

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

Appeal No.2008/927/02

**Mr. D. M. Dhuru
366, Veer Savarkar Marg,
Dadar, Mumbai – 400 025.**

... Appellant

V/s

**First Appellate Officer cum Charity Commissioner,
3rd Floor, 83, Dr. Annie Besant Rd,
Worli, Mumbai – 400 018.**

... Respondent

**Public Information Officer,
3rd Floor, 83, Dr. Annie Besant Rd,
Worli, Mumbai – 400 018.**

GROUND

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant has asked for certified copy of the Judgment and order passed by Hon Joint Charity Commissioner on 16.09.1993 No. under section 50 A (3) 1-92/AAP. The appellant was not satisfied with responses from the PIO and the First Appellate Authority and hence this appeal.

The appeal was heard on 30.09.2008. The appellant did not turn up. The Public Relations Officer and the Dy. Charity Commissioner were present. They have made their written submission. It has been stated in the written submission that despite all efforts to trace the file, they have not succeed and therefore information could not be furnished.

In the light of the above submission and absence of the appellant I am constrained to pass the following order.

Order

The appeal is disposed off.

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

Place: Mumbai
Date: 01.10.2008

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

Appeal No.2008/940/02

**Mr. Suryakant Gangaram Chawan
39/2/3, Navjeevan CHS,
Opp. Indira Nagar Police Chowky
Serves Rd, Santacruz (E),
Mumbai – 400 055.**

... **Appellant**

V/s

**First Appellate Officer cum Joint Chief Officer
Mumbai Housing Development and Area Development Board,
3rd Floor, Grihanirman Bhavan,
Bandra (E), Mumbai – 400 051.**

... **Respondent**

**Public Information Officer cum Assitt. Land Manager
Mumbai Housing Development and Area Development Board,
3rd Floor, Grihanirman Bhavan,
Bandra (E), Mumbai – 400 051.**

GROUND

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant had requested for a copy of the letter dated 26.06.2006 written by the Mumbai Housing and Area Development Board to Shri. Sajid Ahemed Ansari, residing at Room No. 3, Abdul Painter Chawl, Santacruz, Mumbai. The appellant was not satisfied with responses from the PIO and the First Appellate Authority and hence this appeal.

The appeal was heard on 30.09.2008. Appellant and respondent were present. The appellant stated that he has still not got the information. The respondent being a new comer had no satisfactory reply.

I have gone through the case papers. It seems that the PIO was asked to furnish the information more than once. It is also revealed that the appellant was asked to deposit Rs.27/- and obtain relevant information. He has accordingly deposited the money and has been pursuing the matter. I have taken a serious note of this lapse. I pass the following order.

Order

The PIO to furnish the required information within 7 days.

It is also ordered that a show cause notice be issued to the PIOs Shri. K. D. Surade and Shri. Sutar asking them to explain why action under section 20 should not be taken against them

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

Place: Mumbai
Date: 01.10.2008

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

Appeal No.2008/945/02

**Mr. R. J. Uttamchandani
A-2 LA-Salette Bldg. La-Rosechs,
Sitladevi Temple Rd,
Mahim, Mumbai – 400 016.**

... Appellant

V/s

**First Appellate Officer,
Municipal Corporation,
G/North Ward, Dadar (W),
Mumbai.**

... Respondent

**Public Information Officer,
Municipal Corporation,
G/North Ward, Dadar (W),
Mumbai.**

GROUND

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant had sought information regarding action taken on his complaint to the Asst. Engineer (water Dept) G/North about cutting of direct drinking water line by the Secretary of the Society and diverting the same to overhead tank thus depriving the him and his family access to fresh drinking water and forcing them to drink stale water from the overhead tank which was a health hazard. Not satisfied by the responses from the PIO and the First Appellate Authority the appellant has come in the second appeal.

The appeal was heard on 01.10.2008. Appellant and respondent were present. The appellant's main contention is that the society can not divert the connection without MCGM's permission and he wanted them to reply whether the society had taken permission. The respondent has replied that the society had two connections – one going directly to flats and the other going to the tank from where it was lifted and supplied through overhead tank. They have no documents to show that permission was granted. The respondent had asked the society to furnish the papers in this regard and a copy of the letter was also endorsed to the appellant. The respondent also clarified that they do not deal with individual flat owners and water connection is given to the society and

charges are also recovered from the society. The respondent has stated that the system of two connection has been discontinued and the kind of diversion resorted to by the society is not taken seriously as it finally goes for drinking only. As far as the complaint of forcing the appellant to drink stale water is concerned the respondent has reported that samples were taken and test reports confirm that the water is potable. The appellant however insists that he must get the information whether the society has obtained MCGM's permission.

In the light of the above discussion I have come to the conclusion that the respondent has furnished the required information. The appellant however wants the reply in a particular fashion. I would therefore order that the appellant should be given a revised reply.

Order

The appeals are partially allowed. Respondent to furnish the revised reply within 30 days.

(Ramanand Tiwari)
State Information Commissioner, Mumbai

Place: Mumbai
Date: 03.10.2008

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

Appeal No.2008/951/02

**Mr.Suryarrakash Mishra
307, Sai Siddhivinayak Bldg, No. 2,
Sukar Wadi, M.G. Rd, Borivali (E),
Mumbai – 400 066.**

... **Appellant**

V/s

**First Appellate Officer cum Collector
Administration Bhavan,
Bandra (E), Mumbai – 400 051.**

... **Respondent**

**Public Information Officer cum Add. Collector
Administration Bhavan,
Bandra (E), Mumbai – 400 051.**

GROUNDS

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant had requested for a copy of the carving plan of 249.63 sq mts. which was acquired under ULC Act in file No SR 3167 Village Marol taluka Andheri MSD. Not satisfied with the responses from the PIO and the First Appellate Authority, he has filed this second appeal.

The appeal was heard on 01.10.2008. The appellant did not turn up. The PIO and the First Appellate Authority were present. They have stated that the concerned file was mixed with other files and therefore information could not be furnished. The file has since been traced. They also informed the commission that according to the record, the land stands vested in govt. It is therefore directed that the desired information should be furnished to the appellant immediately.

Order

The appeal is allowed. The information sought should be furnished to the appellant within 15 days under intimation to this office.

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

Place: Mumbai
Date: 03.10.2008

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

Appeal No.2008/953/02

**Mr. Vinod V Chothani
10 Ladhahbai Mansion,
4th Floor, 1A New Queens Rd,
Mumbai – 400 004.**

... **Appellant**

V/s

**First Appellate Officer cum Assist. Commissioner
(P.C. Dept.)
Municipal Corporation,
D Ward Office, Nana Chowk,
Mumbai – 400 007.**

... **Respondent**

**Public Information Officer,
(Pest Control Dept.)
Municipal Corporation,
D Ward Office, Nana Chowk,
Mumbai – 400 007.**

GROUNDS

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

To give us full information regarding 3 huge water tanks capacity of 5000 liters each out of 2 (two) at six floor level, (about 10 tons), one huge water tank capacity of 5000 liters on ground floor above the existing underground water tank please give us the information of copy of application for permission, exchange of full correspondence, permission / NOC / License issued by the concerned departments of BMC till the date of second appeal hearing.

Not satisfied with replies furnished by the PIO and the First Appellate Authority, the appellant has preferred the second appeal.

The appeal was heard on 01.10.2008. Appellant and respondents were present. The appellant has stated that he has not been furnished the information he had asked for. The respondent in his written submission has stated that they have furnished the required information and also allowed the inspection of documents.

I have gone through the case papers and also considered the arguments advanced by parties. It appears that the society approached respondent for their permission to install 3 water tanks. The respondents have contended that their jole is to ensure that these water tanks are mosquito free and accessible. They carried out the inspection and certified that these tanks are mosquito proof and accessible. They have accordingly issued no objection. Thus it is seen that application was made by the society, inspection carried and out NOC issued. This information has been furnished to the appellant. The appellant however feels that some information has been withheld. He has also alleged that some papers have been removed from the file to deny the information. After going through the file and others papers I have come to the conclusion that I see no reason for the officials to remove papers. The appellant has been given the information available on record. He however feels that he has not been provided the information he had wanted. It is important to note that the RTI Act ensures furnishing of available information on record. The appellant may not get the information he wanted if it is not available. There is an interesting communication on record whereby the Chairman of the society has written to the Ward Officer and the Assistant Engineer 'D' Ward that they should not part with or give any information what so ever about them or their dealings with the ward office to any third party whether they are members, occupants, tenants or any person or persons or body there of without society's consent. This is a virtual caveat. The respondent has however ignored this and furnished all the information to the appellant.

Under these circumstances I have come to the conclusion that the information asked for has been furnished. I therefore pass the following order.

Order

The appeal is dismissed.

(Ramanand Tiwari)
State Information Commissioner, Mumbai

Place: Mumbai
Date: 03.10.2008

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

Appeal No.2008/950/02

**Mr. R. J. Uttamchandani
A-2 LA-Salette Bldg. La-Rosechs,
Sitladevi Temple Rd,
Mahim, Mumbai – 400 016.**

... Appellant

V/s

**First Appellate Officer,
Municipal Corporation,
G/North Ward, Dadar (W),
Mumbai.**

... Respondent

**Public Information Officer,
Municipal Corporation,
G/North Ward, Dadar (W),
Mumbai.**

GROUND

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant had sought information regarding action taken on his complaint to the Asst. Engineer (water Dept) G/North about cutting of direct drinking water line by the Secretary of the Society and diverting the same to overhead tank thus depriving the him and his family access to fresh drinking water and forcing them to drink stale water from the overhead tank which was a health hazard. Not satisfied by the responses from the PIO and the First Appellate Authority the appellant has come in the second appeal.

The appeal was heard on 01.10.2008. Appellant and respondent were present. The appellant's main contention is that the society can not divert the connection without MCGM's permission and he wanted them to reply whether the society had taken permission. The respondent has replied that the society had two connections – one going directly to flats and the other going to the tank from where it was lifted and supplied through overhead tank. They have no documents to show that permission was granted. The respondent had asked the society to furnish the papers in this regard and a copy of the letter was also endorsed to the appellant. The respondent also clarified that they do not deal with individual flat owners and water connection is given to the society and

charges are also recovered from the society. The respondent has stated that the system of two connection has been discontinued and the kind of diversion resorted to by the society is not taken seriously as it finally goes for drinking only. As far as the complaint of forcing the appellant to drink stale water is concerned the respondent has reported that samples were taken and test reports confirm that the water is potable. The appellant however insists that he must get the information whether the society has obtained MCGM's permission.

In the light of the above discussion I have come to the conclusion that the respondent has furnished the required information. The appellant however wants the reply in a particular fashion. I would therefore order that the appellant should be given a revised reply.

Order

The appeals are partially allowed. Respondent to furnish the revised reply within 30 days.

(Ramanand Tiwari)
State Information Commissioner, Mumbai

Place: Mumbai
Date: 03.10.2008

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

Appeal No.2008/952/02

**Mr. Vinod V Chothani
10 Ladhahbai Mansion,
4th Floor, 1A New Queens Rd,
Mumbai – 400 004.**

... Appellant

V/s

**First Appellate Officer cum Assist. Commissioner
(P.C. Dept.)
Municipal Corporation,
D Ward Office, Nana Chowk,
Mumbai – 400 007.**

... Respondent

**Public Information Officer,
(Pest Control Dept.)
Municipal Corporation,
D Ward Office, Nana Chowk,
Mumbai – 400 007.**

GROUND

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

- 1) Newly installed 3 water tanks in our building.
- 2) Complete details of exchange of correspondence, application, permission, orders, licences granted if any with regard to
 - (a) Ladhahbai Mansion CHS Ltd.
 - (b) Rajdhani Restaurant, Ground Floor same building.

The Asstt. Engineer water works 'D' Ward replied to the appellant by his letter dated 23.05.2007. The appellant was not satisfied and filed appeal under section 19(1) of the RTI Act. The First Appellate Authority in its order dated 27.07.2007 informed the appellant that the Asstt. Engineer (water works) 'D' ward had given all the available information with him. However as stated by the appellant some papers were missing and he was directed to take diligent search of those papers. The Asstt. Engineer water 'D' ward by his letter dated 01.08.2007 informed the appellant that his staff had made diligent search and no additional papers were found. He has further revealed that the

appellant was allowed inspection and copies of documents as desired have been furnished. The appellant has come in second appeal against the order of the First Appellate Authority.

The appeal was heard on 01.10.2008. Appellant and respondent were present. The appellant stated that the information furnished was incomplete. He also alleged that some important papers were missing from the file. The respondent has stated that the appellant was allowed inspection of documents and was also given copies of all available papers.

After going through the case papers and considering the arguments advanced by parties, I have come to the conclusion that as far as furnishing of information is concerned, the same has been done. It is also revealed that diligent efforts have been made to trace out the missing papers but no additional documents have been found. I therefore conclude that the information has been furnished. It is up to the appellant to use this information for getting his grievances redressed. The RTI ensures only furnishing of information and the commission is not mandated to sort out grievances. I therefore pass the following order.

Order

The appeal is dismissed.

(Ramanand Tiwari)
State Information Commissioner, Mumbai

Place: Mumbai
Date: 03.10.2008

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

Appeal No.2008/942/02

**Mr. Arjunlal M. Chabaria,
Vista, Flat No. 15, 3rd Floor,
Opp. Lake & LIC Office,
S.V. Road, Bandra (W),
Mumbai – 400 050.**

... Appellant

V/s

**First Appellate Officer cum Asstt. Commissioner,
Municipal Corporation,
Mithanagar, Mahapalika School Building,
Mithanagar, Goregaon (W), Mumbai – 400 062.**

... Respondent

**Public Information Officer,
Municipal Corporation,
Mithanagar, Mahapalika School Building,
Mithanagar, Goregaon (W), Mumbai – 400 062.**

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 complaint regarding unauthorized construction at Mitha Nagar 2, M.G.Road, Goregaon (W), Mumbai – 400 050. The appellant was not satisfied with responses from the PIO and the First Appellate Authority and hence this second appeal.

The appeal was heard on 01.10.2008. The appellant did not turn up. The Assistant Engineer Building and Factories was present. He submitted copies of the information furnished to the appellant. It is also revealed from the case papers that appellant has remained absent during the hearings. He did not remain present during the hearing before the commission. Under these circumstances it is difficult to find out whether the replies satisfy him or not. I therefore pass the following order.

Order

The appeal is disposed off.

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

Place: Mumbai
Date: 03.10.2008

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

Appeal No.2008/944/02

**Mr. Yashvant Krushna Kavale
78, Municipal Colony No. 6/15,
S.V.Road, Khar (W), Mumbai – 400 052.**

... Appellant

V/s

**First Appellate Officer cum Rationing Officer
29 D, Rationing Office, Khare Nagar,
Bandra (E), Mumbai – 400 051.**

... Respondent

**Public Information Officer cum Rationing Inspector Officer
Rationing Inspector 29 D Division,
Bandra (E), Mumbai – 400 051.**

GROUND

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant had sought information as to how five ration cards were issued to the family members of late Shri Govind N. Chavan plot No. 57, Kherwardi, Bandra (E), Mumbai. Not satisfied with the responses received from the PIO or the First Appellate Authority, he has filed this second appeal.

The appeal was heard on 01.10.2008. The appellant did not come. The respondent was present. He has submitted copies the communication sent to the appellant. The rationing officer by his letter dated 07.11.2007 has informed the appellant that family members of late Shri. Govind Chavan are staying independently and therefore they have been given independent ration cards. Therefore the question of canceling the ration cards did not arise.

After going through the case papers and submission made by the respondent I have come to the conclusion that the information has been furnished. I therefore pass the following order.

Order

The appeal is disposed off.

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

Place: Mumbai
Date: 03.10.2008

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

Appeal No.2008/954/02

**Mr. Vishawas Dattaram Dhuri
6/603, E wing Lalbag Raja Sahkari Santha,
Lalabag Mumbai – 400 012.**

... Appellant

V/s

**First Appellate Officer cum Dy. Chief Engineer
(Building Project)
Municipal Corporation, E Ward Officer,
3rd Floor, Haffkin Marg, Byaculla, Mumbai – 400 008.**

... Respondent

**Public Information Officer cum Executive Engineer
Building Project City 3)
Municipal Corporation, E Ward Officer,
3rd Floor, Haffkin Marg, Byaculla, Mumbai – 400 008.**

GROUND

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The MCGM had allowed construction of transit camp on Shri Chhatrapati Shivajee Maharaj Kridangan which is an existing playground of the MCGM. This was allowed to accommodate those whose tenements were demolished for redevelopment. The appellant wanted to know why the transit camp is still there when those sheltered have already moved out. Not satisfied with relies furnished by the PIO and the First Appellate Authority, the appellant has filed this second appeal.

The appeal was heard on 01.10.2008. Appellant and respondents were present. The appellant at the outset informed the commission that the transit camp has since been demolished. He however wanted to know why did the developer not do this before despite instruction from the MCGM. He also wanted to know whether MCGM has taken any action against the developer.

I have gone through the case papers and also considered the arguments advanced by parties. I agree with the appellant that MCGM should inform him what action has

been taken against the developer for not demolishing the transit camp despite orders in this regard. I therefore pass the following order.

Order

The appeal is partially allowed. The respondent to inform the appellant whether any action has been taken against the developer for not demolishing the transit camp despite orders to that effect. This should be done within 30 days.

(Ramanand Tiwari)
State Information Commissioner, Mumbai

Place: Mumbai
Date: 03.10.2008

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

Complaint No.2008/67/02

**Mr. Makarand D. Sugavkar,
1, Shri Sai Niketan CHS. Ltd,
Madona Colony, S.V.P. Road,
Nr. St.Francis Technical School,
Borivli (W), Mumbai – 400 103.**

... **Appellant**

V/s

**Public Information Officer cum Under Secretary,
Higher and Technical Education Department,
Mantralaya, Mumbai – 400 032.**

... **Respondent**

GROUND

This complaint has been filed against the PIO, Higher Education Department, Govt. of Maharashtra Mantralaya, Mumbai. The complaint is about not furnishing the information with malafide intention, non observance of time limit and other related issues. The complainant by his application dated 21.03.2007 had sought the following information: -

1. The complete details & records of lecturers appointed on part-time basis the payment of whom is made by government, directly, whether by way of government grant, aid (or by whatever name called) to colleges in state of Maharashtra (whether government college or non-government college), in which those lecturers are appointed.

The complete details & records of such colleges, in which such lecturers are appointed.

Such details & records, should include (a) names of such lecturers and names and addresses of such colleges, (b) the subjects taught by those lectures (C) monthly salary of those lecturers, (d) the number of month in an year for which those lecturers get such salary (e) the dates of the appointment of such lecturers (f) the terms & conditions of the appointment of those lecturers, (g) the qualification of those lecturers.

2. The abovementioned complete details & record, in respect of the lecturers, full time and part-time both, appointed in Sydenham College of Commerce and Economics, Churchgate, Mumbai – 20.
3. The record of work load in Department of Accountancy, Sydenham College of Commerce and Economics, Mumbai – 20 & the number of part-time lecturers in this department from time to time.

The details & records of norms set, indicating the requirement of number of part-time lecturers with respect to give work load.

Whether the number of part-time lecturers in that department for the given work load is appropriate in view of the norms set?

The PIO, Higher Education by his letter dated 26.03.2007 informed the complainant that the information sought pertains to Director Higher Education and Joint Directors Higher Education and the same is transferred to them under section 6(3) of the RTI Act for further necessary action. The Director Higher Education wrote to all joint directors to furnish the required information to the complainant. A copy of this letter was sent to the complainant. Since the Director asked Joint Directors to furnish the information to the complainant, it is he who will be in a position to say how many joint directors have sent the information. The fact that the complainant had to resort to section 18 of the RTI Act, it is presumed that information has not yet been given to him.

The hearing was fixed on 25.09.2008. The information sought is too broad and nonspecific. It is time consuming also. This, however, cannot be a ground for denying the information. The RTI Act is designed to ensure that information available must be furnished.

In the instant case there has been a lot of passing of the buck and it must stop some where. In the light of the back ground of the case I am of the view that the Director,

Higher Education will have to rise to the occasion. He has already written to all the Joint Director and directed them to furnish the information to the complainant and send a copy of the same to him. He should get them compiled and furnish to the complainant. I pass the following order.

Order

The Director, Higher Education should get the information which was sought by the complainant and furnish to him. Since this information has to come from all over the state I allow 6 weeks for this purpose. If this order is not complied, action under section 20 of the RTI will be initiated.

(Ramanand Tiwari)
State Information Commissioner, Mumbai

Place: Mumbai
Date: 03.10.2008

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

Appeal No.2008/943/02

**Smt. Seema Surandrapal Singh Parihar
Shramik Society, Room No. 4,
Behind Suman Nagar, Sion Trombe Road,
Chembur, Mumbai – 400 071.**

... **Appellant**

V/s

**First Appellate Officer cum Dy. Secretary
Women and Child Development Department
New Administrative Building,
3rd Floor, Mantralaya, Mumbai – 400 032.**

... **Respondent**

**Public Information Officer cum Desk Officer
Women and Child Development Department
New Administrative Building,
3rd Floor, Mantralaya, Mumbai – 400 032.**

GROUNDS

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant had sought information regarding inadequacy of the allowances being paid to constables for taking / reaching children / ladies to their places of residences. The appellant felt that the amount being paid currently is inadequate and wanted to know the grounds on which the same has been fixed. The PIO by his letter dated 05.09.2007 informed the appellant that the rate of allowances has been fixed based on the opinion given by the Department of Finance. The First Appellate Authority by his order dated 20.10.2007 has virtually confirmed the PIOs order hence this second appeal.

