

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

**Appeal No.2009/2853/02**

**Shri. Michael Rodrigues  
'Bonnie' Next to Mary Apt,  
I C Colony, Rd No.3,  
Borivali (W), Mumbai.**

**... Appellant**

**V/s**

**First Appellate Officer cum Asstt Commissioner,  
Municipal Corporation, R/North Ward,  
Below Sangeetkar Sudhir Phadke,  
Bridge Jaywant Sawant Marg,  
Dahisar (W), Mumbai – 400 068.**

**... Respondent**

**Public Information Officer  
Municipal Corporation, R/North Ward,  
Below Sangeetkar Sudhir Phadke,  
Bridge Jaywant Sawant Marg,  
Dahisar (W), Mumbai – 400 068.**

**GROUNDS**

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant by his application dated 06.10.2008 had sought information relating to Census of trees, distribution and planting of saplings, cases filed for cutting trees and related matters.

Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant filed this second appeal before the Commission. The appeal was heard on 01.09.2009. Appellant was present but the respondent was absent.

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

After going through the case papers and considering the arguments advanced by parties I have come to the conclusion that information has been furnished. The appellant himself has attached copies of documents received by him. It is quite exhaustive. It is however seen that information on point no. 3 – cases against those who cut trees without permission has not been furnished. This information should be easily available. I

therefore direct that information on this point should be furnished to the appellant free of cost as the same has not been provided earlier. I therefore pass the following order.

**Order**

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

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

Place: Mumbai  
Date: 08.09.2009.

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

Appeal No.2009/2831/02

**Shri. Tatyasaheb S. Bambras**  
**Yugandhar Cooperative Housing Board,**  
**Gorai-2, Borivali (E), Mumbai – 400 092.**

... **Appellant**

V/s

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

... **Respondent**

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

### **GROUND**

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant by his application dated 02.11.2007 had sought information relating to yugandhar CHS Ltd, Gorai-2, Borivali (W), Mumbai.

Not satisfied with responses form the Public Information Officer and the First Appellate Authority the appellant filed this second appeal before the Commission. The appeal was heard on 01.09.2009. Appellant and respondents were present.

After going though the file and considering the arguments advanced by parties I have come to the conclusion that information should be furnished. I therefore pass the following order.

### **Order**

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

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

Place: Mumbai  
Date: 08.09.2009.

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

Appeal No.2009/3151/02

**Shri. Kamal Ahmed Khan**  
**Room No.1, Dediya Niwas,**  
**Rafi Ahmad Kidwai Rd,**  
**Wadala, Mumbai – 400 031.**

... **Appellant**

V/s

**First Appellate Officer cum Asstt Commissioner**  
**Municipal Corporation, F/Sough Ward,**  
**Dr. Babasaheb Marg, Parel,**  
**Mumbai – 400 012.**

... **Respondent**

**Public Information Officer cum Dy Commissioner (Zone-2)**  
**Municipal Corporation, F/Sough Ward,**  
**Dr. Babasaheb Marg, Parel,**  
**Mumbai – 400 012.**

### **GROUND**

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant by his application dated 05.02.2009 had sought information relating to huts on zakaria Bunder Rd Rafi Ahmed Kidwai Rd.

Not satisfied with responses form the Public Information Officer and the First Appellate Authority the appellant filed this second appeal before the Commission. The appeal was heard on 08.09.2009. The appellant did not turn up but the respondent was present.

The respondent has contended that required information has been furnished. Annexure II has also been furnished. In view of the appellant's absent and respondents submission, I decide to close the case.

### **Order**

The appeal is disposed off.

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

Place: Mumbai  
Date: 08.09.2009.

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

**Appeal No.2009/3155/02**

**Shri. Nisar Karvinkar  
225/3, Daruwala Chawl, New Mill Rd,  
Kurla, Mumbai – 400 070.**

**... Appellant**

**V/s**

**First Appellate Officer,  
MMRDA (MUTP),  
Bandra-Kurla Complex,  
Bandra, Mumbai.**

**... Respondent**

**Public Information Officer,  
MMRDA (MUTP),  
Bandra-Kurla Complex,  
Bandra, Mumbai.**

**GROUNDS**

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant by his application dated 05.01.2009 had sought information on 13 points contained in his application for information.

Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant filed this second appeal before the Commission. The appeal was fixed for hearing on 08.09.2009. Appellant and respondent were present.

After going through the case papers I have come to the conclusion that information has not been furnished. I therefore pass the following order.

**Order**

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

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

Place: Mumbai  
Date: 09.09.2009.

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

**Appeal No.2009/2848/02**

**Shri. Kamlakar Shenoy  
2/13] Adinath CHS,  
Opp Elly Kadorie School,  
MAzgaon, Mumbai – 400 010.**

**... Appellant**

**V/s**

**First Appellate Officer,  
Addl. Commissioner of Police,  
Sought Region.**

**... Respondent**

**Public Information Officer,  
Addl. Commissioner of Police,  
Sought Region.**

**GROUNDS**

This appeal has been filed under section 19(3) of the Right to Information Act 2005. It seems that he has been denied information. He has not signed the appeal memo. There is no copy of his application or order passed. He has also written to the PIO (letter dated 28.08.2009) that he has received the information. In view of all this, the case is close

**Order**

The appeal is disposed off.

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

Place: Mumbai  
Date: 09.09.2009.

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

**Complaint No.2009/311/02**

**Shri. Pramod Shankar Thali  
Modanand Pratithan,  
Shaparia Bldg,  
1<sup>st</sup> Floor, Opp Kamabaug,  
74 Raja Rammohan Marg,  
Charniroad (E), Mumbai – 400 004.**

... **Complainant**

V/s

**Public Information Officer cum Asstt Engineer  
Municipal Corporation, D-Ward,  
Jobanputra Compound, Nanachowk,  
Mumbai – 400 007.**

... **Respondent**

**GROUND**

This complaint has been filed under section 18 of the Right to Information Act 2005 in the context of the commission's order dated 10.11.2008 passed in appeal no.2008/1179/02. The facts in brief are as follows: - The complainant by his application dated 05.10.2007 sought information regarding action taken for demolition of the unauthorized construction by Hotel Kalpana.

Not satisfied with responses from the Public Information Officer and First Appellate Authority the complainant filed appeal under section 19(3) of the RTI Act, 2005. The commission by its order dated 10.11.2008 directed that information should be furnished within 15 days. The present complaint is against alleged non compliance of commission's order.

The complaint was heard on 04.09.2009. The defendant was present but the complainant did not turn up.

The defendant has submitted that information has been furnished although after commission's order. Since the complainant was not present it could not be verified. In view of respondent's submission and appellant's submission, the case is closed.

**Order**

The complaint is filed.

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

Place: Mumbai  
Date: 09.09.2009.

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

**Complaint No.2009/418/02**

**Shri. Y.A. Desai  
Chhatrapati Sahu Sadan,  
Room No.41, Curry Rd,  
Mumbai – 400 013.**

... **Complainant**

V/s

**Public Information Officer cum Administrative Officer, (Estate)  
Municipal Corporation, E Ward,  
Sheik Hafizzuding Marg,  
Mumbai – 400 013.**

... **Respondent**

**GROUNDS**

This complaint has been filed under section 18 of the Right to Information Act 2005 in the context of the commission's order dated 12.11.2008 passed in appeal no.2008/1194/02. The facts in brief are as follows: - The complainant by his application dated 28.01.2008 had sought information in respect of redevelopment of MCGM owned Laxmidas Dosa Compound bearing CTS No.2016, 1/2016 & 2017 of Byculla Division.

Not satisfied with responses from the Public Information Officer and First Appellate Authority the complainant filed appeal under section 19(3) of the RTI Act, 2005. The commission by its order dated 12.11.2008 directed that information should be furnished within 15 days. The present complaint is against alleged non compliance of commission's order.

The complaint was heard on 02.09.2009. The defendant was present but the complainant did not turn up.

The defendant has submitted that information has been furnished. He has furnished details of dispatch etc for commission's record. Thus the commission's order stands complied.

**Order**

The complaint is filed.

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

Place: Mumbai  
Date: 09.09.2009.



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

**Appeal No.2009/3172/02**

**Shri. Vidyadhar G. Dalvi  
8, Nilkamal, Seizer Rd,  
Amboli, Andheri (W),  
Mumbai – 400 058.**

**... Appellant**

**V/s**

**First Appellate Officer cum Dist Dy Registrar  
Mumbai District, Co-Op Societies Office,  
Room No.69 Grihanirman Bhavan,  
Kalanagar, Bandra (E), Mumbai – 400 051.**

**... Respondent**

**Public Information Officer cum Dy Registrar (K East)  
Co-Op Societies Office, 315/316, A-1 Bldg, Wadala,  
Trunk Terminals, Mumbai – 400 037.**

**GROUND**

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant by his application dated 17.03.2009 had sought information in respect of sale of open space and execution of indemnity bonds by members of the Executive Committee, Satellite Classic Society, Jogeshwari (E), Mumbai.

Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant filed this second appeal before the Commission. The appeal was heard on 09.09.2009. The appellant did not turn up but the respondent was present.

The respondent has submitted that the appellant was informed by the PIO's letter dated 13.04.2009 that copies of bonds were available in his office and the same can be obtained after depositing necessary fee. As regards the second point – sale of open space the information was not available at the PIO's level and could be had from the society. Thus in view of the appellant's absence respondent's submission I conclude that information has been furnished. The case is therefore closed.

**Order**

The appeal is disposed off.

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

Place: Mumbai  
Date: 09.09.2009.

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

**Appeal No.2009/3173/02**

**Smt. Shilpa V. Dalvi  
C-1/402, Satellite Classic, Caves Rd,  
Jorehwari (E), Mumbai – 400 060.**

... **Appellant**

**V/s**

**First Appellate Officer cum Dist Dy Registrar  
Mumbai District, Co-Op Societies Office,  
Room No.69 Grihanirman Bhavan,  
Kalanagar, Bandra (E), Mumbai – 400 051.**

... **Respondent**

**Public Information Officer cum Dy Registrar (K East)  
Co-Op Societies Office, 315/316, A-1 Bldg, Wadala,  
Trunk Terminals, Mumbai – 400 037.**

**GROUNDS**

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant by his application dated 07.03.2009 had sought information in respect of the transaction between the society and the builder for sale of open space in the society. The appellant has pointed that sale of open space in societies are not permitted as per the Hon. High Court's order. The appellant wanted information about the deal.

Not satisfied with responses form the Public Information Officer and the First Appellate Authority the appellant filed this second appeal before the Commission. The appeal was heard on 09.09.2009. The appellant did not turn up but the respondent was present.

The respondent has submitted that the appellant has been informed that the required information was not available at his level and the same can be obtained from the society. Since the appellant was not present it could not be verified. In view of the appellant's absence and respondent's submission I decide to close the case since information has been furnished.

**Order**

The appeal is disallowed.

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

Place: Mumbai  
Date: 09.09.2009.

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

**Appeal No.2009/3166/02**

**Shri. Pramod Vaman Kadam  
8, Officer's Quarters,  
Moiwada Police Compound,  
Parel, Mumbai – 400 012.**

... **Appellant**

**V/s**

**First Appellate Officer cum Dy Secretary  
Maharashtra Public Service Commission  
Bank of India Bldg,  
Mahatma Gandhi Rd, Mumbai – 400 001.**

... **Respondent**

**Public Information Officer cum Desk Officer  
Maharashtra Public Service Commission  
Bank of India Bldg,  
Mahatma Gandhi Rd, Mumbai – 400 001.**

**GROUNDS**

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant by his application dated 12.01.2009 had sought copies of replies given in response to the notice issued by Maharashtra Public Service Commission to those accused of malpractices during the Examination conducted for recruiting deputy inspector of police / sales tax officer / Assistants.

Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant filed this second appeal before the Commission. The appeal was heard on 09.09.2009. The appellant did not turn up but the respondent was present.

The respondent has given in writing that information has been furnished. In view of respondent's submission and appellant's absence, the case is closed.

**Order**

Appeal is disposed off.

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

Place: Mumbai  
Date: 09.09.2009.

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

Appeal No.2009/3165/02

**Shri. Vinod Dagadu Sawant**  
**Room No.19 B,**  
**Chaintanya Jone Cottage Seva Sangh Board,**  
**Jungal Mangal Rd, Bhandup (W),**  
**Mumbai – 400 078.**

... **Appellant**

V/s

**First Appellate Officer,**  
**Collector Office,**  
**Mumbai Suburban District,**  
**10<sup>th</sup> Floor, Administrative Bldg,**  
**Near Chetna College, Bnadra (E),**  
**Mumbai – 400 051.**

... **Respondent**

**Public Information Officer,**  
**Collector Office,**  
**Mumbai Suburban District,**  
**10<sup>th</sup> Floor, Administrative Bldg,**  
**Near Chetna College, Bnadra (E),**  
**Mumbai – 400 051.**

### **GROUND**

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant by his application dated 09.03.2009 had sought the following information in respect of survey no 146 CTS No.161 B Jangal Mangal Rd, Bhandup (W), Mumbai.

Not satisfied with responses form the Public Information Officer and the First Appellate Authority the appellant filed this second appeal before the Commission. The appeal was heard on 09.09.2009. Appellant was present but the respondent was absent.

The appellant has contended that he was asked to get in touch with Malad Office which he did and has received the required information. He is not interested in pursuing the matter.

### **Order**

The appeal is disposed off.

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

Place: Mumbai  
Date: 09.09.2009.

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

**Complaint No.2009/421/02**

**Shri. Jayant K. Karulkar  
429, Parijat Dadar, Kakrand CHS Ltd,  
Senapati Bapat Marg, Dadar, Mumbai – 400 028.**

... **Complainant**

V/s

**Public Information Officer cum  
Commissioner Cooperation & Registrar,  
Cooperative Board, New Central Bldg, Pune.**

... **Respondent**

**GROUND**

This complaint has been filed under section 18 of the Right to Information Act 2005 in the context of the commission's order dated 12.12.2008 passed in appeal no.2008/935/02. The facts in brief are as follows: - The complainant had sought a copy of the letter written by his society for availing of the rebate / concession to low/middle income groups and also a copy of govt. approval.

Not satisfied with responses from the Public Information Officer and First Appellate Authority the complainant filed appeal under section 19(3) of the RTI Act, 2005. The commission by its order dated 12.12.2008 directed that information should be furnished within 15 days. The present complaint is against alleged non compliance of commission's order.

The complaint was heard on 04.09.2009. Complainant and defendants were present.

The complainant has stated that he has not yet received the information. The respondent submitted that he had no information at all available with him One of the respondents – General Manager, Maharashtra State Cooperative Housing Finance Corporation however revealed that his office has some information about the society. He also informed that the society has paid all outstandings and conveyance has also been done. He promised to look into this aspect of rebate. The complainant also agreed to get in touch with him.

In view of this the case is closed at commission's end.

**Order**

The complaint is filed.

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

Place: Mumbai  
Date: 09.09.2009.

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

**Complaint No.2009/3161/02**

**Shri. Nikhil Gandhi  
185-A, Shri Shivam Co-op. Hsg.Soc.Ltd,  
Flat No. A/7, 3<sup>rd</sup> Floor, S.V.Rd,  
Vile Parle (W), Mumbai – 400 056.**

... **Complainant**

V/s

**Public Information Officer cum  
District Dy Registrar (3),  
Cooperative Board,  
Room No.69 Grihanirman Bhavan,  
Kalanagar, Bandra (E), Mumbai – 400 051.**

... **Respondent**

**GROUND**

This complaint has been filed under section 18 of the Right to Information Act 2005 in the context of the commission's order dated 25.03.2009 passed in appeal no.2008/1895/02. The facts in brief are as follows: - The complainant had sought information as to how many administrators were appointed during 2007-2008 in H/west Ward.

Not satisfied with responses from the Public Information Officer and First Appellate Authority the complainant filed appeal under section 19(3) of the RTI Act, 2005. The commission by its order dated 25.03.2009 directed that the First Appellate Authority should hear appeal within 45 days. The present complaint is against alleged non compliance of commissions order.

The complaint was heard on 08.09.2009. The complainant was present but the defendant was absent.

The complainant has stated that he has finally got the list of societies where administrators have been appointed during 2007-2008. He has however pointed out that the name of Shri Shevam Cooperative Society was not there although there is documentary evidence to show that administrator was appointed during the period. This is serious. I therefore pass the following order.

**Order**

The PIO to show cause why action should not be initiated under section 18/20 of the RTI Act for giving incomplete information to the complainant. His reply to come within 4 weeks.

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

Place: Mumbai  
Date: 09.09.2009.

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

**Complaint No.2009/426/02**

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

**... Complainant**

**V/s**

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

**... Respondent**

**GROUND**

This complaint has been filed under section 18 of the Right to Information Act 2005 in the context of the commission's order dated 01.10.2008 passed in appeal no.2008/932/02. The facts in brief are as follows: - The complainant had asked for a copy of annexure II, proves submitted by owners of zopadpatties, agreement between society and developer and related information.

Not satisfied with responses from the Public Information Officer and First Appellate Authority the complainant filed appeal under section 19(3) of the RTI Act, 2005. The commission by its order dated 01.10.2008 directed that information should be furnished within 30 days. The present complaint is against alleged non compliance of commissions order.

The complaint was heard on 04.09.2009. The complainant was present but the defendant was absent.

The complainant has stated that the money demanded for getting the information was exorbitant. Since the respondent was not there it could not be verified.

After considering the arguments advanced by the appellant and going through the file I have come to the conclusion that commission's order has been complied. The information has been offered. It is however seen that the complainant finds it exorbitant. The only way out seems to be that he should inspect the documents and ask for copies of documents he selects. I therefore pass the following order.

