided within 15 days from the date of receipt of this order. The defendant to show cause why action under section 20 of the RTI Act should not be initiated against him for refusing to accept the letter sent by the complainant. Reply to reach the commission in 4 weeks.

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

Place: Mumbai  
Date: 29.05.2010.



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

**Complaint No.2010/920/02**

**Shri. Mahendra Gawade  
65, Savitri CHS Ltd.,  
V.B. Phadke Marg,  
Mulund (E), Mumbai – 400 081.**

**...Complainant**

**Vs**

**Public Information Officer cum Dy Assessor & Collector  
Municipal Corporation of Greater Mumbai,  
Shri Chatrapati Shivaji Maharaj Market,  
2<sup>nd</sup> Floor, MRA Marg, Mumbai – 400 001.**

**... Respondent**

**GROUNDS**

This complaint has been filed under section 18 of the Right to Information Act 2005. The complainant had lodged a complaint to the Dy Assessor & Collector, Municipal Corporation of Greater Mumbai against M/s Diamond Electricals for evading octroi to the tune of Rs.1, 74, 57, 291/-. He has sought information on 42 points. Not satisfied with responses from the PIO & the First Appellate Authority he has made this complaint to the commission.

The complaint was heard on 25.05.2010. Complainant and defendants were present.

The complainant has brought to the notice of the commission that pointwise information has not been furnished. The defendant submitted that the complaint was enquired into, octroi due calculated and recovered. The findings have been communicated to the complainant. It was admitted that although pointwise information was not furnished all information generated during the enquiry have been furnished.

After considering the arguments advanced by parties and going through the file I have come to the conclusion that information has been furnished. A cursory look at the list of points reveals that many points are not relating to information – whether there was

any political pressure for not collecting the evaded octroi, whether the Municipal Commissioner was willing to keep the complaint as an octroi officer, his commission etc. It goes without saying that the complainant by exposing the evasion of octroi has done a great service to the MCGM and if there is any scheme of rewarding such persons the MCGM must do it. As far as information is concerned I am of the view that the same stands furnished.

**Order**

The compliant is filed.

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

Place: Mumbai  
Date: 28.05.2010.

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

**Complaint No.2010/919/02**

**Shri. Vijay Shirke  
B.D.D. Chawl No.28/7,  
N.M. Joshi Marg,  
Mumbai – 400 013.**

**...Complainant**

**Vs**

**Public Information Officer cum Manager  
Office of the Development Division Chawl,  
B.D.D. Chawl No.51, Ground Floor,  
Worli, Mumbai – 400 018.**

**... Respondent**

**GROUNDS**

This complaint has been filed under section 18 of the Right to Information Act 2005 in the context of the commission's order dated 30.01.2010 in appeal no 2010/3526/02. The appellant had sought information relating to the repair works carried out in B.D.D. Chawl, Worli, Mumbai. The commission had ordered that information should be furnished within 30 days. The present complaint is against alleged non-compliance of the commission's order.

The complaint was heard on 25.05.2010. Complainant and defendants were present.

The complainant has stated that he has not received the information. The defendant in his written submission has given chronology of events. It has been stated that since the information was old, it did take some time to locate it. When the information was sent to the complainant, he refused to accept it. Copies of relevant documents have also been submitted.

After considering the arguments advanced by parties and going through the file I have come to the conclusion that the commission's order has been complied. The case is therefore closed.

**Order**

The complaint is filed.

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

Place: Mumbai  
Date: 29.05.2010.

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

**Appeal No.2010/4913/02  
Appeal No.2010/4914/02**

**Shri. Manoj Karande  
1, Jyotsna Prakash,  
Opp. Syndicate Bank,  
Near Railway Station,  
Goregaon (E), Mumbai – 400 063.**

**... Appellant**

**V/s**

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

**... Respondent**

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

### **GROUNDS**

These appeals have been filed under section 19(3) of the Right to Information Act, 2005. The appellant had sought information regarding NOC granted for redevelopment of CTS No 195 part survey no 106 A, D.N. Nagar, K-3/K-4 Cooperative Housing Society, J.P. Rd, Andheri (W), Mumbai. The appellant was not satisfied with responses from the PIO / First Appellate Authority hence the appeal.

The appeal was heard on 28.05.2010. The appellant was not present but has sent his submission in writing. The respondent was present. Case papers show that the appellant has been provided with a copy of the letter written by the Chief Vigilance and Security Officer to the Chief Officer MHADA Board. Copies of office nothings made by the Vigilance Officer are also on record. The respondent submitted that the appellant has been called on the 4<sup>th</sup> June, 2010 to explain to him what precise information was required by him.

In view of the papers available and also the fact that the First Appellate Authority has called him on 04.06.2010. I pass the following order.

**Order**

The appeals are allowed. The First Appellate Authority hear the appellant and order furnishing of the information required by him. The appeals are disposed off.

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

Place: Mumbai  
Date: 28.05.2010.

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

**Appeal No.2010/4896/02**

**Shri. Deepak Kuria  
Laxmi Stores, Shop No.3,  
Dedhia House, L.T. Rd,  
Borivali (W), Mumbai – 400 091.**

... **Appellant**

**V/s**

**First Appellate Officer cum Stamps Collector  
Office of the Stamps Collector, Andheri,  
MMRDA Bldg, 1<sup>st</sup> Floor,  
Bandra-Kurla Complex, Bandra (E),  
Mumbai – 400 051.**

... **Respondent**

**Public Information Officer,  
Office of the Stamps Collector, Andheri,  
MMRDA Bldg, 1<sup>st</sup> Floor,  
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 24.08.2009 had sought information regarding status of the agreement submitted and payment made under the amnesty scheme in respect of case no COA/AY/9281/08.

Not satisfied with responses from the Public Information Officer & First Appellate Authority the complainant filed this second appeal before the commission. The appeal was heard on 20.05.2010. Appellant and respondents were present.

The appellant has contended that he was given the information late and the PIO should be penalized.

The respondent's contention is that it was true that the information was furnished late. This happened because of the fact that there were 30000 applications received under the amnesty scheme. It has also been stated by the respondent that some members were

sent for Election Duty. It has also been stated that case was wrongly marked COA/AY/9281. All these reasons combined to delay the response. The information has since been furnished.

After going through the case papers and considering the arguments I have come to the conclusion that information was furnished late but there does not seem to be any deliberate attempt to deny or delay the information. I would therefore close the case. The PIO is however warned to ensure that he should be careful in future and must respond in time to avoid penal action.

**Order**

The appeal is disposed off.

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

Place: Mumbai  
Date: 20.05.2010.