The appeal was heard on 01.10.2008. The appellant did not turn up. The respondents were present. They have explained the procedure followed while fixing the rate of allowances. They stated that this rate was only Rs.3/- from 1965 to 2001. The current rate was introduced after detailed discussion with the Department of Finance. They have also submitted a copy of the file nothings etc.

I have gone through the case papers and considered the arguments advanced by respondents. I have come to the conclusion that the required information has been furnished. It was however revealed that she has not been provided with a copy of the office notings etc. In view of the importance of the information sought I am of the view that it would be of great help to the appellant if a copy of the office note is given to her. This will definitely enable her to understand and appreciate the whole procedure and the thought process which underwent the revision of rates. I pass the following order.

Order

The PIO will send a copy of the office notings etc to the appellant free of cost within 15 days.

(Ramanand Tiwari)
State Information Commissioner, Mumbai

Place: Mumbai
Date: 03.10.2008

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

Appeal No.2008/947/02

Mr. Jafrulah Abdul Khalil Ansari
Budha Vikas CHS, B.L.H.629/1/2,
Kurla (E), Mumbai – 400 024.

... Appellant

V/s

First Appellate Officer cum Joint Land Manager
Housing & Area Development Board,
3rd Floor, MHADA, Bandra (E), Mumbai – 400 051.

... Respondent

Public Information Officer cum Asst. Chief Officer,
Housing & Area Development Board,
3rd Floor, MHADA, 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 letter dated 02.11.2006 and 03.07.2007 had requested for inclusion of his name in annexure II. He wanted to know the action taken by the Mumbai Housing and Area Development Board. Not satisfied with the decision of the PIO and the First Appellate Authority, he has approached the commission in second appeal.

The appeal was heard on 01.10.2008. The appellant did not turn up. The respondent was represented. It has been stated by him that the appellant was not eligible for inclusion in annexure II. The same has been communicated to the Slum Rehabilitation Authority and the appellant had also been informed (copy on record). In view of the above, I pass the following order.

Order

The appeal is disposed off.

(Ramanand Tiwari)
State Information Commissioner, Mumbai

Place: Mumbai
Date: 03.10.2008

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

Appeal No.2008/936/02

Mr. & Miss. S.C. Dordi
Member, Flat No. 14,
Minoo Mansion CHS. Ltd,
799, Jame Jamshed Road,
Dadar, Mumbai – 400 014.

... **Appellant**

V/s

First Appellate Officer cum District Dy. Registrar
Cooperative Society, Mumbai (1) City,
Malhotra house, 6th Floor,
Opp. G.P.O, Mumbai – 400 001.

... **Respondent**

Public Information Officer cum Asst. Registrar,
Cooperative Society, F-N Division,
Malhotra house, 6th Floor,
Opp. G.P.O, Mumbai – 400 001.

GROUND

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant has sought the following information in respect of Minoo Mansion CHS Ltd. 799, Jame Jamshed Road, Dadar, Mumbai: -

1. Copy of contract (order) placed on Mr. Adil Makhania for value Rs.3, 18, 243/-
2. Copies of the bills against which following payments were made for painting work in lieu of the above order (Pt.No.1) to Mr.Adil Makhania: -

- | | | | |
|--------------------------------------|--------------|--------------|---------------------|
| a) Advance payment | Rs.68, 000/- | (Feb. 06) | bill. |
| b) 1 st installment | Rs.87, 925/- | (12.02.2006) | bill. |
| c) Extra payment for
water Takers | Rs.2, 700/- | (13.02.2006) | bill. |
| d) 2 nd installment | Rs.90, 000/- | (05.03.2006) | bill. |
| e) 3 rd installment | Rs.70, 000/- | (30.03.2006) | bill. |
| f) Extra work | Rs.11, 310/- | (33.03.2006) | bill & order letter |
| g) TDS | Rs.7, 267/- | (28.04.2006) | breakup and challan |

3. a) Copy of contract / letter placed on Mr. Adil P. Makhania for value Rs.23, 000/- for waterproofing work over Flat No. 13 and No. 15. (Refer committee meeting held on 12.05.2005. Copies of all 3 bills / receipts as given below.
 - b) Copy of bill / receipt of payment of Rs.11, 500/- (Refer committee meeting held on 29.06.2005).
 - c) Copy of bill / receipt of payment of Rs.9, 200/- made on 10.07.2005.
 - d) Final payment of Rs.2, 300/- (after monsoons of 2005).
4. Copies of quotations of painting work from other agencies.
5. Copies of all minutes of committee meeting after July, 2006 (but excusing Sept, 2006) upto the time erstwhile committee was dismissed.
6. Bill and receipts of Flat No. 8 (erstwhile member Mr. R.J. Jamasji from April 2005 to March 2006) or billwise breakup of interest charged to Mr. R.J. Jamasji due to nonpayment of quarterly dues and painting amounts. (Refer Judgments dated 02.05.1966 Chitrapur CHS Ltd. V. Atmaram G. Haldipur. Maharashtra State Co-op. Tribunal Mumbai report in 1967. C.T.D. 102 and Ramchandra B. Deokate V. Zangadwadi Vividh Karykari Sahakari Society Ltd., Pune 1970 C.T.D. 10).
7. Copy of letter issued to Mr. A.P. Makhania (non-member) for facilitating stamp duty payment (Refer Pt.No.7 of minutes of committee meeting held on 29.10.2005).
8. Audit Rectification Report for the year 2005-06.
9. Copy of Indemnity Bond as required under section 73(1) (AB) of the MCS Act 1960 submitted by the Administrative Committee which took charge somewhere around 26.02.2007.

The PIO by his letter dated 28.06.2008 informed the appellant that information on point 1 to 7 would be available with the society and he was entitled to see and obtain copies in accordance with section 32(1) of the Maharashtra Cooperative Society Act, 1960. He also informed the appellant that information on point no 8 could be obtained after depositing Rs.2/- and his reply to point no 9 was that the Board of administration had not furnished indemnity bond as required under section 73(1) (AB). The appellant was not satisfied and he filed the first appeal under section 19(1) of the RTI Act. The First Appellate Authority by his order dated 29.08.2008 directed the PIO to issue direction to the society under section 79(1) of the Maharashtra Cooperative Societies Act to obtain the information and furnish to the appellant. The PIO accordingly by his order dated 03.09.2007 issued directive under section 79(1) to the administrator to furnish the following information to the appellant: -

- 1) TDS challan copy of Rs.7267/-
- 2) Three quotations received for painting works.
- 3) Minutes of committee meeting held after September, 2006.

The administrator by his letter dated 11.09.2007 wrote to the ex members of the Board of administration saying that records were not available in the society office and they should furnish the same to him in case the records were with them to enable him to furnish to the appellant. The appellant filed the second appeal dated 08.10.2007.

The appeal was heard on 30.09.2008. Appellant and respondents were present. The main contention of the appellant is that the information was available and should have been furnished to him. He felt that the administrator had deliberately delayed and denied the information. The respondent has submitted that. The information was available at the society level and directions have been issued to furnish the same after obtaining from the society.

I have gone through the case papers and also considered the arguments advanced by parties. The appellant is no longer interested in information as he has been elected as the chairman of the society. He has all the information at his command. He therefore has argued that the administrator deliberately avoided / delayed furnishing of the information. It is necessary to go into details of this allegation. I therefore pass the following order.

Order

The appeal is partially allowed. The then administrator to explain and respond to the appellant's allegation of deliberate delay and denial of the information asked. His explanation should reach the commission within 30 days.

(Ramanand Tiwari)
State Information Commissioner, Mumbai

Place: Mumbai
Date: 04.10.2008

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

Appeal No.2008/959/02

**Mr. Santosh Sakharam Sonawane
6, S.B.I. Staff Shivneri Soc,
Bhardawadi, J.P. Rd,
Andheri (W), Mumbai – 400 058.**

... **Appellant**

V/s

**First Appellate Officer cum I/C Registrar
Dr. Babasaheb Ambedkar Bhavan,
3rd Floor, Mumbai University, Vidhyanagari,
Santacruz (E), Mumbai – 400 098.**

... **Respondent**

**Public Information Officer cum Dy. Registrar
Establishment Division, Mumbai University,
Fort, Mumbai – 400 032.**

GROUNDS

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant had sought information regarding no of posts of Sr. Clerk in the University and how many are reserved for DNT & VJNT, the position of backlog as on 2nd Sept, 1999 and when were they filled in, no of posts of head clerk and how many were reserved for DNT & VJNT, the backlog on 2nd Sept, 2002 and when was that completed, no of posts of superintendent (class II) and posts reserved fort DNT & VJNT, the position of backlog as on 2nd Sept, 2005, no of posts filled in by others during the last ¾ years because of non availability of DNT/VJNT candidates. The PIO by his letter dated 31.01.2007 furnished the information. The appellant was not satisfied and he filed the first appeal under section 19(1) of the RTI Act, 2005. The First Appellate Authority did not pass any order and therefore he has filed the second appeal.

The appeal was heard on 06.10.2008. Appellant and respondents were present. The appellant admitted having received the information but it was incomplete but not to the point. The appellant pointed out that he had requested for position of backlog on 02.09.1999 but the PIO has furnished the position as on 31.12.2006. He also pointed out

he had to come in second appeal because the First Appellate Authority did not pass any order.

After going through the case papers and arguments advanced by the parties, I have come to the conclusion that had the First Appellate Authority decided the appeal this could have been sorted out at his level. He has failed to discharge his duties cast on him under the Right to Information Act, 2005. I therefore pass the following order.

Order

The appeal is remanded to the First Appellate Authority who will hear the appellant and decide the appeal within 45 days. He will inform the commission after he has passed the order. The appellant is free to come to the commission if he is not satisfied with the decision of the First Appellate Authority.

The appeal is disposed off.

(Ramanand Tiwari)
State Information Commissioner, Mumbai

Place: Mumbai
Date: 07.10.2008

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

Appeal No.2008/963/02

**Mr. Satyabhash Yeswant Salgaonkar
J 42, Vrushali Shilp Co.op.Hsg.Soc,
Shimpoli – Chikuwadi, Borivali (W),
Mumbai – 400 092.**

... **Appellant**

V/s

**First Appellate Officer,
Cooperative Societies, R Division,
Mumbai Malhotra House, 6th Floor,
Opp. G.P.O., Fort, Mumbai – 400 001.**

... **Respondent**

**Public Information Officer cum Dy Registrar
Cooperative Societies, R Division,
Mumbai Malhotra House, 6th Floor,
Opp. G.P.O., Fort, Mumbai – 400 001.**

GROUND

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant had sought information whether the administrative committee appointed on 02.03.2006 and functioning till the date of application was given any extension as the rule says it can be there only for 6 months, copies of the bond furnished by the members of the committee and action taken on his complaint dated 26.06.2007. The PIO informed him that according to the circular dated 06.02.2006 issued by the Commission of Cooperation, Societies do not come under the purview of the RTI Act. He was also advised to file the first appeal if he was not satisfied with the PIO's decision. The appellant instead has filed the second appeal before the commission.

The appeal was heard on 06.10.2008. Appellant and respondents were present. After going through the case papers, I have come to the conclusion that the decision of the PIO that societies do not come within the purview of the RTI Act is not acceptable. The commission has been of the view that information accessible under the Act which is 'held' by or is under the control of any public authority has to be furnished. The sole criterion is whether the information is 'held' by the public authority or is 'held under his

control.’ In this case the information sought falls within the definition of right to information as defined in section 2(J) of the RTI Act.

I am however of the view that appeal is not maintainable as the appellant has failed to exercise his right to go in appeal against the PIO’s order. According to section 19(3) a second appeal against the decision under sub section (1) shall be within 90 days from the date on which the decision the decision should have been made or was actually made. This presupposes that second appeal is maintainable only after the first appeal has been filed. I therefore conclude that the second appeal is not maintainable. I pass the following order.

Order

The appeal is disposed off.

(Ramanand Tiwari)
State Information Commissioner, Mumbai

Place: Mumbai
Date: 07.10.2008

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

Appeal No.2008/964/02

Mr. Edwin D'Souza
C-108 Versova Jupiter Coop. Hsg. Soc. Ltd,
Lokhandwala Complex, 4th Cross Rd,
Andheri (W), Mumbai – 400 053.

... Appellant

V/s

First Appellate Officer cum District Dy. Registrar
Cooperative Societies (3),
Office of the Cooperative Societies (3)
Grihanirman Bhavan, Room No. 69.
Bandra (E), Mumbai – 400 051.

... Respondent

Public Information Officer cum Dy. Registrar
Cooperative Societies, K/West,
Grihanirman Bhavan, Room No. 69.
Bandra (E), Mumbai – 400 051.

GROUNDS

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant by his application dated 06.08.2007 had sought copies of audited balance sheet / PL account and audit Memorandum for 2003-04, 2004-05 and 2005-06 in respect of Versova Jupiter CHS Ltd, Hiranandani Estate, Lokhandawala Complex, 4th Cross Rd, Andheri (W), Mumbai. Not satisfied with responses from the PIO and the First Appellate Authority, he has filed this second appeal before the commission.

The appeal was heard on 06.10.2008. The appellant did not urn up. The respondent was present. He agreed that information will be collected from the society and furnished to the appellant. I therefore pass the following order.

Order

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

(Ramanand Tiwari)
State Information Commissioner, Mumbai

Place: Mumbai
Date: 07.10.2008

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

Appeal No.2008/958/02

**Mr. Sandeep Bansilal Parmar
223/7, Parmar Bhuvan
Pipe Line, Kurla (W),
Mumbai – 400 070.**

... **Appellant**

V/s

**First Appellate Officer cum I/C Registrar
Dr. Babasaheb Ambedkar Bhavan,
3rd Floor, Mumbai University, Vidhyanagari,
Santacruz (E), Mumbai – 400 098.**

... **Respondent**

**Public Information Officer cum Dy. Registrar
Establishment Division, Mumbai University,
Fort, Mumbai – 400 032.**

GROUNDS

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant had sought information regarding no of posts of Sr. Clerk in the account dept. of the University and how many are reserved for DNT & VJNT, the position of backlog as on 01.10.1999 and when were they filled in, no of posts of asstt accounts officer and how many were reserved for DNT & VJNT, the backlog on 2nd Oct, 2002 and when was that completed, no of posts of deputy accounts officer (class II) and posts reserved fort DNT & VJNT, the position of backlog as on 01.10.2005, no of posts filled in by others during the last ¾ years because of non availability of DNT/VJNT candidates. The PIO by his letter dated 31.05.2007 furnished the information. The appellant was not satisfied and he filed the first appeal under section 19(1) of the RTI Act, 2005. The First Appellate Authority did not pass any order and therefore he has filed the second appeal.

The appeal was heard on 06.10.2008. Appellant and respondents were present. The appellant admitted having received the information but it was incomplete and not to the point. The appellant pointed out that he had requested for position of backlog on a particular date but the PIO has furnished the position as on a differed date.

He also pointed out he had to come in second appeal because the First Appellate Authority did not pass any order.

After going through the case papers and arguments advanced by the parties, I have come to the conclusion that had the First Appellate Authority decided the appeal this could have been sorted out at his level. He has failed to discharge his duties cast on him under the Right to Information Act, 2005. I therefore pass the following order.

Order

The appeal is remanded to the First Appellate Authority who will hear the appellant and decide the appeal within 45 days. He will inform the commission after he has passed the order. The appellant is free to come to the commission if he is not satisfied with the decision of the First Appellate Authority.

The appeal is disposed off.

(Ramanand Tiwari)
State Information Commissioner, Mumbai

Place: Mumbai
Date: 07.10.2008

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

Appeal No.2008/1028/02

**Mr. Veena M. Khanchandani
Murli Govind Soc, 33rd Rd,
Flat No.3, Plot No. 527,
Khar (W), Mumbai – 400 052.**

... **Appellant**

V/s

**First Appellate Officer cum Asstt. Commissioner
Municipal Corporation, H/West Ward Office,
Bandar (W), Mumbai – 400 050.**

... **Respondent**

**Public Information Officer cum Asstt. Engineer (Build. & Factory)
Municipal Corporation, H/West Ward Office,
Bandar (W), Mumbai – 400 050.**

GROUNDS

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant by her application dated 18.08.2007 had sought the information regarding her complaint of unauthorized toilet constructed by the occupant of the first floor and related issues. She wanted to know the date of inspection by the MCGM officials, whether the toilet was completely removed etc. The PIO by his letter dated 11.09.2007 informed the appellant that the information has been sought in the form of queries seeking opinion of the PIO which is not covered under the Right to Information Act, section 2(f) read with 2(J). He however offered to allow inspection of files and furnishing copies of relevant document on payment of Rs.2/- per copy. The appellant was not satisfied and he filed the First appeal under section 19(1) of the RTI Act. The First Appellate Authority by his letter order dated 04.10.2007 allowed the appeal and directed the PIO (AE, B & F) to furnish point wise information to the appellant as per annexure A. The appellant has come in appeal under section 19(3) of the RTI Act.

The appeal was heard on 18.10.2008. Appellant did not turn up. The respondent was present. The respondent stated that the toilet as such does not exist and only

remnants of the toilet are there. He however admitted that the construction was unauthorized. In the light of the above I pass the following order.

Order

The appeal is allowed and the order passed by the First Appellate Authority is confirmed. The PIO to furnish relevant information within 15 days.

(Ramanand Tiwari)
State Information Commissioner, Mumbai

Place: Mumbai
Date: 31.10.2008

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

Appeal No.2008/967/02

**Mr. George Albuquerque
6/32 B.I.T. Chawl Agripada,
Mumbai – 400 011.**

... **Appellant**

V/s

**First Appellate Officer cum Asstt. Municipal Commissioner
Mumbai Municipal Corporation, Shivaji Market Building,
2nd Floor, Mumbai – 400 001.**

... **Respondent**

**Public Information Officer cum JT. Municipal Commissioner
Mumbai Municipal Corporation, Municipal Head Office,
3rd Floor, Mumbai – 400 001.**

GROUND

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant had sought information regarding major structural repairs carried out by tenants in the year 2003/04 of B.I.T. Chawls 6/8 Agripada. He had also asked for a copy of the application, plan submitted by tenants / contractor, permission granted by MCGM. Record shows that the application has been moving from one office to another office resulting into denial of the required information to the appellant. The last letter shows that the appellant's first appeal was to be heard by the Joint Municipal Commissioner (Improvement). It seems that the Joint Municipal Commissioner had fixed the hearing on 15.10.2007 but no order seems to have been passed. The appellant has preferred the second appeal before the commission.

The appeal was heard on 08.10.2008. The appellant did not turn up. The respondent was present. It is clear from the record that the First Appellant Authority has not decided the appeal and thus failed to discharge his duties cast on him under the RTI Act. I therefore pass the following order.

Order

The appeal is remanded to the Joint Municipal Commissioner (Improvement) for disposal within 45 days. He should send a copy of the order for commissioner information. The appeal is disposed off.

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

Place: Mumbai
Date: 10.10.2008

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

Appeal No.2008/971/02

**Mr. Dr. Rasik M. Shah
41, Sahyadri, Aarrey Road,
Goregaon (E), Mumbai – 400 063.**

... Appellant

V/s

**First Appellate Officer,
Medical Education & Medicine Department,
Mantralaya, Mumbai – 400 032.**

... Respondent

**Public Information Officer,
Medical Education & Medicine Department,
Mantralaya, Mumbai – 400 032.**

GROUNDS

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant had approached the Department of Medical Education, Govt. of Maharashtra requesting action against Dr. Vibha Shah, Dr. (Mrs) Hansa Naik and Dr. S.S. Tare for negligence while discharging their duties as medical doctors. Not satisfied with responses from the PIO and the First Appellate Authority he has filed the second appeal before the commission.

The appeal was heard on 07.10.2008. The appellant was present. The PIO and the First Appellate Authority were also present. The Maharashtra Medical Council was also represented. The appellant and the PIO have given their written submissions. It has been contended by the appellant that no action has been taken against the doctors despite repeated complaints. The First Appellate Authority has stated that since the complaint is against conduct of doctors, the application has been sent to the Maharashtra Medical Council for necessary action. The representative of the Maharashtra Medical Council has stated that the appellant was asked to specify the points on which information has been sought. The complaint is vague and not specific. He however said that an enquiry has been initiated and the complaint was last heard on 31.05.2008. On this date doctors were

called and the appellant was also present. The enquiry is not yet over and findings of the council will be communicated as soon as the enquiry is over.

After going through the case papers, their written submissions and arguments advanced by parties I pass the following order.

Order

The appeal is allowed. The Maharashtra Medical Council to inform its findings to the appellant as soon the enquiry is over.