**Order**

The complaint is allowed. Complainant to inspect documents and copies of selected documents should be furnished.

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

Place: Mumbai  
Date: 09.09.2009.

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

**Appeal No.2009/2936/02**

**Shri. Malgaonkar Bhushan Pandurang  
Plot No.122, Room No. 302,  
Mukesh Apt, Nadkarni Marg,  
Wadala (E), Mumbai – 400 037.**

**... Appellant**

**V/s**

**First Appellate Officer,  
Bar Council, Maharashtra & Goa,  
(BCMG), 2<sup>nd</sup> Floor, High Court,  
Fort, Mumbai.**

**... Respondent**

**Public Information Officer cum Secretary  
Bar Council, Maharashtra & Goa,  
(BCMG), 2<sup>nd</sup> Floor, High Court,  
Fort, Mumbai.**

### **GROUNDS**

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant by his application dated 23.11.2007 had sought a copy of rules of the Bar Council of Maharashtra and Goa and the Bar Council India and details of the time taken by the Bar Council of Maharashtra and Goa in communicating whether an applicant was enrolled as an advocate or not.

Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant filed this second appeal before the Commission. The appeal was heard on 01.09.2009. Appellant was present but the respondent was absent.

The appellant has contended that he has not received the information he had wanted. The respondent was not present and a written submission by them is on record. It has been reiterated in the submission that the Bar Council of Maharashtra and Goa does not come within the purview of the RTI Act.



After going through the case papers and considering the arguments advanced by parties I have come to the conclusion that information has not been furnished. The respondent's reply dated 31.12.2007 sketchy and inadequate. I therefore order that the information requested by the appellant in his application dated 23.11.2007 must be given.

**Order**

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

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

Place: Mumbai  
Date: 09.09.2009.

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

**Complaint No.2009/3163/02**

**Shri. Manohar G. Samtani  
B/16, Shanti Sagar CHS. Ltd,  
2<sup>nd</sup> Floor, Plot No.777,  
S.V. Rd, Khar (W),  
Mumbai – 400 052.**

... **Complainant**

V/s

**Public Information Officer,  
(Registrar) Court of Small Causes,  
Mumbai – 400 002.**

... **Respondent**

**GROUNDS**

This complaint has been filed under section 18 of the Right to Information Act 2005 in the context of the commission's order dated 31.01.2009 passed in appeal no.2008/1588/02. The facts in brief are as follows: - The complainant by his application dated 18.02.2008 had sought information as to how many court commissions have been appointed by Court of Small Causes, Bandra since January, 2005.

Not satisfied with responses from the Public Information Officer and First Appellate Authority the complainant filed appeal under section 19(3) of the RTI Act, 2005. The commission by its order dated 31.10.2008 directed that the First Appellant authority should hear the appeal within 45 days and pass necessary order. The present complaint is against alleged non compliance of commissions order.

The complaint was heard on 08.09.2009. The defendant was present but the complainant did not turn up.

The defendant has stated that the appeal was heard and order passed. A copy has been furnished for commission's record. The commission's order stands complied. I therefore pass the following order.

**Order**

The complaint is filed.

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

Place: Mumbai  
Date: 09.09.2009.

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

**Appeal No.2009/3167/02**

**Shri. Madhukar Krushna Dhuri  
Tapoval K Shop No.1 A 0,  
Senapati Bapat Marg, Parel,  
Mumbai – 400 013.**

**... Appellant**

**V/s**

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

**... Respondent**

**Public Information Officer cum Dy Chief Officer  
Mumbai Building Repair & Reconstruction Board,  
Grihanirman Bhavan, Bandra (E),  
Mumbai – 400 051.**

**GROUNDS**

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant by his application dated 18.03.2009 had sought the following information: -

The appellant has a shop admeasuring 2.80 sqm. This was taken up under redevelopment and he was allotted a shop admeasuring 2.23 sqm. He had also applied for construction of a WC for which he deposited Rs.10, 000/- but has not received any communication. He has paid excess amount of Rs.5, 250/- and wanted information within regard.

Not satisfied with responses form the Public Information Officer and the First Appellate Authority the appellant filed this second appeal before the Commission. The appeal was heard on 09.09.2009. Appellant was present but the respondent was absent.

The appellant has contended that he has been visiting MHADA Office and meeting different people. His application form information has remained unattended. He has not been furnished any information. Since the respondent was absent it could not be verified. It is however seen from the case papers that no information has been furnished. This reflects total disregard to the RTI Act 2005.

After going through the case papers and considering the arguments advanced by the appellant I have come to the conclusion that information has not been furnished. I therefore propose to impose a fine of Rs.25, 000/- on the PIO. He should show cause why this order should not be confirmed. He should also furnish the required information. His reply should reach the commission within 4 weeks. I pass the following order.

**Order**

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

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

Place: Mumbai  
Date: 09.09.2009.

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

**Appeal No.2009/3176/02**

**Shri. Jang Bahadur K. Singh  
D/3, L.R. Plaza, Sudha Hospital,  
Gokuldharm Market, Film City Rd,  
Goregaon (E), Mumbai – 400 06.**

**... Appellant**

**V/s**

**First Appellate Officer cum Asstt Commissioner  
Municipal Corporation, P/North Ward Office,  
Liberty Garden, Malad (W), Mumbai – 400 064.**

**... Respondent**

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

### **GROUNDS**

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

The present Status of the Road from Gokuldharm to Pimpri Pada in the Municipal Records particularly in the light of the Resolution No. 522 dated 15.09.1990 U/s 63 passed in the House of MCGM and Declaration dated 21.12.1999 by Dy Municipal Commissioner, Zone-IV U/s 306 of MCGM.

The PIO by his letter dated 07.05.2009 informed the appellant the matter was old and records untraceable the information could not be furnished. The appellant preferred appeal under section 19(1) of the RTI Act. There is nothing on record to show that the First Appellate Authority passed any order.

Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant filed this second appeal before the commission and the First Appellate Authority the appellant filed this second appeal before the commission. The appeal was fixed for hearing on 09.09.2009. Appellant and respondent were absent.

I have gone through the case papers and come to the conclusion that the matter has not been handled with seriousness it deserved. The appellant has provided so much of information to the PIO and the PIO quietly says that records are old acceptable. The information sought is purely in public interest and a citizen is entitled to know the status of a road or a lane. This is also in the interest of the MCGM to know whether it is a public street or otherwise. The PIO has to find out the status and inform the appellant. In case he needs anybody's help, the RTI Act authorize him to do so. I therefore pass the following order.

**Order**

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

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

Place: Mumbai  
Date: 09.09.2009.

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

**Complaint No.2009/396/02**

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

... **Complainant**

V/s

**Public Information Officer Asstt Registrar  
Cooperative Board, (H/East), Cooperative Bazaar,  
Bandra, Mumbai – 400 050.**

... **Respondent**

**GROUND**

This complaint has been filed under section 18 of the Right to Information Act 2005 in the context of the commission's order dated 21.03.2009 passed in appeal no.2009/2062/02. The facts in brief are as follows: - The complainant had sought information relating to his application requesting action against Vaishali Cooperative Housing Society for not furnishing M-20 bonds in time.

Not satisfied with responses from the Public Information Officer and First Appellate Authority the complainant filed appeal under section 19(3) of the RTI Act, 2005. The commission by its order dated 21.03.2009 directed that information should be furnished 15 days. The present complaint is against alleged non compliance of commissions order.

The complaint was heard on 07.09.2009. The complainant was present but the defendant was absent.

The complainant has stated that no information has been furnished/ no action taken against the managing committee for not furnishing the required M-20 bonds in time. Since the defendant was absent it could not be verified. Prima facie the commission's order has not been complied and information not furnished. It is therefore proposed penal action under section 20 of the RTI should be taken against the PIO. He is directed to show cause why he should not be fined @ Rs.250/- per day for not furnishing the information despite commission's order. His reply to come within 4 weeks.

**Order**

The complaint is allowed.

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

Place: Mumbai  
Date: 09.09.2009.

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

**Complaint No.2009/437/02**

**Shri. N.C. Kotiankar  
C-2, Daswani Co-Op. Housing Society,  
Opp. St. Louis Convent School,  
Four Bungalows, Andheri (W),  
Mumbai – 400 053.**

... **Complainant**

V/s

**Public Information Officer cum Dy. Registrar  
Cooperative Board, (K/West) Ward, Western Suburban  
Mumbai, Grihanirman Bhavan, Ground Floor,  
Desk No.69, Bandra (E), Mumbai – 400 051.**

... **Respondent**

**GROUND**

This complaint has been filed under section 18 of the Right to Information Act 2005 in the context of the commission's order dated 31.01.2009 passed in appeal no.2009/1669/02. The facts in brief are as follows: - The complainant had sought information regarding various irregularities being committed in Daswani CHS, Four Bungalows Andheri (W), Mumbai.

Not satisfied with responses from the Public Information Officer and First Appellate Authority the complainant filed appeal under section 19(3) of the RTI Act, 2005. The commission by its order dated 31.01.2009 directed that information should be furnished in 15 days. The present complaint is against alleged non compliance of commissions order.

The complaint was heard on 05.09.2009. The defendant was present but the complainant did not turn up.

The respondent has submitted that information has been furnished by the PIO's letter dated 17.02.2009. Since the complainant was not present it could not be verified. It is however seen from the case papers that the complainant wants certain action to be taken against the Managing Committee members who according to the complainant have



violated the terms of the bonds furnished by them. Remedial action is not expected under the RTI Act.

After considering the arguments advanced by the defendant and going through the file I have come to the conclusion that commission's order has been complied. I therefore close the case.

**Order**

The complaint is filed.

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

Place: Mumbai  
Date: 11.09.2009.

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

Appeal No.2009/2900/02

**Shri. Atit Shah**  
**5, Mukund Nivas, Paranjpe Scheme Rd,**  
**A-2, Vile Parle (E), Mumbai – 400 057.**

... **Appellant**

V/s

**First Appellate Officer cum Jt. Municipal Commissioner**  
**(Medical Education & Health),**  
**Nair Dental, Mumbai – 400 008.**

... **Respondent**

**Public Information Officer cum Dean**  
**Lokmanya Tilak Municipal Hospital,**  
**Sion, Mumbai – 400 022.**

### **GROUND**

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant had sought a copy of the order bearing No.CH-OE/DE/NAK/115 dated 28.09.2006 received by the Dean LTMG on 30.09.2006 mentioning exoneration and condoning suspension and reinstatement. This order was not served on Dr.N.N. Athnikar.

Not satisfied with responses form the Public Information Officer and the First Appellate Authority the appellant filed this second appeal before the commission. The appeal was heard on 10.09.2009. The appellant did not turn up but the respondent was present.

The respondent submitted that the matter has become irrelevant in view of the second enquiry ordered against Dr. Athanikar and her subsequent resignation which has been accepted by MCG.

After going through the case papers and considering the arguments advanced by the respondent I have come to the conclusion that information should be furnished. It may be irrelevant for the respondent but the appellant has not withdrawnness his appeal. I therefore pass the following order.

### **Order**

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

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

Place: Mumbai  
Date: 11.09.2009.

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

**Appeal No.2009/3180/02**

**Shri. S.J. Chaurasia  
15-B, 1<sup>st</sup> Floor, 65 M.G. Rd,  
Old Oriental Bldg, Flora Fountain,  
Fort, Mumbai – 400 001.**

**... Appellant**

**V/s**

**First Appellate Officer cum Asstt Commission  
Municipal Corporation of Greater Mumbai,  
“C” Ward Office, Mumbai.**

**... Respondent**

**Public Information Officer,  
Municipal Corporation of Greater Mumbai,  
“C” Ward Office, Mumbai.**

**GROUND**

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

Name of the inward clerk attending the office on 02.10.2007 between 10.30 am to 5.00 pm at C Ward, MCGM.

Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant filed this second appeal before the commission. The appeal was fixed for hearing on 10.09.2009. Appellant and respondent were present.

I have gone through the case papers and come to the conclusion that information must be provided. I therefore pass the following order.

**Order**

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

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

Place: Mumbai  
Date: 11.09.2009.

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

**Appeal No.2009/2907/02**

**Shri. Vasant J Joshi & Other  
Uttung CHS Ltd, Plot No.197/198,  
T.P.S. IV, Mahim Division,  
D.L. Vaidya Rd, Dadar, Mumbai – 400 028.  
Ward, No. GN-4220(2 AB) 4220 (2 C).**

**... Appellant**

**V/s**

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

**... Respondent**

**Public Information Officer cum Asstt. Assessor & Collector  
Municipal Corporation, G/North Ward Office,  
Harishchandra Yelve 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 Uttung CHS Ltd, Plot No.197/198 TPS IV Mahim Division, D.L Vaidya Rd, Dadar, Mumbai. The appellant has raised various issues in his applications – the execution of M20 Bonds, the issue of property tax, issuance of occupancy certificate.

Not satisfied with responses form the Public Information Officer and the First Appellate Authority the appellant filed this second appeal before the commission. The appeal was heard on 10.09.2009. Appellant and respondent were present.

The appellant has contended that he is one of the old tenants who has been rehabilitated in the redeveloped property. The property tax charged by MCGM seemed exorbitant in view of the fact that he was paying much less when the property was undeveloped. The respondent submitted that according to the existing govt. instructions flats admeasuring 350 sq feet and less are entitled to get concession. Those who have flats admeasuring more than 350 sq feet are not entitled to any concession. Relevant govt. orders were shown and explained to the appellant.

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

**Order**

The appeal is disposed.

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

Place: Mumbai  
Date: 11.09.2009.

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

Appeal No.2009/2880/02

**Shri. Predeep A. Hangole**  
**(Real Value), 102,**  
**Behind Shri Sahaya Elight Garden,**  
**Thana Naka, Panvel (W) – 410 206.**

... **Appellant**

V/s

**First Appellate Officer cum Secretary**  
**Maharashtra State Human Right Commission,**  
**Hajarimal Somani Marg, Opp. Chhatrapati Shivaji Terminal,**  
**Mumbai – 400 001.**

... **Respondent**

**Public Information Officer,**  
**Maharashtra State Human Right Commission,**  
**Hajarimal Somani Marg, Opp. Chhatrapati Shivaji Terminal,**  
**Mumbai – 400 001.**

### **GROUND**

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant had sought copies of all documents relating to case no.14/2008 and 110/2008.

Not satisfied with responses form the Public Information Officer and the First Appellate Authority the appellant filed this second appeal before the commission. The appeal was heard on 10.09.2009. Appellant and respondent were present.

The appellant has contended that he has not been furnished the required information. The respondent wanted to know whether appellant was a party to those cases and he replied in the negative. The respondent submitted that it may not be possible to furnish copies if the case was still pending. She however agreed that copies of desired documents could be furnished if cases have been decided.

After going through the case papers and considering the arguments advanced by parties I have come to the conclusion the information sought should be furnished if the cases have been finalised.

### **Order**

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

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

Place: Mumbai  
Date: 11.09.2009.

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

**Appeal No.2009/2887/02**

**Shri. Krushna Govind Bhardwaj  
A-9/4 Govt. Colony Bandra (E),  
Mumbai – 400 051.**

**... Appellant**

**V/s**

**First Appellate Officer,  
Public Health Department,  
Mantralaya, Mumbai – 400 032.**

**... Respondent**

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

**GROUNDS**

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant had sought information regarding medical facilities available to senior citizens and also reimbursement of medical expenses incurred.

Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant filed this second appeal before the commission. The appeal was heard on 10.09.2009. Appellant and respondent were present.

The appellant has contended that he has not been furnished satisfactory information. He has pointed that he was aware of the Public Health Department's resolution dated 21.07.2004. This govt. resolution has extended the facility to senior citizen by adding this category at entry no 15. Sr. Citizens by virtues of this amendment are entitled to free treatment in govt. Hospitals. The appellant has pointed out that the money spent in buying medicine from outside is not reimbursed. The respondent pointed that there was a separate govt. resolution regulating reimbursement of medical expenses (11.07.2005) and the same has not been extended to Sr. Citizens. It is not even available to govt. servant after retirement. The appellant felt that it was unjust and needed necessary amendment. I have gone through the case papers and my conclusion is that available information has been furnished. The RTI Act is not supposed to look into the

desirability or otherwise of any action or lack of it. Available information has to be furnished. The same has been done and I therefore close the case.

**Order**

The appeal is disposed off.

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

Place: Mumbai  
Date: 11.09.2009.



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

**Complaint No.2009/99/02**

**Shri. Harish Chandar  
Flat No.1/5/T/E,  
C.G.S. Colony, Ghatkopar (W),  
Mumbai – 400 086.**

... **Complainant**

V/s

**Public Information Officer,  
Mira-Bhainder Municipal Chief Office,  
Chhatrapati Shivaji Marg, Bhainder (W),  
Dist. Thane – 401 101.**

... **Respondent**

**GROUND**

This complaint has been filed under section 18 of the Right to Information Act 2005 in the context of the commission's order dated 04.07.2008 passed in appeal no.2009/440/02. The facts in brief are as follows: - The complainant had sought information regarding issuance of occupancy certificate of flat no 603 'B' Wing Marigold CHS Mira Rd (E).

Not satisfied with responses from the Public Information Officer and First Appellate Authority the complainant filed appeal under section 19(3) of the RTI Act, 2005. The commission by its order dated 04.07.2008 directed that information should be furnished within 30 days. The present complaint is against alleged non compliance of commissions order.

The complaint was heard on 07.09.2009. The complainant was present but the defendant was absent.

The complainant has stated that information has not been furnished despite commission's order. The defendant was not present to verify. Case papers however reveal that no information has been furnished.