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

**Complaint No.2010/928/02**

**Shri. C. Henriques  
Flat No.6, 2<sup>nd</sup> Floor,  
Bank of India Bldg.,  
56 Hill Rd, Bandra,  
Mumbai – 400 050.**

**...Complainant**

**Vs**

**Public Information Officer,  
Office of the Tahsildar, Borivili  
13 A, Bhandarkar Bungalow,  
Lokmanya Tilak Rd,  
Borivili (W), Mumbai – 400 092.**

**... Respondent**

**GROUND**

This complaint has been filed under section 18 of the Right to Information Act 2005. The complainant had by his application dated 15.02.2008 sought information relating a letter dated 09.03.1985 written by his mother to the tahsildar, Borivili, Mumbai. The complainant has enclosed a copy of the said letter which bears the endorsement dated 30.04.1986 “checked and verified this copy and found to be on record”. He wants confirmation whether the endorsement was done by the tahsildar, Borivili.

Not satisfied with responses from the Public Information Officer and First Appellate Authority the complainant filed this complaint.

The complaint was fixed for hearing on 28.05.2010. Complainant and defendants were present.

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

**Order**

The endorsement was made on 30.04.1984 by the then tahsildar who may not be occupying the same post today. The only way is to allow the inspection of the file and furnish copies of the documents selected by the complainant. The RTI Act ensures furnishing of available information on record and no interpretation confirmation is expected. Inspection to be facilitated within 15 days from the date of receipt of this order.

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

Place: Mumbai  
Date: 28.05.2010.



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

**Complaint No.2010/929/02**

**Shri. Omprakash Kashiram & Smt. Hansa Kori  
3/16, Amol Apt., Opp. Anant Apt.,  
Madhekar Wadi, Waldhuni, Kalyan – 421 301.**

**...Complainant**

**Vs**

**Public Information Officer cum Tahsildar  
Office of the Tahsildar, Mulund  
Topiwal College Opp,  
Mulund (W), Mumbai – 400 080.**

**... Respondent**

**GROUNDS**

This complaint has been filed under section 18 of the Right to Information Act 2005. The complainant has made this complaint on behalf of Smt Hansa Kori whose application for information has not been responded favourably. Strictly speaking this is not maintainable because complaint can be filed by the person who has been refused information taking into account the spirit of the RTI Act, I am however admitting the complaint.

The complaint was heard on 28.05.2010. The defendant was present but the complainant did not turn up.

Case papers reveal that information has not been furnished. I therefore pass the following order.

**Order**

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

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

Place: Mumbai  
Date: 28.05.2010.

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

**Complaint No.2010/895/02**

**Shri. Mahesh Ferdnis  
'Panchshila' C 5-4-03 1 A,  
C.B.D. Belapur, Navi Mumbai.**

**...Complainant**

**Vs**

**Public Information Officer,  
Joint Registrar, Cooperative Board,  
Cidco, Belapur, Navi Mumbai.**

**... Respondent**

**GROUND**

This complaint has been filed under section 18 of the Right to Information Act 2005. The complainant had sought information regarding Shivam Cooperative Housing Society, Kharghar, Navi Mumbai.

Not satisfied with responses from the Public Information Officer and First Appellate Authority the complainant filed this complaint.

The complaint was fixed for hearing on 24.05.2010. The complainant and defendants were absent.

Case papers do not reveal that the information required by the complainant has been furnished. I therefore pass the following order.

**Order**

The complaint is allowed. Information to be furnished within 15 days from the date of receipt of this order failing which action under section 20 of the RTI Act 2005 will be initiated.

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

Place: Mumbai  
Date: 24.05.2010.

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

**Complaint No.2010/898/02**

**Shri. Mohan Krushnan  
B-3/1, Macchindra Nagar,  
Dayabhai Patel Rd,  
Malad (E), Mumbai – 400 097.**

**...Complainant**

**Vs**

**Public Information Officer cum Asstt Police Commissioner  
North Control Desk, Kandivili, Mumbai.**

**... Respondent**

**GROUNDS**

This complaint has been filed under section 18 of the Right to Information Act 2005. The complainant by his application dated 07.05.2009 had sought information regarding action taken on his letter dated 02.04.2004 by the additional Commissioner of Police, North Region, Mumbai.

Not satisfied with responses from the Public Information Officer and First Appellate Authority the complainant filed this complaint.

The complaint was fixed for hearing on 24.05.2010.

Neither the complainant not the defendant appeared before the commission. The complainant however by his letter dated 22.05.2010 informed the commission the he did not want to pursue the matter. The request is granted.

**Order**

The complaint is filed.

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

Place: Mumbai  
Date: 24.05.2010.

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

**Complaint No.2010/862/02**

**Shri. Hasham Haji Mohammed  
Room No.78, Navrang CHS,  
Manilal Vakil Chawl,  
Nityanand Nagar, Ghatkopar (W),  
Mumbai – 400 086.**

**...Complainant**

**Vs**

**Public Information Officer cum Administrative Officer (Estate)  
Municipal Corporation of Greater Mumbai,  
F/South Ward, Dr. B.A. Rd,  
Parel, Mumbai – 400 012.**

**... Respondent**

**GROUNDS**

This complaint has been filed under section 18 of the Right to Information Act 2005. The complainant has sought information in respect of transfer of room no 11, block no 1, Ward no.2, New Labour Camp, Mumbai in favour of Salama Badshah Sheikh.

The complaint was heard on 21.05.2010. The defendant was present but the complainant did not turn up.

The defendant had no clue to the information. Case papers reveal that information has been furnished in respect of transfer in favour of Mr. Emad Anwar Thakur where as information sought is transfer in favour of Salma Sheikh. There seems some discrepancy which needs to be explained. I therefore pass the following order.

**Order**

The PIO is directed to furnish information in respect of transfer in favour of Salma Sheikh within 15 days from the date of receipt of this order.

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

Place: Mumbai  
Date: 26.05.2010.

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

**Complaint No.2010/912/02**

**Shri. Vishnu Kanodia  
A-1403, V.V. Aster Tower CHS Ltd.,  
Off. Gen. A.K. Vaidya Marg,  
Malad (E), Mumbai – 400 097.**

**...Complainant**

**Vs**

**Public Information Officer cum Dy Registrar  
Cooperative Society, P Ward,  
Malhotra House, Fort,  
Mumbai – 400 001.**

**... Respondent**

**GROUNDS**

This complaint has been filed under section 18 of the Right to Information Act 2005. The complainant had sought information regarding action taken against the society on the complaint which was received in the office of the defendant on 28.08.2005. Not satisfied with responses from the PIO and the First Appellate Authority he has filed this present complaint. The hearing was fixed on 26.05.2010 but neither the complainant nor the defendant was present. Case papers reveal that no information has been furnished. I therefore pass the following order.