(Ramanand Tiwari)
State Information Commissioner, Mumbai

Place: Mumbai
Date: 08.10.2008

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

Appeal No.2008/961/02

**Mr. Manoj R. Khanchandani
Murli Govind Soc, 33rd Rd,
Flat No.3, Plot No. 527,
Khar (W), Mumbai – 400 052.**

... **Appellant**

V/s

**First Appellate Officer cum Asstt. Commissioner
Municipal Corporation, H/West Ward Office,
Bandar (W), Mumbai – 400 050.**

... **Respondent**

**Public Information Officer cum Asstt. Engineer (Build. & Factory)
Municipal Corporation, H/West Ward Office,
Bandar (W), Mumbai – 400 050.**

GROUNDS

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

- a) On which date the inspection was carried out and by which officer and his designation?
- b) With reference to the above, kindly inform when did the party itself remove the toilet?
- c) Is the existing illegal / unauthorized toilet removed completely / compositely or competently / partly, clarify in detail?
- d) Then is it restored to its original as per the BMC approved plans and accordingly as per the BMC Act?
- e) Kindly give me a copy of the inspection report along with the officer's remarks?

The PIO by his letter dated 07.09.2007 informed the appellant that the information has been sought in the form of queries which is not covered under section 2(F) read with 2(J) of the RTI Act 2005. The appellant was not satisfied and he filed the first appeal under section 19(1) of the RTI Act. The First Appellate Authority by his order dated 12.11.2007 directed the PIO allow inspection of the relevant file and give

copies of selected documents. The appellant has filed the second appeal against this order.

The appeal was heard 07.10.2008. Appellant and respondents were present. The main contention of the appellant is that he has been getting misleading information. He has pointed that the Assist. Engineer (Building & Factory) by his letter dated 02.07.2007 informed him that the unauthorized toilet has been removed. He has in his possession a copy of the letter dated 30.07.2007 signed by EE (spl) Zone III admitting existence of the unauthorized construction. The appellant also complained that because of the unauthorized construction his flat on the ground floor is showing cracks and he had to call the fire brigade who removed the precariously hanging material. The respondent simply promised to look into the matter.

After going through the case papers and hearing the parties, I have come to the conclusion that the issue has not been taken seriously. The unauthorized structure endangering the safety of occupants of the ground floor should have been removed. Now a stage has come where fire brigade had to be called. It is necessary that the Asstt. Commissioner should inspect the sight afresh and order demolition of the unauthorized structure and furnish the information to the appellant. I therefore pass the following order.

Order

The appeal is allowed. The Asstt. Commissioner to inspect the site and take appropriate measures against the unauthorized construction and inform the appellant accordingly. This should be done within 30 days.

(Ramanand Tiwari)
State Information Commissioner, Mumbai

Place: Mumbai
Date: 08.10.2008

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

Appeal No.2008/968/02

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

... **Appellant**

V/s

**First Appellate Officer cum District Registrar
Cooperative Santha (3), Western Suburban
Grihnrman Bhavan, Ground Floor,
Desk No.69, Bandra (E), Mumbai – 400 051.**

... **Respondent**

**Public Information Officer cum Dy. Registrar
Cooperative Santha, H-West Division,
Sahakar Bazar Building, 4th Floor,
Bandra (W), Mumbai – 400 050.**

GROUNDS

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

- a) copies complete audit report since the last 6 financial years including that of co-partnership tenants building Paramel, Shantivanam, Annette
- b) Government auditors report including that of co-partnership / tenants Paramal, Shantivanam, Annette building as per sec 77 of society bye-laws
- c) Auditors registrar of objections and their rectification
- d) Copy of the personal expenses having been charged to revenue account
- e) Copy of decisions taken by society if contrary to the provisions of the Act, the Rules and bye-laws of society
- f) Copy of Audit report audited by the registrar or by a person appointed by him in this behalf during the past 6 financial years
- g) Copy of certificate of Auditors holding a certificate in co-operative audit issued by the institute of chartered accounts of India or by the western India regional council of the institutes of the chartered accounts of India.
- h) 1. copy of audit memorandum submitted to the registrar in the form specified by the registrar.
2. copy of audit memo part 1 form no 1
3. copy of audit memo part 2
4. Annexure A with relevant schedule

5. Annexure B specially for co-partnership building Annette, Shantivanam, Paramal
6. copy of gradation of society by auditor for past 6 financial years
7. Break up of accounts spend on legal matters, advocate fees etc, traveling fees etc.

The PIO by his letter dated 29.06.2007 informed the appellate that the information sought would be available at society level and appellant should approach the society. The appellant filed appeal under section 19(1) of the Right to Information Act. The First Appellate Authority by his order dated 25.08.2007 disposed off the appeal but directed that the PIO should once again ask the society to furnish the required information to the appellant. The appellant has filed the second appeal before the commission.

The appeal was heard on 07.10.2008. Appellant and respondent were present. The appellant's main contention is that he has not been furnished the required information. The respondent has argued that they have been directed to furnish the required information to the appellant. After going through the case papers and considering the arguments advanced by parties. I have come to the conclusion that the order passed by the PIO & the First Appellate authority are correct. The society has been directed to furnish the information and appellant should pursue the matter with the society.

Order

The appeal is disposed off.

(Ramanand Tiwari)
State Information Commissioner, Mumbai

Place: Mumbai
Date: 08.10.2008

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

Appeal No.2008/981/02

**Mr. Abdulla Ansari
Room No.105, Jijamata Nagar,
Tindongari, Near A1 Bakery,
Goregaon (W), Mumbai – 400 090.**

... **Appellant**

V/s

**First Appellate Officer cum Assist. Municipal Commissioner
P/South Division, Municipal School Building,
Mithanagar, Goregaon (W),
Mumbai – 400 090.**

... **Respondent**

**Public Information Officer cum Colony Officer
P/South Division, Municipal School Building,
Mithanagar, Goregaon (W),
Mumbai – 400 090.**

GROUND

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant had sought a copy of annexure II of Samata CHS Mithanagar opposite BMC, Goregaon (W), Mumbai. The PIO and Colony Officer by his letter dated 27.06.2007 informed the appellant that annexure II is not issued by his office. The appellants first appeal was rejected because it was time barred. Hence this second appeal.

The appeal was heard on 07.10.2007. The appellant did not turn up. The respondent was present. It is well known that annexure II is prepared by the MCGM or Collector depending on who owns the land. In this case MCGM seems to have prepared the annexure II. It is difficult for an ordinary citizen to find out who in the MCGM has prepared this document. It is not enough for the PIO to say that he has not issued and the First Appellate Authority to reject on the ground that the appeal was time barred. I therefore pass the following order.

Order

The colony officer to furnish a copy of the annexure II to the appellant. If it is not available with him, he should get it from the officer concerned. Section 5(4) of the Right to Information Act empowers the PIO to seek assistance of any other officer as considered necessary for the proper discharge of his duties. This exercise should be over within 30 days. Appeal disposed off.

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

Place: Mumbai
Date: 10.10.2008

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

Appeal No.2008/985/02

**Mr. Madan Mohan Mishra
18/20, Jawahar Nagar, Taru Vill Bidg,
Jawahar Nagar, S.V. Road,
Goregaon (W), Mumbai – 400 062.**

... Appellant

V/s

**First Appellate Officer cum Asst. Municipal Commissioner,
P 'South Ward, Mitha Nagar,
Mumbai – 400 062.
Deputy municipal Commissioner Off.Build,
Near Swimming Pool, Kandivali 9W),
Mumbai – 400 067.**

... Respondent

**Public Information Officer cum Asst. Municipal Commissioner,
P 'South Ward, Mitha Nagar,
Mumbai – 400 062.
Deputy municipal Commissioner Off.Build,
Near Swimming Pool, Kandivali 9W),
Mumbai – 400 067.**

GROUNDS

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

- 1) How many order's under section 488 of B.M.C Act & rules issued from period 1st Jan, 1995 to 1st Sept, 2006. Address: Piramal Nagar to western railway up to Ram Mandir (Baidyanath Tiwari Road) Railway crossing up to Right side of S.V. Road, Covering full portion of Jawahar Nagar.
- 2) How many speaking order's issued by your office towards demolition of unauthorized structure's from 1st Jan, 1995 to 1st Sept, 2006.
- 3) How many structures have been demolished by your office after obtaining the Police protection.
- 4) How many speaking order's are pending during the period from 1st Jan, 1995 to 1st Sept, 2006.

5) Why you have not been implemented the pending speaking orders have not been implemented by your office. Please specify the reason for non demolition of pending speaking order's

6) There are nearly approximate 450 building including Tenanted Building & Society's Building comes under Welfare association of Jawahar Nagar Co-op. Hsg. Soc. Ltd.

Does all of them follows the Norms of B.M.C. Act & rules.

1) Does it complies with compulsory open space.

2) Whether Garages have been built according to B.M.C. Approved plan that is final amended plan.

3) How many Garages have been misused as commercial premises, Action taken against such misuse of Garages give certified copies & list of action taken against such so called commercially converted Garage's.

4) Why legal Action have not been initiated against a Jain Temple which have been built at the gate of Modi Kutir, plot No. 185, Jawahar Nagar, Road No. 11, Goregaon (W) Mumbai – 400 062. Control Room Complaint No. 1916 dated 24.04.2006 and receive by your office.

5) What Action you have taken against Dilip Patel (local Corporate) complained given on (1916) BMC Control by dated 27.04.2004 received by your office. Complaint No. YO-29229015.

Why action was not taken according to B.M.C Act & Rules who are the officer's of B.M.C responsible for that Lavish Jain Temple. Height 30 ft. approx why actions have not been taken against them specify.

Does it comes under existence under action is in existence prior to 17.04.1964.

How – Specify.

Xerox copy of my letter attached information asked for may be supplied to me.

The PIO by his letter dated 22.12.2008 has informed the appellant he has been informed under their letter No ACPS/12547/AE/B&F dated 12.10.2006 and he had nothing to add. His appeal has been transferred to the Asstt. Commissioner P/South and the appellant has been informed. There is nothing on record to show that the appellate authority has passed any order.

The appeal was fixed for hearing on 08.10.2008. Appellants and respondents were present. The appellant insisted on the information applied for and the respondent pleaded that the information available has been given. I have gone through the case papers on record: It goes without saying that the information sought is not pointed and focussed. It is too vast. It is true that the RTI Act ensures access to available information. It is however expected that the information sought should be straight so that the provider has no problem in furnishing the same. It is interesting to have a look at question no 6. It says that there are nearly 450 buildings including the tenanted buildings and society building coming under welfare association of Jawaharnagar CHS and then the appellant raises five sub questions. It is going to involve tremendous amount of time, energy and money. In fact the Karnataka Information Commission has made regulation to prescribe that one application can have only one point of information. It is necessary to save public money and energy and to ensure that the whole system does not go out of gear in responding to spontaneous flashes of appellants.

In view of the above I have come to the conclusion that nothing needs to be done. The appeal is closed.

Order

The appeal is disposed off.

(Ramanand Tiwari)
State Information Commissioner, Mumbai

Place: Mumbai
Date: 17.10.2008

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

Appeal No.2008/960/02

**Mr. S.G. Kulkarni & A.A. Faridee
6-74, Shastri Nagar Transit Camp,
Linking Road, Extension, Santacruz (W),
Mumbai – 400 054.**

... **Appellant**

V/s

**First Appellate Officer cum Assist. Municipal Commissioner
Municipal Corporation, 'D' Ward Office,
Nana Chowk, Jobanputra Compound,
Mumbai – 400 007.**

... **Respondent**

**Public Information Officer cum Assist. Engineer
Municipal Corporation, 'D' Ward Office,
Nana Chowk, Jobanputra Compound,
Mumbai – 400 007.**

GROUNDS

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant by his application dated 25.04.2006 has sought information in respect of Permissions under section 390 and Licences under section 394 of MMC Act. MPFA Act, Registration Certificate under Bombay Shops & Establishment Act 1948, water connection under which Eating House in the name and style of M/s. Kulkarni Uphar Sadan situated at Building No. 1, 169-173, Raja Ram Mphan Rai Road, Mumbai – 400 004 is running. Names of Licenses transferee if any Conductor, Contractor, leave and Licensee and any other person who got his name entered in the Licence/Permit/Regn. Certificate and Municipal Records with documents on the strength of which such inclusion/transfer has been affected and whether the same are signed by the proper persons and are valid at law all the files and file papers, inspection of which be allowed and xerox (Photostat) certified copies under RTI Act, 2005 be supplies on so pointing out after inspection of all the relevant file papers and papers as detailed above.

The Public Information Officer by his letter dated 16.05.2006 furnished some information and advised the appellant to inspect the documents, identify the ones required by him and obtain copies on payment of requisite fee. The appellant was not satisfied and he preferred the first appeal under section 19(1) of the Right to Information Act 2005. The First Appellate Authority by his order dated 09.02.2007 directed the PIO to allow inspection of documents relating to M/s Kulkarni Uphar Sadan and furnish xerox copies of the required documents. The appellant has preferred the second appeal against this order.

The appeal was heard on 06.10.2008. Appellants and respondent were present. The appellant stated that he has not received all the information he had requested. The respondent has contended that the appellant has carried out inspection and copies of document have already been furnished. I have gone through the case papers and also considered the arguments advanced by parties. It is revealed from case papers that initially information was furnished on 4 points and the appellant was requested to inspect papers. It also appears that the inspection was carried out on 25.01.2007 and xerox copies were furnished after receiving payment on 05.02.2007. There is another communication dated 24.05.2005 informing the appellant that the site was inspected and it was found that there was no water supply from Municipal water main. Thus it is seen that xerox copies of documents after inspection of files have been furnished. The Right to Information Act ensures furnishing of available information and if someone is booking for something which is not on record, it may not be possible to satisfy him. After going through the papers on record I have come to the conclusion that the information has been furnished. I decide to also the case and pass the following order.

Order

The appeal is disposed off.

(Ramanand Tiwari)
State Information Commissioner, Mumbai

Place: Mumbai
Date: 10.10.2008

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

Appeal No.2008/957/02

**Mr. Ganesh Bhikaji Jadhav
Avishkar Cooperative Housing Soc. Santha,
Flat No. 7, Aram Society Road, Vakola,
Santacruz (E), Mumbai – 40 055.**

... **Appellant**

V/s

**First Appellate Officer cum Add. Chief Metropolitan Magistrate
47, Court, Esplanade, Mahapalika Marg,
Mumbai – 400 001.**

... **Respondent**

**Public Information Officer cum Manager
Chief Mahanagar Dandadhikari
Court, Mumbai – 400 001.**

GROUND

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant had sought a certified true copy of the reasons recorded in the minutes of the Advisory Committee Meeting held on 12.02.2005 and copies of statements recorded in Preliminary Enquiry (against the appellant) in reference No A/contd/315/2006 dated 25.04.2006. The appellant was not satisfied with the responses received from the PIO and the First Appellate Authority and hence this appeal.

The appeal was fixed for hearing on 06.10.2008. The appellant did not turn up. The respondent was present. The respondent has made detailed submission. It appears from the submission that although initially the appellant was not furnished the required information, he finally got the information he had asked for. In view of the appellant's absence and the submission made by the respondent I am of the view that the appeal proceedings should be closed. I pass the following order.

Order

The appeal is disposed off.

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

Place: Mumbai
Date: 10.10.2008

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

Appeal No.2008/986/02

Mr. Vishvas Dattaram Dhuri
6/603, E/wing Lalbaug Raja
Cooperative Housing Board,
Lalbaug, Mumbai – 400 012.

... Appellant

V/s

First Appellate Officer
Greater Mumbai, Municipal Corporation,
F North Division Office, Mumbai – 400 012.

... Respondent

Public Information Officer,
Greater Mumbai, Municipal Corporation,
F North Division Office, Mumbai – 400 012.

GROUNDS

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant had sought information regarding complaints made in connection with encroachment made on Shri Chatrapati Shivajee Maharaj Krindagan belonging to the MCGM. He had also sought information regarding unauthorized parking in the playground and action taken so far. Neither the PIO nor the First Appellate Authority passed any order. The appellant therefore has approached the commission in second appeal.

The appeal was heard on 08.10.2008. Appellant and respondent were present. It is very clear from the case papers that the case has not been handled with seriousness it deserved. Information was sought on encroachment and misuse of public playground and neither the PIO nor the First Appellate Authority considered it worth furnishing the required information. The commission has taken a serious note of this lapse and I pass the following order.

Order

The appeal is allowed. The PIO to furnish information within 30 days. He should also show cause why action should not be initiated against him under section 20 of the RTI Act. His reply to reach the commission within 30 days.

(Ramanand Tiwari)
State Information Commissioner, Mumbai

Place: Mumbai
Date: 10.10.2008

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

Appeal No.2008/1035/02

**Mr. Bahadur Singh Yadav
Rrabhat Colony, Ganesh Negar,
Jagdish Shetty Marg, Charkop,
Kandivli (W), Mumbai – 400 067.**

... **Appellant**

V/s

**First Appellate Officer cum Assist. Commissioner,
Greater Mumbai, Municipal Corporation,
R/South Ward, MMC. Kandivli (W),
Mumbai – 400 067.**

... **Respondent**

**Public Information Officer cum Assist. Engineer, (Management)
R/South Ward, MMC. Kandivli (W),
Mumbai – 400 067.**

GROUNDS

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

Notices in number issued to the occupants of the structure affected by widening of the Poisar River in ward No. 28.

Number of structures demolished on 27.05.2006 against Notice dated 17.05.2006.

Number of persons to whom the alternate premises were provided with their names.

Names of the persons to whom the alternate pemises is not yet provided.

The PIO by his letter dated 11.07.2007 furnished the required information to the appellant. The appellant was not satisfied and he filed the first appeal under section 19(1) of the RTI Act. The First Appellate Authority by his order dated 12.09.2007 confirmed the PIO's order and disposed off the appeal. The second appeal has been filed against this order.

The appeal was heard on 21.10.2008. The appellant did not turn up. The respondent was present. He has stated that the required information has been furnished and appeal deserves to be dismissed.

I have gone through the case papers and also considered the argument advanced by the respondent. It is very clear that the PIO has furnished information on all the points. It clearly says that all eligible persons have been given alternative accommodation. The RTI Act ensures furnishing of available information. The same has been done in this case. I therefore decide to close the case.

Order

The appeal is dismissed.

(Ramanand Tiwari)
State Information Commissioner, Mumbai

Place: Mumbai
Date: 21.10.2008

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

Appeal No.2008/1066/02

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

... **Appellant**

V/s

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

... **Respondent**

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

GROUNDS

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant has sought attested copies of the topic wise and term wise distribution of syllabus to Prof. Patankar NM for last three years 2004-2005, 2005-2006 and 2006-2007. The appeal was heard on 20.10.2008. The appellant was present. The registrar of the college was also present. The appellant has contended that he has been denied information as the college is not implementing RTI Act. The respondent has stated that the college was not implementing the RTI Act under the impression that they do not fall within the purview of the Act. They have started entertaining RTI application after the govt. clarified that since the college is in receipt of grant in aid, the Act is applicable. I have gone through the case papers and considered the arguments advanced by parties, I pass the following order.

Order

The appeal is allowed. The appellant should be furnished the desired information within 15 days.

(Ramanand Tiwari)
State Information Commissioner, Mumbai

Place: Mumbai
Date: 24.10.2008

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

Appeal No.2008/1067/02

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

... **Appellant**

V/s

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

... **Respondent**

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

GROUND

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant has sought attested copy of the service book of Prof. Patankar NM duly completed till date. The appeal was heard on 20.10.2008. The appellant was present. The registrar of the college was also present. The appellant has contended that he has been denied information as the college is not implementing RTI Act. The respondent has stated that the college was not implementing the RTI Act under the impression that they do not fall within the purview of the Act. They have started entertaining RTI application after the govt. clarified that since the college is in receipt of grant in aid, the Act is applicable. I have gone through the case papers and considered the arguments advanced by parties, I pass the following order.

Order

The appeal is allowed. The appellant should be furnished the desired information within 15 days.

(Ramanand Tiwari)
State Information Commissioner, Mumbai

Place: Mumbai
Date: 24.10.2008

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

Appeal No.2008/1055/02

**Shri. Madhu Jawahrani
901, Golden Tower, 12th Rd,
Khar, Mumbai – 400 052.**

... Appellant

V/s

**First Appellate Officer cum Director
(Engineering Service Projects), 3rd Floor,
Greater Mumbai, Municipal Corporation,
Annexure Building, Mahapalika Marg,
Fort, Mumbai – 400 001.**

... Respondent

**Public Information Officer cum Chief Engineer
(Roads of Traffic), 6th Floor,
Greater Mumbai, Municipal Corporation,
Annexure Building, Mahapalika Marg,
Fort, Mumbai – 400 001.**

GROUNDS

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

- 1) What are the functions of roads Monitoring Committee appointed by the Mumbai High Court?
 - 2) How many complaints have been received by the Committee since 01.07.2007 and how many complaints have been resolved so far?
 - 3) Within what time frame the complaint have to resolved by the Committee?
 - 4) What is the fate of Complaints about roads etc. filed with the Commissioner MCGM since 01.01.2007?
- I) I may kindly be permitted to inspect the reports of the engineers incharge on there complaints on payment of fees if any.
 - II) I state that information sought does not fail within the restrictions contained in the Section 8 & 9 of the RTI Act and to best of my knowledge it pertains to your office.
 - III) The necessary copying charges for all the documents sought shall be paid for, on intimation.