After considering the arguments advanced by parties and going through the file I have come to the conclusion that commission's order has not been complied. This information was not supplied earlier and that was how the complaint had to come to the

commission. This reflects PIO's total disregard for the RTI Act. He is prima facie guilty of violating the provisions. I therefore propose to fine him Rs.25, 000/- He is directed to show cause why this order should not be confirmed. His reply to reach the commission in 4 weeks.

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

Place: Mumbai  
Date: 11.09.2009.

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

**Complaint No.2009/88/02**

**Shri. Vinodkumar L. Dhawan  
101, Krishna Kunj CHS Ltd,  
Plot No.13, L.T. Nagar Rd No.1, Off M.G.Rd,  
Goregaon (W), Mumbai – 400 062.**

... **Complainant**

V/s

**Public Information Officer,  
Office of the Charity Commissioner  
Mumbai Division, Mumbai.**

... **Respondent**

**GROUND**

This complaint has been filed under section 18 of the Right to Information Act 2005 in the context of the commission's order dated 08.05.2009 passed in appeal no.2009/52/02. The facts in brief are as follows: - The complainant had asked for a copy of the affidavit filed by Shri Damodar D Mehta dated 02.01.2009, his objection letter dated 12.11.2009 to the Deputy / Assistant Charity Commissioner.

Not satisfied with responses from the Public Information Officer and First Appellate Authority the complainant filed appeal under section 19(3) of the RTI Act, 2005. The commission by its order dated 08.05.2008 directed that information should be furnished to the appellant free of cost. The present complaint is against alleged non compliance of commissions order.

The complaint was heard on 07.07.2009. The defendant was present but the complainant did not turn up.

The defendant has submitted that the information was ready but the complainant has not collected it. I therefore pass the following order.

**Order**

Information to be sent by registered post and free of cost. Compliance report to be submitted to the commission within 15 days.

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

Place: Mumbai  
Date: 11.09.2009.

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

**Complaint No.2009/395/02**

**Shri. Shivnarayan R. Rajbhor  
Ramkhelavan Rajbhar Chawl,  
Krishna Nagar, Marol Naka,  
Andheri Kurla Rd, Andheri (E),  
Mumbai – 400 059.**

... **Complainant**

V/s

**Public Information Officer cum Dy Collector  
(Eng) & Competent Authority,  
Grihanirman Bhavan,  
Kala Nagar, Bandra (E), Mumbai.**

... **Respondent**

**GROUND**

This complaint has been filed under section 18 of the Right to Information Act 2005 in the context of the commission's order dated 31.03.2009 passed in appeal no.2009/2171/02. The facts in brief are as follows: - The complainant had sought information relating structure no.95 and 95 A at Ramkhelawan Chawl, Krishnanagar, Marol Naka, A R Rd, Andheri (E), Mumbai.

Not satisfied with responses from the Public Information Officer and First Appellate Authority the complainant filed appeal under section 19(3) of the RTI Act, 2005. The commission by its order dated 31.03.2009 directed that information should be furnished within 45 days. The present complaint is against alleged non compliance of commissions order.

The complaint was heard on 07.09.2009. The defendant was present but the complainant did not turn up.

After going through the file and listening to the defendant it is seen that the required information has not been furnished. An abnormally long time was given to the defendant to furnish the information but he has failed to do so. I therefore propose to initiate action under section 18 read with section 20 of the RTI Act 2005. Defendant to show cause within 4 weeks why action should not be taken against him.

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

Place: Mumbai  
Date: 11.09.2009.

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

**Complaint No.2009/411/02**

**Shri. Chandrakant Mehta  
B-502, River Park,  
Western Express Highway,  
Kandivali (E), Mumbai – 400 101.**

... **Complainant**

V/s

**Public Information Officer,  
Public Trust Registration Office,  
Charity Commission,  
2<sup>nd</sup> Floor, 83 Dr. Annie Besant Rd,  
Worli, Mumbai – 400 018.**

... **Respondent**

**GROUNDS**

This complaint has been filed under section 18 of the Right to Information Act 2005 in the context of the commission's order dated 16.02.2009 passed in appeal no.2009/1767/02. The facts in brief are as follows: - The complainant had sought information on points contained in his application dated 12.03.2008.

Not satisfied with responses from the Public Information Officer and First Appellate Authority the complainant filed appeal under section 19(3) of the RTI Act, 2005. The commission by its order dated 16.02.2009 directed that information should be furnished within 15 days. The present complaint is against alleged non compliance of commissions order.

The complaint was heard on 02.09.2009. The defendant was present but the complainant did not turn up.

The complainant by his letter dated 15.06.2009 has stated that commissions order has not been complied although more than 4 months have passed. The defendant in her written submission dated 01.09.2009 has stated that the required information has been furnished but late. She has submitted that she was on medical leave for few days and also holding additional charge of superindent. She has tried to convince that the lapse was not deliberate.

After considering the arguments advanced by parties and going through the file I have come to the conclusion that commission's order has not been complied. It is to be noted that citizens come to the commission after they have drawn blank at lower level or are not satisfied with the information furnished. In this case information was not furnished and complainant had to approach the commission. The commission's order to

furnish the information has also not been complied. The explanation is not satisfactory in view of abnormal delay. I therefore pass the following order.

**Order**

The PIO is fined Rs.1000/- which should be recovered in installments beginning from the salary of October paid in November 2009.

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

Place: Mumbai  
Date: 02.09.2009.

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

**Complaint No.2009/427/02**

**Shri. Govind Salvi  
B-25, Mumbai University  
Fourth Class Officers Colony,  
Vidhyanagari, Mumbai – 400 098.**

... **Complainant**

V/s

**Public Information Officer cum Asstt. Kulsachiv  
General Administrative Department,  
Mumbai Vidyapith, Mumbai – 400 032.**

... **Respondent**

**GROUND**

This complaint has been filed under section 18 of the Right to Information Act 2005 in the context of the commission's order dated 31.03.2009 passed in appeal no.2009/2169/02. The facts in brief are as follows: - The complainant had sought information relating to allotment of staff quarters to employees of the university. The appellant had sought information on 22 points.

Not satisfied with responses from the Public Information Officer and First Appellate Authority the complainant filed appeal under section 19(3) of the RTI Act, 2005. The commission by its order dated 31.03.2009 directed that information should be furnished within 30 days. The PIO was also asked to explain why action should not be taken against him. The present complaint is against alleged non compliance of commissions order.

The complaint was heard on 05.09.2009. The defendant was present but the complainant did not turn up.

The defendant submitted that available information has been furnished by the university letter dated 19.05.2009. The information sought pertains to the period of about 15 years and it took sometime to retrieve the information. They have regretted for late furnishing of the required information. It is therefore decided to close the case.

**Order**

The complained is filed.

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

Place: Mumbai  
Date: 14.09.2009.

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

**Complaint No.2009/365/02**

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

... **Complainant**

V/s

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

... **Respondent**

**GROUND**

This complaint has been filed under section 18 of the Right to Information Act 2005 in the context of the commission's order dated 21.04.2009 passed in appeal no.2009/1998/02. The facts in brief are as follows: - The complainant by his applications dated 05.08.2008, 25.08.2008 and 25.09.2008 had sought information in respect of SRA, CHS, CS No.47 Part, off Lower Parel, Worli, Mumbai.

Not satisfied with responses from the Public Information Officer and First Appellate Authority the complainant filed appeal under section 19(3) of the RTI Act, 2005. The commission by its order dated 21.04.2009 directed that information should be furnished within 15 days. The present complaint is against alleged non compliance of commissions order.

The complaint was heard on 04.09.2009. Complainant and defendants were present.

The complainant has stated that the commission's order has not been complied and he has not been furnished the desired information. The defendant submitted that available information has been furnished. Copies of documents relating to the project have already been given. The project is not operational and the annexure is under revision. In view of govt's latest instruction to change the cut off date from 1995 to 2000, it may take some time.

In view of the above the complaint is disposed off.

**Order**

The complained is disposed off.

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

Place: Mumbai  
Date: 14.09.2009.



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

**Complaint No.2009/436/02**

**Shri. Dashrath Bhagvan Rane  
Saiprerna Cooperative Board Ltd,  
Plot 244, Room No.41, Sector 2,  
Charkop, Kandivali (W), Mumbai – 400 067.**

... **Complainant**

V/s

**Public Information Officer cum Senior Assistant  
Co-operative Housing Soc. Ltd,  
Room No.527, Mumbai Housing & Area Development Dept,  
Grihanirman Bhavan, Bandra (E), Mumbai – 400 051.**

... **Respondent**

**GROUND**

This complaint has been filed under section 18 of the Right to Information Act 2005 in the context of the commission's order dated 31.12.2009 passed in appeal no.2009/1526/02. The facts in brief are as follows: - The complainant had sought information regarding Bonds executed by members of the Managing Committee, Sai Prerna CHS, Charkop, Mumbai.

Not satisfied with responses from the Public Information Officer and First Appellate Authority the complainant filed appeal under section 19(3) of the RTI Act, 2005. The commission by its order dated 31.12.2007 directed that information should be furnished to the complainant. The present complaint is against alleged non compliance of commissions order.

The complaint was heard on 05.09.2009. The complainant was present but the defendant was absent.

The complainant has stated that he has not been furnished the required information. Since the defendant was not present it could not be verified. I therefore pass the following order.

**Order**

Prima facie commission's order has not been complied. I therefore propose to impose penalty under section 20 of the RTI Act 2005. The defendant to show cause why action under section should not be taken against him. His reply to come within 4 weeks.

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

Place: Mumbai  
Date: 11.09.2009.

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

**Complaint No.2009/434/02**

**Shri. Shekhar Kashinath L. Kapure  
59, Ambedkar Sadan, Kariroad,  
Mumbai – 400 013.**

... **Complainant**

V/s

**Public Information Officer cum Asstt Engineer (B & F)  
Municipal Corporation, 'L' Ward, Kurla (W),  
Mumbai – 400 070.**

... **Respondent**

**GROUND**

This complaint has been filed under section 18 of the Right to Information Act 2005 in the context of the commission's order dated 14.05.2009 passed in appeal no.2009/2003/02. The facts in brief are as follows: - The complainant by his application dated 15.05.2008 had sought information regarding M/s Sai Baba Garment, Sakinaka, Mumbai. The complainant wanted to know whether building permission was obtained and whether permission under section 390 of the MMC Act was granted. The PIO replied in the negative. The First Appellate Authority directed the PIO to furnish information.

Not satisfied with responses from the Public Information Officer and First Appellate Authority the complainant filed appeal under section 19(3) of the RTI Act, 2005. The commission by its order dated 14.05.2009 directed that inspection should be allowed and copies of selected documents given. The present complaint is against alleged non compliance of commissions order.

The complaint was heard on 05.09.2009. The defendant was present but the complainant did not turn up.

The defendant submitted that notices have been given and prosecution is being launched. I am not sure whether the complainant has been given this information. Since he was absent it could not be verified. I therefore pass the following order.

**Order**

Latest information in respect of the action taken by the MCGM should be given to the complainant within 15 days. Failure will lead to imposition of fine under section 20 of the RTI Act 2005.

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

Place: Mumbai  
Date: 11.09.2009.

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

**Complaint No.2009/410/02**

**Shri. Sireel Peter D'souza  
Good luck Chawl, Room No.18,  
Near Sai Sakalp Bldg,  
Opp. BMC Colony,  
Malvani, Block No.3,  
Malad (W), Mumbai – 400 095.**

... **Complainant**

V/s

**Public Information Officer cum City Engineer  
Municipal Corporation, 5<sup>th</sup> Floor, Annexure Bldg,  
Fort, Mumbai – 400 001.**

... **Respondent**

**GROUND**

This complaint has been filed under section 18 of the Right to Information Act 2005 in the context of the commission's order dated 27.02.2009 passed in appeal no.2009/1390/02. The facts in brief are as follows: - The complainant had sought information as to why Executive Engineers Shri V.R. Koranni and Shri. V.H. Patil have not been transferred for a longtime. He had also sought information on some other points.

Not satisfied with responses from the Public Information Officer and First Appellate Authority the complainant filed appeal under section 19(3) of the RTI Act, 2005. The commission by its order dated 27.02.2009 directed that available information should be furnished within 15 days. The present complaint is against alleged non compliance of commissions order.

The complaint was heard on 02.09.2009. The defendant was present but the complainant did not turn up.

The defendant in his oral submission contended that these officers have since been transferred. It was also submitted that there was nothing on record as to why they remained on the same post for a long time.

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

**Order**

The complaint is filed

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

Place: Mumbai  
Date: 11.09.2009.

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

Appeal No.2009/3215/02

**Shri. Rajbihari Pathak**  
**802/C/15 Mrug Vihar CHS Ltd,**  
**Subhash Nagar, Chembur,**  
**Mumbai – 400 0071.**

... **Appellant**

V/s

**First Appellate Officer cum Dy Chief Officer (EM-2)**  
**Mumbai Housing & Area Development Board,**  
**Grihanirman Bhavan, Bandra (E),**  
**Mumbai – 400 051.**

... **Respondent**

**Public Information Officer cum Estate Manager-3**  
**Mumbai Housing & Area Development Board,**  
**Grihanirman Bhavan, Bandra (E),**  
**Mumbai – 400 051.**

### **GROUND**

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant had wanted to know the full form of R.K. Pathak in MHADA's record. Not satisfied with responses from the PIO and the First Appellate Authority, he has preferred this appeal. The appeal was heard on 15.09.2009. He had also filed few appeals on the same issue where inspection of record and furnishing of selected documents was ordered.

After going through the file I have come to the conclusion that the appellant has already been given the required information after inspection of documents.

### **Order**

Appeal is disposed off.

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

Place: Mumbai  
Date: 15.09.2009.

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

**Complaint No.2009/414/02**

**Shri. Chandrakant Devram Kamble  
442, Juna Bazaar Khadki,  
Pune – 411 003.**

... **Complainant**

V/s

**Public Information Officer cum Dy Engineer  
Dy Division (PWD), Near Bhavans College,  
Andheri (W), Mumbai.**

... **Respondent**

**GROUND**

This complaint has been filed under section 18 of the Right to Information Act 2005 in the context of the commission's order dated 29.06.2009 passed in appeal no.2009/2787/02. The facts in brief are as follows: - The complainant by his application dated 28.07.2008 had sought information relating to 2059 govt. offices and 2216 residential flats. The information related to the period 2005 to 2008 when Shri Deshmukh was working in the Mumbai Central PWD Division. He has sought details like sanctioned grant, expenditure whether excess amount has been spent etc.

Not satisfied with responses from the Public Information Officer and First Appellate Authority the complainant filed appeal under section 19(3) of the RTI Act, 2005. The commission by its order dated 29.06.2009 directed that information should be furnished within 30 days. The present complaint is against alleged non compliance of commissions order.

The complaint was fixed for hearing on 02.09.2009. The complaint and defendant were absent.

I have gone through the case papers and come to the conclusion that commission's order has not been complied I therefore propose to levy penalty @ Rs.250/- day for violating the provisions of the RTI Act. The PIO to show cause why this order should not be confirmed. His reply to reach the commission within 4 weeks.

**Order**

The complaint is allowed. PIO to show cause as indicated above.

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

Place: Mumbai  
Date: 11.09.2009.

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

**Complaint No.2009/413/02**

**Shri. Namai Anil Das  
Virasi Camp, Paraspada,  
Tahasil, Dist Gondiya**

... **Complainant**

V/s

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

... **Respondent**

**GROUND**

This complaint has been filed under section 18 of the Right to Information Act 2005 in the context of the commission's order dated 30.05.2009 passed in appeal no.2009/2577/02. The facts in brief are as follows: - The complainant by his application dated 20.11.2008 had sought a copy of the Govt. resolution allotting land, houses and agricultural implements to refugees from Bangladesh.

Not satisfied with responses from the Public Information Officer and First Appellate Authority the complainant filed appeal under section 19(3) of the RTI Act, 2005. The commission by its order dated 30.05.2009 directed that information should be furnished after making diligent search because the respondents had submitted that papers were not traceable. The present complaint is against alleged non compliance of commissions order.

The complaint was heard on 02.09.2009. The defendant was present but the complainant did not turn up.

The defendant has made his written submission. It has been repeated by him that despite best efforts, papers were not traceable and therefore information could not be furnished. The collector of Chandrapur has been directed to furnish a copy of the information in case it was available with him. His final submission is that since records are not available the information cannot be furnished.

I am therefore constrained to close the case.

**Order**

The complaint is filed.

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

Place: Mumbai  
Date: 11.09.2009.

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

**Appeal No.2009/3199/02**

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

**... Appellant**

**V/s**

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

**... Respondent**

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

**GROUND**

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant by his application dated 18.10.2008 had sought information relating to the merit list of FY B Com for the academic year 2008-2009. He had also wanted information about 1/c principal, extension of appointments etc.

Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant filed this second appeal before the Commission. The appeal was heard on 14.09.2009. Appellant and respondents were present.

The appellant has contended that the most important point on which he is seeking information and has not been given is the merit list of FY B Com admission for the academic year 2008 – 2009. The respondent agreed to direct the Rajasthani Seva Sangh College of Commerce and Arts, J.B. Nagar, Andheri (E), Mumbai to furnish the required information. I therefore pass the following order.

**Order**

Appeal is allowed. The respondent to ensure that the college furnishes information within 30 days failing which action under section 20 of the RTI Act, 2005 will be initiated against the PIO of the college.

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

Place: Mumbai  
Date: 14.09.2009.