**Order**

The PIO is furnished information within 15 days from the date of receipt of this order failing which action under section 20 of the RTI Act, 2005 will be initiated.

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

Place: Mumbai  
Date: 28.05.2010.

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

**Complaint No.2010/867/02**

**Shri. Anand Pargaonkar  
Room No.1145, Mahatma Phule Nagar,  
IIT Market, Pawai,  
Mumbai – 400 076.**

**...Complainant**

**Vs**

**Public Information Officer cum Rationing Officer,  
30 E Bhandup, Ishwer Nagar,  
Bhandup (W), Mumbai – 400 078.**

**... Respondent**

**GROUNDS**

This complaint has been filed under section 18 of the Right to Information Act 2005. The complainant had sought information regarding supply of Kerosene to Shop No.30 E 99 the quantity supplied, no of cards attached, distribution of the balance Kerosene not lifted by card holders etc.

The complaint was heard on 21.05.2010. The defendant was present but the complainant did not turn up.

The defendant informed the commission that this has been decided by the commission and order dated 18.12.2008 passed. In view of this there is no point in decide the same case again.

**Order**

The complaint is filed.

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

Place: Mumbai  
Date: 26.05.2010.

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

**Complaint No.2010/909/02**

**Shri. Tukaram Dambali  
Hanuman Nagar, Sakhare,  
Ta. Vikramgad, Dist. Thane.**

**...Complainant**

**Vs**

**Public Information Officer cum Dy Engineer-1,  
Office of the Water Supply Dept.,  
Zilla Parishad Water Supply,  
Jawhar, Dist. Thane.**

**... Respondent**

**GROUNDS**

This complaint has been filed under section 18 of the Right to Information Act 2005. The complainant has alleged irregularities in the implementation of Employment Guarantee Scheme in Jawhar, Dist. Thane.

The complaint was heard on 26.05.2010. Complainant and defendants were present.

The complainant was not satisfied with the response received. The defendant stated that he had asked for grant from the Executive Engineer, Water Supply, Zilla Parishad, Thane to enable him to xerox the documents required by the complainant. It was finally agreed that a copy of the tahsiladr report who is said to have enquired into the matter should be given to the complainant free of cost.

**Order**

The complaint is allowed. A copy of the tahsildar report to be given to the complainant free of cost within 15 days form the date of receipt of this order.

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

Place: Mumbai  
Date: 27.05.2010.

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

**Complaint No.2010/910/02**

**Shri. Navin Toliya Flat No.A-15/16,  
Ishwer CHS Ltd., L.B.S. Marg,  
Bhandup (W), Mumbai – 400 078.**

**...Complainant**

**Vs**

**Public Information Officer,  
Office of the Asstt Registrar  
Cooperative Board, S-Ward, Mumbai  
Kokan Bhavan, 2<sup>nd</sup> Floor,  
Navi Mumbai – 400 614.**

**... Respondent**

### **GROUNDS**

This complaint has been filed under section 18 of the Right to Information Act 2005. The complainant has asked some questions – can an associate member become a member of the managing committee, can a member of the society inspect the books of account, what was the procedure to be followed for adoption of new Bye laws and other related questions.

The complaint was heard on 26.05.2010. The defendant was present but the complainant did not turn up.

The defendant submitted that information has been sought in the form of questions. He has however furnished the information under his letter dated 15.02.2008.

After going through the case papers and hearing the defendant I have come to the conclusion that complete information has not been furnished. The argument that information has been sought in the question answer form and therefore cannot be furnished is not valid. Hythetical questions need not be responded but questions are



leading to factual information has to be furnished. The complainant's questions are not hypothetical and even the defendant know that answers are there. I therefore direct that balance information based on facts should be furnished.

**Order**

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

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

Place: Mumbai  
Date: 26.05.2010.

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

**Complaint No.2010/861/02**

**Shri. Mehmood Shaikh  
R.No.7, Dost Mohd. Chawl,  
Behind Gausiya Masjid, Nityanand Nagar,  
Ghatkopar (W), Mumbai-400 086**

**...Complainant**

**V/s**

**Public Information Officer cum Dy. Collector  
Office of the Dy. Collector, Ghatkopar,  
Topiwala Collage Building,  
Mulund (W), Mumbai-400 080**

**...Respondent**

**GROUNDS**

This complaint has been filed under section 18 of the Right to Information Act 2005. The complainant by his application dated 25.4.2008 had sought copy of annexure-II in respect of Lok Hind Grih Nirman Sanstha (Proposed). He did not receive the information hence the complaint.

The complaint was heard on 21.5.2010. The complainant did not come. The defendant was present. He has submitted that the information has been furnished and received by the complainant on 22.08.2008. In view of the appellant's absence and complainant's absence the case is closed.

**Order**

The complaint is filed.

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

Place: Mumbai  
Date: 26.05.2010

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

**Complaint No.2010/865/02**

**Shri. Sandeep Thakkur  
F8/RH6/Sector 6  
Vashi, Navi Mumbai-400 703**

**...Complainant**

**V/s**

**Public Information Officer cum Manager  
CIDCO of Maharashtra Limited,  
CIDCO Bhavan, C.B.D. Belapur,  
Navi Mumbai-400 614**

**...Respondent**

**GROUND**

This complaint has been filed under section 18 of the Right to Information Act 2005. The complainant had sought information regarding usage of Cidco's cars, their log books and its repairs.

The complaint was heard on 21.5.2010. The defendant was present but the complainant did not turn up. The defendant informed the commission that the case has already been decided by the State Information Commissioner, Konkan Division and information provided according to his order.

The complaint is therefore filed.

**Order**

The complaint is filed.

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

Place: Mumbai  
Date: 26.05.2010

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

**Complaint No.2010/905/02**

**Shri. Shah Vasantkumar Lalji Gangar  
Shop No. 37/A, Ground Floor,  
Khandke Building No.11,  
J.K.Sawant Marg, Dadar  
Mumbai-400 028**

**...Complainant**

**V/s**

**Public Information Officer cum Executive Engineer  
F/North, & G/North,  
Mumbai Building Repairs & Reconstruction Board,  
Sonawala Building, Shindewadi,  
Shankar Aabaji Palav Marg,  
Dadar, Mumbai-400 014**

**...Respondent**

**GROUNDS**

This complaint has been filed under section 18 of the Right to Information Act 2005. The complainant had sought the following information: -

1. Latest copy of Mhada NOC Letter
2. Latest Certified copy of Annexure II Affidavit / cum Undertaking submitted from Land Lord / Developer/ Promoter to MHADA under revise DCR 33 (7) of 1991 of Greater Mumbai as per Govt. Gazette dated 25.01.1999.
3. Latest copy of Certification of list of Tenants / Occupants area occupied by each of them in the old Cessed property duly certified by the Executive Engineer of G/North Ward MHADA.