IV) This is to certify that I, Madhu Jawahrani a citizen of India. A fee @ Rs.10/- has been deposited in advance by vide cash receipt No.

The Chief Engineer, Roads and Traffic by his letter dated 12.02.2007 furnished the necessary information. The appellant was not satisfied and he preferred the first appeal. The First Appellate Authority by his order dated 26.10.2007 directed the appellant to file fresh application before the Road Monitoring Committee appointed by the Hon High Court. The appeal was disposed off. The appellant has appealed against this order.

The case was heard 20.10.2008. The appellant did not turn up. The respondents were present. The respondents have stated that the Road Monitoring Committee was setup by Hon High Court. The terms of reference have been communicated to the appellant. The complaints received from 01.01.2007 to 31.03.2007 in MCS office have also been communicated. The Monitoring committee was to receive complaints from citizens regarding roads constructed / being maintains by MCGM, MMRDA & Thane Municipal Corporations. The committee was required to get compliances from respective agency and it is clear that all the information will not be available with MCGM. The MCGM has however furnished the information available with them. I therefore conclude that the available information has been furnished.

Order

The appeal is disposed off.

(Ramanand Tiwari)
State Information Commissioner, Mumbai

Place: Mumbai
Date: 24.10.2008

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

Appeal No.2008/1064/02

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

... Appellant

V/s

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

... Respondent

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

GROUNDS

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant has sought attested copies of the meeting notices, attendance minutes of the meetings, meetings conducted by HOD of Maths department Dr. Hurzuk for three academic years 2004-2005, 2005-2006 and 2006-2007. The appeal was heard on 20.10.2008. The appellant and the registrar of the college were present. The appellant's contention is that he has been denied the information sought. The respondent has stated that they were under the impression that the RTI Act does not apply to them but the Govt. of Maharashtra clarified that since the college was getting grant-in-aid and therefore the college came under the purview of the Act, they have started entertaining RTI applications.

After going through the case papers and considering the arguments advanced by parties. I have come to the conclusion that the appellant must be given the information. I therefore pass the following order.

Order

The appeal is allowed. The appellant to be furnished the information within 15 days.

(Ramanand Tiwari)
State Information Commissioner, Mumbai

Place: Mumbai
Date: 24.10.2008

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

Appeal No.2008/1065/02

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

... Appellant

V/s

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

... Respondent

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

GROUNDS

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant has sought copies of the syllabus completion reports of Prof. Patankar N.M. for last ten academic years (1987-2007). The appeal was heard on 20.10.2008. Appellant and respondent were present. The appellant has stated that the college was not entertaining / deciding application under RTI on the presumption that the Act was not applicable to them. The Govt. has clarified the issue that since the college is getting grant in aid it does come within the purview of the RTI Act. He has therefore requested that the information be furnished to him.

I have gone through the appeal and also considered the arguments advanced by parties. I have come to the conclusion that the information asked for has to be furnished. I therefore pass the following order.

Order

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

(Ramanand Tiwari)
State Information Commissioner, Mumbai

Place: Mumbai
Date: 24.10.2008

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

Appeal No.2008/1120/02

**Shri. Ramesh Keshav Dhotre
20, Saptshrungi Soc. Ltd.
Bandra (E), Mumbai – 400 051.**

... Appellant

V/s

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

... Respondent

**Public Information Officer cum Assist. Registrar
Cooperative Board, H-West
Mumbai.**

GROUND

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant had requested for refund of the excess amount recovered from him by the Managing Committee, Saptashrungi Society Ltd, Bandra. He is not satisfied with the responses received from the PIO and the First Appellate Authority and hence this appeal.

The appeal was heard on 27.10.2008. The appellant was present. The respondents were not present. The appellant's main contention is that the society's balance sheet itself reveals that excess amount has been recovered from him. He is also aggrieved because the administrator could have ordered the refund which he did not do. The PIO has held the view that refund of money cannot be done under the RTI Act and there are provisions in the Maharashtra Cooperative Societies Act to take care of such situation. The First Appellate Authority has also agreed with the PIO and disposed off the appeal.

I have gone through the case papers. It goes without saying that the appellant is an aggrieved person. He wants his grievance to be redressed. He has already knocked the door of the Administrator. It is however well known that RTI Act ensures furnishing of available information. The appellant has also raised this issue and wanted to know the answer. The clear answer is that RTI is not mandated to redress grievance. It is not a

grievance redressal forum. The information obtained can be used for settling issues. The information in this case is already with the appellant. Thus taking into account the above factors I have come to the conclusion that refund of excess amount cannot be ordered under the RTI. I therefore pass the following order.

Order

The appeal is disposed off.

(Ramanand Tiwari)
State Information Commissioner, Mumbai

Place: Mumbai
Date: 31.10.2008

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

Appeal No.2008/1127/02

Shri. Vinodji Desai
½, Kamana Co-opp. Hsg. Soc. Ltd,
S.K.Bole Marg, Dadar, Mumbai – 400 028.

... Appellant

V/s

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

... Respondent

Public Information Officer cum Assist. Engineer
Municipal Corporation, G/North Division Office,
Harishchandra Yevle Marg, Dadar (W),
Mumbai – 400 028.

GROUND

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant had sought information regarding dumping of mobile barricades and traffic watch tower by the traffic police in Shivajee Park, Dadar. The appellant had also sought related information like location of the watch tower before it was brought to Shivajee Park, whether MCGM had permitted display of advertisement and whether it was proposed to initiate action to recover the lost revenue. He did not receive reply from the PIO and filed the first appeal under section 19(1) of the RTI Act. The First Appellate Authority by his order dated 03.03.2008 furnished the information but the appellant was not satisfied hence this second appeal.

The appeal was heard on 27.10.2008. Appellant and respondent were present. The appellant at the very outset stated that the watch tower and barricades have since been removed. He however stated that he was yet to get information regarding other points raised by him. It was stated by the respondent that relevant information has been furnished by the First Appellate Authority in his order dated 03.03.2008.

I have gone through the case papers and also considered the arguments advanced by parties. This is one of the few cases where information has been sought not for personal use or for publicity but purely in public interest. Open spaces are not supposed to be used

as dumping grounds irrespective of compulsions. It escapes the notice of most of the people but there are persons like the appellant who not only notices but pursues vigorously.

It is very important for the respondent to inform the appellant what action has been taken by him on other points. The appellant himself admitted that it may be difficult to get answer to some of his queries. It is a common practice to get traffic barricades / watch towers made by companies who put their advertisement. In fact the police cannot allow such advertisement and it is also not known whether MCGM has exempted them. The PIO may inquire and inform the appellant.

In view of the fact that the watch towers and barricades have been removed and the respondent did not have answers to other queries readily available, I decide to close the case. The respondents however should find out the practice / regulation regarding display of advertisement on items made available by corporate and inform the appellant.

Order

The appeal is disposed off.

(Ramanand Tiwari)
State Information Commissioner, Mumbai

Place: Mumbai
Date: 31.10.2008

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

Appeal No.2008/1123/02

**Shri. Rajendra Harishchandra Patil
A Building, Room No. 604,
On Shivkripa Co-op Housing Soc,
Ltd, Bhantey Wadi, College Lane,
Dadar (W), Mumbai – 400 028.**

... **Appellant**

V/s

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

... **Respondent**

**Public Information Officer cum Assist. Engineer (Town Planning)
Municipal Corporation, G/North Division Office,
Harishchandra Yevle Marg, Dadar (W),
Mumbai – 400 028.**

GROUNDS

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

The Re-development scheme on the plot bearing no. Final no. 773, 776 (Pt.) T.P.S. – IV, (Mahim), known as Bhante Wadi, College Lane, Dadar (W), Mumbai - 400 028, on the name of M/s. Om Shivkripa Co-op Housing Society has been conducted by Developer M/s. Omega Investment & Properties Ltd., since last 15 years. The information of attested zerox copies of all the papers regarding the said Re-development scheme maintained in the ward certified zerox copies of all the documents retained & maintained by you, regarding the said Re-development scheme, in your office. This information includes the zerox copies of all the papers, documents, in the file of the said Re-development scheme, maintained / retained / preserved / kept in record, in your office. This information also includes all the plans, application / letters (correspondence) submitted to the G/North Ward, Municipal Corporation of Greater Mumbai, letters (correspondence) made by G/North Ward, Municipal Corporation of Greater Mumbai to any other institution / authority and also includes the correspondence made to other departments of Municipal Corporation, Regarding the said Re-development scheme.

The PIO by his letter dated 06.10.2007 informed the appellant that photocopies of correspondence and annexure II were available and could be had on payment of Rs.20/- For documents like, 10D, CC he was advised to get in touch with the slum Rehabilitation Authority. The appellant went in appeal under section 19(1) of the RTI Act. The First Appellate Authority by his order dated 21.10.2007 came to the conclusion that the information sought is lengthy and also vague and it would be advisable for the appellant to inspect the file and select the documents. He passed his order accordingly. This appeal is against this order.

The appeal was heard on 27.10.2007. The appellant was present. Respondents were absent. The main contention of the appellant is that he did not get copies of documents he had asked for. The First Appellate Authority has rightly ordered that he should be allowed inspection of file. I therefore pass the following order.

Order

The appeal is allowed. The appellant to be given inspection of the file within two weeks and should also be furnished copies of the documents selected by him

(Ramanand Tiwari)
State Information Commissioner, Mumbai

Place: Mumbai
Date: 31.10.2008

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

Appeal No.2008/1029/02

**Shri. Leslie Almeida
"Case Alemeida" Flat 103 1,
ST. Joseph Road, Off ST Paul Road,
Bandar (W), Mumbai – 400 050.**

... **Appellant**

V/s

**First Appellate Officer cum Dist. Dy. Registrar
Co-op Board (3) Mumbai, Ghriha Nirman Bhavan,
Ground Floor, Desk No.69, Bandra (E), Mumbai – 400 051.**

... **Respondent**

**Public Information Officer cum Dy. Registrar
Co-op Board, H/West Division, Sahakar Bazar,
4th Floor, Bandra (W), Mumbai – 400 050.**

GROUND

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

- a) Certified true copy of the letter dated 14.02.1997 given to secretary of salsette society by Dr.Selwyn Almeida to have commercial activity on plot no 30A.
- b) Certified true copy Minutes of the Managing committee or circular motion approving same.
- c) Certified true copy of letter given to Selwyn almeida dated 17.02.1997 by Secretary Mr. Cletus d'abrco giving Selwyn Almeida the permission to have commercial activity on plot no 30A
- d) Conccent letter from the co-lessees of plot no 30A

The PIO by his letter dated 29.08.2008 informed the appellant that the information sought by him are available at the society level and the same should be obtained from there. The appellant was not satisfied and he filed the first appeal under section 19(1) of the RTI Act. The First Appellate Authority by his order dated 22.10.2007 has virtually confirmed the PIO's order and dismissed the appeal. The present appeal is against this order.

The appeal was heard on 18.10.2008. The appellant did not turn up. The respondents were there. They have stated that the information sought by the appellant is not available at their level and the appellant has been advised to get in touch with the society concerned. It is possible that society may not volunteer to furnish the information, but then remedy is available under the Maharashtra Cooperative Societies Act and not under Right to Information Act. I see nothing wrong in the orders of the PIO or the First Appellate Authority. I therefore pass the following order.

Order

The appeal is disposed off.

(Ramanand Tiwari)
State Information Commissioner, Mumbai

Place: Mumbai
Date: 31.10.2008

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

Appeal No.2008/1125/02

Shri. Balbhim Bapuji Torane
74 Andheri Indira Nagar Coop. Housing Soc,
Jaiprakash Marg, Near Indian Oil Nagar,
Andheri (W), Mumbai – 400 053.

... Appellant

V/s

First Appellate Officer,
Mumbai Housing & Area Development Board,
Assist. Land Manager, Andheri.

... Respondent

Public Information Officer cum Assist. Land Manager
Mumbai Housing & Area Development Board,
3rd Floor, Ghriha Nirman Bhavan
Mumbai – 400 051.

GROUNDS

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant had sought information regarding inclusion of certain names in annexure II, New Indira Nagar CHS, Near Indian Oil Nagar, Andheri (W), Mumbai. The PIO wrote to the society asking for papers in support of those names. The information was furnished to him on 12.05.2008. The appellant feels that furnishing of the information has been delayed and the officer should be penalized.

The appeal was heard on 27.10.2007. The appellant was present. The respondent was also present. The appellant admitted having received the information, but insisted on penal action. The respondent did not have any satisfactory answer.

I have gone through the case papers. The appellant filed his application under section 6(1) of the RTI Act on 20.07.2007. He finally got the information on 12.05.2008. The appellant has alleged that the information was available with the PIO but it was not furnished to him. It goes without saying that there been considerable delay. The PIO has to explain why action should not been taken against him under section 20 of the RTI Act 2005. I pass the following order.

Order

The PIO to explain why action under section 20 of the RTI Act should not taken against him for late furnishing of information. His explanation should the commission within 3 weeks. The appeal is partially allowed.

(Ramanand Tiwari)
State Information Commissioner, Mumbai

Place: Mumbai
Date: 31.10.2008

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

Appeal No.2008/1030/02

Shri. Leslie Almeida
“Case Alemeida” Flat 103 1,
ST. Joseph Road, Off ST Paul Road,
Bandar (W), Mumbai – 400 050.

... **Appellant**

V/s

First Appellate Officer cum Dist. Dy. Registrar
Co-op Board (3) Mumbai, Ghriha Nirman Bhavan,
Ground Floor, Desk No.69, Bandra (E), Mumbai – 400 051.

... **Respondent**

Public Information Officer cum Dy. Registrar
Co-op Board, H/West Division, Sahakar Bazar,
4th Floor, Bandra (W), Mumbai – 400 050.

GROUND

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

- a) Dues paid to the society since 1977 by members of Annette building including that of previous flat owners

Flat No.	Share Certificate No.	Name of flat owner
1	331	Mr. Gilroy Crasto
2	410	Mr. John francis A. Gonsalves
3	127	Mrs. Flavia Fernandes
4	436	Mr. Giles Selby Rozario
5	416	Mrs. Elizebeth Gracias
6	386	Mrs. Louie R’silva Mr.Herbert D’sulva
7	415	Mrs. Audrey Desouza
8	420	Mr. Cornel V. D’mello

- b) Net amount of dividends given to the above members by salsette society since 1977 including previous owners of above mentioned flats

- c) Net amount of medical benefits given to the above members by salsette society since 1977 including that of previous flat owners

- d) Transfer fees paid to society by flat owners on sale of their flats Calculation based on Area of flat and amount per sq foot.
- e) Rules and regulation framed by Salsette society on co-partnership / tenants Building.

The PIO by his letter dated 29.08.2008 informed the appellant that the information sought by him are available at the society level and the same should be obtained from there. The appellant was not satisfied and he filed the first appeal under section 19(1) of the RTI Act. The First Appellate Authority by his order dated 22.10.2007 has virtually confirmed the PIO's order and dismissed the appeal. The present appeal is against this order.

The appeal was heard on 18.10.2008. The appellant did not turn up. The respondents were there. They have stated that the information sought by the appellant is not available at their level and the appellant has been advised to get in touch with the society concerned. It is possible that society may not volunteer to furnish the information, but then remedy is available under the Maharashtra Cooperative Societies Act and not under Right to Information Act. I see nothing wrong in the orders of the PIO or the First Appellate Authority. I therefore pass the following order.

Order

The appeal is disposed off.

(Ramanand Tiwari)
State Information Commissioner, Mumbai

Place: Mumbai
Date: 31.10.2008

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

Appeal No.2008/1017/02

Shri. Kanahiyalal Ram Palat Sharma
Khan Trades, Navab Ali Khan Compound,
Veera Desai Road, Bahram Baug,
Jogeshwari (W), Mumbai – 400 102.

... **Appellant**

V/s

First Appellate Officer cum Joint Commissioner
Municipal Corporation, Paliram Path,
Andheri (W), Mumbai – 400 058.

... **Respondent**

Public Information Officer,
Municipal Corporation, Paliram Path,
Andheri (W), Mumbai – 400 058.

GROUNDS

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant by his application dated 22.08.2007 had sought information regarding construction of a showroom named 'Pyramid', New Link road, Harayana Basti, Jogeshwari (W), Mumbai. The appellant had asked for copy of the notice under 351, reasons for delay in proceeding against the structure, copy of any court order in this regard. The appellant was not satisfied with responses from the PIO and the First Appellate Authority and hence this second appeal.

The appeal was heard on 18.10.2007. Appellant and respondent were present. The appellant has stated that he has not been furnished the required information. The respondent has contended that he has issued a notice under section 351 and the appellant has been informed accordingly. After going through the case papers and considering the arguments advanced by parties I have come to the conclusion that the required information has not been furnished. It is not enough to issue notice under 351. The appellant seems to have been pursuing the matter but it has not been taken seriously. I have taken a serious note of it. I therefore pass the following order.

Order

The appeal is allowed. PIO to furnish information as to what action has been taken so far. This information should be provided within 15 days failing which action under section 20 of the RTI will be initiated against the PIO.

(Ramanand Tiwari)
State Information Commissioner, Mumbai

Place: Mumbai
Date: 27.10.2008

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

Appeal No.2008/1012/02

**Shri. Kanahiyalal Ram Palat Sharma
Khan Trades, Navab Ali Khan Compound,
Veera Desai Road, Bahram Baug,
Jogeshwari (W), Mumbai – 400 102.**

... **Appellant**

V/s

**First Appellate Officer cum Joint Commissioner
Municipal Corporation, Paliram Path,
Andheri (W), Mumbai – 400 058.**

... **Respondent**

**Public Information Officer,
Municipal Corporation, Paliram Path,
Andheri (W), Mumbai – 400 058.**

GROUND

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant has sought information regarding Bismillah Dairy, New link Road, Jogeshwari (W), Mumbai. It appears that the dairy's Ground + 1 structure is not authorized and the appellant has sought information although in a round about way. The PIO by his order dated 15.05.2007 has informed the appellant that the information sought is not covered under RTI Act. The appellant preferred the first appeal under section 19(1) but no order seems to have been passed. He has therefore preferred this second appeal.

The appeal was heard on 18.10.2008. Appellant and respondent were present. The appellant has stated that he has not yet received the information he had requested. The respondent has stated that he has already informed the appellant that the information sought by him does not fall within the RTI Act. After going through the case papers and considering the arguments advanced by parties I have come to the conclusion that the required information has not been furnished. A citizen raises issue of unauthorized construction and the PIO says it does not fall within the RTI Act. This is not acceptable. We should not go by the way the appellant has asked for the information. I am of the

view that one should try to catch the central point rather than going by the format. I therefore pass the following order.

Order

The appeal is allowed. PIO to furnish information regarding the status of Bismillah Dairy, whether it is authorized or otherwise and if it is not authorized, what action has been taken. This information should be furnished within 15 days failing which action under section 20 of the RTI Act will be initiated against the PIO.

(Ramanand Tiwari)
State Information Commissioner, Mumbai

Place: Mumbai
Date: 27.10.2008

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

Appeal No.2008/1132/02

**Shri. Mangesh Mane
B.D.D. Chawl No. 99, Room No.55,
Worli, Mumbai – 400 018.**

... Appellant

V/s

**First Appellate Officer,
Employment & Self Department
14th Floor, New Administrative Building,
Mantralaya, Mumbai – 400 032.**

... Respondent

**Public Information Officer,
Employment & Self Department
14th Floor, New Administrative Building,
Mantralaya, Mumbai – 400 032.**

GROUNDS

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant by his application dated 26.12.2007 had sought information relating to GAD, Industries, Energy and Labour, finance, home, PWD, SC/ST Commission and Maharashtra Legislature Secretariat. Copies of his application were sent to various departments under intimation to the appellant. The appellant however preferred appeal under section 19(1) of the RTI Act. The appellant however did not attend the proceedings. He has preferred this second appeal before the commission.

The appeal was heard on 27.10.2007. The appellant has stated that he has not been furnished the required information. The respondents have stated that the information sought is vague and vast. It is not clear from the application as to what information is required by the appellant. The PIO has according to section 6(3) transferred his application to various dept. After going through the case papers by and the written submission made by the respondent I have come to the conclusion that the information sought is not specific and vague and any attempt to collect, compile and furnish the same to the appellant would lead to disproportionate diversion of the public authority's resources. I therefore decide to close the case.

Order

The appeal is disposed off.

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

Place: Mumbai
Date: 27.10.2008

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

Appeal No.2008/1025/02

Shri. Leslie Almeida
“Case Alemeida” Flat 103 1,
ST. Joseph Road, Off ST Paul Road,
Bandar (W), Mumbai – 400 050.

... **Appellant**

V/s

First Appellate Officer cum Dist. Dy. Registrar
Co-op Board (3) Mumbai, Ghriha Nirman Bhavan,
Ground Floor, Desk No.69, Bandra (E), Mumbai – 400 051.