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

**Appeal No.2009/3201/02**

**Shri. Vishal Ramdas Bhoge  
Room No. 306, Bldg No. 101,  
New MHADA Colony, Dr. Ambedkar Nagar,  
Mankhurd, Mumbai – 400 043.**

... **Appellant**

**V/s**

**First Appellate Officer cum Dy Police Commissioner  
Zone-6, Chembur, Mumbai – 400 006.**

... **Respondent**

**Public Information Officer cum Asstt Police Commissioner  
Eastern Division, Control Desk,  
Chembur, Mumbai – 400 071.**

**GROUND**

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant by his application dated 27.01.2009 had sought information relating to the complaint filed against him by Shri Anthony Sebastian with Chembur and Deonar Police Stations.

Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant filed this second appeal before the Commission. The appeal was heard on 14.09.2009. Appellant and respondents were present.

The appellant has contended that he wants information on 2 points – report of the handwriting expert and details of the non cognizable offences registered against him. The respondent submitted that handwriting expert's opinions/ report has not been received. Details of the NC registered against the appellant will be furnished. I therefore pass the following order.

**Order**

Appeal is allowed. PIO to furnish a copy of the signature experts report after it is received by him and copies of relevant documents relating to me registered against him should be furnished within 30 days.

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

Place: Mumbai  
Date: 14.09.2009.



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

**Appeal No.2009/3182/02**

**Shri. Nitin M. Sarvaiya  
51/1119 Azad Nagar 3,  
Vira Desai Rd, Andheri (W),  
Mumbai – 400 058.**

**... Appellant**

**V/s**

**First Appellate Officer cum Estate Manager-2  
Mumbai Housing & Area Development Board,  
Bandra (E), Mumbai – 400 051.**

**... Respondent**

**Public Information Officer,  
Mumbai Housing & Area Development Board,  
Bandra (E), Mumbai – 400 051.**

**GROUND**

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant by his application dated 09.06.2008 had sought information respect of cheque for Rs.324/- sent to the Estate Manager-2, MHADA.

Not satisfied with responses form the Public Information Officer and the First Appellate Authority the appellant filed this second appeal before the Commission. The appeal was heard on 11.09.2009. Appellant and respondents were present.

The appellant has contended that he has not been furnished the required information. The respondent contended that normally cheques are not accepted from individuals but he would locate the cheque and let the appellant know the status.

After going through the case papers and listening to parties I have come to the conclusion that information has to be furnished. I therefore pass the following order.

**Order**

Information to be furnished within 30 days.

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

Place: Mumbai  
Date: 15.09.2009.

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

**Appeal No.2009/3223/02  
Appeal No.2009/3226/02**

**Shri. Arjunlal M. Chhabaria  
Bellas Vista, Flat No.15,  
3<sup>rd</sup> Floor, Opp. Lake & LIC Office,  
S.V. Rd, Bandra (W), Mumbai – 400 050.**

... **Appellant**

V/s

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

... **Respondent**

**Public Information Officer cum Asstt Commissioner  
Western Region, Carter Rd, Bnadra (W),  
Mumbai – 400 050.**

**GROUND**

These appeals have been filed under section 19(3) of the Right to Information Act 2005. The appellant by his application dated 15.04.2009 had sought information relating to the eating house / canteen situated in basement of K/West Municipal Ward Office Building, Andheri (W), Mumbai. He has sought copies of Police Licence, Health Licence, NOC from Fire Brigade and action taken against the canteen.

Not satisfied with responses form the Public Information Officer and the First Appellate Authority the appellant filed this second appeal before the Commission. The appeal was heard on 15.09.2009. Appellant and respondents were present.

The appellant has contended that information supplied was not satisfactory. The replies are evasive and incorrect. The respondent submitted that whatever information was available has been furnished.

I have gone through the case papers and considered the arguments advanced by parties. It is seen that pointwise information has been furnished buy the PIO. It is possible that some of the replies may not be to the appellant's satisfaction. The RTI Act ensures furnishing of available information. The same has been done in this case. I therefore pass the following order.

**Order**

Appeal is disposed off.

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

Place: Mumbai  
Date: 15.09.2009.

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

**Appeal No.2009/3225/02**

**Shri. Arjunlal M. Chhabaria  
Bellas Vista, Flat No.15,  
3<sup>rd</sup> Floor, Opp. Lake & LIC Office,  
S.V. Rd, Bandra (W), Mumbai – 400 050.**

... **Appellant**

**V/s**

**First Appellate Officer cum Asstt. Commissioner,  
Municipal Corporation, G/North Ward Office,  
Dadar, Mumbai – 400 028.**

... **Respondent**

**Public Information Officer cum Senior Inspector of License  
(Mahim Area), Municipal Corporation, G/North Ward Office,  
Dadar, Mumbai – 400 028.**

**GROUND**

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant by his application dated 20.03.2009 had sought information in respect to the Hoarding installed at the house of Mr. Abdul Rasool Navrose, Taki House, 112 Cadell Rd, V.S. Marg, Mumbai. He has asked for a copy of the permission, information regarding size of the hoarding, copy of undertaking affidavit indemnity bonds etc. He has also asked for copies of the structural stability certificate and order if any for violations of conditions.

Not satisfied with responses form the Public Information Officer and the First Appellate Authority the appellant filed this second appeal before the Commission. The appeal was heard on 15.09.2009. Appellant and respondents were present.

The appellant has contended that replies given were in correct, incomplete and evasive. The respondent has submitted that information available has been furnished. They also clarified that the information furnished was based on documents available in his office.

After going through the case papers and considering the arguments advanced by parties I have come to the conclusion that available information has been furnished. The RTI Act ensures furnishing of available information and non existent information cannot

be furnished. It is possible to remain dissatisfied even if all the available information has been furnished case papers reveal that pointwise information has been furnished. I am therefore constrained to close the case. I therefore pass the following order.

**Order**

Appeal is disposed off.

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

Place: Mumbai  
Date: 15.09.2009.

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

**Appeal No.2009/3224/02**

**Shri. Arjunlal M. Chhabaria  
Bellas Vista, Flat No.15,  
3<sup>rd</sup> Floor, Opp. Lake & LIC Office,  
S.V. Rd, Bandra (W), Mumbai – 400 050.**

... **Appellant**

**V/s**

**First Appellate Officer cum Asstt. Commissioner,  
Municipal Corporation, G/North Ward Office,  
Dadar, Mumbai – 400 028.**

... **Respondent**

**Public Information Officer cum Senior Inspector of License  
(Mahim Area), Municipal Corporation, G/North Ward Office,  
Dadar, Mumbai – 400 028.**

**GROUND**

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant by his application dated 20.04.2009 had sought information in respect of the Hoarding installed at Pathan Manzil Balamia Lane, Mahim, Mumbai by M/s Maulik Enterprises, Proprietor Mr Sibhas Dakolia, 192 (12) 1<sup>st</sup> Floor Jawahar Colony J.P. Rd, Khar (E), Mumbai. He had asked for copies of permission, information regarding size of the hoarding, copies of documents submitted by M/s Maulik Enterprises and details of action taken in case conditions have been violated.

Not satisfied with responses form the Public Information Officer and the First Appellate Authority the appellant filed this second appeal before the Commission. The appeal was heard on 15.09.2009. Appellant and respondents were present.

The appellant has contended that the information furnished was incomplete evasive and incorrect. The respondent submitted that pointwise information has been furnished in time.

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

**Order**

Appeal is disposed off.

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

Place: Mumbai  
Date: 15.09.2009.

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

**Appeal No.2009/3216/02**

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

**... Appellant**

**V/s**

**First Appellate Officer,  
Maharashtra Public Service Commission,  
Bank of India Bldg, 3<sup>rd</sup> Floor,  
Near High Court, Hutatma Chowk,  
Mumbai.**

**... Respondent**

**Public Information Officer,  
Maharashtra Public Service Commission,  
Bank of India Bldg, 3<sup>rd</sup> Floor,  
Near High Court, Hutatma Chowk,  
Mumbai.**

**GROUNDS**

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant by his application dated 11.02.2009 had sought the following information: -

- a) Please confirm the candidature who has appeared for the MPSC qualifying examination conducted through MPSC for appointments in MCGM as Asstt Municipal Commissioner / Ward Officers in above period.
- b) Details of application copy Pls provide xerox.
- c) Whether verifications of the submissions made by Mr. N. Bhoir to MPSC in application. If so name and designation of the Official.
- d) Has the candidate disclosed the fact that he is currently employed in the category of Junior Engineer in Building Dept of L Ward Kurla (W)? If disclosed please confirm and or otherwise reply.
- e) Is he qualified to appear for the above examination based on current eligibility criteria? Pls confirm the status position.
- f) If concealment of information or misleading or misrepresentation of information is evident, whether criminal case under Cr PC becomes inevitable. Please confirm the position as per rules.

Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant filed this second appeal before the Commission. The appeal was heard on 15.09.2009. Appellant and respondents were present.

The appellant has stated that he has been shown the relevant information which satisfied him. He was no longer interested in pursuing the matter.

**Order**

The appeal is disposed off.

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

Place: Mumbai  
Date: 15.09.2009.

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

**Appeal No.2009/3220/02**

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

... **Appellant**

**V/s**

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

... **Respondent**

**Public Information Officer cum MOH,  
1<sup>st</sup> Floor, Municipal Corporation, K/West Ward Office,  
Opp Andheri Station (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 03.01.2009 had sought information in respect of Hotel Maya Bhuvan, Spring Pure Veg, Hazarabai House, Irla Society Rd, Vile Parle (W), Mumbai. The appellant has sought a copy of the inspection report of sanitary inspector for Nov, 2008, notices issued, prosecution launched, action taken against the said hotel.

Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant filed this second appeal before the Commission. The appeal was heard on 15.09.2009. The appellant did not turn up but the respondent was present.

The respondent has contended that the appellant was offered inspection of documents to enable him to select the ones he required. The First Appellate Authority had also confirmed this order. The appellant was not present at the time of the hearing.

In view of the appellant's absence and respondent's submission. I decide to close the case. I therefore pass the following order.

**Order**

Appeal is disposed off.

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

Place: Mumbai  
Date: 15.09.2009.



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

**Appeal No.2009/3221/02  
Appeal No.2009/3222/02**

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

**... Appellant**

**V/s**

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

**... Respondent**

**Public Information Officer cum MOH,  
1<sup>st</sup> Floor, Municipal Corporation, K/West Ward Office,  
Opp Andheri Station (W), Mumbai – 400 058.**

**GROUNDS**

These appeals have been filed under section 19(3) of the Right to Information Act 2005. The appellant by his application dated 11.12.2009 had sought information in respect of Hotel Maya Bhuvan, Spring Pure Veg, Hazarabai House, Irla Society Rd, Vile Parle (W), Mumbai. The appellant has sought copies of inspection report of the sanitary inspector for Nov, 2008, notices issued, prosecution launched and action taken. He also sought information on 6 other points.

Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant filed this second appeal before the Commission. The appeal was heard on 15.09.2009. The appellant did not turn up but the respondent was present.

The respondent has submitted that the appellant was requested to carry out inspection of relevant documents but he did not turn up. The first Appellate Authority confirmed the order and directed that inspection should be allowed and copies of selected documents given.

I have gone through the case paper and have come to the conclusion that the First Appellate Authority's decision is correct. The same is being confirmed.

**Order**

Appeal is disposed off.

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

Place: Mumbai  
Date: 15.09.2009.

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

**Appeal No.2009/3219/02**

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

... **Appellant**

**V/s**

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

... **Respondent**

**Public Information Officer cum MOH,  
1<sup>st</sup> Floor, Municipal Corporation, K/West Ward Office,  
Opp Andheri Station (W), Mumbai – 400 058.**

**GROUND**

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant by his application dated 08.12.2009 had sought information in respect of Hotel Maya Bhuvan, Spring Pure Veg, Hazarabai House, Irla Society Rd, Vile Parle (W), Mumbai. The appellant had asked for copies of inspection report of sanitary inspector for Nov, 2008, notice issued and action taken for violation of conditions, misuse of compulsory open space and encroachment made by the hotel.

Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant filed this second appeal before the Commission. The appeal was heard on 15.09.2009. The appellant did not turn up but the respondent was present.

The respondent has made his written submission. He has submitted that the appellant was requested to inspect the entire record and copies of selected documents could be furnished. The respondent has stated that the appellant did not turn up.

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

**Order**

Appeal is disposed off.

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

Place: Mumbai  
Date: 15.09.2009.

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

**Appeal No.2009/2903/02**

**Shri. Ganesh D. Jadhav  
103/B Dadar Ashirwad CHS Ltd,  
Chitale Marg, Dadar (W),  
Mumbai – 400 028.**

**... Appellant**

**V/s**

**First Appellate Officer,  
Regional Transport Office,  
Near Central Jail,  
Thane 400 601.**

**... Respondent**

**Public Information Officer,  
Regional Transport Office,  
Near Central Jail,  
Thane 400 601.**

**GROUNDS**

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant had sought information on points contained in his application dated 12.03.2007.

Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant filed this second appeal before the Commission. The appeal was heard on 01.09.2009. The appellant did not turn up but the respondent was present.

It is seen from case papers that the First Appellate Authority directed that relevant information should be furnished. It is not clear whether the same has been done. Since the appellant was absent, it could not be verified. I therefore pass the following order.

**Order**

Order passed by the First Appellate Authority is confirmed. Information to be furnished within 30 days fails which action under section 20 of the RTI Act will be initiated.

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

Place: Mumbai  
Date: 11.09.2009.

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

**Complaint No.2009/419/02**

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

... **Complainant**

V/s

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

... **Respondent**

**GROUND**

This complaint has been filed under section 18 of the Right to Information Act 2005 in the context of the commission's order dated 31.03.2009 passed in appeal no.2009/1973/02. The facts in brief are as follows: - The present complainant had sought information relating to NOC issued for redevelopment of property at CS No.309, Tardeo Division Known as old Chikhalwadi, Mumbai. He had also wanted to know whether MBRRB or MHADA or Govt of Maharashtra had issued any power of attorney to any body or to any private institute and if yes a copy of the same. This was relied by the Executive Engineers MBRRB by his letter dated 02.05.2008.

Not satisfied with responses from the Public Information Officer and First Appellate Authority the complainant filed appeal under section 19(3) of the RTI Act, 2005. The commission by its order dated 31.03.2009 directed that information should be furnished within 15 days. The present complaint is against alleged non compliance of commissions order.

The complaint was heard on 02.09.2009. Complainant and defendant were present.

The complainant has stated that he was not satisfied. The information was not incomplete and irrelevant. The defendant submitted that available information has been furnished.

After considering the arguments advanced by parties and going through the file I have come to the conclusion that the commission's order has been complied. If the complainant is looking for something which is not on record it cannot be furnished. The best way in such situations is to inspect the file, select the documents and ask for copies. The option is still open. The PIO will facilitate inspection if the complainant approaches him in writing. Transparency is the guiding spirit of the RTI Act.

**Order**

The complaint is disposed off. Inspection to be allowed if the complainant so desires.

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

Place: Mumbai  
Date: 11.09.2009.

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

Appeal No.2009/3231/02

**Shri. Laxmichand B. Satra**  
**501, Pratik CHS Ltd,**  
**Mamlatdarwadi Main Rd,**  
**Malad (W), Mumbai – 400 064.**

... **Appellant**

V/s

**First Appellate Officer cum Asstt. Commissioner,**  
**Municipal Corporation, P/N Ward Office,**  
**Liberty Garden, Malad (W), Mumbai – 400 064.**

... **Respondent**

**Public Information Officer cum Medical Officer**  
**(Health Dept), Municipal Corporation, P/N Ward Office,**  
**Liberty Garden, Malad (W), Mumbai – 400 064.**

### **GROUND**

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant by his application dated 09.02.2009 had sought information relating to Gariwan Hospital, Malad, Mumbai.

Not satisfied with responses form the Public Information Officer and the First Appellate Authority the appellant filed this second appeal before the Commission. The appeal was fixed for hearing on 15.09.2009.

The appellant has informed the commission that he has received the required information. He requested that he be allowed to withdraw his appeal. Request order is granted.

### **Order**

Appeal is disposed off.

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

Place: Mumbai  
Date: 16.09.2009.

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

**Complaint No.2009/288/02**

**Shri. Nikhil Gandhi  
185-A, Shri Shivam Co-op. Hsg.Soc.Ltd,  
Flat No. A/7, 3<sup>rd</sup> Floor, S.V.Rd,  
Vile Parle (W), Mumbai – 400 056.**

... **Complainant**

V/s

**Public Information Officer cum Dy Registrar  
District Dy Registrar, Cooperative Board (3),  
Room No.69 Grihanirman Bhavan,  
Kalanagar, Bandra (E), Mumbai – 400 051.**

... **Respondent**

**GROUND**

This complaint has been filed under section 18 of the Right to Information Act 2005 in the context of the commission's order dated 17.01.2009 passed in appeal no.2009/1556/02. The facts in brief are as follows: - The complainant had sought information regarding action taken against Mr. M.N. Bhatt and Mrs. Minal Shaha members of Shri Shivam Cooperative Housing Society.

Not satisfied with responses from the Public Information Officer and First Appellate Authority the complainant filed appeal under section 19(3) of the RTI Act, 2005. The commission by its order dated 17.01.2009 directed that information should be furnished within 15 days. The present complaint is against alleged non compliance of commissions order.

The complaint was heard on 09.09.2009. Complainant and defendant were present.

The complainant has stated that he has been given old and outdated information that recovery certificate under section 101 of the Maharashtra Cooperative Societies Act 1960 has been issued to the Housing Federation. The complainant wanted to know the progress so far.

The defendant's contention was that they have already informed the Housing Federation and it is up to them to effect the recovery.