Complete Details of permissible FSI on said plot as per approved plan under modified DCR 33 (7) for residential and commercial purpose after Rehabilitation of Existing Old Tenants/ Occupants plus Incentive FSI in sq. fts.

4. Builder/ Developer/ Owner will take how much time to Rehouse the old Tenants/ Occupants as per certification list in newly constructed building.

He has stated that he has not been furnished information despite the fact that he has deposited the requisite amount.

The complaint was heard on 26.05.2010. The complainant and defendant were absent. Case papers reveal that money has been deposited but information has not been furnished. I therefore pass the following order.

**Order**

The PIO to show cause why action under section 20 of the RTI Act 2005 should not be taken against him for not furnishing the information. His reply to reach the commission within 4 weeks from the date of receipt of this order.

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

Place: Mumbai  
Date: 26.05.2010

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

**Complaint No.2010/907/02**

**Shri. Yashwant V. Rasne  
Expert Driving School, Shop No.6,  
Shubhalaxmi Building,  
Near Railway Over Bridge,  
Kulgaon, Badlapur (W)-421 503**

**...Complainant**

**V/s**

**Public Information Officer cum Chief Officer  
Kulgaon-Badlapur Nagar Parishad,  
Kulgaon, Dist-Thane-421 503**

**...Respondent**

**GROUNDS**

This complaint has been filed under section 18 of the Right to Information Act 2005. The complainant is about hoardings fixed in front of his Motor Driving School which affects his business adversely. He wanted to know what action has been taken on his complaint.

The complaint was fixed for hearing on 26.5.2010. The complainant and defendant were absent. Case papers reveal that he has been informed that the site was inspected and it was disclosed that the complainant is not getting adversely affected. I therefore pass the following order.

**Order**

The complaint is filed.

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

Place: Mumbai  
Date: 28.05.2010

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

**Complaint No.2010/936/02**

**Shrimati Shilpa Hindalekar  
88/2625, Pantnagar,  
Ghatkopar (E), Mumbai – 400 075.**

**...Complainant**

**Vs**

**Public Information Officer cum Registrar &  
Metropolitan Magistrate,  
Esplanade, Mumbai.**

**... Respondent**

**GROUND**

This complaint has been filed under section 18 of the Right to Information Act 2005 in the context of the commission's order dated 31.10.2008 passed in appeal no 2008/1033/02. The complainant had sought a copy of the charge sheet and investigation report in respect of case no 160/PW/2004.

Not satisfied with responses from the Public Information Officer and First Appellate Authority the complainant filed appeal under section 19 (3) of the RTI Act, 2005. The commission by its order dated 31.10.2008 directed that information should be furnished within 15days. The present complaint is against alleged non compliance of commissions order.

The complaint was heard on 31.05.2010. The complainant did not come but the respondent was present. It has been stated by the defendant that information has been furnished and commission's order complied. In view of the complainant's absence and the respondent's submission, the case is closed.

**Order**

Complaint is filed.

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

Place: Mumbai  
Date: 31.05.2010.

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

**Complaint No.2010/938/02**

**Shri. V.P. Gawande  
1<sup>st</sup> Floor, Parcel Office Bldg.,  
Senior Plat Form No.14,  
Central Railway, CSTM,  
Mumbai – 400 001.**

**...Complainant**

**Vs**

**Public Information Officer cum Personnel Officer  
Electricity Supply & Transport Board,  
BEST Bhavan, Best Marg, Post Box No.192,  
Kulaba, Mumbai – 400 001.**

**... Respondent**

**GROUNDS**

This complaint has been filed under section 18 of the Right to Information Act 2005. The complaint is with reference to the BEST's letter dated 25.08.2008 where in it has stated that 'B' grade technical staff is required to work for 48 hours a week. The complainant has pointed out that the information was not supported by the existing rules furnished to him by the BEST.

The complaint was heard on 31.05.2010. The complainant was represented by Shri Srinivas. The defendant did not turn up.

The complainant stated that he has seen the rules but it is nowhere mentioned that staff belonging to B Grade technical should work for 48 hours. He also submitted that in case some arrangement has been arrived at under rule (office hours) 3.1.3 he should be furnished a copy.

After considering the arguments advanced by parties and going through the file I have come to the conclusion that complaint needs to be allowed. The information furnished has to be supported by documents on record. The simple issue is by what



rule/arrangement staff belonging to 'B' grade technical need to work for 48 hours. The complainant deserves to be informed.

**Order**

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

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

Place: Mumbai  
Date: 31.05.2010.

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

**Complaint No.2010/953/02**

**Shri. Vinayak Gurav  
112 Tenament B Block 5,  
Bapurao Jagtap Marg,  
Jacob Circle, Mumbai – 400 011.**

**...Complainant**

**Vs**

**Public Information Officer,  
H.R. College & Commerce & Economics,  
123, Dinsha Vachha Rd,  
Churchgate, Mumbai – 400 020.**

**... Respondent**

**GROUNDS**

This complaint has been filed under section 18 of the Right to Information Act 2005. The complainant had sought information regarding online admission in HR College of Commerce & Economics. It has also been brought to the commission's notice that the college has not displayed names of the Public Information Officer and the First Appellate Authority.

The complaint was heard on 31.05.2010. The complainant was present but the defendant was absent.

The case papers show that the PIO by his letter dated 20.10.2009 has informed that the information cannot be furnished under section 8(1) (J) of the RTI Act 2005.

I have gone through the case papers and also considered the argument advanced by the complainant. I am of the view that section 8(1) (J) does not apply in this case. There is nothing personal about it. Disclosure of such information will enhance transparency. There is no justification for not displaying the names of the PIO / the FAA. This is nothing but violation of the provision of the RTI Act. I therefore pass the following order.

**Order**

Information to be furnished within 4 weeks from the date of receipt of this order. The college to explain why action should not be initiated against them for not displaying the names of the PIO / FAA. Their reply to reach the commission within 4 weeks.

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

Place: Mumbai  
Date: 31.05.2010.

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

**Complaint No.2010/944/02**

**Shri. Vishavnath Vichare  
A, Vaishali CHS,  
Aliyavar Jung Marg,  
Bandra (E), Mumbai – 400 051.**

**...Complainant**

**Vs**

**Public Information Officer cum Asstt Engineer  
Municipal Corporation of Greater Mumbai  
H/West Ward, 137 TPS-5, Second Rd,  
Prabhat Colony, Santacruz (W),  
Mumbai – 400 055.**

**... Respondent**

**GROUNDS**

This complaint has been filed under section 18 of the Right to Information Act 2005. The complainant had complaint against unauthorized mobile antenna at Vaishali Cooperative Housing Society, Aliyavarjung Marg, Bandra (E), Mumbai.