... **Respondent**

Public Information Officer cum Dy. Registrar
Co-op Board, H/West Division, Sahakar Bazar,
4th Floor, Bandra (W), Mumbai – 400 050.

GROUND

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant by his application dated 25.06.2007 had sought the following information: -

- a) Copy of written letter of appointment of returning officer along with true copies of the copy forwarded to the Register of co-operative societies with acknowledgement of the Dy. Registrar.
- b) Copy of derailed program of election to the Managing committee taking into consideration various stages of Election process.
- c) Copies of all nominations forms stages of Election process.
- d) Copy of provision list of members standing for elections inviting suggestions and objections put up on notice board.
- e) Copy of receipt given to members / candidates standing for elections with serial number, scrutiny date, time and place signed by returning officer.
- f) Copy of scrutiny done by returning Officer Mr. Lionele Pereira his observations and objections.
- g) Copy of final list of members eligible to contest election as per scrutiny done letter returning officer.
- h) Copy of Rejection letter given to candidates at date and time of scrutiny in the presence of the candidates given by returning officer.

The Dy. Registrar Cooperative Societies H (west) Mumbai informed the appellant that the information should be obtained from the society. The appellant was not satisfied and he preferred the first appeal under section 19(1) of the Right to Information Act. The

First Appellate Authority by his order dated 25.08.2007 directed the Dy. Registrar to furnish the available information. The society should be again directed to furnish the remaining information. It is against this order that the present appeal has been filed.

The appeal was heard on 18.10.2008. The appellant did not turn up. The respondents were there. I have gone through the case papers and come to the conclusion that the First Appellate Authority's order should be complied forthwith. The PIO's order has been rightly modified because whatever information relating to elections are available with the Dy. Registrar, should be furnished. The information has to be furnished by the public authority who holds the information. The First Appellate Authority has correctly divided the issues-those available in the office of the Dy. Registrar and those at the society level. I therefore pass the following order.

Order

The appeal is allowed. The First Appellate Authority's order should be complied within a week. PIO should also explain why the order of the First Appellate Authority was not complied earlier. His explanation to reach the commission within 15 days.

(Ramanand Tiwari)
State Information Commissioner, Mumbai

Place: Mumbai
Date: 31.10.2008

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

Appeal No.2008/786/02

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

... Appellant

V/s

**First Appellate Officer,
Dr. Fatma Zakaria (President)
Khairul Islam Higher Education Society's,
41, C Land Capered, Kulaba, Mumbai – 400 005.**

... Respondent

**Public Information Officer,
Dr. Fatma Zakaria (President)
Khairul Islam Higher Education Society's,
41, C Land Capered, Kulaba, Mumbai – 400 005.**

GROUNDS

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant by his application dated 10.04.2007 had sought the following information in respect of Maharashtra College of Arts, Science and Commerce, Mumbai.

1. Audited statements of accounts ending 31st March 2004.
2. Statement of income and expenditure ending 31st March 2004.
3. Ledger book for the financial year ending 31st March 2004.
4. Cash book of financial year ending 31st March 2004.
5. Credit voucher file of financial year ending 31st March 2004.
6. Debit voucher file of financial year ending 31st March 2004.

The appellant has alleged that the college is not entertaining applications under RTI Act 2005. It seems that the college was under the impression that they are not covered under the Act but the Govt. of Maharashtra by its letter dated 26.03.2007 has clarified that since the college is in receipt of grant – in – aid, it is covered under the RTI Act. The appeal was heard on 27.10.2008. Appellant and respondent were present.

The appellant has stated that he has not been furnished the information. The Management's reply was that they have already replied to the appellant. I have gone through the case papers and also considered the arguments advanced by parties. In view

of the fact that the college falls within the purview of the RTI Act and the information sought does not fall in the exempt category, the appellant is entitled to have it. I therefore pass the following order.

Order

The appeal is allowed. Information must be furnished within 15 days and compliance reported to the commission.

(Ramanand Tiwari)
State Information Commissioner, Mumbai

Place: Mumbai
Date: 31.10.2008

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

Appeal No.2008/1134/02

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

... Appellant

V/s

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

... Respondent

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

GROUNDS

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant has sought attested copy of the memo issued by the then Principal Dr. A.A. Dalvi to Dr. Shakul Hurzuk when Dr. Hurzuk refused examination invigilation duty four years ago in connection with non performance of exam duty. The appeal was heard on 27.10.2008. The appellant has stated that the college is not entertaining application under RTI, the information is being denied to him and the college has been taking various stands to deprive him of the information sought by him. The respondent in his written submission has stated that the information sought is not available on record, the information sought is pertaining to a service record of a person and has no relationship to any public activity and is exempted from disclosure under section 8 of the RTI Act 2005. I have gone through the case papers and also considered the arguments advanced by parties. My conclusion is that the information should be furnished to the appellant since this is one of the grounds for appellant's dismissal, he is entitled to know the college's stand on the issue. The document sought may look personal but it has an element of public interest as this may reveal the college's approach to the issue. I therefore pass the following order

Order

The appeal is allowed. Respondent to furnish information within 15 days and report compliance.

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

Place: Mumbai
Date: 31.10.2008

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

Appeal No.2008/1130/02

Shri. Giridhar Hiralal Maru
B.I.T. Chawl No.14, Room No.36/42,
Mazgaon, Tadvadi, Mumbai – 400 010.

... **Appellant**

V/s

First Appellate Officer cum Chief Personnel Officer
Mumbai BEST's Best Bhavan, Best Marg,
Kulaba, Mumbai – 400 001.

... **Respondent**

Public Information Officer cum Personnel Officer
Mumbai BEST's Best Bhavan, Best Marg,
Kulaba, Mumbai – 400 001.

GROUNDS

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant had sought copies of documents justifying BEST's practice of transferring employees from T1 category to peons category. According to the appellant, BCR 1172 requires that employees from G-1 category alone should be considered but the Best has been ignoring their claims. The appellant was not satisfied with responses from the PIO and the First Appellate Authority and hence this appeal.

The appeal was heard on 27.10.2008. The appellant did not turn up. The respondent was present. He has in his written submission informed the commission that relevant information has been furnished to the appellant. It is however seen from his submission that there has been departure from the procedure prescribed in BCR 1172. This has also been explained to the appellant. The RTI Act ensures furnishing of information and does not take up redressal of grievances. In view of the above discussion I come to the conclusion that information has been furnished. I pass the following order.

Order

The appeal is disposed off.

(Ramanand Tiwari)
State Information Commissioner, Mumbai

Place: Mumbai
Date: 31.10.2008

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

Appeal No.2008/1135/02

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

... Appellant

V/s

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

... Respondent

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

GROUNDS

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant has sought attested copy of the reply by Dr. Shakeel Hurzuk to the application of Dr. A.A. Dalvi, for exemption from Junior Supervisor's duty soon after Dr. Dalvi resigned Principal's son post two year's ago. The appeal was heard on 27.10.2008. The appellant has stated that the college is not entertaining application under RTI, the information is being denied to him and the college has been taking various stands to deprive him of the information sought by him. The respondent in his written submission has stated that the information sought is not available on record, the information sought is pertaining to a service record of a person and has no relationship to any public activity and is exempted from disclosure under section 8 of the RTI Act 2005. I have gone through the case papers and also considered the arguments advanced by parties. My conclusion is that the information should be furnished to the appellant since this is one of the grounds for appellant's dismissal, he is entitled to know the college's stand on the issue. The document sought may look personal but it has an element of public interest as this may reveal the college's approach to the issue. I therefore pass the following order

Order

The appeal is allowed. Respondent to furnish information within 15 days and report compliance.

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

Place: Mumbai
Date: 31.10.2008

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

Appeal No.2008/1136/02

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

... Appellant

V/s

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

... Respondent

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

GROUND

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant has sought attested copy of the application submitted by Dr. A.A. Dalvi for exemption from Junior Supervisor's duty soon after he resigned from Principal's post two years ago. The appeal was heard on 27.10.2008. The appellant has stated that the college is not entertaining application under RTI, the information is being denied to him and the college has been taking various stands to deprive him of the information sought by him. The respondent in his written submission has stated that the information sought is not available on record, the information sought is pertaining to a service record of a person and has no relationship to any public activity and is exempted from disclosure under section 8 of the RTI Act 2005. I have gone through the case papers and also considered the arguments advanced by parties. My conclusion is that the information should be furnished to the appellant since this is one of the grounds for appellant's dismissal, he is entitled to know the college's stand on the issue. The document sought may look personal but it has an element of public interest as this may reveal the college's approach to the issue. I therefore pass the following order

Order

The appeal is allowed. Respondent to furnish information within 15 days and report compliance.

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

Place: Mumbai
Date: 31.10.2008

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

Appeal No.2008/1133/02

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

... **Appellant**

V/s

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

... **Respondent**

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

GROUNDS

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant has sought attested copy of Dr. Shakeel Huzuk's reply of the memo issued by the then Principal, Dr. A.A. Dalvi to Dr. Hurzuk when Dr. Hurzuk refused examination invigilation duty four years ago, in connection with non performance of exam duty. The appeal was heard on 27.10.2008. The appellant has stated that the college is not entertaining application under RTI, the information is being denied to him and the college has been taking various stands to deprive him of the information sought by him. The respondent in his written submission has stated that the information sought is not available on record, the information sought is pertaining to a service record of a person and has no relationship to any public activity and is exempted from disclosure under section 8 of the RTI Act 2005. I have gone through the case papers and also considered the arguments advanced by parties. My conclusion is that the information should be furnished to the appellant since this is one of the grounds for appellant's dismissal, he is entitled to know the college's stand on the issue. The document sought may look personal but it has an element of public interest as this may reveal the college's approach to the issue. I therefore pass the following order

Order

The appeal is allowed. Respondent to furnish information within 15 days and report compliance.

(Ramanand Tiwari)
State Information Commissioner, Mumbai

Place: Mumbai
Date: 31.10.2008

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

Appeal No.2008/1078/02

**Shri. Prashant Rajabhau Jadhav
Sundarsham Ro-House No.3,
Asharaj, Behind Tutvisi I Hospital,
Happy Home Colony, Pune Rd, Nasik – 11.**

... Appellant

V/s

**First Appellate Officer cum General Manger,
Maharashtra State Transport Corporation,
Central Office, Mumbai – 400 008.**

... Respondent

**Public Information Officer cum Chief Executive Class Officer,
Maharashtra State Transport Corporation,
Central Office, Mumbai – 400 008.**

GROUND

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant had sought copies of administrative instruction relating to priority in employment to children of retired / retiring employees of Maharashtra State Road Transport Corporation, Govt. letter relaxing certain conditions for appointment to class IV and MSRTC's decision in this regard. The PIO by his letter dated 05.10.2007 furnished the information but the appellant was not satisfied. He preferred the first appeal under section 19(1) of the RTI Act. Not satisfied with the response of the First Appellate Authority, he has come in second appeal before the commission.

The appeal was heard on 23.10.2008. Appellant and respondent were present. The appellant admitted having received the information furnished by the PIO. He was however not happy because it did not satisfy him. The appellant has drawn commission's attention to various govt. / court order in support of his argument. He has drawn our attention to Govt. circular No.TSA-5185/161772/882 Tashi-4 Education & Employment Department, Mantralaya Annex Building, Mumbai dated 14.03.1986. This Govt. circular clearly says that 50% of vacancies should be filled by those trained under the Indian apprenticeship Act 1961. The MSRTC does give preference to children of retired employees and those who have undergone apprenticeship in the MSRTC. But this preference is only at the time of interview. There is no instruction to ensure that 50% of

vacancies are filled in from amongst those trained under the Indian apprenticeship Act. The appellant therefore wanted the MSRTC to say that they are not following the Govt. circular. The MSRTC on the other hand has agreed that they have furnished copies of instruction which they are following but would not be in a position to say that they are not following the govt. circular.

I have gone through the case papers and also considered the arguments advanced by parties. My conclusion is that the MSRTC is not following govt. circular dated 14.03.1986. This is binding on them. They have been filling vacancies without reference to the govt. circular and depriving themselves of the trained manpower. The commission therefore directs the PIO to obtain necessary order from the competent authority for immediate compliance of the Govt. circular dated 14.03.1986. The appellant should be kept informed.

Order

The appeal is allowed. The PIO to obtain necessary order and inform the appellant.

(Ramanand Tiwari)
State Information Commissioner, Mumbai

Place: Mumbai
Date: 31.10.2008

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

Appeal No.2008/1098/02

**Shri. Prashant Rajabhau Jadhav
Sundarsham Ro-House No.3,
Asharaj, Behind Tutvisi I Hospital,
Happy Home Colony, Pune Rd, Nasik – 11.**

... **Appellant**

V/s

**First Appellate Officer cum General Manger,
Maharashtra State Transport Corporation,
Central Office, Mumbai – 400 008.**

... **Respondent**

**Public Information Officer cum Chief Executive Class Officer,
Maharashtra State Transport Corporation,
Central Office, Mumbai – 400 008.**

GROUND

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant had sought copies of administrative instruction relating to priority in employment to children of retired / retiring employees of Maharashtra State Road Transport Corporation, Govt. letter relaxing certain conditions for appointment to class IV and MSRTC's decision in this regard. The PIO by his letter dated 05.10.2007 furnished the information but the appellant was not satisfied. He preferred the first appeal under section 19(1) of the RTI Act. Not satisfied with the response of the First Appellate Authority, he has come in second appeal before the commission.

The appeal was heard on 24.10.2008. Appellant and respondent were present. The appellant admitted having received the information furnished by the PIO. He was however not happy because it did not satisfy him. The appellant has drawn commission's attention to various govt. / court order in support of his argument. He has drawn our attention to Govt. circular No.TSA-5185/161772/882 Tashi-4 Education & Employment Department, Mantralaya Annex Building, Mumbai dated 14.03.1986. This Govt. circular clearly says that 50% of vacancies should be filled by those trained under the Indian apprenticeship Act 1961. The MSRTC does give preference to children of retired employees and those who have undergone apprenticeship in the MSRTC. But this preference is only at the time of interview. There is no instruction to ensure that 50% of

vacancies are filled in from amongst those trained under the Indian apprenticeship Act. The appellant therefore wanted the MSRTC to say that they are not following the Govt. circular. The MSRTC on the other hand has agreed that they have furnished copies of instruction which they are following but would not be in a position to say that they are not following the govt. circular.

I have gone through the case papers and also considered the arguments advanced by parties. My conclusion is that the MSRTC is not following govt. circular dated 14.03.1986. This is binding on them. They have been filling vacancies without reference to the govt. circular and depriving themselves of the trained manpower. The commission therefore directs the PIO to obtain necessary order from the competent authority for immediate compliance of the Govt. circular dated 14.03.1986. The appellant should be kept informed.

Order

The appeal is allowed. The PIO to obtain necessary order and inform the appellant.

(Ramanand Tiwari)
State Information Commissioner, Mumbai

Place: Mumbai
Date: 31.10.2008

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

Appeal No.2008/1099/02

**Shri. Prashant Rajabhau Jadhav
Sundarsham Ro-House No.3,
Asharaj, Behind Tutvisi I Hospital,
Happy Home Colony, Pune Rd, Nasik – 11.**

... Appellant

V/s

**First Appellate Officer cum General Manger,
Maharashtra State Transport Corporation,
Central Office, Mumbai – 400 008.**

... Respondent

**Public Information Officer cum Chief Executive Class Officer,
Maharashtra State Transport Corporation,
Central Office, Mumbai – 400 008.**

GROUND

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant had sought copies of administrative instruction relating to priority in employment to children of retired / retiring employees of Maharashtra State Road Transport Corporation, Govt. letter relaxing certain conditions for appointment to class IV and MSRTC's decision in this regard. The PIO by his letter dated 05.10.2007 furnished the information but the appellant was not satisfied. He preferred the first appeal under section 19(1) of the RTI Act. Not satisfied with the response of the First Appellate Authority, he has come in second appeal before the commission.

The appeal was heard on 24.10.2008. Appellant and respondent were present. The appellant admitted having received the information furnished by the PIO. He was however not happy because it did not satisfy him. The appellant has drawn commission's attention to various govt. / court order in support of his argument. He has drawn our attention to Govt. circular No.TSA-5185/161772/882 Tashi-4 Education & Employment Department, Mantralaya Annex Building, Mumbai dated 14.03.1986. This Govt. circular clearly says that 50% of vacancies should be filled by those trained under the Indian apprenticeship Act 1961. The MSRTC does give preference to children of retired employees and those who have undergone apprenticeship in the MSRTC. But this preference is only at the time of interview. There is no instruction to ensure that 50% of

vacancies are filled in from amongst those trained under the Indian apprenticeship Act. The appellant therefore wanted the MSRTC to say that they are not following the Govt. circular. The MSRTC on the other hand has agreed that they have furnished copies of instruction which they are following but would not be in a position to say that they are not following the govt. circular.

I have gone through the case papers and also considered the arguments advanced by parties. My conclusion is that the MSRTC is not following govt. circular dated 14.03.1986. This is binding on them. They have been filling vacancies without reference to the govt. circular and depriving themselves of the trained manpower. The commission therefore directs the PIO to obtain necessary order from the competent authority for immediate compliance of the Govt. circular dated 14.03.1986. The appellant should be kept informed.

Order

The appeal is allowed. The PIO to obtain necessary order and inform the appellant.

(Ramanand Tiwari)
State Information Commissioner, Mumbai

Place: Mumbai
Date: 31.10.2008

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

Appeal No.2008/1100/02

**Shri. Prashant Rajabhau Jadhav
Sundarsham Ro-House No.3,
Asharaj, Behind Tutvisi I Hospital,
Happy Home Colony, Pune Rd, Nasik – 11.**

... Appellant

V/s

**First Appellate Officer cum General Manger,
Maharashtra State Transport Corporation,
Central Office, Mumbai – 400 008.**

... Respondent

**Public Information Officer cum Chief Executive Class Officer,
Maharashtra State Transport Corporation,
Central Office, Mumbai – 400 008.**

GROUND

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant had sought copies of administrative instruction relating to priority in employment to children of retired / retiring employees of Maharashtra State Road Transport Corporation, Govt. letter relaxing certain conditions for appointment to class IV and MSRTC's decision in this regard. The PIO by his letter dated 05.10.2007 furnished the information but the appellant was not satisfied. He preferred the first appeal under section 19(1) of the RTI Act. Not satisfied with the response of the First Appellate Authority, he has come in second appeal before the commission.

The appeal was heard on 24.10.2008. Appellant and respondent were present. The appellant admitted having received the information furnished by the PIO. He was however not happy because it did not satisfy him. The appellant has drawn commission's attention to various govt. / court order in support of his argument. He has drawn our attention to Govt. circular No.TSA-5185/161772/882 Tashi-4 Education & Employment Department, Mantralaya Annex Building, Mumbai dated 14.03.1986. This Govt. circular clearly says that 50% of vacancies should be filled by those trained under the Indian apprenticeship Act 1961. The MSRTC does give preference to children of retired employees and those who have undergone apprenticeship in the MSRTC. But this preference is only at the time of interview. There is no instruction to ensure that 50% of

vacancies are filled in from amongst those trained under the Indian apprenticeship Act. The appellant therefore wanted the MSRTC to say that they are not following the Govt. circular. The MSRTC on the other hand has agreed that they have furnished copies of instruction which they are following but would not be in a position to say that they are not following the govt. circular.

I have gone through the case papers and also considered the arguments advanced by parties. My conclusion is that the MSRTC is not following govt. circular dated 14.03.1986. This is binding on them. They have been filling vacancies without reference to the govt. circular and depriving themselves of the trained manpower. The commission therefore directs the PIO to obtain necessary order from the competent authority for immediate compliance of the Govt. circular dated 14.03.1986. The appellant should be kept informed.

Order

The appeal is allowed. The PIO to obtain necessary order and inform the appellant.

(Ramanand Tiwari)
State Information Commissioner, Mumbai

Place: Mumbai
Date: 31.10.2008

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

Appeal No.2008/1129/02

Shri. Giridhar Hiralal Maru
B.I.T. Chawl No.14, Room No.36/42,
Mazgaon, Tadvadi, Mumbai – 400 010.

... **Appellant**

V/s

First Appellate Officer cum Chief Personnel Officer
Mumbai BEST's Best Bhavan, Best Marg,
Kulaba, Mumbai – 400 001.

... **Respondent**

Public Information Officer cum Personnel Officer
Mumbai BEST's Best Bhavan, Best Marg,
Kulaba, Mumbai – 400 001.

GROUND

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant had sought information regarding visits of Maharashtra Safai Karamcharis Ayoga to Best, copies the minutes of meeting held with them whether BCR No 1172 dated 13.02.1980 was brought to their notice and related issues. The main grievance of the appellant seems to be that BCR 1172 does not allow Safai Karamcharis to be transferred as peons where as Best has been considering their case at the cost of the appellant. The appeal was heard does 27.10.2008. The appellant did not turn up. The respondent has submitted his written statement. It appears from his submission that required information has been furnished. Appellant's grievances can be redressed by the Management of Best. I pass the following order.

Order

The appeal is disposed off.