After considering the arguments advanced by parties and going through the file I have come to the conclusion that the commission's order has not been complied. It is not enough to issue recovery certificate and say that the Dy Registrar job is over more so when someone is asking what happened further. The information lies within the control of the public authority. He should find out from the Federation and inform the complainant. I therefore pass the following order.

**Order**

The complaint is disposed off. The PIO to furnish information as indicated above within 30 days.

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

Place: Mumbai  
Date: 09.09.2009.



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

**Complaint No.2009/287/02**

**Shri. Nikhil Gandhi  
185-A, Shri Shivam Co-op. Hsg.Soc.Ltd,  
Flat No. A/7, 3<sup>rd</sup> Floor, S.V.Rd,  
Vile Parle (W), Mumbai – 400 056.**

... **Complainant**

V/s

**Public Information Officer cum Dy Registrar  
District Dy Registrar, K/West Ward,  
Ground Floor, Grihanirman Bhavan,  
Kalanagar, Bandra (E), Mumbai – 400 051.**

... **Respondent**

**GROUNDS**

This complaint has been filed under section 18 of the Right to Information Act 2005 in the context of the commission's order dated 31.12.2008 passed in appeal no.2009/1473/02. The facts in brief are as follows: - The complainant had complained that a non member was allowed to attend the societies meeting and action should be taken against the person responsible.

Not satisfied with responses from the Public Information Officer and First Appellate Authority the complainant filed appeal under section 19(3) of the RTI Act, 2005. The commission by its order dated 31.12.2009 directed that information should be furnished within 15 days. The present complaint is against alleged non compliance of commissions order.

The complaint was heard on 09.09.2009. Complainant and defendants were present.

The complainant has stated that the reply given to him was not satisfactory and all his queries have not been replied.

The defendant's contention was that factual information has been furnished.

After considering the arguments advanced by parties and going through the file I have come to the conclusion that the commission's order has been complied. It has been

explained by the defendant that the non member was not invited and he happened to be there. Mere presence does not mean participation in the proceedings. The commission accepts the explanation and decides to close the matter.

**Order**

The complaint is filed.

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

Place: Mumbai  
Date: 09.09.2009.

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

**Appeal No.2009/3157/02**

**Shri. M.H. Khan  
21/72, Oshiwara Sagar Apt,  
Opp. Kamat Club, Lokhandwala Complex,  
Oshiwara, Jogeshwari (W), Mumbai – 400 102.**

**... Appellant**

**V/s**

**First Appellate Officer cum Addl. Municipal Commissioner  
(Project) Municipal Corporation, Head Office,  
Mumbai – 400 001.**

**... Respondent**

**Public Information Officer cum Chief Accountant  
(WSSD), 3<sup>rd</sup> Floor, Room No.300,  
New Bldg, Municipal Corporation, Head Office,  
Mumbai – 400 001.**

**GROUND**

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant by his application dated 20.12.2009 had sought the following information relating to recovery of Rs.74, 025 from the pension claim of the appellant. He wanted to know justification for this action.

Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant filed this second appeal before the Commission. The appeal was heard on 08.09.2009. The appellant did not turn up but the respondent was present. The respondent submitted that the appellant has a grievance which he wanted to be redressed. The appellant has been explained that an officer of MCGM cannot use MCGM vehicle and claim conveyance allowance as per rules. Since the appellant was not present, it could not be verified. It is however seen that such provisions are in existence in all departments. Conveyance allowance is given in lieu of a vehicle to compensate for the expenses incurred. In any case the commission is not the right forum for settling the dispute whether the appellant was entitled to conveyance allowance or not. The deduction must have been made on the ground that the officer is not entitled

because has was provided with a vehicle. In any case it does not fall within the purview of the commission and I am constrained to close the case.

**Order**

Appeal is disposed off.

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

Place: Mumbai  
Date: 08.09.2009.

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

Appeal No.2009/2840/02

**Shri. Arun Ganpat Bhoavar & Other**  
A/603 Near Sai Ashish Jankalyan Bank,  
Vikroli Station Rd, Vikroli (E),  
Mumbai – 400 083.

... Appellant

V/s

**First Appellate Officer cum Division Joint Registrar**  
Cooperative Board, Mumbai, Malhotra House,  
6<sup>th</sup> Floor, Opp. G.P.O. Fort, Mumbai – 400 001.

... Respondent

**Public Information Officer cum Dist. Dy Registrar / Dy Registrar**  
Cooperative Board, Mumbai, Grihanirman Bhavan,  
Bandra (E), Mumbai – 400 051.

### GROUNDS

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant had sought information regarding his representation complaint about working of Arun Newara CHS Kannamwar Nagar-1, Vikroli (E), Mumbai.

Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant filed this second appeal before the Commission. The appeal was heard on 01.09.2009. Appellant and respondents were present.

The appellant has contended that it is true that Managing Committee has not been superceded and an administrator has been appoint. The administrator however has taken charge of the society. The matter was not being followed up. The respondent has submitted that the matter is being pursued and action taken.

After going though the case papers and considering the arguments advanced by parties I have come to the conclusion that the appellant does not want information but action. This has also been done but not to his satisfaction. The PIO needs to take effective steps to demonstrate that he is serious about the issue. The Maharashtra Cooperative Society Act 1960 empowers him adequately to deal effectively. It is not possible for the commission to monitor.

### Order

Appeal is disposed off.

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

Place: Mumbai

Date: 11.09.2009.

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

**Appeal No.2009/2984/02**

**Shri. Malgaonkar Bhushan Pandurang  
Plot No.122, Room No. 302,  
Mukesh Apt, Nadkarni Marg,  
Wadala (E), Mumbai – 400 037.**

**... Appellant**

**V/s**

**First Appellate Officer cum Dean  
Sir J.J. Group of Govt. Hospital,  
Byculla, Mumbai.**

**... Respondent**

**Public Information Officer,  
Sir J.J. Group of Govt. Hospital,  
Byculla, Mumbai.**

**GROUND**

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant by his application dated 06.04.2007 had sought the following information: -

Sr No.	Required information
1	Applicability and compliance of provision of Maharashtra Govt. Servants Regulation of Transfers and prevention of delay in discharge of official duties Act, 2005
2	Applicability and compliance of provision of Maharashtra Public Records Act, 2005
3	Details of responsible persons for prevention of corruption in J.J. Hospital.
4	Details of violation of ethics laid down by M.C.I for all Medical Practitioners.
5	Details of law applicable to staff of J.J. Hospital, whether a doctor or not and details of service rules applicable to them.

Not satisfied with responses form the Public Information Officer and the First Appellate Authority the appellant filed this second appeal before the Commission. The appeal was heard on 10.09.2009. Appellant and respondents were present.

The appellant has contended that he has not been furnished the required information. The information furnished by the respondent was perused and it was found

that the information has been furnished without application of mind, although I do not suspect any deliberate attempt to do so. I therefore pass the following order.

**Order**

Revised information to be furnished within 30 days.

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

Place: Mumbai  
Date: 15.09.2009.

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

**Appeal No.2009/3186/02**

**Shri. Raju Girjappa Watkar  
21, Palkar Chawl, Dharavi Cross Rd,  
Dharavi, Mumbai – 400 017.**

... **Appellant**

V/s

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

... **Respondent**

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

**GROUND**

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant by his application dated 04.03.2009 had sought information relating to ID No. 114 in the Baseline Socio Economic Survey conducted by SPARC. The survey report prepared by the agency had shown the appellant's name as eligible project affected person and was given ID No. 114. The appellant was allotted transit accommodation. The final allotment of tenement however was done in the name of Smt Nanda Ramchadra Borhade.

Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant filed this second appeal before the Commission. The appeal was heard on 11.09.2009. Appellant and respondents were present.

The appellant has contended that he has not been furnished the required information. He has not been given copies of documents which entitled Smt Borhade to get the allotment. The respondent has submitted that they have gone by the agency's revised list in which Smt Borhade was shown against ID No.114.

After going through the case papers and considering the arguments advanced by parties I have come to the conclusion that information has not been furnished. The argument advanced by the respondent is not acceptable. This is one of their typical



replies whereby they shift the burden to the agency which made the list. Let us not forget that the list is approved by MMRDA and therefore they cannot claim immunity for all the wrong doings of the agency. This case prima facie proves highhandedness on the part of the agency. The appellant's name was included in the list of eligible persons after examining relevant documents. He was also given transit accommodation. In the normal course the person who was given the transit accommodation should have been allotted the tenement. The agency, however, revised the list and put Smt Borhade's name. The agency has to show documents and explain the circumstances which led to the deletion of the appellant's name. I would like to add that this is not an isolated case and many such cases have been brought to the commission's notice. I therefore pass the following order.

**Order**

The appeal is allowed. The PIO to inform the appellant's and furnish copies of documents which led to the deletion of the appellant's name. The PIO should get/arrange to get relevant documents from the agency and furnish required information. This has to be done within 30 days failing which action under section 20 of the RTI Act will be initiated against the PIO.

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

Place: Mumbai  
Date: 15.09.2009.

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

**Appeal No.2009/3228/02**

**Shri. V.K. Rajbhar  
124-A, Pereira House Compound,  
Pali Naka, Dr. Ambedkar Rd,  
Bandra (W), Mumbai – 400 050.**

**... Appellant**

**V/s**

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

**... Respondent**

**Public Information Officer cum Asstt Commissioner  
(B & F) Municipal Corporation, H/West Ward,  
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 27.02.2009 had sought information relating to Plot No.124 (CTS No. C-887-C-888) He had sought information whether the plot was under any reservation, zone of the plot, whether affected by any reservation and related matters.

Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant filed this second appeal before the Commission. The appeal was heard on 16.09.2009. The appellant did not turn up but the respondent was present.

The appellant has contended that information has been denied and the reasons given for the same were not genuine and bonafide.

The respondent's contention is that the appellant has been informed that no information was available with his office.

After going through the case papers and considering the arguments advanced by parties I have come to the conclusion that information has not been furnished. It is not enough to say that information was not available with the PIO. He should have taken recourse to section 6 of the RTI Act and transferred the application to the PIO who was

having the information. I therefore direct that the PIO should collect the required information from Development Plan (DP) and furnish to the appellant. I therefore pass the following order.

**Order**

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

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

Place: Mumbai  
Date: 16.09.2009.

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

**Appeal No.2009/3156/02**

**Shri. Arjunlal M. Chhabaria  
Bellas Vista, Flat No.15,  
3<sup>rd</sup> Floor, Opp. Lake & LIC Office,  
S.V. Rd, Bandra (W), Mumbai – 400 050.**

... **Appellant**

**V/s**

**First Appellate Officer cum Chief Engineer  
(Development Plan) 5<sup>th</sup> Floor, BMC Head Office,  
Mumbai – 400 001.**

... **Respondent**

**Public Information Officer,  
5<sup>th</sup> Floor, BMC Head Office,  
Mumbai – 400 001.**

**GROUNDS**

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant by his application dated 21.04.2008 had sought the following information: -

Copy of the legal opinion obtained from the legal department by following the due process of law before regularizing 1 residential flat into 2 commercial shops pertaining to flat no.01 'A' Wing of Unity CHS. Ltd., situated at B – 39, Vaishali Nagar, Jogeshwari (W), Mumbai 400 012 on an application made by Mr. Vilas Nagalkar on behalf of Mrs. Tabassum Akhtar Ansari the owner occupier of flat no 02 'A' Wing of Unity CHS. Ltd., 'A' & 'B' Wing's.

Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant filed this second appeal before the Commission. The appeal was heard on 08.09.2009. The appellant did not turn up but the respondent was present.

The appellant has contended that the reply given was evasive, incorrect, improper and misleading. The respondent by his letter dated 12.06.2009 has informed the appellant that information has been furnished to appellant's representatives Mr. Afak Mandviya and Mr. Kapse. It has been submitted by the respondent that

acknowledgement also was on record. In the light of the appellant's absence and the respondent's submission I have come to conclusion to the information has been furnished. I pass the following order.

**Order**

Appeal is disposed off.

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

Place: Mumbai  
Date: 15.09.2009.

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

**Appeal No.2009/3235/02**

**Shri. Arjunlal M. Chhabaria  
Bellav Vista, Flat No.15,  
3<sup>rd</sup> Floor, Opp. Lake & LIC Office,  
S.V. Rd, Bandra (W), Mumbai – 400 050.**

... **Appellant**

**V/s**

**First Appellate Officer cum Asstt Municipal Commissioner  
Municipal Corporation, K/East Ward Office,  
Andheri (E), Mumbai – 410 059.**

... **Respondent**

**Public Information Officer cum Asstt Engineer  
(Maintenances) Municipal Corporation, K/East Ward Office,  
Andheri (E), Mumbai – 410 059.**

**GROUND**

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant by his application dated 02.01.2009 had sought the following information: -

Supply me the copy of the information of the action taken report on the complaint by my client (A) Mr.saiyad Ali Jaffar Ali Momin (B) Mr. Amir Ali N. Maredia, through me vide REF/AMC/11/2008 dated 2<sup>nd</sup> April, 2008. a) To mr. Vilas Rao Deshmukh, the Hon'ble Chief Minister, b) To Mr.Rajesh Tope, then Hon'ble Urban Development Minister, c) The Hon'ble Urban Development Secretary, d) The Hon'ble Municipal Commissioner, e) The Hon'ble Addl. Municipal Commissioner (Western Suburbs), f) The Hon'ble D.M.C. (Market) BMC., CST., Mumbai, for cheating, fabrication of record and documents and withholding the Important and relevant information and de-reliction of duty and threats incurring losses to my clients, for sanction U/s.197 CR.P.C. to prosecute the AMC, K/West municipal Ward Office, A.E. Maint, S.E. Maintenance, J.E. Maintenance of K/East Municipal Ward.

The PIO by his letter dated 30.01.2009 furnished pointwise information. The appellant was not satisfied and filed appeal under section 19(1) of the RTI Act 2005. There is nothing on record to show that the First Appellate Authority passed any order.

Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant filed this second appeal before the Commission. The appeal was fixed for hearing on 16.09.2009. Appellant and respondent were absent.

The appellant in his appeal has contended that the information received was evasive, incomplete and misleading. Since the respondent was not present, this could not be verified.

After going through the case papers it is seen that the information sought is broad & non specific. The appellant wants action and has written to so many persons – from Chief Minister to the DMC, MCGM. He has sought sanction under 197 CR PC to prosecute AMC, K/East Municipal Ward Office, AE Maintenance and others. The information furnished by the PIO has been perused. It has given pointwise information. That is all is required under the RTI Act. The RTI Act ensures furnishing of available information and is not mandated to answer questions or interpret information or give opinion. Under these circumstances I conclude that information has been furnished.

**Order**

Appeal is disposed off.

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

Place: Mumbai  
Date: 16.09.2009.

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

**Appeal No.2009/3217/02**

**Smt. Sonal Amit Shaha  
Champaklal Gandhi Bldg,  
No.6 Wing "C", 10<sup>th</sup> Floor, Flat No.1004,  
Damodar Park, L.B.S. Marg, Ghatkopar (W),  
Mumbai – 400 086.**

**... Appellant**

**V/s**

**First Appellate Officer cum Dy Police Commissioner  
Zone 9, Bandra (W), Mumbai.**

**... Respondent**

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

**GROUND**

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant by his application dated 10.02.2009 and 18.02.2009 had sought information relating to the passport verification report in respect of Shri Amit Rasiklal Shaha and RC Rishaldar and / or Reem Anthony.

Not satisfied with responses form the Public Information Officer and the First Appellate Authority the appellant filed this second appeal before the Commission. The appeal was fixed for hearing on 15.09.2009. Appellant and respondent were present.

The appellant has contended that he has not been furnished the required information. The respondent submitted that the information has been denied because the local police does verification for and at the instance of Special Branch which is exempted from the RTI Act under section 24 (4) of the Act. A copy of the govt. notification dated 11.10.2005 has also been furnished.

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

**Order**

Appeal is dismissed.

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

Place: Mumbai  
Date: 16.09.2009.



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

**Appeal No.2009/2826/02**

**Shri. Ramshankar R. Bhardwaj  
Ramkhelavan Rajbhar Chawl,  
Marol Naka, Krishna Nagar,  
Andheri Kurla Rd,  
Andheri (E), Mumbai – 400 059.**

**... Appellant**

**V/s**

**First Appellate Officer cum Addl Collector (ENC)  
7<sup>th</sup> Floor, Administrative Bldg, Bandra (E),  
Mumbai – 400 051.**

**... Respondent**

**Public Information Officer cum Dy Collector (ENC)  
7<sup>th</sup> Floor, Administrative Bldg, Bandra (E),  
Mumbai – 400 051.**

**GROUND**

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant by his application dated 20.02.2009 had sought information in respect of structure no 95 and 95 A, Ramkhelavan Rajbhar Chawl, Marol Naka, Krishna Nagar, Andheri – Kurla Rd, Andheri (E), Mumbai. These structures have been shown in the name of M.N Johny. The appellant has sought copies of documents which formed the basis for inclusion of his name in the list.

Not satisfied with responses form the Public Information Officer and the First Appellate Authority the appellant filed this second appeal before the Commission. The appeal was fixed for hearing on 01.09.2009. Appellant and respondents were present.

The appellant has contended that the required information has not been furnished. He has also pointed out that the name of the occupier of these structures is M.N Johny but it is wrongly written in annexure II as M.K Johny. The MMRDA has allotted alternative accommodation in the name of M.K. Johny. He also submitted that document which formed the basis for inclusions have also not been given to him. The respondent has submitted that available information has been furnished.