The complaint was heard on 31.05.2010. The defendant was present but the complainant did not turn up.

The defendant has submitted that the unauthorized structure has been demolished and the antenna has been made been made unworkable. Since the complainant was not present, the commission could not have the benefit of his input. In view of the complainant's absence and the defendant's submission I decide to close the case.

**Order**

The complaint is filed.

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

Place: Mumbai  
Date: 31.05.2010.

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

**Complaint No.2010/952/02**

**Shri. Vilashrao Deshmukh  
Room No. A/1, Shri Gurukrupa Chawl,  
Hanuman Tekadi,  
Borivali (W), Mumbai – 400 066.**

**...Complainant**

**Vs**

**Public Information Officer cum Dy Education Inspector, R East  
Office of the Education Inspector (West),  
I.Y. College Compound,  
Jogeshwari (E), Mumbai – 400 060.**

**... Respondent**

**GROUND**

This complaint has been filed under section 18 of the Right to Information Act 2005. The complainant had sought information in respect of Dr. Mishra Bhoir High School, Rawalpada, Dahisar (E) and Vishwakarma High School (English Medium) Mini Nagar, Dahisar (E). He has complained because the head masters from those schools were called at the time of hearing. This was likely to create enmity evenly between him and the head masters.

The complaint was heard on 31.05.2010.

After hearing the parties and seeing the documents I pass the following order.

**Order**

The defendants will facilitate inspection of relevant documents by the complainant on 04.06.2010 at 11 am and will also furnish copies of documents selected by him free of cost.

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

Place: Mumbai  
Date: 31.05.2010.

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

**Complaint No.2010/517/02**

**Shri. N Sekar  
Dystuff Technology Deptt.,  
University Institute of Chemical Technology,  
Matunga, Mumbai – 400 019.**

**...Complainant**

**Vs**

**Public Information Officer,  
Mumbai University,  
Institute of Chemical Technology,  
Matunga, Mumbai – 400 019.**

**... Respondent**

**GROUND**

This complaint has been filed under section 18 of the Right to Information Act 2005. The complainant had sought information regarding Promotion and Assessment Committee. Report of the selection Committee. Report of the scrutiny committee and related issues. He had sought information on 8 point – all related to his promotion / denial of it.

The complaint was heard on 07.05.2010. The complainant and defendant were absent.

Case papers reveal that information has been furnished. The case is therefore closed.

**Order**

The complaint is filed.

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

Place: Mumbai  
Date: 31.05.2010.

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

**Complaint No.2010/939/02**

**Shri. Vijay Padaval  
Shri Prabhu Chaya Bldg.,  
Flat No.201, Opp. Rajlaxmi Soc.,  
Mhatarpada Rd, Amboli, Andheri (W),  
Mumbai – 400 058.**

**...Complainant**

**Vs**

**Public Information Officer,  
Office of the Dy Asstt Inspector General of Police  
Maharashtra State Police Head Office,  
Kulaba, Mumbai – 400 001.**

**... Respondent**

**GROUND**

This complaint has been filed under section 18 of the Right to Information Act 2005. The complainant had sought information regarding non-payment of Group Insurance amount payable to him. He was not satisfied with the response hence this complaint.

The complaint was heard on 31.05.2010. The defendant was present but the complainant did not turn up.

The defendant submitted that the amount has been paid. He submitted a copy of the acknowledgement receipt. I therefore pass the following order.

**Order**

The complaint is filed.

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

Place: Mumbai  
Date: 31.05.2010.

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

**Complaint No.2010/940/02**

**Shri. Vishwas Vasant Tamhankar  
Tagore Nagar, Chawl No. 156,  
R.No.2585, Group No. 5/B,  
Vikroli (E), Mummbai-400 083.**

**...Complainant**

**V/s**

**Public Information Officer cum Asstt. Police Commissioner  
Marol Maroshi Road, Andheri,  
Mumbai-400 059.**

**...Respondent**

**GROUND**

This complaint has been filed under section 18 of the Right to Information Act 2005. The complainant has complained that information furnished to him in response to various applications filed by him was misleading, incomplete and incorrect.

The complaint was heard on 31.5.2010. The complainant and defendant were present.

I have heard the parties and also examined the case papers. There is nothing to substantiate that the information was misleading and incorrect. The commission has disposed off many of complaint's applications. Many of them are repetitive in nature. In view of the fact that there is nothing to substantiate that the information was misleading or incorrect. The case will have to be closed.

**Order**

The complaint is filed.

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

Place: Mumbai  
Date: 31.05.2010

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

**Complaint No.2010/935/02**

**Shri. Vinodkumar L. Dhavan  
101, Krushna Kunj Co-op Hsg. Society Ltd,  
Plot No.13, L.T.Nagar Road No.1,  
In front of M.G.Road, Goregaon,  
Mumbai-400 062.**

**...Complainant**

V/s

**Public Information Officer cum Asstt. Engineer (B.P.)  
M.C.G.M, Goregaon (W),  
Mumbai-400 062.**

**...Respondent**

**GROUNDS**

This complaint has been filed under section 18 of the Right to Information Act 2005 in the context of the commission's order dated 29.11.2008 passed in appeal no. 2008/1169/02. The complainant had sought information on 5 points relating to Patkar College, Mumbai.

Not satisfied with responses from the Public Information Officer and First Appellate Authority the complainant filed appeal under section 19 (3) of the RTI Act, 2005. The commission by its order dated 29.11.2008 directed that information should be furnished within 30 days. The present complaint is against allayed non compliance of commissions order.

The complaint was heard on 31.5.2010. Complainant and defendants were present.

The complainant has stated that he was not furnished the information as directed and was asked to collect it from the Building Proposal Department. The defendant submitted that he was asked to deposit Rs.660/- and collect the information.

After considering the arguments advanced by parties and going through the file. I have come to the conclusion that information has not been furnished. The commission's order required ward office to collect the information and furnish to the appellant. The appellant did not deposit the money and collect the information. I therefore do not agree with him that the information should be given free of cost. I therefore pass the following order.

**Order**

The PIO to furnish information after the complainant deposits Rs.660/-. The complainant should not be asked to go to the B.P. Department. And information must be furnished by the ward.

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

Place: Mumbai  
Date: 31.05.2010



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

**Complaint No.2010/941/02**

**Shri. Vinayak Jagdale  
Kurla Court, L.B.S. Marg,  
Kurla (W), Mumbai – 400 070.**

**...Complainant**

**V/s**

**Public Information Officer,  
Taluka Inspector,  
Land Superintendent, Junnar,  
Dist. Thane.**

**...Respondent**

### **GROUND**

This complaint has been filed under section 18 of the Right to Information Act 2005. The complainant by his application dated nil had sought a copy of the map in respect of gat no 52/2, 52/3 and 52/4 OJHAR, Vighnagar Nagar, taluka Junnar, district Pune. He has not been furnished the required information and hence the complainant.