(Ramanand Tiwari)
State Information Commissioner, Mumbai

Place: Mumbai
Date: 31.10.2008

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

Appeal No.2008/1027/02

**Shri. Moin Akhtar Qureshi
Baitur Akhter Bldg. 1st Floor,
Room No. 18/19, Delhi Darbar Hotel,
Patthe Bapurao Marg, Mumbai – 400 004.**

... **Appellant**

V/s

**First Appellate Officer cum Assist. Commissioner,
Municipal Corporation, C Ward, Office 76,
Chandanwadi, Shrikant Palekar Marg,
Mumbai – 400 002.**

... **Respondent**

**Public Information Officer cum Assist. Engineer (Build. & Factory)
Municipal Corporation, C Ward, Office 76,
Chandanwadi, Shrikant Palekar Marg,
Mumbai – 400 002.**

GROUND

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant by his letter dated 01.04.2007 has asked information regarding further action taken subsequent to the ward office reply under letter No Ac/C/640/SEBII dated 28.8.2006. The Public Information Officer by his letter dated 27.07.2007 informed the appellant that documents available with the party were checked and site was also inspected. It was concluded that the mezzanine floor and plinth level was old and not of recent origin and it was therefore decided not to take any further action in the matter. The appellant was not satisfied and he preferred the first appeal under section 19(1) of the Act. The First Appellant Authority did not pass any order.

The appeal was heard on 18.10.2007. Appellant and respondent were present. The appellant reiterated that he has not been provided with the information. The respondent has stated that the available information has been provided. After going through the case papers and considering the arguments advanced by parties I have come to the conclusion that the available information has been furnished. The case is therefore closed.

Order

The appeal is disposed off.

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

Place: Mumbai
Date: 31.10.2008

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

Appeal No.2008/1021/02

**Shri. Ramprasad Ayodhyaprasad Saroj
Ghanshyam Das Chawl, Room No.2,
Sant Rohidas Marg, Dharavi, Mumbai – 400 017.**

... **Appellant**

V/s

**First Appellate Officer cum Dy. Chief Engineer,
BEST, Tilaka Road, Best Project, Dadar (E),
Mumbai – 400 014.**

... **Respondent**

**Public Information Officer cum Divisional Engineer,
BEST, Tilaka Road, Best Marg, Post Box No.112,
Mumbai – 400 001.**

GROUNDS

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant had sought copies of papers relating to 17 occupants who have been provided electric connection in Omdatta SRA Cooperative Housing Society, Khamdeonagar, Dharavi. The appellant was not satisfied with responses from the PIO and the First Appellant Authority and hence this appeal. The appeal was heard on 18.10.2008. The appellant and the respondent were present. The appellant reiterated that he has not been provided the required information. He also made it known that these 17 electric connections were without any required document and that is why he asked for copies of documents which formed the basis of their eligibility for getting electric connection. The appellate Authority has explained that connections are given on the basis of names sent by the Slum Rehabilitation Authority. He also stated that detailed documentation is not required in case of reconnection. It was also stated that the appellant was offered inspection and copies of available documents have been provided. After going through the case papers and considering the argument I have come to the conclusion that the available information has been provided. I close the case.

Order

The appeal is disposed off.

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

Place: Mumbai
Date: 31.10.2008

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

Appeal No.2008/962/02

**Mr. Manoj R. Khanchandani
Murli Govind Soc, 33rd Rd,
Flat No.3, Plot No. 527,
Khar (W), Mumbai – 400 052.**

... **Appellant**

V/s

**First Appellate Officer cum Asstt. Commissioner
Municipal Corporation, H/West Ward Office,
Bandar (W), Mumbai – 400 050.**

... **Respondent**

**Public Information Officer cum Asstt. Engineer (Build. & Factory)
Municipal Corporation, H/West Ward Office,
Bandar (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 01.08.2007 had sought the information regarding his complaint of unauthorized toilet constructed by the occupant of the first floor. He wanted to know the date of inspection by the MCGM officials, whether the toilet was completely removed etc. The PIO by his letter dated 24.08.2007 informed the appellant that the information has been sought in the form of queries seeking opinion of the PIO which is not covered under the Right to Information Act, section 2(f) read with 2(J). He however offered to allow inspection of files and furnishing copies of relevant document on payment of Rs.2/- per copy. The appellant was not satisfied and he filed the First appeal under section 19(1) of the RTI Act. The First Appellate Authority by his letter order dated 05.10.2007 allowed the appeal and directed the PIO (AE, B & F) to furnish point wise information to the appellant as per annexure A. The appellant has come in appeal under section 19(3) of the RTI Act.

The appeal was heard on 06.10.2008. Appellant and respondent was present. The appellant reiterated that the information given to him is incomplete and misleading. The respondent stated that the toilet as such does not exist and only remnants of the toilet are

there. He however admitted that the construction was unauthorized. In the light of the above I pass the following order.

Order

The appeal is allowed and the order passed by the First Appellate Authority is confirmed. The PIO to furnish relevant information within 30 days.

(Ramanand Tiwari)
State Information Commissioner, Mumbai

Place: Mumbai
Date: 10.10.2008

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

Appeal No.2008/779/02

**Mr. Ketan Modi,
25/6, Mahavir, 3rd Floor,
S.V. Sovani Marg, Mumbai – 400 004.**

... Appellant

V/s

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

... Respondent

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

**Public Information Officer,
Chief Minister Secretariats, Mantralaya,
Mumbai – 400 032.**

GROUNDS

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

- a) Whether the Hon'ble Chief Minister has assured any grant / donation to the Press Club – Mumbai from the Chief Minister's Relief Fund?
- b) If yes, when was such assurance given?
- c) Whether any monies has been released / disbursed / granted from the Chief Minister's Relief Fund in favour of the Press Club – Mumbai for running a liquor bar by a group of media persons?
- d) If yes, when and how much amount has been released / disbursed / granted till date and all details pertaining to it for running a liquor bar by a group of media persons?
- e) Whether such donations / grants / disbursal are permitted from the Chief Minister's Relief Fund?

- f) If any order bodies of professionals like the bar Council, the Medical Association seeks such favours, what are the possibilities of releasing / disbursing / granting such funds for creation of liquor bars for their members as a recreational facility?

The PIO by his order dated 25.07.2007 informed the appellant that the required information could not be furnished in view of section 8(1) (c) of the RTI Act. The appellant filed the first appeal under section 19(1) of the RTI Act. The First Appellate Authority by his order dated 10.09.2007 informed the appellant that neither the PIO nor the First Appellate Authority is dealing with Chief Ministers Relief Fund and the information furnished to the appellant was received from the section dealing with Chief Ministers Relief Fund. The appellant was also informed that an appeal is already pending with the Chief Information Commissioner on the issue. The First Appellate Authority upheld the order passed by the PIO. Hence this appeal.

The appeal was heard on 21.10.2008. The appellant was present. The PIO and the First Appellate Authority were also present. The appellant reiterated that he has not received the required information. The respondents have contended that since they are not dealing with the subject, they could furnish whatever information was received by them.

I have gone through the case papers and also considered the arguments advanced by parties. I am of the view that the PIO and the First Appellate Authority could have handled it better. In accordance with section 6(3) of the RTI Act where an application is made to a public authority requesting for an information which is held by another public authority or the subject matter of which is more closely connected with the functions of another public authority, the public authority to which such application is made shall transfer the application or such part of it as may be appropriate to that public authority and inform the applicant immediately about such transfer. In this case a reference was made and information was furnished on the basis of the responses. I therefore do not hold

them guilty of violating section 6(3) as the intention was to furnish the information and not to deny it.

There has been another development. The Chief Information Commissioner, Information Commission, Maharashtra has since disposed off the appeal. Information relating to Chief Ministers Fund is available to the general public. I would therefore direct that the appellant's papers should be transferred to the Public Information Officer, Chief Ministers Officer / Chief Minister Relief Fund who will furnish the required information within 30 days. The appeal is closed at our end.

Order

The appeal is disposed off.

(Ramanand Tiwari)
State Information Commissioner, Mumbai

Place: Mumbai
Date: 31.10.2008

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

Appeal No.2008/1111/02

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

... **Appellant**

V/s

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

... **Respondent**

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

GROUNDS

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant has sought attested copies of PF account of Prof. Patankar N.M. for last three academic years 2004-2005, 2005-2006 and 2006-2007. The appeal was heard on 24.10.2008. Appellant and respondent were present. The appellant alleged that the College is not implementing Right to Information Act 2005. The respondent has contended that they were under the impression that they are not within the purview of the Act. They have however started implementing the Act after govt's clarification that the Act is applicable to them. After going through the case papers and considering the arguments I have come to the conclusion that the required information must be furnished to the appellant. I therefore pass the following order.

Order

The appeal is allowed. Respondent to furnish information within 15 days.

(Ramanand Tiwari)
State Information Commissioner, Mumbai

Place: Mumbai
Date: 31.10.2008

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

Appeal No.2008/1110/02

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

... **Appellant**

V/s

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

... **Respondent**

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

GROUNDS

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant has sought attested copies of the seniority lists of teaching staff of Maharashtra College for last ten academic years. The appeal was heard on 24.10.2008. Appellant and respondent were present. The appellant alleged that the College is not implementing Right to Information Act 2005. The respondent has contended that they were under the impression that they are not within the purview of the Act. They have however started implementing the Act after govt's clarification that the Act is applicable to them. After going through the case papers and considering the arguments I have come to the conclusion that the required information must be furnished to the appellant. I therefore pass the following order.

Order

The appeal is allowed. Respondent to furnish information within 15 days.

(Ramanand Tiwari)
State Information Commissioner, Mumbai

Place: Mumbai
Date: 31.10.2008

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

Appeal No.2008/1001/02

**Mr. Pankaj Mehta
194, Jawaharnagar, Road No.3,
9, Shantiniketan, 2nd Floor,
Goregaon (W), Mumbai – 400 062.**

... **Appellant**

V/s

**First Appellate Officer cum Assist. Commissioner,
Municipal Corporation, P/South Ward Office,
Mitha Nagar, School Building,
Goregaon (W), Mumbai – 400 062.**

... **Respondent**

**Public Information Officer,
Municipal Corporation, P/South Ward Office,
Mitha Nagar, School Building,
Goregaon (W), Mumbai – 400 062.**

GROUND

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant has sought information regarding restoration of water supply to Shantiniketan, 194 Jawaharnagar, Goregaon (W). He was not satisfied with responses from the PIO or the First Appellate Authority and hence this appeal.

The appeal was fixed for hearing on 17.10.2008. Neither the appellant nor the respondent turned. Since the issue is not complex I proceed to dispose of the case. It appears from the case papers that the water connection was disconnected because of non payment of water charges. The Assistant Engineer water works in his letter dated 28.08.2007 has communicated to the applicant that the connection will be restored on payment of outstanding dues. If the appellant has any grievance, he can take it up with the Municipal authority for redressal. We are not mandated to redress grievances. The information regarding disconnection has been furnished. In view of the above I decide to close the case.

Order

The appeal is disposed off.

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

Place: Mumbai
Date: 31.10.2008

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

Complaint No.2008/78/02

**Mr. Edwin D'Souza
C-108 Versova Jupiter Coop Housing Society Ltd,
Lokhandwala Complex, 4th cross Road,
Andheri (W), Mumbai – 400 053.**

... **Appellant**

V/s

**Public Information Officer cum Dy. Registrar
Cooperative Housing Society,
Griha Nirman Bhavan, Room No. 69 A,
Bandra (E), Mumbai – 400 051.**

... **Respondent**

GROUND

This complaint has been filed under section 18 of the Right to Information Act 2005. The appellant had filed an appeal under section 19(3) of the RTI Act which was numbered 2008/791/02. The appeal was heard on 11.09.2008 and order dated 12.09.2008 communicated to parties. The appellant had alleged that his water charges were revised in violation of the bye laws adopted by the society. The commission disposed the appeal off because no information as such was sought and the Dy. Registrar has enough powers to redress such grievances.

The complaint was heard on 27.10.2008. The complainant could not attend because of his ill health. The opponent was there. The opponent has stated that whatever information was available has been given to the complainant. The complaint has also brought to our notice that he was shown absent despite the fact that he had sent a medical certificate. The commission passed its order on merits and complainant's absence in no way influenced the order. I would nevertheless direct the Dy. Registrar to look into his grievance and help him out.

Order

The complaint is disposed off.

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

Place: Mumbai
Date: 31.10.2008

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

Appeal No.2008/1128/02

**Shri. Giridhar Hiralal Maru
B.I.T. Chawl No.14, Room No.36/42,
Mazgaon, Tadvadi, Mumbai – 400 010.**

... **Appellant**

V/s

**First Appellate Officer cum Chief Personnel Officer
Mumbai BEST's Best Bhavan, Best Marg,
Kulaba, Mumbai – 400 001.**

... **Respondent**

**Public Information Officer cum Personnel Officer
Mumbai BEST's Best Bhavan, Best Marg,
Kulaba, Mumbai – 400 001.**

GROUND

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant had sought information regarding action taken on his application dated 26.03.2007 addressed to the General Manager BEST. According to the appellant, BCR 1172 requires that employees from G-1 category alone should be considered for transfer as peons but the Best has been ignoring their claims. The appellant was not satisfied with responses from the PIO and the First Appellate Authority and hence this appeal.

The appeal was heard on 27.10.2008. The appellant did not turn up. The respondent was present. He has in his written submission informed the commission that relevant information has been furnished to the appellant. It is however seen from his submission that there has been departure from the procedure prescribed in BCR 1172. This has also been explained to the appellant. The RTI Act ensures furnishing of information and does not take up redressal of grievances. In view of the above discussion I come to the conclusion that information has been furnished. I pass the following order.

Order

The appeal is disposed off.

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

Place: Mumbai
Date: 31.10.2008

Shri.Pyarelal H. Karonia
A.N.S. Prestige Chamber,
Ground Floor, Kalyan Street,
Masjid Bundar (East),
Mumbai – 400 009.

.....Appellant

V/s

First Appellate Officer cum Dy CE / AE
Slum Rehabilitation Authority
5th Floor, Grihnirman Bhavan,
Bandra (East), Mumbai – 400 051.

.... Respondent

Public Information Officer cum
Slum Rehabilitation Authority
5th Floor, Grihnirman Bhavan,
Bandra (East), Mumbai – 400 051.

GROUNDS

These appeal has been filed under section 19 (3) of the Right to Information Act 2005. The appellant had asked for copy of annexure II, application, other proof submitted by owners of zopadpattis, agreement between society and the developer and related information. He is not satisfied by responses from the PIO and the first appellate authority and hence this appeal.

The appeal was heard on 30-9-2008. The appellant was present. The respondent did not turn up. The appellant has stated that he has received a copy of annexure II but has not been provided other details like proof which formed the basis of eligibility etc. He has also not received copies of agreement, letter of intent etc. It appears from the record that annexure II in this case was prepared by Mumbai Housing and Area Development Board. There is a letter on record where SRA has requested the Board to take necessary action on the appellant's application. Thus it is clear that all papers relating to annexure II should be with the Board. The appellant will have to be allowed to inspect relevant record and furnished copies of selected documents.

The second request of the appellant is to get copies of agreement, LOI etc. This should be with the SRA because it is they who sanction the scheme. I would like to clarify that it is mandatory on the part of the public authority who 'holds the information' irrespective of the source of its origin to furnish to the appellant. I have taken serious

note of respondents' absence which reflects their casual approach to RTI Act under these circumstances I pass the following order.

Order

The appeal is allowed. The Mumbai Housing and Area Development Board will allow the appellant to inspect documents relating to preparation of annexure II and will furnish copies of selected ones.

The Slum Rehabilitation Authority will furnish copies of documents required by the appellant. This order has to be complied with within 30 days failing which action under section 20 of the RTI Act will be initiated against the authority concerned.

(Ramanand Tiwari)
State Information Commissioner, Mumbai

Place: Mumbai
Date: 01.10.2008.

Shri.Vinod V. Chothani
10 Ladhahbai Mansion,
4th Floor, 1A New Queens Road,
(Mama Paramanand Marg)
Mumbai – 400 004.

.....Appellant

V/s

First Appellate Officer cum District Dy.Registrar
Co-Op. Societies (1) Bombay,
Malhotra House, 6th Floor,
Opp.G.P.O.,
Mumbai – 400 001.

.... Respondent

Public Information Officer cum District Dy.Registrar
Co-Op. Societies (1) Bombay,
D – Ward, Malhotra House, 6th Floor,
Opp. G.P.O.,
Mumbai – 400 001.

GROUND

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

- A. Detailed complete information of our Society record from the inception and prior to that how they have formed the society with the details of the name of the Promoters, Proposers and Seconders to form the Co-Op. Housing Society, its by laws, Members and their eligibility, Minimum number of member to form the society, their bonafides and also in due process of law to form the society of LADHABHAI MANSION CHS LTD.

Not satisfied with replies from the PIO and the first appellate authority, he has filed this second appeal.

The appeal was heard on 30-9-2008. Appellant and respondent were present. The appellant has stated that he wanted inspection of all documents relating to the society, its registration, original members etc. He also submitted that the information received so far

was incomplete. The respondent agreed to the proposal. I therefore pass the following order.

Order

The appeal is allowed. The appellant should be allowed inspection of documents and copies of documents selected by him should also be furnished within 30 days.

(Ramanand Tiwari)
State Information Commissioner, Mumbai

Place: Mumbai
Date: 01.10.2008.

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

Appeal No.2008/939/02

**Shri.Rajendra Gaikwad
Red Rose Co-Op. Hsg. Socty.,
Flat No. G – 2, Vidyanagari Road,
Kalina, Mumbai – 400 098.**

.....Appellant

V/s

**First Appellate Officer cum District Dy.Registrar
Co-op. Soc. (3), Western Suburb,
Grih Nirman Bhavan,
Gr. Floor, Kaksh 69, Bandra (E),
Mumbai- 400 051.**

.... Respondent

**Public Information Officer cum Dy.Registrar
Co-op. Soc. (3), Western Suburb,
Grih Nirman Bhavan,
Gr. Floor, Kaksh 69, Bandra (E),
Mumbai- 400 051.**

GROUND

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

- 1) Copies of Agreements of buyers of all the Flats with proof of Stamp Duty Payment & Registration.
- 2) Copies of Agreements of buyers of Garages in the society compound with proof of Stamp Duty payment and Registration.
- 3) Copy of Society Registration Certificate.
- 4) Copy of present Byelaws of the Society.
- 5) Correspondence with Builders.
- 6) Copies of Approved Plans of the building.
- 7) Copy of latest Property card.
- 8) Copy of Non Agricultural Assessment Order & Payment Receipts.
- 9) Copy of the BMC Property card.
- 10) Copy of Building Completion Certificate OR Occupation Certificate.
- 11) Details / Documents of any other encumbrance on the property or any Notices, adverse claims etc.

12) Resolution of the General Body authorizing the Managing Committee to file suits and do whatever is needful to get conveyance of society property in its favour.

The PIO by his letter dated 19-7-2007 informed the appellant that these would be available at society level and he should get in touch with society. The appellant was not satisfied and he filed the first appeal under section 19 (1) of the RTI Act. The first appellate authority by his order dated 7-9-2007 directed the Asset Registrar to furnish information on points no. 3 & 4. The appellant has come in appeal against this order.

The appeal was heard on 30-9-2008. The appellant did not have satisfactory reply. I therefore pass the following order.

Order

The order passed by the first appellate authority is confirmed. PIO to furnish the information as directed by the first appellate authority in his order dated 7-9-2007. This should be done within 30 days failing which action under section 20 of the RTI Act will be initiated against not the PIO.

(Ramanand Tiwari)
State Information Commissioner, Mumbai

Place: Mumbai
Date: 03.10.2008.

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

Appeal No.2008/956/02

**Shri.Vikas Govind Bhosale
1/27, Radhakrishna Niwas,
Dr. Babasaheb Ambedkar Road,
Off Fire Brigade, Dadar (E),
Mumbai – 400 014.**

.....Appellant

V/s

**First Appellate Officer cum Asstt. Commissioner
Municipal Corpoation of Greater Bombay,
Nair Dental Hospital,
Mumbai Central,
Mumbai – 400 008.**

.... Respondent

**Public Information Officer cum Exe.Health Officer
Municipal Corpoation of Greater Bombay,
Office of the F / South Zone,
Dr. Babasaheb Ambedkar Road,
Mumbai – 400 012.**

GROUND

These appeal has been filed under section 19 (3) of the Right to Information Act 2005. The appellant had sought details of Shri. Sayyad Ali Zaffar's appointment as Cattle Pounding Officer. Not satisfied with the replies furnished by the PIO and the first appellate authority the appellant has come in appeal before the Commission.

The appeal was heard on 1-10-2005. Appellant and respondent were present. Both of them have given their submission in writing. The appellant has stated that Shri. Zaffar was made in charge which was supposed to be temporary but he remained in that place for about 15 months which was in fact an indirect promotion. He has also stated that his request for inspection of files, notings etc. has not been granted. The respondent in his submission has stated that the file containing notings, remarks etc. has not been found despite all efforts. He has contended that the same could not be furnished to the appellant but other information has been furnished.