After going through the case papers and considering the arguments advanced by parties I have come to the conclusion that information has not been furnished correctly. It is also seen that some documents have shown the name as M.N Johny and others as M.K. Johny. The electricity bill which is one of the documents submitted to the respondent mentions the name as M.N. Johny. It is therefore clear that the real name of the occupier is M.N Johny and not M.K. Johny. This required correction. This has to be done. I therefore pass the following order.

**Order**

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

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

Place: Mumbai  
Date: 16.09.2009.

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

Appeal No.2009/3208/02  
Appeal No.2009/3209/02

Smt. Sonal Amit Shaha  
Champaklal Gandhi Bldg,  
No.6 Wing "C", 10<sup>th</sup> Floor, Flat No.1004,  
Damodar Park, L.B.S. Marg, Ghatkopar (W),  
Mumbai – 400 086.

... Appellant

V/s

First Appellate Officer,  
Registrar Partnership Board,  
Maharashtra State, Mumbai,  
New Administrative Bldg, 6<sup>th</sup> Floor,  
Govt. Colony, Bandra (E), Mumbai – 400 051.

... Respondent

Public Information Officer,  
Registrar Partnership Board,  
Maharashtra State, Mumbai,  
New Administrative Bldg, 6<sup>th</sup> Floor,  
Govt. Colony, Bandra (E), Mumbai – 400 051.

#### GROUNDS

These appeals have been filed under section 19(3) of the Right to Information Act 2005. The appellant by his application dated 11.12.2008 had sought information in respect of M/s Vintrex Optics, Benzer apartment, Lokhandwala Complex, Andheri (W), Mumbai.

Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant filed this second appeal before the Commission. The appeal was fixed for hearing on 14.09.2009. Appellant and respondent were present.

The appellant has contended that he was not satisfied with the information furnished. He had wanted to know whether any change was effected in the partnership deed between 01.04.2006 to 15.12.2008. The respondent informed him that no change had taken place after 22.06.2007. He also submitted that all available information has been furnished.

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

**Order**

The appeals are disposed off.

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

Place: Mumbai  
Date: 16.09.2009.

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

**Appeal No.2009/3189/02**

**Shri. Arjunlal M. Chhabaria  
Bellav Vista, Flat No.15,  
3<sup>rd</sup> Floor, Opp. Lake & LIC Office,  
S.V. Rd, Bandra (W), Mumbai – 400 050.**

... **Appellant**

**V/s**

**First Appellate Officer cum Addl Commissioner  
(Western Suburban), Dy Chief Engineer (Bldg Project),  
Municipal Corporation, Mapalika Marg, Fort,  
Mumbai – 400 001.**

... **Respondent**

**Public Information Officer,  
(Western Suburban), Dy Chief Engineer (Bldg Project),  
Municipal Corporation, Mapalika Marg, Fort,  
Mumbai – 400 001.**

**GROUNDS**

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant by his application dated 15.04.2009 had sought the following information: -

Is it a fact that the complaint filed on behalf of my client Mr. Afak A. Mandaviya Editor of “Khara Rashtrawadi” against.

Mr. B.S. Patil (Dy. Chief Engineer) (Bldg & Prop) (W/S)

Mr. N.S. Lalaji (Executive Engineer) (Bldg & Prop) (W/S)

Mr. M.M Joglekar (Asstt Engineer) (Bldg & Prop) (W/S)

Mr. B.P. Kharande (Sub-Engineer) (Bldg & Prop) (W/S)

Mr. A. A. Kadam (Mukadam) (Bldg & Prop) (W/S)

Having their office at Bhabha Hospital Municipal Bldg, 1<sup>st</sup> Floor, R.K Patkar Marg, Bandra (W), Mumbai – 400 050 for corrupt practices and for taking bribes in lakhs for accepting the proposals for the continuing of the building, for regularizing the change of user from One Residential Flat in to 2 Shop’s pertaining to Flat No. A-02 of Unity CHS Ltd, at B-39, Vaishali Nagar, Jogeshwari (W), Mumbai – 400 102 without taking the NOC from Unity CHS Ltd, and also when the suit was pending in the Hon’ble City

Civil Court before his Honour Judge Shri. Marathe in suit No.1717/08 where no interim relief was granted to the owner and occupier of the Flat No.A-02 of Unity CHS Ltd, at B-39, Vaishali Nagar, Jogeshwari (W), Mumbai – 400 102.

Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant filed this second appeal before the Commission. The appeal was heard on 11.09.2009. The appellant did not turn up but the respondent was present.

The appellant has contended that information received was evasive, incorrect and misleading. The First Appellate Authority did not call for hearing or gave any reply.

The respondent's contention is that available information was given.

After going through the case papers and considering the arguments advanced by parties I have come to the conclusion that the case deserves to be remanded back to the First Appellate Authority as he has failed to discharge the responsibility cast on him under the RTI Act 2005. I therefore pass the following order.

**Order**

The appeal is remanded back to the First Appellate Authority. He should hear the appellant and pass reasoned order within 45 days.

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

Place: Mumbai  
Date: 16.09.2009.

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

**Appeal No.2009/3190/02**

**Shri. Arjunlal M. Chhabaria  
Bellas Vista, Flat No.15,  
3<sup>rd</sup> Floor, Opp. Lake & LIC Office,  
S.V. Rd, Bandra (W), Mumbai – 400 050.**

**... Appellant**

**V/s**

**First Appellate Officer cum Director  
(Engineer Services & Projects)  
Municipal Corporation, Annex Bldg,  
3<sup>rd</sup> Floor, Mahapalika Marg,  
Fort, Mumbai – 400 001.**

**... Respondent**

**Public Information Officer,  
Office of the Superintendent (Bldg Project) (W/S),  
Bhaha Hospital, Municipal, Bldg, R.K. Pathak Marg,  
Bandra (W), Mumbai – 400 050.**

### **GROUNDS**

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant by his application dated 15.04.2009 had sought the following information: -

Is it a fact that the complaint filed on behalf of my client Mr. Afak A. Mandaviya Editor of “Khara Rashtrawadi” against.

Mr. B.S. Patil (Dy. Chief Engineer) (Bldg & Prop) (W/S)

Mr. N.S. Lalaji (Executive Engineer) (Bldg & Prop) (W/S)

Mr. M.M Joglekar (Asstt Engineer) (Bldg & Prop) (W/S)

Mr. B.P. Kharande (Sub-Engineer) (Bldg & Prop) (W/S)

Mr. A. A. Kadam (Mukadam) (Bldg & Prop) (W/S)

Having their office at Bhabha Hospital Municipal Bldg, 1<sup>st</sup> Floor, R.K Patkar Marg, Bandra (W), Mumbai – 400 050 for corrupt practices and for taking bribes in lakhs for accepting the proposals for the continuing of the building, for regularizing the change of user from One Residential Flat in to 2 Shop’s pertaining to Flat No. A-02 of Unity CHS Ltd, at B-39, Vaishali Nagar, Jogeshwari (W), Mumbai – 400 102 without taking

the NOC from Unity CHS Ltd, and also when the suit was pending in the Hon'ble City Civil Court before his Honour Judge Shri. Marathe in suit No.1717/08 where no interim relief was granted to the owner and occupier of the Flat No.A-02 of Unity CHS Ltd, at B-39, Vaishali Nagar, Jogeshwari (W), Mumbai – 400 102.

Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant filed this second appeal before the Commission. The appeal was heard on 11.09.2009. The appellant did not turn up but the respondent was present.

The appellant has contended that information received was evasive, in correct and misleading. The respondent's contention is that available information was given.

After going through the case papers and considering the arguments advanced by parties I have come to the conclusion that the appellant wanted sanction to prosecute these officers. He has to approach the authority vested with the power to sanction prosecution. The PIO or the First Appellate Authority cannot sanction prosecution. The case is close at commission's level.

**Order**

The appeal is disposed off.

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

Place: Mumbai  
Date: 16.09.2009.



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

**Appeal No.2009/3203/02**

**Shri. Ramlal Shyamlal Pal  
R.31 Mariamma Nagar,  
Dr. A.B. Rd, Worli, Mumbai – 400 018.**

... **Appellant**

V/s

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

... **Respondent**

**Public Information Officer cum Colony Officer,  
G/South Ward, N.M. Joshi Marg,  
Mumbai – 400 013.**

**GROUND**

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant by his application dated 13.04.2009 had sought information relating to his request for inclusion of his name in annexure II, Mariamma Nagar CHS (Proposed) CS No.47, Part Near Nehru Planetarium, Worli, Mumbai.

Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant filed this second appeal before the Commission. The appeal was heard on 14.09.2009. The appellant did not turn up but the respondent was present.

The respondent submitted that the revision of annexure II is in progress. It is going on at slow speed because of disputes between the surveying agency and slum dwellers on the methodology of revision. It is therefore not possible to indicate the precise date by which the work can be completed. Since the appellant was absent it could not be verified.

After going through the case papers and considering the arguments advanced by parties I have come to the conclusion that the appellant has been informed. In view of the circumstances explained by the respondent it was not possible to indicate the precise period of completion. It is therefore decided to close the case.

**Order**

The appeal is disposed off.

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

Place: Mumbai  
Date: 16.09.2009.

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

Appeal No.2009/3183/02

**Shri. Mohan Chandrakant Girap**  
183/4985 Pantnagar,  
Ghatkopar (E), Mumbai – 400 075.

... **Appellant**

V/s

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

... **Respondent**

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

### **GROUND**

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant by his application dated 22.12.2009 had sought information in respect of Pantnagar Friends Cooperative Housing Society, Ghatkopar, Mumbai.

Not satisfied with responses form the Public Information Officer and the First Appellate Authority the appellant filed this second appeal before the Commission. The appeal was heard on 11.09.2009. Appellant and respondent were absent.

I have gone through the case papers. It is seen that the PIO by his letter dated 13.02.2009 has replied to the appellant. The appellant however does not seem to be satisfied. The RTI ensures furnishing of available information and the same has been done in this case. I therefore close the case.

### **Order**

The appeal is disposed off.

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

Place: Mumbai  
Date: 16.09.2009.

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

**Appeal No.2009/3192/02**

**Shri. V.P. Haran  
A/302, Dosti Jupiter CHS,  
S.M. Rd, Opp. Indian Oil,  
Wadala (E), Mumbai – 400 037.**

**... Appellant**

**V/s**

**First Appellate Officer,  
Office of the Registrar Cooperative Societies,  
6<sup>th</sup> Floor, Malhotra House, Opp. GPO,  
Mumbai – 400 001.**

**... Respondent**

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

**GROUNDS**

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant by his application dated 21.01.2009 had sought information relating to his complaint against the Managing Committee, Dosti Jupiter Cooperative Housing Society Ltd, Wadala (E), Mumbai.

Not satisfied with responses form the Public Information Officer and the First Appellate Authority the appellant filed this second appeal before the Commission. The appeal was fixed for hearing on 11.09.2009. Appellant and respondent were absent.

The appellant has informed the commission that he was not in a position to attend the hearing.

I have gone through the case papers. It is revealed that the appellant wrote so many letters and wanted to know what action has been taken. There is a letter from the Divisional Joint Registrar Cooperative Societies to the Deputy District Registrar asking him to do the needful and inform him as well as the appellant. The District Deputy

Registrar in turn wrote to the Asstt Registrar asking him to do the needful and inform the appellant. There is nothing on record to suggest that any information has been furnished to the appellant. In view of this I pass the following order.

**Order**

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

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

Place: Mumbai  
Date: 16.09.2009.

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

**Appeal No.2009/3191/02**

**Smt. Janet de Souza,  
Plot No. 186, 1<sup>st</sup> Floor,  
Catholic Colony,  
Wadala, Mumbai – 400 031.**

**... Appellant**

**V/s**

**First Appellate Officer,  
Office of the Registrar Cooperative Societies,  
6<sup>th</sup> Floor, Malhotra House, Opp. GPO,  
Mumbai – 400 001.**

**... Respondent**

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

**GROUNDS**

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant by his application dated 17.03.2009 had sought information relating to the Catholic Cooperative Housing Society Ltd, Wadala, Mumbai. The appellant wanted information on 19 points – appointment and continuation of administrator, details of meetings held, preparation of statement of accounts and related matters.

Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant filed this second appeal before the Commission. The appeal was fixed for hearing on 11.09.2009. Appellant was present but the respondent was absent.

The appellant has contended that she has not been furnished the required information. Although she wanted information on 19 points, her crucial point was revival of the society. She stated that she has been given no information in this respect.

After going through the case papers and considering the arguments advanced by parties I have come to the conclusion that information has not been furnished. It is therefore directed that she should be allowed inspection of society's record and also

informed about the steps, taken for revival of the society. I therefore pass the following order.

**Order**

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

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

Place: Mumbai  
Date: 16.09.2009.

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

**Appeal No.2009/3187/02**

**Shri. Iqbal G. Patel  
Fardeen Mansion, 15/15 A,  
V.S. Marg, Mahim, Mumbai – 400 016.**

**... Appellant**

**V/s**

**First Appellate Officer,  
Superintendent of Stamps  
Stamp Office, Town Hall,  
Shahid Bhagat Singh Marg, Fort,  
Mumbai – 400 001.**

**... Respondent**

**Public Information Officer,  
Superintendent of Stamps  
Stamp Office, Town Hall,  
Shahid Bhagat Singh Marg, Fort,  
Mumbai – 400 001.**

**GROUNDS**

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant by his application dated 15.04.2009 had sought information in respect of Shri. Rajesh D Madnani authorized vendor of non judicial stamp papers bearing Licence No. LSV 672 having address at c/o Liberty Typing Centre, 221, Chauhan Building, S.V.Rd, Andheri (W), Mumbai. He appellant wanted to know whether there was provision of a separate que for advocates, maintenance of registrar and related matters.

Not satisfied with responses form the Public Information Officer and the First Appellate Authority the appellant filed this second appeal before the Commission. The appeal was heard on 11.09.2009. Appellant and respondent were absent.

I have gone through the case papers. It is seen that the PIO by his letter dated 23.04.2009 has furnished pointwise information. I therefore conclude that information has been furnished. The case therefore is closed.

**Order**

The appeal is disposed off.

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

Place: Mumbai  
Date: 16.09.2009.

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

**Appeal No.2009/3188/02**

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

... **Appellant**

**V/s**

**First Appellate Officer,  
Office of the Printing Press Byculla,  
Municipal Corporation,  
Cement Barracks, Byculla, Mumbai.**

... **Respondent**

**Public Information Officer,  
Office of the Printing Press Byculla,  
Municipal Corporation,  
Cement Barracks, Byculla, Mumbai.**

**GROUNDS**

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant by his application dated 08.09.2009 had sought information in respect of the Municipal Printing Press, Byculla MCGM Office, Cement Barracks, Byculla, Mumbai. He had sought information regarding no of employees, printing capacity, data on output, outsourcing, yearly budget and related matters.

Not satisfied with responses form the Public Information Officer and the First Appellate Authority the appellant filed this second appeal before the Commission. The appeal was heard on 11.09.2009. Appellant was present but the respondents was absent.

The appellant has contended that he has not been given the required information. He also stated that he preferred the first appeal which was heard but the PIO replied to that which was irregular. The respondent has contended that since the appellant's application was not replied the PIO sent the reply after filing of the first appeal. It was not on behalf of the First Appellate Authority.

After going through the case papers and listing to parties I have come to the conclusion that information has not been furnished. I therefore pass the following order. The PIO is therefore directed to show cause why action under section 20 of the RTI act should not be initiated against the PIO. His reply to reach the commission within 4 weeks.

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

Place: Mumbai  
Date: 16.09.2009.



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

**Complaint No.2009/287/02**

**Shri. Swapnil Satish Kokal  
4/12, Vivekanand CHS Ltd,  
T.H. Kataria Marg, Mahim,  
Mumbai – 400 016.**

**... Complainant**

**V/s**

**Public Information Officer cum Divisional Social  
Welfare Officer, 6<sup>th</sup> Floor,  
Kokan Bhavan, Navi Mumbai.**

**... Respondent**

**GROUND**

This complaint has been filed under section 18 of the Right to Information Act 2005 in the context of the commission's order dated 18.07.2008 passed in appeal no.2009/515/02. The facts in brief are as follows: - The complainant had sought information regarding action taken on his application for caste verification / validation certificate.

Not satisfied with responses from the Public Information Officer and First Appellate Authority the complainant filed appeal under section 19(3) of the RTI Act, 2005. The commission by its order dated 18.07.2009 directed that information should be furnished within 45 days. The present complaint is against alleged non compliance of commissions order.

The complaint was fixed for hearing on 02.09.2009. The complainant and defendant were absent.

There is nothing on record to show that the commission's order has been complied. I therefore pass the following order.

**Order**

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

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

Place: Mumbai  
Date: 16.09.2009.

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

**Appeal No.2009/3281/02**

**Shri. Arjunlal M. Chhabaria  
Bellas Vista, Flat No.15,  
3<sup>rd</sup> Floor, Opp. Lake & LIC Office,  
S.V. Rd, Bandra (W), Mumbai – 400 050.**

... **Appellant**

**V/s**

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

... **Respondent**

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

**GROUNDS**

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant by his application dated 11.05.2009 had sought the following information: -

Action taken report on the complaint against (1) Mr. Adil Shabbir of Flat 02, B Wing of Unity CHS. Ltd. (2) Mrs. Shakira Ansari of Flat 304, B Wing of Unity CHS. Ltd. (3) Mr.S.R. Merchant of Flat 402, A Wing of Unity CHS. Ltd. (4) Mrs. Tabassum Ansari & Mrs. Shakira Ansari of Flat 02, A Wing of Unity CHS. Ltd.