The complaint was heard on 31.5.2010. The complainant was present but the defendant was absent.

After hearing the complainant and examining the papers on record I have come to the conclusion that information has not been furnished. I therefore pass the following order.

### **Order**

Information to be furnished free of cost within 30 days from the date of receipt of this order.

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

Place: Mumbai  
Date: 31.05.2010

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

**Complaint No.2010/949/02**

**Shri. Prafull Narvankar  
401 Yashwant CHS,  
Survey No.161-A, Plot No.4,  
Juhu Versova Link Rd,  
Andheri (W), Mumbai – 400 053.**

**...Complainant**

**V/s**

**Public Information Officer cum Dy Registrar  
Office of the Dist Registrar Coop Board (3),  
K/West Ward, Grihanirman Bhavan,  
Ground Floor, Desk No.69, Bandra (E),  
Mumbai – 400 051.**

**...Respondent**

### **GROUND**

This complaint has been filed under section 18 of the Right to Information Act 2005. The complainant by his application dated 20.08.2008 had sought the following information: -

- a. The name of the Executive Committee Members / Officer Bearers who have signed the Indemnity Bonds alongwith the copies thereof and submission of these documents to you with connected file notings.
- b. Supply of copies of the minutes Annual General Body of Yashwant CHS for the years 2003-04, 2004-05, 2005-06, 2006-07 & 2007-08 alongwith dates of submission and Auditors reports due these years with connected file notings.

He was not satisfied with responses received and hence this complaint.

The complaint was heard on 31.5.2010. The defendant was present but the complainant did not turn up.

The defendant submitted that the complainant was asked to get the information from the society which has been directed to furnish the information.

After considering the arguments advance by parties and going through the file. I have come to the conclusion that information has not been furnished. The information sought is accessible to the PIO and it is also under his control. In fact he is supposed to be informed under rule 58 A of the Maharashtra Cooperative Societies Rules 1961. I therefore pass the following order.

**Order**

The PIO to procure the information and furnish to the complainant within 30 days from the date of receipt of this order.

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

Place: Mumbai  
Date: 31.05.2010

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

**Complaint No.2010/945/02**

**Shri. Prabhakar Ghatmale  
Flat No.40, Durganagar,  
Trimurti Chowk,  
CIDCO-4, Nashik-8.**

**...Complainant**

**V/s**

**Public Information Officer cum Under Secretary  
Agriculture, Animal Husbandry,  
Dairy Development and Fisheries Department (6),  
Mantralaya, Mumbai – 400 032.**

**...Respondent**

**GROUND**

This complaint has been filed under section 18 of the Right to Information Act 2005. The complainant has asked for a copy of the Enquiry report in respect of the Departmental Enquiry held against him. He was informed that the information was not furnished to him under section 8(h) of the RTI Act 2005. He is not satisfied hence the complaint.

The complaint was heard on 31.5.2010. The complainant was present but the defendant was absent.

The complainant has reiterated that he was not furnished the required report. The defendant was not present and it could not be verified. Case papers however reveal that he has been informed by the PIO's letter dated 17.09.2008 that the information cannot be furnished in the light of section 8(h) of the RTI Act 2005.

After considering the arguments advance by parties and going through the file. I have come to the conclusion that the complainant has been correctly informed. The Central Information Commission in a large no of cases has concluded that when enquiry

is under progress no information relating to the same can be disclosed (S. Lilavathi vs J I  
PME Pondicherry, CIC Digest (vol I) 1246.)

**Order**

The complaint is therefore filed.

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

Place: Mumbai  
Date: 31.05.2010

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

**Complaint No.2010/947/02**

**Shri. Prakash Chatpar  
Block No.52, Room No.2,  
Hindustan Chowk,  
Mulund Colony,  
Mumbai – 400 082.**

**...Complainant**

**V/s**

**Public Information Officer cum Asstt Engineer (B & F)  
Municipal Corporation of Greater Mumbai  
T Ward, Lala Devidyal Marg,  
Mulund (W), Mumbai – 400 080.**

**...Respondent**

### **GROUNDS**

This complaint has been filed under section 18 of the Right to Information Act 2005. The complainant had sought information regarding unauthorized construction on CST 370, Mulund Colony, Mulund. He was not satisfied with the information furnished and hence the complaint.

The complaint was heard on 31.05.2010. Complainant and defendants were present.

The complainant stated that the unauthorized structure has not been fully demolished. He showed to me the photographs. The defendant stated that the structure has been rendered unusable. He also showed to me the photographs.

After considering the arguments advanced by parties and going through the file. I have come to the conclusion that there is no disagreement between the parties. The

complainant's only point is that the structure has been rendered unusable but at the same time it has been a danger to the lives of Children who frequent the place as a playground.

The defendant also admitted. Under these circumstances I pass the following order.

**Order**

The defendant to ensure that remnants of the demolished structure endangering the lives of residents should be removed and appellant informed.

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

Place: Mumbai  
Date: 31.05.2010

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

**Complaint No.2010/917/02**

**Shri. Manoj Bhopi/ Ghate  
Shri Shrinivas Sharad Patki,  
Bhatankar Chwal, Room No.3,  
Gaondevi Pada, Panvel,  
Dist Raigad.**

**...Complainant**

**V/s**

**Public Information Officer cum Tahsildar  
Office of the Panvel Tahsildar,  
Panvel – 410 206.**

**...Respondent**

**GROUND**

This complaint has been filed under section 18 of the Right to Information Act 2005. The complainant had sought information relating to survey no 34/1 and notice in respect of final plot no 121. He has sought copies of the notice published under section 150 of the Maharashtra Land Revenue Code and other related information. He had sought information on 9 points. He did not receive the information hence the complaint.

The complaint was heard on 26.05.2010. Complainants were present but the defendant was absent.

Case papers reveal that no information has been furnished. The PIO is therefore directed to furnish information within 15 days failing which action under section 20 of the RTI will be initiated.

**Order**

The complaint is allowed.

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

Place: Mumbai  
Date: 31.05.2010



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

**Complaint No.2010/937/02**

**Shri. Chandrakant Kendre  
B.N.20/320, Azad Nagar,  
Niwasi Colony, Near Apna Bazar,  
Jaiprakash Rd, Andheri (W),  
Mumbai – 400 058.**

**...Complainant**

**V/s**

**Public Information Officer cum Administrative Officer  
Maharashtra Industrial Development Board,  
Udyod Sarthi, Mahakali Gufa Rd,  
Andheri (E), Mumbai – 400 093.**

**...Respondent**

### **GROUND**

This complaint has been filed under section 18 of the Right to Information Act 2005 in the context of the commission's order dated 30.12.2008 pass in appeal no 2008/1399/02. The facts in brief are as follows: - The complainant had sought information regarding promotion of Shri Sutar, Mr. Kalegarekar, Mr.B.N. Patil, Mr. S.P. Vaze and Shri Dhekale.