I have gone through the case papers and also considered the arguments advanced by parties. It is very clear that the issue has not been taken seriously. It is not enough to say that the records are not available. These are not very old. The RTI Act provides for inspection of records, files, notings, opinions etc. By saying that the file is missing the appellant is denied the information. I therefore pass the following order.

Order

The Executive Health Officer, MCGM should order an internal enquiry to fix the responsibility for misplacement the relevant file. He should send a copy of the finding to the Commission for perusal.

(Ramanand Tiwari)
State Information Commissioner, Mumbai

Place: Mumbai
Date: 01.10.2008.

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

Appeal No.2008/946/02

**Shri.Dinesh Mahadev Tarkar
Plot No.36, C.T.Survey No.1959,
T.P.S., Bhivarabai Bhosale Chawl,
Chawl No.3, Room No. 16,
Balgovindas Road, Dadar,
Mumbai – 400 028.**

.....Appellant

V/s

**First Appellate Officer,
S.R.A. Grihnirman Bhavan,
Bandra (E), Mumbai – 400 051.**

.... Respondent

**Public Information Officer cum City Survey Engineer
Building Proposal Department,
S.R.A. Grihnirman Bhavan,
Bandra (E), Mumbai – 400 051.
Mumbai – 400 012.**

GROUND

This appeal has been filed under section 19 (3) of the Right to Information Act 2005. The appellant had sought information regarding Jai Hanuman Co-Operative Society Ltd. (proposed) at Bhonsale Wadi TPS III, Plot No.36, CTS 1959 Mahim, Mumbai. The appellant wanted to know whether SRA has given sanction to this society. There nothing on record to show that either the PIO or the first appellate authority has responded to his request.

The appeal was heard on 1-10-2008. The appellant did not turn up. The respondent was there. He did not give any satisfactory reply. I therefore pass the following order.

Order

The appeal is allowed. The PIO to furnish the required information within 15 days. He should also explain why action under section 20 of the RTI should not be initiated against him.

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

Place: Mumbai
Date: 03.10.2008.

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

Appeal No.2008/992/02

**Smt.Maria T. Rodrigues
Flat No.15, Ramnik Smruti, CHSL.,
Station Road, Vikhroli (W),
Mumbai – 400 0083.**

.....Appellant

V/s

**First Appellate Officer,
Slum Rehabilitation Authority,
5th Floor, Grih Nirman Bhavan,
Bandra (w), Mumbai – 400 051.**

.... Respondent

**Public Information Officer
Slum Rehabilitation Authority,
5th Floor, Grih Nirman Bhavan,
Bandra (w), Mumbai – 400 051.**

GROUND

This appeal has been filed under section 19 (3) of the Right to Information Act 2005. The appellant by his application dated 4-10-2007 had sought information regarding proposal for development under D.C.Regulation No.33 (10) in respect of property bearing C.T.S.Nos. 67.67/1 to 39 at Manibhai Liladhar Chawl, Station Road, Vikhroli (W), Mumbai – 400 083. Situate at Village Hariyali. Taluka Kurla, Mumbai Suburban District.

- a) Annexure II to the proposal together with all the proofs of residence submitted by the developer and all the amendments and updating thereof.
- b) Copies of Documents & Photographs submitted by the Society (Ramnik Smruti (SRA) Co-op. Hsg. Soc. Ltd., Manibai Liladhar Chawl, Station Road, Vikhroli (w), Mumbai – 83) Regd. No. MUM/SRA/HSG/(TC)/1062/2001-02.

The PIO by his letter dated 1-10-2007 informed him that Annexure II may be obtained from the competent authority and the appellant may specify the documents required by him. There is nothing on record to show whether the appellant had preferred the first appeal and whether the first appellate authority passed any order.

The appeal was heard on 8-10-2007. Appellant and respondent were present. I would like to clarify at the outset that the stand taken by the PIO is not tenable. Section 2 (J) of the RTI Act very clearly defines right to information and means the right to information accessible under this Act which is held by or under the control of

any public authority. The information at the time of application is held by the Slum Rehabilitation Authority. It is not relevant who prepared annexure II and the appellant need not be made to run from pillar to post. The SRA must furnish the annexure II available on their record. I pass the following order.

Order

Copy of Annexure II to be given to the appellant within 15 days.

(Ramanand Tiwari)
State Information Commissioner, Mumbai

Place: Mumbai
Date: 10.10.2008.

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

Appeal No.2008/994/02

**Shri. Anil Pandurang Ghadi
Maharashtra Zopadi Sangh No.1,
G.D.Ambedkar Marg,
Parel, Mumbai – 400 012.**

.....Appellant

V/s

**First Appellate Officer,
Slum Rehabilitation Authority,
5th Floor, Grih Nirman Bhavan,
Bandra (w), Mumbai – 400 051.**

.... Respondent

**Public Information Officer
Slum Rehabilitation Authority,
5th Floor, Grih Nirman Bhavan,
Bandra (w), Mumbai – 400 051.**

GROUND

This appeal has been filed under section 19 (3) of the Right to Information Act 2005. The appellant requested for a copy of the order dated 27-04-2007 passed under section 89 (a) of the Maharashtra Co-operative Societies Act 1960. The PIO by his letter dated 23-8-2007 informed the appellant that no such inspection was carried out on 27-4-2006 and therefore the required information could not be furnished. The appellant preferred the first appeal but there is nothing on record to show that the first appellate authority has passed any order.

The appeal was heard on 8-10-2008. The appellant did not turn up. The respondent was present. In view of the respondent's reply 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: 10.10.2008.

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

Appeal No.2008/993/02

**Shri. Anil Pandurang Ghadi
Maharashtra Zopadi Sangh No.1,
G.D.Ambedkar Marg,
Parel, Mumbai – 400 012.**

.....Appellant

V/s

**First Appellate Officer,
Slum Rehabilitation Authority,
5th Floor, Grih Nirman Bhavan,
Bandra (w), Mumbai – 400 051.**

.... Respondent

**Public Information Officer
Slum Rehabilitation Authority,
5th Floor, Grih Nirman Bhavan,
Bandra (w), Mumbai – 400 051.**

GROUNDS

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

- 1) Whether the condition No.4 in the LOI No.SRA/Eng/676/FS/ML?LOI dated 3-6-2006 issued to M/s. Omkar Enterprises is complied by the Society?
- 2) If not what action has been taken against the Society? If action is not taken. Why it is not taken?
- 3) Whether the registered society required to be deregistered and again fresh registration was required as per LOI condition No.4 only for plot bearing CTS No. 1/431 of Parel Sewree Division?

Not satisfied with responses from the PIO and the first appellate authority, he has filed the second appeal.

The appeal was heard on 8-10-2008. The appellant did not turn up. The respondent was present. He has made his submission in writing. The respondent also clarified that the developer has complied with condition no.4 of the LOI. I am however of the view that it is not enough to inform the Commission. The appellant must be informed. I therefore pass the following order.

Order

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

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

Place: Mumbai
Date: 10.10.2008.

**Shri. Anil Pandurang Ghadi
Maharashtra Zopadi Sangh No.1,
G.D.Ambedkar Marg,
Parel, Mumbai – 400 012.**

.....Appellant

V/s

**First Appellate Officer,
Slum Rehabilitation Authority,
5th Floor, Grih Nirman Bhavan,
Bandra (w), Mumbai – 400 051.**

.... Respondent

**Public Information Officer
Slum Rehabilitation Authority,
5th Floor, Grih Nirman Bhavan,
Bandra (w), Mumbai – 400 051.**

GROUND

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

- 1) Whether approval of CFO has been obtained by the Developer / Architect ? If yes, a copy thereof.
- 2) Whether general body resolution of the society was submitted for accepting alternate accommodation in high rise buildings? If yes, a copy thereof.
- 3) Whether the developer executed necessary agreement with society for civil and electro mechanical maintenance of rehab components for a period ten years? If yes, the copy thereof.
- 4) Whether NOC from land owing authority was obtained by the developer / Architect within one month as per clause 2.8 of DCR ? If yes, a copy thereof.
- 5) Whether the Society submitted indemnity bond for indemnifying SRA against possible claims / damages etc? If yes, a copy thereof.
- 6) Whether the outstanding demand of Mhada for rent arrears of transit camp at Sion was paid / settled by the Society/ Omkar Enterprises?

The appellant's appeal memo has only copies of his application under 6 (1), first appeal under section 19 (1) and second appeal under section 19 (3). There is nothing to show whether any order has been passed by the PIO or the first appellate authority. The appeal was heard on 8-10-2008. The appellant remained absent but the respondent was

present. He has submitted his detailed say in writing. He has also clarified and attached copies of document required by the appellant. It is however not enough to submit the information to the Commission. It must go to the appellant. I therefore pass the following order.

Order

The appeal is allowed. PIO to furnish the required information within 15 days failing which action under section 20 of the Right to Information Act will be initiated against him.

(Ramanand Tiwari)
State Information Commissioner, Mumbai

Place: Mumbai
Date: 10.10.2008.

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

Appeal No.2008/966/02

**Shri. Gajanan Sitaram Borkar
F-11, Shanti CHS. Ltd.,
Mogal Lane, Mahim,
Mumbai – 400 016.**

.....Appellant

V/s

**First Appellate Officer Asstt. Commissioner,
Municipal Corporation of Greater Mumbai
G – North Ward Office,
Harishchandra Yewale Marg,
Dadar (W),
Mumbai – 400 028.**

.... Respondent

**Public Information Officer Asstt. Engineer,
Building & Factories,
Municipal Corporation of Greater Mumbai
G – North Ward Office,
Harishchandra Yewale Marg,
Dadar (W),
Mumbai – 400 028.**

GROUNDS

This appeal has been filed under section 19 (3) of the Right to Information Act 2005. The appellant had sought information regarding his application dated 26-6-2007 complaining against leakages in his flat no.11, the Shanti CHS.Ltd., Mogul Lane, Mahim, Mumbai. The PIO by his letter dated 17-8-2007 informed him that no action had been taken against the society and inspection would be done and appropriate action taken in due course on its merits. The first appellate authority under his letter dated 31-10-2007 informed the appellant that notice under section 381 of MMC Act had been issued and further action would be taken after following due process of law. The appellant has preferred the second appeal before the Commission.

The appeal was heard on 8-10-2007. The appellant could not remain present. The respondent was present. He has made his written submission. He has informed the Commission that the appellant's flat was inspected on 13-12-2007 and it was found that leakage had stopped and therefore no further action was taken.

I have gone through the case papers. It is revealed that there is a dispute between the appellant and the society. The appellant by his letter dated 23-4-2006 had

complained to the society regarding leakages in his flat and also drew their attention to bye law 162 which according to the appellant makes it obligatory for the society to carry out repairs at their cost. The society by its letter dated 4-5-2006 replied to the appellant. The appellant then approached the MCGM under the Right to Information Act. I am of the opinion that MCGM has limited role in such cases. It is basically a grievance to be redressed by the society. The information sought has been furnished.

Order

The appeal is disposed off.

(Ramanand Tiwari)
State Information Commissioner, Mumbai

Place: Mumbai
Date: 10.10.2008.

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

Appeal No.2008/965/02

**Smt.Leslie Almeida
1, St.Joseph road, off Paul road,
Bandra (W), Mumbai – 400 050.**

.....Appellant

V/s

**First Appellate Officer Divisional District Registrar
Co-Op. Hsg. Societies,
Grih Nirman Bhavan, Mhada Bldg.,
Ground Floor, Room No.69,
Bandra (E), Mumbai – 400 051.**

.... Respondent

**Public Information Officer Dy. Registrar
Co-Op. Hsg. Societies,
H / W ward, Sahakar Bazaar Bldg.,
4th Floor, Opp. Bandra Railway Station,
Bandra (W), Mumbai – 400 050.**

GROUND

This appeal has been filed under section 19 (3) of the Right to Information Act 2005. The appellant had sought certified true copies of bonds signed by office bearers 2004-2005, 1) Mr. Henry Gonsalves, 2) Mr. Vincy D'mello, 3) Mr.Francis Athaide, 4) Mr. Floyd Ferreira, 5) Mrs. Winnie Ferriera, 6) Mrs, Francisca von Geyer, 7) Mr. Ronald Gomez, 8) Mr. Cornel Gonsalves, 9) Mr. Ivan Mendonca, 10) Mr. Basil Monterio, 11) Mr. Herman Merzello, 12) Mr. Ajit Rodrigues, 13) Mrs. Marie Rodrigues..

Not satisfied with the replies given by the PIO and the first appellate authority, the appellant has preferred this second appeal.

The appeal was heard on 6-10-2008. Appellant and respondent were present. The appellant repeated his request and also stated that the designed information has not been furnished. The further elaborated that according to the society bye laws certain percentage of members refine every fixed years. It is therefore not possible to give copies of bonds of all members as they span over a period of time.

I have gone through the case papers and also considered the arguments advanced by parties. I appreciate the difficulty faced by the PIO because of a peculiar bye law adopted by the society. I am, however of the view that since the information sought by

the appellant pertains to the year 2004-2005. It should not be difficult for the PIO to furnish the information. I therefore pass the following order.

Order

The appeal is allowed. The PIO to furnish copies of bonds executed by members who were in the office during 2004-2005. This should be done within 30 days.

(Ramanand Tiwari)
State Information Commissioner, Mumbai

Place: Mumbai
Date: 10.10.2008.

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

Appeal No.2008/969/02

Appeal No.2008/970/02

**Smt.Leslie Almeida
1, St.Joseph road, off Paul road,
Bandra (W), Mumbai – 400 050.**

.....Appellant

V/s

**First Appellate Officer Divisional District Registrar
Co-Op. Hsg. Societies,
Grih Nirman Bhavan, Mhada Bldg.,
Ground Floor, Room No.69,
Bandra (E), Mumbai – 400 051.**

.... Respondent

**Public Information Officer Dy. Registrar
Co-Op. Hsg. Societies,
H / W ward, Sahakar Bazaar Bldg.,
4th Floor, Opp. Bandra Railway Station,
Bandra (W), Mumbai – 400 050.**

GROUNDS

These appeals have been filed under section 19 (3) of the Right to Information Act 2005. The appellant had sought the following information in respect of in respect of the Salsette Catholic Co-Operative Society, Bandra Gymkhana, St. Andrew Road, Bandra, Mumbai –

- a) Copy of Registration Certificate of Society
- b) Minutes of managing committee meeting of 20th May 1999
- c) Copy of minutes of managing committee meetings held from Jan 2000 onwards upto to date (last 8 years)
- d) Letter given by Selwyn Almeida of plot 30A requesting permission for commercial activity on plot 30A, Letter dated 14-02-1997
- e) Permission given by Secretary granting permission to Selwyn Almeida to have the said commercial activity dated 17-02-2007.
- f) Minutes of Managing Committee or any circular motion to grant Selwyn Almeida the said permission as mentioned in item 'e'
- g) Copy of minutes of Managing Committee or any competent authority for allowing Annette Building (co-partnership / tenants Basis to stop paying their dues to society and maintain their building like those of free hold land.

- h) Copy of minutes of Managing Committee or any competent authority for Tenants / co-partnership buildings for members to sell their flat at market rates and give only 20 Rs. Per Sq. ft. to society as transfer fees as laid down for lease hold land holders bearing in mind that these flat were given at construction cost.
- i) Copy of certified bye-laws of society enclosed by Dy. Registrar

The PIO by his order dated 29-6-2007 informed him that the information is available at the society level and the appellant could obtain from them. The appellant filed the first appeal under section 19 (1) of the Right to Information Act. The first appellate authority by his order dated 25-8-2007 informed the appellant that the Dy. Registrar has already informed him that the information being available at the society's level should be obtained from there and necessary direction has been issued to the society to furnish the same. The appellant was not satisfied and preferred the second appeal before the Commission.

The appeal was heard on 7-10-2007. Appellant and respondent were present. They have maintained their respective stand.

I have gone through the case papers on record. It appears that the very application of the appellant has been filed under section 32 of the Maharashtra Co-operative Societies Act 1960. It is also clear that most of the information sought are not supposed to be with the Dy. Registrar. The Commission has been of the view that the Dy. Registrar should furnish the information which is available with him. I conclude that the Dy. Registrar should furnish information on point (a) and (i) of the application dated 22-6-2007. The appellant has to approach the society for the remaining point. He can also pursue his application under section 32 of the Maharashtra Co-operative Society Act 1960 with the Dy. Registrar. I pass the following order.

Order

Appeals are partially allowed. The PIO to furnish information on point no. (a) and (i) of the application dated 22-6-2007 within 30 days.

(Ramanand Tiwari)
State Information Commissioner, Mumbai

Place: Mumbai
Date: 10.10.2008.

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

Appeal No.2008/991/02

**Shri.Bhimrao Mahadev Jagtap
39/1137, Nehru Nagar,
Kurla (E), Mumbai – 400 024.**

.....Appellant

V/s

**First Appellate Officer Joint Chief Officer
MHADA, Grihnirman Bhavan,
Bandra (E), Mumbai – 400 051.**

.... Respondent

**Public Information Officer Dy.Chief Officer
MHADA, Grihnirman Bhavan,
Bandra (E), Mumbai – 400 051.**

GROUNDS

This appeal has been filed under section 19 (3) of the Right to Information Act 2005. The appellant had asked for a copy of the allotment letter allotting him the transit tenement no. 182 / 6590 as service quarters. Not satisfied with responses from the PIO and the first appellate authority the appellant has filed the second appeal.

The appeal was heard on 8-10-2008. Appellant and respondent were present. The main contention of the appellant is that he wants a copy of the letter which says that tenement no. 182 / 6590 was allotted to him as service quarter. The respondent has elaborated the issue and explained that appellant was staying in gala no. 39/ 1137 at Nehru nagar, Kurla. This building was subsequently transferred to the resident's co-operative housing society. The society undertook redevelopment of the building and because the appellant was a serving member, he was accommodated in a transit tenement. The appellant's building has been redeveloped and he has been allotted tenement in the redeveloped building. Since he has retired he has to vacate the transit accommodation provided to him. In numerous correspondences between the appellant and the respondent, the word service quarter has been mentioned instead of the transit tenement. The Commission is not supposed to go into the details of the allotment but the fact remains that the appellant was accommodated temporarily in a transit tenement because his building was being redeveloped. He has already been provided with a copy of the allotment letter. In the light of the above background, I have come to the conclusion that the appeal deserves to be dismissed. I therefore pass the following order.

Order

The appeal is dismissed.

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

Place: Mumbai
Date: 10.10.2008.

Shri.Rustom Dinshaw Irani
10/13, Tata Building, Tardeo,
Mumbai – 400 086.

.....Appellant

V/s

First Appellate Officer
Municipal Corporation of Greater Mumbai
M / West Ward (Maintenance),
Sharadbhau Acharya Marg,
Chembur, Mumbai – 400 071.

.... Respondent

Public Information Officer
Municipal Corporation of Greater Mumbai
M / West Ward (Maintenance),
Sharadbhau Acharya Marg,
Chembur, Mumbai – 400 071.

GROUNDS

This appeal has been filed under section 19 (3) of the Right to Information Act 2005. The appellant by his application dated 20-2-2007 had sought the following information :-

- I) The proposal and sanctioning of the storm water drain over CTS 332 of Mahul in M / West ward including details of budgetary allocations and cost incurred by BMC. Kindly furnish me a copy of the same.
- II) Sanction and resolution effecting budgetary allocation for the construction of Storm water drain. Kindly furnish me a copy of the same.
- III) The permission and or no objection obtained from the owners of the land bearing CTS 332 of Mahul. Kindly furnish me a copy of the same.
- IV) Name and addresses of the contractors who have executed contract as also details of the tender. Kindly furnish me a copy of the same.
- V) Date of starting and date of completion of the construction and handing over of the possession of the Storm Water drain. Kindly furnish me a copy of the same.

The PIO by his letter dated 6-3-2007 informed the appellant that the proposal for storm water drain executed by his office was not with respect to CTS nos and the appellant should visit his office and go through the record during office hours on working days. The appellant was not satisfied and he filed the first appeal under section 19 (1) of the RTI Act. The first appellate authority by his order dated 24-5-5007 directed the PIO

to search the records in his office and find out whether the record from which information can be furnished is available. He also advised the appellant to visit the PIO's office and clarify what exact documents are required by him. It is against this order that the appellant has come in the second appeal.

The appeal was heard on 7-10-2008. The appellant was present. The respondent's were absent. After going through the case papers and considering the argument advanced by the appellant I have come to the conclusion that the PIO must furnish the information as required by the appellant. The PIO's argument that the appellant should visit his office to identify the documents as the proposal for storm water drains executed by his office was not with respect to CTS no. is not tenable. The appellant has given enough details of the storm water drain and its passing through CTS No. 332 should help the PIO to identify the work. The point on which information has been sought is clear and pointed. I am very clear that there is no vagueness in the information sought by the appellant. I therefore pass the following order.

Order

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

(Ramanand Tiwari)
State Information Commissioner, Mumbai

Place: Mumbai
Date: 10.10.2008.