Not satisfied with responses form the Public Information Officer and the First Appellate Authority the appellant filed this second appeal before the Commission. The appeal was heard on 23.09.2009. Appellant and respondents were present

The appellant has contended that complete information has not been given. The respondent submitted that available information has been furnished.

After going through the case papers and considering the arguments advanced by parties I have come to the conclusion that copies of notices issued under section 53 (1) of the MRTP Act has not been furnished to the appellant. The same should be done. I therefore pass the following order.

**Order**

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

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

Place: Mumbai  
Date: 23.09.2009.

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

**Appeal No.2009/3276/02**

**Shri. Arjunlal M. Chhabaria  
Bellas Vista, Flat No.15,  
3<sup>rd</sup> Floor, Opp. Lake & LIC Office,  
S.V. Rd, Bandra (W), Mumbai – 400 050.**

... **Appellant**

**V/s**

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

... **Respondent**

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

**GROUND**

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant by his application dated 15.06.2009 had sought the following information: -

Action taken report on the complaint against (1) Mr. Adil Shabbir of Flat 02, B Wing of Unity CHS. Ltd. (2) Mrs. Shakira Ansari of Flat 304, B Wing of Unity CHS. Ltd. (3) Mr.S.R. Merchant of Flat 402, A Wing of Unity CHS. Ltd. (4) Mrs. Tabassum Ansari & Mrs. Shakira Ansari of Flat 02, A Wing of Unity CHS. Ltd.

Not satisfied with responses form the Public Information Officer and the First Appellate Authority the appellant filed this second appeal before the Commission. The appeal was heard on 23.09.2009. Appellant and respondents were present

The appellant has contended that complete information has not been given. The respondent submitted that available information has been furnished.

After going through the case papers and considering the arguments advanced by parties I have come to the conclusion that copies of notices issued under section 53 (1) of the MRTP Act has not been furnished to the appellant. The same should be done. I therefore pass the following order.

**Order**

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

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

Place: Mumbai  
Date: 23.09.2009.

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

**Appeal No.2009/3274/02**

**Shri. Arjunlal M. Chhabaria  
Bellas Vista, Flat No.15,  
3<sup>rd</sup> Floor, Opp. Lake & LIC Office,  
S.V. Rd, Bandra (W), Mumbai – 400 050.**

... **Appellant**

**V/s**

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

... **Respondent**

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

**GROUNDS**

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant by his application dated 13.05.2009 had sought the following information: -

Action taken report on the complaint against (1) Mr. Adil Shabbir of Flat 02, B Wing of Unity CHS. Ltd. (2) Mrs. Shakira Ansari of Flat 304, B Wing of Unity CHS. Ltd. (3) Mr.S.R. Merchant of Flat 402, A Wing of Unity CHS. Ltd. (4) Mrs. Tabassum Ansari & Mrs. Shakira Ansari of Flat 02, A Wing of Unity CHS. Ltd.

Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant filed this second appeal before the Commission. The appeal was heard on 23.09.2009. Appellant and respondents were present

The appellant has contended that complete information has not been given. The respondent submitted that available information has been furnished.

After going through the case papers and considering the arguments advanced by parties I have come to the conclusion that copies of notices issued under section 53 (1) of the MRTP Act has not been furnished to the appellant. The same should be done. I therefore pass the following order.

**Order**

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

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

Place: Mumbai  
Date: 23.09.2009.

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

**Appeal No.2009/3272/02**

**Shri. Arjunlal M. Chhabaria  
Bellav Vista, Flat No.15,  
3<sup>rd</sup> Floor, Opp. Lake & LIC Office,  
S.V. Rd, Bandra (W), Mumbai – 400 050.**

... **Appellant**

**V/s**

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

... **Respondent**

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

**GROUND**

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant by his application dated 13.05.2009 had sought the following information: -

Action taken report on the complaint against (1) Mr. Adil Shabbir of Flat 02, B Wing of Unity CHS. Ltd. (2) Mrs. Shakira Ansari of Flat 304, B Wing of Unity CHS. Ltd. (3) Mr.S.R. Merchant of Flat 402, A Wing of Unity CHS. Ltd. (4) Mrs. Tabassum Ansari & Mrs. Shakira Ansari of Flat 02, A Wing of Unity CHS. Ltd.

Not satisfied with responses form the Public Information Officer and the First Appellate Authority the appellant filed this second appeal before the Commission. The appeal was heard on 23.09.2009. Appellant and respondents were present

The appellant has contended that complete information has not been given. The respondent submitted that available information has been furnished.

After going through the case papers and considering the arguments advanced by parties I have come to the conclusion that copies of notices issued under section 53 (1) of the MRTP Act has not been furnished to the appellant. The same should be done. I therefore pass the following order.

**Order**

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

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

Place: Mumbai  
Date: 23.09.2009.

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

**Appeal No.2009/3170/02**

**Shri. V. Subramanian  
ENC 141, Ground Floor,  
Room No.17,  
Kalyanwadi, Thevarnagar,  
Dharavi, Mumbai – 400 017.**

**... Appellant**

**V/s**

**First Appellate Officer cum Chief Executive Officer  
Maharashtra Housing & Area Development Authorities,  
MHADA Bldg, Bandra (E), Mumbai – 400 051.**

**... Respondent**

**Public Information Officer cum Chief Officer  
Maharashtra Housing & Area Development Authorities,  
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 dated 16.02.2009 had sought all relevant papers/ records prior to 2001 in respect of the Prime Ministers grant Project at Dharavi, Mumbai and the appellant file being Ministers file 139 dated 25.02.2000. The PIO by his letter dated 11.06.2009 replied to the appellant. No order seems to have been passed by the First Appellate Authority.

Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant filed this second appeal before the Commission. The appeal was fixed for hearing on 09.09.2009. Appellant and respondent were absent.

I have gone through the case papers. The information sought is not clear and specific. The appellant wants all records prior to 2001 in respect of Prime Ministers Grant Project at Dharavi. He needs to be more precise and specific. The RTI Act is not expected to respond to roving and furnishing enquiry. In any case the PIO has replied to him. It is therefore decided to close the case.

**Order**

The appeal is disposed off.

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

Place: Mumbai  
Date: 16.09.2009.

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

Appeal No.2009/3221/02

**Shri. Jagdish Deoram Torpe**  
25-A Torpe House,  
1<sup>st</sup> Floor, Tejpal Scheme,  
5<sup>th</sup> Rd, Vile Parle (E), Mumbai – 400 057.

... **Appellant**

V/s

**First Appellate Officer,**  
**Maharashtra State Board of Technical Education,**  
**Govt. Technical Examination Bldg,**  
4<sup>th</sup> Floor, 49, Kherwadi, Bandra (E),  
Mumbai – 400 051.

... **Respondent**

**Public Information Officer,**  
**Maharashtra State Board of Technical Education,**  
**Govt. Technical Examination Bldg,**  
4<sup>th</sup> Floor, 49, Kherwadi, Bandra (E),  
Mumbai – 400 051.

### **GROUND**

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant by his application dated 04.05.2009 had sought information in respect of his application for a duplicate copy of his DCE Certificate.

Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant filed this second appeal before the Commission. The appeal was fixed for hearing on 18.09.2009. Appellant and respondent were absent.

The appellant has contended that he did not receive the required information. The respondent submitted that the appellant has been informed that the certificate was ready and he should collect it. In view this the case is closed at our end.

### **Order**

The appeal is disposed off.

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

Place: Mumbai  
Date: 13.09.2009.

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

**Appeal No.2009/3249/02**

**Shri. Arjunlal M. Chhabaria  
Bellas Vista, Flat No.15,  
3<sup>rd</sup> Floor, Opp. Lake & LIC Office,  
S.V. Rd, Bandra (W), Mumbai – 400 050.**

... **Appellant**

**V/s**

**First Appellate Officer cum Dy Chief Officer  
SRA, (Santacruz (W) Area) Grihanirman Bhavan,  
Bandra (E), Mumbai – 400 051.**

... **Respondent**

**Public Information Officer cum Executive Engineer  
SRA, (Santacruz (W) Area) Grihanirman Bhavan,  
Bandra (E), Mumbai – 400 051**

**GROUND**

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant by his application dated 20.04.2009 had sought information relating to the proposal submitted by M/s Shreya Developers through the committee Members of Garodia welfare CHS proposed situated on plot No. 53, CTS No. 1645 Milan Subway Rd, Santacruz (W), Mumbai. He had also asked for copies of the agreement, Annexure II table survey plan and other documents.

Not satisfied with responses form the Public Information Officer and the First Appellate Authority the appellant filed this second appeal before the Commission. The appeal was heard on 18.09.2009. The appellant did not turn up but the respondent was present.

The respondent submitted that required information has been furnished and acknowledgement obtained. Since the appellant was not present, it could not be verified. In view of the appellant's absence and respondent's submission I have come to the conclusion that information has been furnished. I therefore pass the following order.

**Order**

The appeal is disposed off.

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

Place: Mumbai  
Date: 18.09.2009.



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

**Appeal No.2009/3168/02**

**Shri. Siril Peter D' Souza  
Near Sai Sankalp Bldg,  
Opp. BMC Colony, Malvani Block No.3,  
Malad (W), Mumbai – 400 095.**

**... Appellant**

**V/s**

**First Appellate Officer,  
Officer of the Chief Minister,  
Maharashtra State, Mumbai – 400 032.**

**... Respondent**

**Public Information Officer,  
Officer of the Chief Minister,  
Maharashtra State, 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 06.03.2009 had sought information relating to the purchase of computers, alleged irregularities and the enquiry conducted through IIT, Mumbai. The appellant wanted to know where the report was pending and whether any action has been taken.

Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant filed this second appeal before the Commission. The appeal was fixed for hearing on 09.09.2009. Appellant and respondent were absent.

After going through the case papers it is seen that the PIO by his letter dated 19.02.2009 informed the appellant that the report has been submitted to Hon Chief Minister and is under govt's consideration. Since the letter was dated 19.02.2009 I would direct that the latest information should be furnished to the appellant. I pass the following order.

**Order**

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

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

Place: Mumbai  
Date: 18.09.2009.

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

**Appeal No.2009/3257/02**

**Urmiston Premises Co-op Society Ltd,  
"LE REPOS" 8 Perry Cross Rd,  
Bandra (W), Mumbai – 400 050.**

**... Appellant**

**V/s**

**First Appellate Officer cum Superintendent Land Record,  
Mumbai Suburban District,  
Administrative Officer Bldg,  
10<sup>th</sup> Floor, Bandra (E),  
Mumbai – 400 051.**

**... Respondent**

**Public Information Officer,  
Office of the Superintendent Land Record,  
Mumbai Suburban District,  
Administrative Officer Bldg,  
10<sup>th</sup> Floor, Bandra (E),  
Mumbai – 400 051.**

**GROUND**

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant by his application dated 31.12.2008 had sought information relating to his application for property card for the property owned by the Urmiston Premises Co-Op Society Ltd, Plot No.8, Master Vinayak Cross Rd, Bandra, Mumbai.

Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant filed this second appeal before the Commission. The appeal was heard on 22.09.2009. The appellant did not turn up but the respondent was present.

The respondent has made written submission in which he has stated that the property card has since been sent to the appellant. He has explained that delay was caused there was no registered power of attorney and the person from whom the property was purchased had died. Finally property card has been issued.

In view of the appellant's absence and respondent's submission I conclude that information has been furnished. I therefore pass the following order.

**Order**

The appeal is disposed off.

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

Place: Mumbai  
Date: 23.09.2009.

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

**Appeal No.2009/3278/02**

**Shri. Sushant Mohite & Other  
3/89, Lokmanyagar,  
Kakasaheb Gadgil Marg,  
Dadar, Mumbai – 400 025.**

... **Appellant**

**V/s**

**First Appellate Officer cum Dy Registrar  
Cooperative Board, MHADA,  
Grihanirman Bhavan, Kalanagar,  
Bandra (W), Mumbai – 400 51.**

... **Respondent**

**Public Information Officer,  
Cooperative Board, MHADA,  
Grihanirman Bhavan, Kalanagar,  
Bandra (W), Mumbai – 400 51.**

**GROUND**

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant by his application dated 25.02.2009 had sought information relating to his complaint against Lokmanya Priyadarshani CHS Ltd for canceling his associate membership. The appellant had written to the Dy. Registrar and wanted to know what action has been taken. He wanted a copy of the action taken report.

Not satisfied with responses form the Public Information Officer and the First Appellate Authority the appellant filed this second appeal before the Commission. The appeal was heard on 23.09.2009. Appellant was present but the respondent was absent.

The appellant has contended that he has not been given the information he had requested. Since the respondent was not present, it could not be verified. I have gone through the case papers and come to the conclusion that information has not been furnished. I therefore pass the following order.

**Order**

The appeal is allowed. PIO to furnish information within 30 days failing which action under section 20 of the RTI Act, 2005 will be initiated.

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

Place: Mumbai  
Date: 23.09.2009.

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

Appeal No.2009/3279/02

**Shri. Sushant Mohite & Other**  
**3/89, Lokmanyagar,**  
**Kakasaheb Gadgil Marg,**  
**Dadar, Mumbai – 400 025.**

... **Appellant**

V/s

**First Appellate Officer cum Dy Registrar**  
**Cooperative Board, MHADA,**  
**Grihanirman Bhavan, Kalanagar,**  
**Bandra (W), Mumbai – 400 51.**

... **Respondent**

**Public Information Officer,**  
**Cooperative Board, MHADA,**  
**Grihanirman Bhavan, Kalanagar,**  
**Bandra (W), Mumbai – 400 51.**

### **GROUND**

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant by his application dated 25.02.2009 had sought information relating to the order passed by the Divisional Joint Registrar of Cooperative Societies against the Lokmanya Nagar Priyadarshani Cooperative Housing Society. The Deputy Registrar MHADA was directed to enquire into the alleged irregularities. The appellant wanted a copy of the report.

Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant filed this second appeal before the Commission. The appeal was heard on 23.09.2009. Appellant was present but the respondent was absent.

The appellant has contended that he has not been furnished the required information. Since the respondent was not present it could not be verified. It seen from case papers that no information has been furnished. I therefore pass the following order.

### **Order**

PIO to furnish the required information within 15 days failing which action under section 20 of the RTI Act 2005 will be initiated against him.

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

Place: Mumbai  
Date: 23.09.2009.

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

**Appeal No.2009/3275/02**

**Shri. Arjunlal M. Chhabaria  
Bellas Vista, Flat No.15,  
3<sup>rd</sup> Floor, Opp. Lake & LIC Office,  
S.V. Rd, Bandra (W), Mumbai – 400 050.**

**... Appellant**

**V/s**

**First Appellate Officer,  
Legal Dept. Municipal Corporation,  
K/West Ward Office,  
Andheri (W), Mumbai – 400 058.**

**... Respondent**

**Public Information Officer cum Law Officer  
Municipal Corporation, Head Office,  
CST, Mahapalika Marg,  
Mumbai – 400 001.**

**GROUNDS**

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant by his application dated 15.06.2009 had sought the following information: -

- 1) Copy of the Court Case Papers filed by the Medical Officer Health of the Health Dept. K/West Municipal Ward Office against one Mr. Das Men's Haircutting Saloon situated on the ground floor, at Unity Co-op Hsg, Soc Ltd, 'A' Wing, Flat No-02, of B-39, Vaishali Nagar, Jogeshwari West, Mumbai – 400 102 u/s 394 M.M.C Act vide case No.CC/671/SS of 2009 as per the offence sheet issued by the Health Dept. and as per the reply given by the Health Dept. SPIO bearing No.AC/26231/KW dated 23.10.2008 and one notice of action bearing No.018921.
- 2) Information as to the status of the Court No.CC/671/SS/2009 whether the case is finalized / disposed off/ withdrawn or still pending in the Hon'ble Court of Law and if is finalized then please give me a copy of the order and please inform me whether the owner / occupier / conductor of Mr. Das Men's Haircutting Saloon is fined or acquitted for the offence u/s 394 MMC Act for carrying on business without a health licence.

Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant filed this second appeal before the Commission. The appeal was heard on 23.09.2009. Appellant and respondents were present.

The appellant has contended that neither the PIO nor the First Appellate Authority has furnished information.

The respondent's contention is that the case is sub judice.

After going through the case papers and considering the arguments advanced by parties I have come to the conclusion that information has not been furnished. It is not enough to say that the matter is sub judice. The appellant wanted copies of relevant document filed by the medical officer of the Health Department. I therefore pass the following order.

**Order**

The appeal is allowed. Appellant to be allowed inspection of relevant file and copies of selected documents should be furnished. This should be done within 4 weeks.

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

Place: Mumbai  
Date: 18.09.2009.

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

Appeal No.2009/3282/02

**Mrs. F.G. Shariff**  
**Urmiston Premises Co-op Society Ltd,**  
**“LE REPOS” 8 Perry Cross Rd,**  
**Bandra (W), Mumbai – 400 050.**

... **Appellant**

V/s

**First Appellate Officer cum Superintendent Land Record,**  
**Mumbai Suburban District,**  
**Administrative Officer Bldg,**  
**10<sup>th</sup> Floor, Bandra (E),**  
**Mumbai – 400 051.**

... **Respondent**

**Public Information Officer,**  
**Office of the Superintendent Land Record,**  
**Mumbai Suburban District,**  
**Administrative Officer Bldg,**  
**10<sup>th</sup> Floor, Bandra (E),**  
**Mumbai – 400 051.**

### **GROUND**

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant by his application dated 31.12.2008 had sought information relating to his application for property card for the property owned by the Urmiston Premises Co-Op Society Ltd, Plot No.8, Master Vinayak Cross Rd, Bandra, Mumbai.