Not satisfied with responses from the Public information Officer and First Appellate Authority the complainant filed appeal under section 19 (3) of the RTI Act, 2005. The commission by its order dated 30.12.2008 directed that inspection should be allowed and copies of selected documents given within 15 days.

The complaint was heard on 31.05.2010. The defendant was present but the complainant did not turn up.

It has been submitted by the defendant that the required information has been furnished. He has submitted his say in writing. Defendant also stated that the complainant did not want information but promotion which he was not entitled to.

After considering the arguments advance by parties and going through the file. I have come to the conclusion that information has been furnished. The commission is not mandated to deal with promotions. Available information has been furnished. The case is closed.

**Order**

The complaint is filed.

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

Place: Mumbai  
Date: 31.05.2010

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

**Complaint No.2010/942/02**

**Shri. Prakash Sheth  
1103, Salsa Apt.,  
254-Ridge Rd,  
Mumbai – 400 006.**

**...Complainant**

**V/s**

**Public Information Officer,  
Office of the Superintendent,  
City Survey & Land Records,  
Mumbai City, Fort, Mumbai.**

**...Respondent**

**GROUND**

This complaint has been filed under section 18 of the Right to Information Act 2005. The complainant had sought the following information: -

Please furnish to me a certified extract of PR card (survey register u/s 282 of the Maharashtra Land Revenue Act 1966) in respect of the following property.

‘Cadastal Survey No.254 of the Malbar and Cumbala Hill Division, Mumbai, Collector’s new No. A/271-C, New Survey No.7183, Street No. Touching Street name. Ratilal R. Thakker Marg (Winter Rd)’.

Not satisfied with responses from the Public information Officer and First Appellate Authority he has filed the present complaint.

The complaint was heard on 31.05.2010. The defendant was present but the complainant did not turn up.

After hearing the defendant and examine the case papers I pass the following order.

**Order**

Information to be sent free of cost and registered post within 15 days from the date of receipt of this order.

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

Place: Mumbai  
Date: 31.05.2010

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

**Complaint No.2010/911/02**

**Shri. Mataprasad Jha  
A 1-518/16, Trimurti Apt.,  
Sector-16, Aroli,  
Navi Mumbai – 400 708.**

**...Complainant**

**V/s**

**Public Information Officer cum Asstt Registrar  
Coop Board, S-Division, Mumbai  
Konkan Bhavan, 2<sup>nd</sup> Floor,  
Navi Mumbai – 400 614.**

**...Respondent**

### **GROUND**

This complaint has been filed under section 18 of the Right to Information Act 2005. The complainant had sought copies of audited balance sheets, auditor's reports & remarks and recommendations in respect of Godrej and Boyce Employees Cooperative Credit Society for years 1990-91 to 2000-2001. Not satisfied with responses from the PIO and the First Appellate Authority, he has filed this complaint.

The complaint was heard on 26.05.2010. Complainant is not satisfied with the response received from the PIO / First Appellate Authority. The defendant on the other hand has submitted that this information furnished belonged to "D" category and has since been destroyed. The defendant has written to the society but the society has not responded favourably. A notice was given under section 79 of the MCS Act 1960 but the same was stayed by the Divisional Joint Registrar.

After considering the arguments advance by parties and going through the file. I have come to the conclusion that the complainant has been property informed. He has been made aware of all the steps taken to procure information. It is not clear whether the

stay granted by the Divisional Joint Registrar has been vacated or not. The complainant has to pursue the matter. The commission has no choice but to close the case.

**Order**

The complaint is filed.

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

Place: Mumbai  
Date: 31.05.2010

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

**Complaint No.2010/514/02**

**Shri. Leo Mascarenhas  
R.No.118, Fr. C. Rodrigues College of Engineering,  
Band-Stand, Bandra (W),  
Mumbai – 400 050.**

**...Complainant**

**V/s**

**Public Information Officer cum Principal  
Fr.C. Rodrigues College of Engineering,  
Band-Stand, Bandra (W),  
Mumbai – 400 050.**

**...Respondent**

### **GROUND**

This complaint has been filed under section 18 of the Right to Information Act 2005 in the context of the commission's order dated 31.10.2009 passed in appeal no 2008/3387/02. The facts in brief are as follows: - The complainant had sought a copy of the written complaint dated 01.08.2008 by Shri V.S. Bilolikar, statements recorded, report submitted recommendations made and documents referred to in the Departmental enquiry.

Not satisfied with responses from the Public information Officer and First Appellate Authority the complainant filed appeal under section 19 (3) of the RTI Act, 2005. The appeal was heard on 12.10.2009. The appellant was present but the respondent remained absent. The commission by its order dated 31.10.2009 directed that information be furnished within 30 days. The present complaint is against non compliance of commissions order.

The complaint was heard on 27.04.2010. Complainant and defendants were present. Parties have given their written submission.

The complainant has stated that he has not been provided the information. It has been stated that the commission's order has not been complied. The respondents were given opportunity to be heard but they decided not to appear before the commission. He has pleaded for penal action against respondents.

The defendant's contention was that the appellant was denied information because the college is not covered under the Right to Information Act, 2005. The First Appellate Authority also rejected his appeal. He has cited the order passed by Hon High Court Bench, Nagpur in writ petition no 5132 of 20087 decide on 20.08.2009.

I have gone through the case papers and also considering the arguments advanced by parties. I have gone through the High Court order dated 20.08.2009. It has been made clear that the trust and its unaided college do not come within the purview of the RTI Act 2005. Since they are not controlled in its management or substantially financed by appropriate govt. directly or indirectly. They are not covered by the definition of public authority and provisions of the RTI Act do not apply to them. Under these circumstances the commission has no option but to close the case.

### **Order**

The complaint is filed.

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

Place: Mumbai  
Date: 29.05.2010



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

**Complaint No.2010/1024/02**

**Shri. Jaiprakash Singh  
Azadwadi Damu Nagar,  
Kandivali (E), Mumbai – 400 101.**

**...Complainant**

**V/s**

**Public Information Officer cum Asstt Engineer  
Municipal Corporation of Greater Mumbai  
R/South Ward, Near Swimming Pool,  
Kandivali (W), Mumbai**

**...Respondent**

### **GROUND**

This complaint has been filed under section 18 of the Right to Information Act 2005. The complainant had sent his application to the Chief Information Commissioner, Central Information Commission, New Delhi. The same was sent to us because the matter falls under the jurisdiction of Maharashtra Information Commission.