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

Appeal No.2008/976/02

**Shri.Sudhir R.Ghedia
159, Dr. Mahimtura Marg,
S.V.P.Rd,
Mumbai – 400 004.
V/s**

.....Appellant

**First Appellate Officer cum Dy. Registrar
Co-op.Socety. (MHADA),
Mhada Bldg., Bandra (E),
Mumbai – 400 051.**

.... Respondent

**Public Information Officer Dy. Registrar
Co-op.Socety. (MHADA),
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 by his application under section 6 (1) of the RTI Act had sought the following information in respect of Versova CHS. Ltd., Plot No.13, S.V.P. Nagar, Near Char Bungalow, Andheri (W), Mumbai.

- a) Agreement entered into with contractor while construction of bldg.
- b) Copy of Allotment letter issued to Mr.Navnath Indulkar
- c) Copy of Agreement entered into by Mr.Navnath Indulkar
- d) Details of payment received from Mr.Navnath Indulkar
- e) Details of utilization of money received from Mr.Navnath Indulkar

Case papers do not show whether the PIO or the first appellate authority has passed any order. Hence the appellant has filed this second appeal.

The appeal was heard on 7-10-2008. Appellant and respondent were present. The appellant has stated that he has not been furnished the required information. The respondent did not have any satisfaction answer. It is therefore ordered that the administrator must furnish the required information.

Order

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

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

Place: Mumbai
Date: 10.10.2008.

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

**Appeal No.2008/1051/02
Appeal No.2008/1052/02
Appeal No.2008/1053/02
Appeal No.2008/1054/02**

**Shri. Prof. Patankar Nisarali Muhammad
2/204 Aghadi Nagar,
Andheri East, Mumbai – 400 093.**

....Appellant

V/s

**First Appellate Officer cum Hon. Gen. Secretary
Khairul Islam Higher Education Society's
Maharashtra College of Arts Science and Commerce,
2, Prince Court, 53/c, Clare Road, Byculla,
Mumbai – 4000008.**

.... Respondent

**Public Information Officer cum Principal
Maharashtra College, Bellasis Road,
Mumbai – 400008.**

GROUNDS

These appeals have been filed under section 19 (3) of the Right to Information Act 2005. The appellant had sought copies of his confidential reports for the following years

- 1) 1988 – 1989 (Appeal No. 1054)
- 2) 1990 – 1991 (Appeal No. 1051)
- 3) 1991 – 1992 (Appeal No. 1052)
- 4) 1999 – 2000 (Appeal No. 1053)

The appellant has stated that the college has not implemented the Right to Information Act 2005. That is the reason he has not approached the PIO or the first appellate authority. He has also brought to the Commission's notice govt's clarification dated 26-3-2007 which says that since the college receives govt. grants, the Right to Information Act is applicable to the college.

The appeals were heard on 16-10-2008. Appellant and respondent were present but the appellant has stated that he needs copies of his annual confidential reports for submitting to the Tribunal which is hearing his petition against his dismissal from his job.

I have gone through the case papers and also considered the arguments advanced by the appellant. The preamble to the RTI Act 2005 very clearly says that democracy requires an informed citizenry and transparency of information which are vital to its

functioning and also to contain corruption and to hold govt. and their instrumentalities accountable to the governed. It also says that revelation of information in actual practice is likely to conflict with other public interest including efficient operation of govt. and optimum use of limited resources and the preservation of confidentiality of sensitive information. The RTI Act is designed to harmonise those conflicting interest while preserving the paramountcy of democratic ideal. The annual confidential reports have been traditionally confidential. There are circumstances under which it is communicated to the person concerned. It remains confidential otherwise. As far as the appellant's case before the Tribunal is concerned, there have been instances where the courts have called for these reports and evaluated them and passed orders. Finally, giving copies of appellant's annual confidential reports has no element of public interest, it is purely personal. Under these circumstances I am of the view that no public interest is likely to be served by furnishing copies of appellant's annual confidential reports to him. Since the content of all his appeals is the same, they have been clubbed together and disposed off. I pass the following order.

Order

The appeals are disposed off.

(Ramanand Tiwari)
State Information Commissioner, Mumbai

Place: Mumbai
Date: 16.10.2008.

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

Appeal No.2008/978/02

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

.....Appellant

V/s

**First Appellate Officer cum Asst. Municipal Commissioner
K / West, Andheri (W),
Mumbai – 400 058.**

.... Respondent

**Public Information Officer Asst. Municipal Commissioner
K / West, Andheri (W),
Mumbai – 400 058.**

GROUND

This appeal has been filed under section 19 (3) of the Right to Information Act 2005. The appellant had sought information regarding action taken on alleged unauthorised construction by Hotel Maya Bhuvan Spring, Hazarabai House, Shop No. – 1, Irla Society Road, Vile Parle (w), Mumbai. Not satisfied with the responses from the PIO and the first appellate authority the appellant has filed the second appeal.

The appeal was heard on 7-10-2008. The appellant and respondent were present. The appellant has alleged that the unauthorised structure has not been demolished. The respondent by his letter dated 6-9-2007 has informed the appellant that the unauthorised structure was demolished on 17-8-2007 without issuing any notice and materials like steel counters, tables and chairs were confiscated. He was also informed that the PIO had granted permission for monsoon shed and therefore it was not demolished. The list of officers was also provided. Thus it is clear that what remains is monsoon shed which has been permitted. It is therefore concluded that the information has been furnished.

Order

The appeal is disposed off.

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

Place: Mumbai
Date: 10.10.2008.

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

Appeal No.2008/983/02

**Shri.Macchindra N. Karalkar
Hazarabi House, Room No.5,
Irla Society Road, Vile Parle (W),
Mumbai – 400 056.
V/s**

.....Appellant

**First Appellate Officer cum Asst. Municipal Commissioner
K / West, Andheri (W),
Mumbai – 400 058.**

.... Respondent

**Public Information Officer Asst. Municipal Commissioner
K / West, Andheri (W),
Mumbai – 400 058.**

GROUND

This appeal has been filed under section 19 (3) of the Right to Information Act 2005. The appellant had sought information regarding action taken against Suruchi Pure Veg., Thakur Complex, Kandivali (w), Mumbai and Hotel Delicacy Pure Veg., S.V.Road, opposite Reliance Energy and Shoppers Stop, Kandivali, Mumbai for alleged unauthorised construction in the compulsory open space. It seems that the PIO by his letter dated 16-10-2007 informed the appellant that no action was initiated against of erection of wall by Hotel owners as the status is not confirmed. There is nothing on record to show that the first appellate authority passed any order and hence this appeal.

The appeal was heard on 8-10-2008. Appellant and respondent were present. The appellant reiterated his stand that he was yet to get the required information. The respondent did not have any satisfactory answer. The information furnished by the respondent is evasive and misleading. The PIO has not checked up the status of the alleged unauthorised construction and that is the reason he says no action was initiated as the status was not confirmed. I would therefore direct the PIO to get the status confirmed, take appropriate action and inform the appellant suitable.

Order

The appeal is allowed. The PIO to furnish the latest status and also action taken report to the appellant within 30 days.

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

Place: Mumbai
Date: 10.10.2008.

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

Appeal No.2008/1014/02

**Shri. Macchindra N. Karalkar
Hazarabi House, Room No.5,
Irla Society Road, Vile Parle (W),
Mumbai – 400 056.
V/s**

.....Appellant

**First Appellate Officer cum Asst. Municipal Commissioner
K / West, Andheri (W),
Mumbai – 400 058.**

.... Respondent

**Public Information Officer Asst. Engineer
Building & Factories,
K / West, Andheri (W),
Mumbai – 400 058.**

GROUND

This appeal has been filed under section 19 (3) of the Right to Information Act 2005. The appellant had sought information regarding action taken on alleged unauthorised construction by Hotel Maya Bhuvan Spring, Hazarabai House, Shop No. – 1, Irla Society Road, Vile Parle (w), Mumbai. Not satisfied with the responses from the PIO and the first appellate authority the appellant has filed the second appeal.

The appeal was heard on 18-10-2008. The appellant did not turn up but the respondent was present. The appellant has alleged that the unauthorised structure has not been demolished. The respondent by his letter dated 6-9-2007 has informed the appellant that the unauthorised structure was demolished on 17-8-2007 without issuing any notice and materials like steel counters, tables and chairs were confiscated. He has been further informed that materials seized has not been released and therefore a copy of the receipt was not available. He was also informed that the PIO had granted permission for monsoon shed and therefore it was not demolished. The list of officers was also provided. Thus it is clear that what remains is monsoon shed which has been permitted. It is therefore concluded that the information has been furnished.

Order

The appeal is disposed off.

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

Place: Mumbai
Date: 18.10.2008.

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

Appeal No.2008/1024/02

**Shri. Ashish Prasannakumar Pitale
Top Floor, Pitale House,
Hanuman Road,
Vile Parle (E),
Mumbai – 400 057.
V/s**

.....Appellant

**First Appellate Officer cum Joint Commissioner,
The Sales Tax,
Dept. (Registration) Vikrikar Bhavan,
Mazgaon, Mumbai – 400 010.**

.... Respondent

**Public Information Officer cum Addl. Commissioner,
(Registration),
The Sales Tax Dept. Vikrikar Bhavan,
Mazgaon, Mumbai – 400 010.**

GROUND

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

- 1) Please let me know on whose name the VAT TIN no. 27760547192 V stands? On what address it has been registered? Please provide copy of the registration certificate for the VAT TIN no.27760547192 V.
- 2) Please provide the copies of the TIN application no M24585 along with the proofs provided with this application.
- 3) Whether this TIN application no. M24585 is made for proprietary establishment or partnership establishment? If it is partnership establishment, then please provide names of the partners.
- 4) Whether any deed of partnership is produced along with the TIN Application? Whether it is a registered deed? If no whether unregistered deed is acceptable as per the law? Please provide copy of that Deed.
- 5) Please provide the copy of Landlord's NOC for this registration.

The Public Information Officer by his order dated 1-10-2007 furnished information on point no. 1 and 2. Information on point no.5 was also provided. The appellant was not satisfied and he preferred the first appeal under section 19 (1) of the RTI Act. The first appellate authority by his order dated 5-11-2007 informed the appellant that the information sought by him is covered under section 8 (d) of the RTI

Act and should not be furnished to him. It is against this order that this second appeal has been filed.

The appeal was heard on 18-10-2008. The appellant did not turn up. Respondents were present. They have stated that the information sought relates to a third party and cannot be furnished to the appellant.

I have gone through the case papers. The first appellate authority in his order has recorded that the required information which is related to a third party is not meant for any larger public interest and therefore came within the category of exemption. As we know section 8 (d) of the RTI Act clearly says that information including commercial confidence, trade secrets or intellectual property, the disclosure of which would harm the competitive position of a third party unless the competent authority is satisfied that larger public interest warrants the disclosure of such information. There is nothing on record to show that the information required is in larger public interest. They are basically personal. I am therefore of the view that the first appellate authority's observation and finding is correct. I therefore close the case.

Order

The appeal is disposed off.

(Ramanand Tiwari)
State Information Commissioner, Mumbai

Place: Mumbai
Date: 18.10.2008.

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

Appeal No.2008/3262/02

**Shri.Mohammad Sajid Maghroob Ansari
U.T.No.1144/07, 2/4 Anda Cell,
High Security Barrack,
Arthur Road Jail,
Mumbai – 400 011.**

... Appellant

V/s

**First Appellate Officer cum Dy. Commissioner of Police
Crime Branch,
Shivaji Madai, Mumbai – 400 001.**

... Respondent

**Public Information Officer cum Asst. Commissioner of Police
Office of Commissioner of Police,
Mumbai – 400 001.**

GROUNDS

Mr. Mohammad Sajid Maghroob Ansari inmate of Arthur Road Jail, Mumbai – 400 011 had given application to PIO of Anti Terrorism Squad seeking information pertaining to details of enquiries / police station diaries of Nagpada A.T.S. Unit and duty timing record of certain PSI's.

This information was refused by PIO stating that Anti Terrorist Squad constituted under govt. resolution no. SSA/10/03/15 dated 8-07-2004 comes under State Intelligence Department & subsidiaries under Home Department which have been excluded from provision of RTI Act. When the appeal was made under 19 (1) against the order of PIO, appellate officer stated that since applicant has not been given information there is no question of appeal and therefore ordered that information officer should give the information. However, PIO again informed the applicant that because of the reason given before, the information will not be given. Therefore the appellant has filed second appeal on 21-1-2008. The hearing took place on 31-10-2008 when appellant was absent however PIO was present.

Taking into consideration the appeal petition and G.A.D. Notification dated 11-10-2005 excluding S.I.D. from the preview of the RTI Act PIO's contention is upheld.

Order

The appeal is dismissed.

**(Suresh Joshi)
Chief Information Commissioner, Maharashtra**

Place: Mumbai
Date: 31.10.2008.

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

Appeal No.2008/387/02

**Shri. Vasant Shantaram Naik
Flat.No.11 & 12,
Shri. Ramnath Co-op. Hsg.Socety. Ltd.,
Plot No. 920, Opp. Sayani Road,
11 Prabhadevi, Mumbai – 400 025.**

.....Appellant

V/s

**First Appellate Officer Asst. Municipal Commissioner
B.M.C. G/ South Ward Office,
N.M.Joshi Marg,
Mumbai – 400 013.**

.... Respondent

**Public Information Officer Administrative Officer,
Estates,
B.M.C. G/ South Ward Office,
N.M.Joshi Marg,
Mumbai – 400 013.**

GROUNDS

This appeal has been filed under section 19 (3) of the Right to Information Act 2005. The appellant had sought information regarding recovery of excess rent from him and transfer of Gala no 5 and 6 at E. Moses Road from his father's name to his name. The Administrative Officer (Estates) G/ South Ward by his letter dated 9-4-2007 informed the appellant that the excess rent was inadvertently calculated and would be adjusted against the future rent payable by the appellant. In another communication from the Asstt. Commissioner G / South Ward dated 24-3-2007 the appellant has been informed that 7 cases of transfer has been finalised and 5 are pending. The Names of tenant have been shown in the list. The appellant is not satisfied with these orders and hence he has filed the second appeal before the Commission.

The case was heard on 10-10-2008. Appellant and respondent were present. The appellant has stated that the required information has still not been provided. The respondent stated that they have furnished the information available with them.

I have gone through the case papers and also considered the arguments advanced by parties. Appellant's earlier appeal no.2008/637/02 was decided on 03-09-2008 when the respondent was directed to transfer the shops in the appellant's name. The respondent during the hearing of this appeal informed that necessary order has been obtained from

the competent authority and transfer will be affected subject to fulfillment of certain conditions. The appellant, however, was not happy with this information. The commission in no way can help him in getting these conditions waived. I have tried to ensure that the galas are transferred in his name.

In view of the above discussion I decide to close the case.

Order

The appeal is disposed off.

(Ramanand Tiwari)
State Information Commissioner, Mumbai

Place: Mumbai
Date: 31.10.2008.

Ms.Altaf A.Siddque
Sadanand Classic, Plot No.528,
33rd Road,
Khar (W), Mumbai – 400 052.

.....Appellant

V/s

First Appellate Officer Asst. Municipal Commissioner,
B.M.C. G/ H- West Ward Office,
St.Martins Road,
Bandra (W),
Mumbai – 400 050.

.... Respondent

Public Information Officer Sr.Inspector License,
B.M.C. G/ H- West Ward Office,
St.Martins Road,
Bandra (W),
Mumbai – 400 050.

GROUNDS

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

Certified Xerox copies of the fines imposed on the 33rd road stalls on 30.08.2007 at 9.00 p.m. between Jn. Of Linking Road and Standard Classic, Old Khar, 33rd Road.

The PIO by his letter dated 19-7-2008 informed the appellant that encroachment removal action was taken at 33rd Road on 30-8-2007 and 9 bundles of chappals were removed and extension sheds were dismantled. The appellant was also informed that no party came forward to redeem the goods. The PIO enclosed a Xeroxed copy of the register for appellant's information. The appellant was not satisfied and she preferred the first appeal under section 19 (1) of the RTI Act. The first appellate authority by his order dated 14-12-2007, confirmed the PIO's order. The appellant has come in appeal against this order.

The appeal was heard on 22-10-2008. Appellant and respondent were present. The main contention of the appellant is that 12 bundles of chappals and not 9 bundles were removed. She feels that the information furnished is incomplete. The respondent however has stated that they have faithfully recorded in the register and there were 9 bundles only. There is nothing on record to show whether they were counted and owners / panchas signature obtained. It is therefore clear that available information has

been furnished. The commission is not mandated to investigate the matter. I therefore conclude that available information has been furnished.

Order

The appeal is disposed off.

(Ramanand Tiwari)
State Information Commissioner, Mumbai

Place: Mumbai
Date: 31.10.2008.

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

Appeal No.2008/1114/02

Shri. Prof. Patankar Nisarali Muhammad
2/204 Aghadi Nagar,
Andheri East, Mumbai – 400 093.

....Appellant

V/s

First Appellate Officer cum Secretary,
Khairul Islam Higher Education,
Maharashtra College of Arts, Science & Commerce,
2, Prince Court,53/B, Clare Road, Byculla,
Mumbai – 400 008.

.... Respondent

Public Information Officer cum Principal,
Khairul Islam Higher Education,
Maharashtra College of Arts, Science & Commerce,
2, Prince Court,53/B, Clare Road, Byculla,
Mumbai – 400 008.

GROUNDS

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant has sought attested copies of all pages from the salary musters pertaining to Dr.Shakeel Hurzuk for four academic years 2004-2005 to 2007-2008 (till date) The appeals was heard on 24-10-2008. Appellant and respondent were present. The appellant has alleged that the college is not implementing Right to Information Act 2005. The respondent has contended that they have started implementing RTI Act after govt's clarification that since they are in receipt of grant-in-aid, the RTI Act applies to college. I have gone through the case papers and also considered the arguments advanced by parties. It is very clear that the information sought falls within the ambit of section 8 (1) (J) of the Right to Information Act. The appellant wants details of the salary drawn by Dr.Hurzuk. This information is personal and its disclosure has no relationship to any public interest or activity. I am therefore of the view that the information need not be furnished. I pass the following order.

Order

The appeals are disposed off.

(Ramanand Tiwari)
State Information Commissioner, Mumbai

Place: Mumbai
Date: 31.10.2008.

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

Appeal No.2008/1113/02

Shri. Prof. Patankar Nisarali Muhammad
2/204 Aghadi Nagar,
Andheri East, Mumbai – 400 093.

....Appellant

V/s

First Appellate Officer cum Secretary,
Khairul Islam Higher Education,
Maharashtra College of Arts, Science & Commerce,
2, Prince Court,53/B, Clare Road, Byculla,
Mumbai – 400 008.

.... Respondent

Public Information Officer cum Principal,
Khairul Islam Higher Education,
Maharashtra College of Arts, Science & Commerce,
2, Prince Court,53/B, Clare Road, Byculla,
Mumbai – 400 008.

GROUNDS

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant has sought attested copies of all pages from the salary musters pertaining to Dr.Shakeel Hurzuk for four academic years 2000-2001 to 2003-2004. The appeals was heard on 24-10-2008. Appellant and respondent were present. The appellant has alleged that the college is not implementing Right to Information Act 2005. The respondent has contended that they have started implementing RTI Act after govt's clarification that since they are in receipt of grant-in-aid, the RTI Act applies to college. I have gone through the case papers and also considered the arguments advanced by parties. It is very clear that the information sought falls within the ambit of section 8 (1) (J) of the Right to Information Act. The appellant wants details of the salary drawn by Dr.Hurzuk. This information is personal and its disclosure has no relationship to any public interest or activity. I am therefore of the view that the information need not be furnished. I pass the following order.

Order

The appeals are disposed off.

(Ramanand Tiwari)
State Information Commissioner, Mumbai

Place: Mumbai
Date: 31.10.2008.

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

Appeal No.2008/1112/02

Shri. Prof. Patankar Nisarali Muhammad
2/204 Aghadi Nagar,
Andheri East, Mumbai – 400 093.

....Appellant

V/s

First Appellate Officer cum Secretary,
Khairul Islam Higher Education,
Maharashtra College of Arts, Science & Commerce,
2, Prince Court,53/B, Clare Road, Byculla,
Mumbai – 400 008.

.... Respondent

Public Information Officer cum Principal,
Khairul Islam Higher Education,
Maharashtra College of Arts, Science & Commerce,
2, Prince Court,53/B, Clare Road, Byculla,
Mumbai – 400 008.

GROUNDS

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant has sought attested copies of all pages from the salary musters pertaining to Dr.Shakeel Hurzuk for four academic years 1993-1994 to 1999-2000. The appeals was heard on 24-10-2008. Appellant and respondent were present. The appellant has alleged that the college is not implementing Right to Information Act 2005. The respondent has contended that they have started implementing RTI Act after govt's clarification that since they are in receipt of grant-in-aid, the RTI Act applies to college. I have gone through the case papers and also considered the arguments advanced by parties. It is very clear that the information sought falls within the ambit of section 8 (1) (J) of the Right to Information Act. The appellant wants details of the salary drawn by Dr.Hurzuk. This information is personal and its disclosure has no relationship to any public interest or activity. I am therefore of the view that the information need not be furnished. I pass the following order.

Order

The appeals are disposed off.

(Ramanand Tiwari)
State Information Commissioner, Mumbai

Place: Mumbai
Date: 31.10.2008.