The complainant's contention is that the Maharashtra Electricity Regulatory Commission did not furnish the information. They referred the complainant to Reliance Energy which replied that the Act was not applicable to them.

The whole issue has been examined. It is very clear that Reliance Energy cannot be classified as a section 2(h) of the RTI Act. Section 2(f) of the Act defines information as information relating to any private body which can be accessed by a public authority under any other law for the time being enforced. I have examined the provision contained in the Electricity Act, 2003. Section 86 of the Act describes functions / powers of the MERC. It does not give an impression that the MERC can access information relating to setting up of a substation / transformer. The MERC has nothing to do with the

micromanagement of the company. I am therefore of the view that the MERC cannot access the information sought by the complainant. The complainant will have to be filed.

**Order**

The complaint is filed.

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

Place: Mumbai  
Date: 29.05.2010

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

**Complaint No.2010/950/02**

**Shri. Prakash Pawar  
6, Sankalp. Paip Line Rd,  
Wagale Estate, Thane – 400 604.**

**...Complainant**

**V/s**

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

**...Respondent**

**GROUND**

This complaint has been filed under section 18 of the Right to Information Act 2005. The complaint is against Mrs. Sawant and Mrs. Masurkar. The complainant had gone to attend the hearing on behalf of his daughter Mrs Ashwini Mayur Pawar Sawant who had asked for information under the RTI Act. The complainant says that these officers were resenting his presence despite the fact that he had the authority letter from his daughter.

The complaint was heard on 31.05.2010. Complainant & defendant were present. The complaint is not relating to information but conduct of the officers. Case papers show that information has been furnished. As far as the complainant is concerned I would like to clarify that if a person has been authorized, he is entitled to attend the hearing section 5 (3) of the RTI Act expects that the PIO shall render reasonable assistance to the person seeking information. It goes further to emphasis that where such request cannot be made in writing the PIO shall render all reasonable assistance to the person making the request orally to reduce the same in writing. The PIO and the First

Appellate Authority should go through the provisions of the Act and refresh their understanding and imbibe the true spirit of the RTI Act.

**Order**

The complaint is filed.

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

Place: Mumbai  
Date: 31.05.2010

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

**Complaint No.2010/922/02**

**Shri. Mohan Shetty  
Hotel Geeta Bar & Restaurant,  
Dattaram Lad Marg,  
Kala Chowki, Mumbai 400 033.**

**...Complainant**

**V/s**

**Public Information Officer cum Asstt Engineer  
Municipal Corporation of Greater Mumbai  
F/South Ward Office,  
Parel, Mumbai – 400 012.**

**...Respondent**

**GROUNDS**

This complaint has been filed under section 18 of the Right to Information Act 2005. The complainant had sought the following information: -

Murli Chawl was reconstructed as Amardeep CHS of 5 floors in Datta Ram Lad Marg, Kalachowki, Mumbai – 400 033 in 1984 and an area of 30 feet setback Road was earmarked for road.

Even after lapse of 22 years the road widening / setback is not done.  
What is the reason for such delay? When the road widening is proposed?  
He did not get information he wanted. Hence the complaint.

The complaint was fixed for hearing on 25.05.2010. The complainant & defendant were absent.

Case papers reveal that the information furnished has not satisfied the complainant. In fact why the road work has not been taken and when will be it taken are not information per say. I can however understand the anxiety of the complaint. The RTI ensures furnishing of available information and no interpretation assurance or confirmation is expected. I therefore pass the following order.

**Order**

The complaint is allowed. The complainant should be informed whether the road work mentioned by him finds its place in the list of works proposed to be taken during the current year. This should be done within 30 days from the date of receipt of this order.

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

Place: Mumbai  
Date: 31.05.2010

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

Appeal No.2010/4915/02

**Shri. Udaysingh Rathod**  
**353/B-11/3 Ambika,**  
**Triveni Ambika CHS.,**  
**Opp. Saibaba Mandir,**  
**Ghatkopar (E), Mumbai – 400 077.**

... **Appellant**

V/s

**First Appellate Officer,**  
**Dist. Dy Registrar, Cooperative Society (2),**  
**East Suburban, Mumbai**  
**Konkan Bhavan, 2<sup>nd</sup> Floor,**  
**Navi Mumbai – 400 614.**

... **Respondent**

**Public Information Officer cum Dy Registrar,**  
**Cooperative Society,**  
**N Division, Mumbai**  
**Konkan Bhavan, 2<sup>nd</sup> Floor,**  
**Navi Mumbai – 400 614.**

### **GROUND**

This appeal has been filed under section 19(3) of the Right to Information Act, 2005. The appellant by his application dated 08.09.2009 had sought the following information: -

Whether the Managing Committee members of Triveni Ambika CHS Ltd have furnished Indemnity Bond as required u/s 73(1) AB of the Maharashtra Cooperative Societies Act, 1960.

Not satisfied with responses from the Public Information Officer & First Appellate Authority the complainant filed this second appeal before the commission. The appeal was heard on 31.05.2010. Appellant and respondents were present.

The appellant has contended that he has not been furnished the required information. The respondent by his letter dated 20.05.2009 informed the appellant his office had no information whether bonds have been furnished or not.

After going through the case papers and considering the arguments advanced by parties I have come to the conclusion that information has not been furnished. The information is accessible to the public authority and he should procure and furnish to the appellant. I therefore pass the following order.

**Order**

Copies bonds for 2005 to be procured and furnished to the appellant. This should be done within 30 days.

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

Place: Mumbai  
Date: 31.05.2010.

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

**Complaint No.2010/943/02**

**Shri. Vivek Tilwani  
254/256, Walkeshwar Rd,  
3<sup>rd</sup> & 4<sup>th</sup> Floor, Near Raj Bhavan,  
Mumbai 400 006.**

**...Complainant**

**V/s**

**Public Information Officer,  
Office of the Dean,  
Sir J.J. Group of Hospital &  
Grant Medical College,  
Byculla, Mumbai.**

**...Respondent**

**GROUND**

This complaint has been filed under section 18 of the Right to Information Act 2005. The complainant by his application dated 08.06.2009 had sought information but the same was denied to him on the ground that the information involves fiduciary relationship between members of the Enquiry Committee and the competent authority. Hence this complaint.

The complaint was heard on 31.05.2010. Complainant and defendants were present.

Case papers reveal that the complainant has not preferred the second appeal u/s 19(3) of the fact that the issue is of substantial importance, the complainant is advised to file appeal u/s 19(3) of the Act.

**Order**

The complaint is filed.

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

Place: Mumbai  
Date: 31.05.2010