Not satisfied with responses form the Public Information Officer and the First Appellate Authority the appellant filed this second appeal before the Commission. The appeal was heard on 23.09.2009. The appellant did not turn up but the respondent was present.

The respondent has made written submission in which he has stated that the property card has since been sent to the appellant. He has explained that delay was caused there was no registered power of attorney and the person from whom the property was purchased had died. Finally property card has been issued.

In view of the appellant’s absence and respondent’s submission I conclude that information has been furnished. I therefore pass the following order.

### **Order**

The appeal is disposed off.

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

Place: Mumbai  
Date: 23.09.2009.

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

**Appeal No.2009/3263/02**

**Shri. Sunil More  
3/19, Old Municipal Chawl,  
Dusari Hasnabad Lane,  
Khar (W), Mumbai – 400 052.**

**... Appellant**

**V/s**

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

**... Respondent**

**Public Information Officer cum Asstt Engineer  
Municipal Corporation, H/West Ward,  
Sent Martin Rd, Bandra (W),  
Mumbai – 400 050.**

### **GROUND**

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant by his application dated 30.03.2009 had sought information in respect of his application for appointment on compassionate grounds.

Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant filed this second appeal before the Commission. The appeal was heard on 22.09.2009. Appellant and respondents were present.

The appellant has contended that he has not been given information. The respondent submitted that the file for appointment has to move from branch to branch and it was not possible to inform the appellant every time the file moves from one branch to another branch. It was, however, submitted by them that it has reached finality. I therefore order that the latest position should be communicated to him.

### **Order**

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

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

Place: Mumbai  
Date: 22.09.2009.



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

**Appeal No.2009/3255/02**

**Shri. Malgaonkar Bhushan Pandurang  
Plot No.122, Room No. 302,  
Mukesh Apt, Nadkarni Marg,  
Wadala (E), Mumbai – 400 037.**

**... Appellant**

**V/s**

**First Appellate Officer cum Pro-Vice Chancellor  
University of Mumbai, Room No.10, First Floor,  
Fort, Mumbai – 400 032.**

**... Respondent**

**Public Information Officer,  
University of Mumbai, Room No.10, First Floor,  
Fort, Mumbai – 400 032.**

### **GROUND**

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant by his application dated 09.03.2009 had sought the following information: -

a) What are the obligations & duties of the Registrar of Mumbai University whether under the Maharashtra Universities Act, 1994 or not & while acting as on PIO as First Appellate Authority under the RTI Act, 2005.

3) (iii) (b) To what extent, do the following acts apply to Mumbai University: -

The Maharashtra Public Records Act, 2005.

The Maharashtra Government Servants Regulation of Transfers and Prevention of Delay in Discharge of official Duties Act, 2005.

3) (iii) (e) Disclose the numbers of RTI Applications & Appeals filed in the Registrar Office.

Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant filed this second appeal before the Commission. The appeal was heard on 22.09.2009. Appellant was present but the respondent was absent.

The appellant has contended that he was not satisfied with the reply given by the PIO. The First Appellate Authority has also not furnished the required information.

I have gone through the case papers and also considered the arguments advanced by the appellant. It seems that the appellant has not sought information but set questions which he expected to be answered by the PIO. I have also perused the reply furnished by the PIO. The answers are vague but so are the questions. I have however come to the conclusion that the PIO has not responded to point no. 3 (iii) (b) and (e). I therefore direct that information should be furnished on those points. I therefore pass the following order.

**Order**

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

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

Place: Mumbai  
Date: 22.09.2009.

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

**Complaint No.2009/3164/02**

**Shri. Sudatt Jadhav  
7/112, D.N. Nagar, Division No.1,  
Tirupati CHS. Ltd. J.P. Rd,  
Opp. Apana Bazar, Andheri (W),  
Mumbai – 400 053.**

**... Complainant**

**V/s**

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

**... Respondent**

**GROUND**

This complaint has been filed under section 18 of the Right to Information Act 2005 in the context of the commission's order dated 31.01.2009 passed in appeal no.2009/1673/02. The facts in brief are as follows: - The complainant had sought copies of documents relating to the proposed redevelopment copies of M-20 Bonds, minutes of the Managing Committee Meeting etc.

Not satisfied with responses from the Public Information Officer and First Appellate Authority the complainant filed appeal under section 19(3) of the RTI Act, 2005. The commission by its order dated 31.01.2009 directed that the First Appellate Authority should hear the appeal and pass order within 45 days. The present complaint is against alleged non compliance of commissions order.

The complaint was fixed for hearing on 08.09.2009. The complaint and defendant were absent.

I have gone through the case papers and have come to the conclusion that commission's order has not been complied

I therefore pass the following order.

**Order**

The First Appellate Authority shall explain the circumstances under which he could not comply the commission's order. His reply to come within 4 weeks failing which his name will be sent for appropriate penal action.

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

Place: Mumbai  
Date: 24.09.2009.

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

**Appeal No.2009/3117/02**

**Shri. Pravin M Dali  
A/603, Mauli CHS, Mithanagar,  
Near Municipal School, M.G. Rd,  
Goregaon (W), Mumbai – 400 062.**

... **Appellant**

**V/s**

**First Appellate Officer cum Chief Executive Officer  
Maharashtra Industrial Development Board,  
“Udyogsarathi” Mahakali Gofa Marg,  
Andheri (E), Mumbai – 400 093**

... **Respondent**

**Public Information Officer cum Dy Chief Account Officer  
Maharashtra Industrial Development Board,  
“Udyogsarathi” Mahakali Gofa Marg,  
Andheri (E), Mumbai – 400 093**

### **GROUND**

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant by his application dated 22.12.2008 had sought information relating audit para No.4.18 ending 31.03.2004 MIDC regarding irregular allotment of land.

Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant filed this second appeal before the Commission. The appeal was fixed for hearing on 20.08.2009. Appellant and respondents were present.

I have gone through the case papers and also the written submission made by the respondent. It is clear that no information has been furnished. I therefore pass the following order.

### **Order**

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

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

Place: Mumbai  
Date: 18.09.2009.

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

**Complaint No.2009/408/02**

**Shri. Jethalal Patel  
M/s Gaurav Fabrication,  
Vithal Wadi, Sawant Chawl No.1,  
Azad Nagar, Andheri (W),  
Mumbai – 400 053**

... **Complainant**

V/s

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

... **Respondent**

**GROUND**

This complaint has been filed under section 18 of the Right to Information Act 2005 in the context of the commission's order dated 12.03.2009 passed in appeal no.2009/2050/02. The facts in brief are as follows: - The complainant had sought certified copy the individual letters of consent or consent in any form and certified copies of individual 68 agreements entered into between M/s Chamankar Enterprises as the developer and slum developers at the SRA project undertaken at lands bearing CTS No.835 part of village Ambivali at Azad Nagar, Andheri (W), Mumbai.

Not satisfied with responses from the Public Information Officer and First Appellate Authority the complainant filed appeal under section 19(3) of the RTI Act, 2005. The commission by its order dated 12.03.2009 directed that information should be furnished within 30 days. The present complaint is against alleged non compliance of commissions order.

The complaint was heard on 02.09.2009. The complainant was present but the defendant was absent.

The complainant has stated that he has not received the information despite commission's order. I therefore pass the following order.

**Order**

Complaint is allowed. The defendant to show cause why he should not be fined @ Rs.250/- per day in accordance with section 20 of the RTI Act, 2005 for not furnishing the information.

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

Place: Mumbai  
Date: 24.09.2009.

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

**Appeal No.2009/3320/02**

**Shri. Vijay K. Chauhan  
2A, Sun & Sea Apartments,  
Near Royal Laner, Juhutara Rd,  
Santacruz (W), Mumbai – 400 049.**

**... Appellant**

**V/s**

**First Appellate Officer,  
Home Department,  
PRS-III, Mantralaya, Mumbai – 400 032.**

**... Respondent**

**Public Information Officer,  
Home Department,  
PRS-III, 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 23.05.2009 had sought the following information: -

- 1) Copy of High Court orders passed in Jan, 2009 directing the Govt. 'to release 294 prisoners tomorrow'.
- 2) List of 294 prisoners who were supposed to be released immediately as per HC order.
- 3) List of all those released on receipt of order, with the date of their release.
- 4) List of all those not yet released.
- 5) Names of all those officer involved in the formalities of releasing the prisoners.

Not satisfied with responses form the Public Information Officer and the First Appellate Authority the appellant filed this second appeal before the Commission. The appeal was fixed for hearing on 18.09.2009. Appellant was present but the respondent was absent.

It transpired during the hearing that the appeal has already been decided by Hon Chief Information Commissioner, Maharashtra. His order on appellant's application dated 23.05.2009 was passed on 23.07.2009 (copy on record). The present appeal has

also been addressed to him only. The consent and format are the same. In view of the fact that the appeal has already been decided, I think it proper to close the case.

**Order**

The file is closed.

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

Place: Mumbai  
Date: 23.09.2009.

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

Appeal No.2009/3248/02

**Shri. Arjunlal M. Chhabaria**  
Bellas Vista, Flat No.15,  
3<sup>rd</sup> Floor, Opp. Lake & LIC Office,  
S.V. Rd, Bandra (W), Mumbai – 400 050.

... **Appellant**

V/s

**First Appellate Officer cum Jt Chief Officer**  
MHADA (Transit Camp) Mumbai Board,  
Grihanirman Bhavan,  
Bandra (E), Mumbai – 400 051.

... **Respondent**

**Public Information Officer cum Dy Chief Officer**  
MHADA (Transit Camp) Mumbai Board,  
Grihanirman Bhavan,  
Bandra (E), Mumbai – 400 051.

### GROUNDS

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant by his application dated 15.04.2009 had sought a copy of the complaint Lodged by some tenants of building No.22 against Mrs Zaibunisa of room 1459 Building No.22 Fisherman Colony, Mahim, Mumbai.

Not satisfied with responses form the Public Information Officer and the First Appellate Authority the appellant filed this second appeal before the Commission. The appeal was heard on 18.09.2009. Appellant and respondent were absent.

It is revealed from case papers that no information has been furnished to the appellant. I there pass the following order.

### Order

Appeal is allowed. Information to be furnished within 30 days.

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

Place: Mumbai  
Date: 23.09.2009.



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

**Appeal No.2009/3261/02**

**Shri. Kapoorchand Gupta  
26, Natubhai Ganatra Chawl,  
Sai Nagar Compound, M.G. Rd,  
Kandivali (W), Mumbai – 400 067.**

... **Appellant**

V/s

**First Appellate Officer,  
Municipal Corporation,  
Office of the Asstt Commissioner,  
Near S.V.P. Cross Rd No.2,  
Kandivali (W), Mumbai – 400 067.**

... **Respondent**

**Public Information Officer,  
Municipal Corporation,  
Office of the Asstt Commissioner,  
Near S.V.P. Cross Rd No.2,  
Kandivali (W), Mumbai – 400 067.**

**GROUNDS**

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant by his application dated 16.04.2009 had sought information in respect of Akash Nasta Bhandar Jain Swad Hotel, Jain Sweet and Vada Pav Centre, Vasantji Laljee Rd, Kandivali (W), Mumbai. The appellant wanted to know what action has been taken against them for encroaching the common passage.

Not satisfied with responses form the Public Information Officer and the First Appellate Authority the appellant filed this second appeal before the Commission. The appeal was heard on 22.09.2009. The appellant did not turn up but the respondent was present.

After going through the case papers I have come to the conclusion that information has not been furnished. I therefore pass the following order.

**Order**

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

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

Place: Mumbai  
Date: 23.09.2009.

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

**Appeal No.2009/3247/02**

**Shri. Vishal Ramdas Bhoge  
Room No. 306, Bldg No. 101,  
New MHADA Colony, Dr. Ambedkar Nagar,  
Mankhurd, Mumbai – 400 043.**

... **Appellant**

**V/s**

**First Appellate Officer cum Dy Police Commissioner  
Zone-6, Chembur,  
Mumbai – 400 071.**

... **Respondent**

**Public Information Officer cum Asstt Police Commissioner  
Eastern Region, Control Desk,  
Chembur, Mumbai.**

**GROUNDS**

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant by his application dated 23.02.2009 had sought information relating to his complaint against Smt Helen Anthony Sebastian lodged Sr Police Inspector Chembur, Mumbai. His contention is that Smt Helen Anthony Sebastian had submitted forged assessment order and challan to obtain photopass. He wanted the police to investigate and furnish information.

Not satisfied with responses form the Public Information Officer and the First Appellate Authority the appellant filed this second appeal before the Commission. The appeal was heard on 18.09.2009. Appellant and respondent were absent.

I have gone through the case papers. The appellant has been informed that the matter pertains to the Income tax Department and he should get in touch with them. This reply is in order and I am of the view that this need not be interfered with. I therefore decide to close the case.

**Order**

Appeal is disposed off.

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

Place: Mumbai  
Date: 18.09.2009.

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

Appeal No.2009/3289/02

**Shri. Uttamkumar Patel**  
**Wadi (Modi Wadi) T.H.K. Rd,**  
**Behind Head Post Office, F.P. No.97,**  
**Original Plot No.90, T.P.S. II Mahim,**  
**Mumbai – 400 016.**

... **Appellant**

V/s

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

... **Respondent**

**Public Information Officer cum Asstt Engineer**  
**Municipal Corporation, G/North Ward,**  
**First Floor, Harishchandra Yelve Marg, Dadar (W),**  
**Mumbai – 400 028.**

**GROUNDS**

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant by his application dated 11.05.2009 had sought the following information: -

- a) In respect of Final Plot No.95 or 95 Part, situated at Padri Wadi, Lt. Dilip Gupte Rd, T.P.S. II – Mahim, Mumbai – 400 016, Annexure – II has been issued or not?
- b) If Annexure – II has been issued than is whose favour it is issued?
- c) What documents are annexed along with application submitted by the person in whose favour Annexure – II issue?

Not satisfied with responses form the Public Information Officer and the First Appellate Authority the appellant filed this second appeal before the Commission. The appeal was heard on 24.09.2009. Appellant and respondents were present.

The appellant has contended that he has not been given the required information. The respondent submitted that appellant has been informed that Annexure II was not issued for final plot No.95 or 95 part, Mahim Mumbai and therefore the same could not be given.

In view the above, I decide to close the case.

**Order**

Appeal is disposed off.

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

Place: Mumbai  
Date: 24.09.2009.

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

**Appeal No.2009/3226/02**

**Shri. Gurcharan Singh  
Parwan Construction & Pvt. Ltd,  
Dhiraj Pen Compound, J.B. Nagar,  
Andheri-Kurla Rd, Andheri (E),  
Mumbai – 400 059.**

... **Appellant**

V/s

**First Appellate Officer cum Asstt Commissioner /  
Executive Engineer Zone III, Municipal Corporation,  
K/E Ward Office, Andheri (E), Mumbai – 400 059.**

... **Respondent**

**Public Information Officer cum Asstt Engineer (B/F)  
Municipal Corporation, K/E Ward Office,  
Andheri (E), Mumbai – 400 059.**

**GROUND**

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant by his application dated 12.03.2009 had sought information in respect of his complaint against his tenants who have started commercial activities in sheds meant for industrial use. He had requested for initiation of action under section 351 of the MMC Act 1888 and section 53 (1) of the MRTP Act 1966 for change of user from industrial to commercial.

Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant filed this second appeal before the Commission. The appeal was heard on 16.09.2009. Appellant was present but the respondent was absent.

The appellant has contended that although notice under section 351 of the MMC Act has been issued, authorities have not issued notices under section 53 (1) of the MRTP Act 1966. Since the respondent was not present it could not be verified.

After going through the case papers and considering the arguments advanced by appellant I have come to the conclusion that information has been partially furnished. The appellant has enclosed copies of notices issued under section 351 of the MMC Act 1888. His main argument is that the respondent should also have issued notices under section 53 (1) of the MRTP Act. It is not possible for the commission to direct that

notices under section 53 (1) should be issued. The RTI Act ensures furnishing of available information. If reasons for doing or not doing something is on record, the same can be furnished. If something has not been done, the commission is not mandated to order that this should be done. In fact what the appellant has sought is not information but arbitration – direction to do something – whether the MMC should have issued notices under section 53 (1) of the MRTP Act, cannot be decided under the RTI Act. I am therefore constrained to close the case.

**Order**

Appeal is disposed off.

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

Place: Mumbai  
Date: 24.09.2009.

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

**Appeal No.2009/3211/02**

**Shrimati. Sujata Vijay Ayare  
C/50, Eversmile CHS, Ltd,  
Sahakar Nagar, J.P.Rd, Andheri (W),  
Mumbai – 400 053.**

... **Appellant**

**V/s**

**First Appellate Officer,  
Municipal Corporation,  
B Ward Office, 121,  
Ramchandra Bhatt Marg,  
Mumbai – 400 009.**

... **Respondent**

**Public Information Officer,  
Estate Ward,  
Municipal Corporation,  
B Ward Office, 121,  
Ramchandra Bhatt Marg,  
Mumbai – 400 009.**

**GROUNDS**

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant by his application dated 22.12.2009 had sought information relating to transfer of room no 113 and 114, 3<sup>rd</sup> Floor BIT Chawl No-1, Mandavi Koliwada, Madhav Rao Rokadi Marg, Mumbai and related papers like affidavit, declaration, Indemnity Bands, no objection etc.

Not satisfied with responses form the Public Information Officer and the First Appellate Authority the appellant filed this second appeal before the Commission. The appeal was heard on 14.09.2009. Appellant and respondents were present.

The appellant has contended she had not been furnished the required information. The respondent has contended that available information has been furnished but since the matter is old and papers not traceable the balance information could not be furnished.

After going through the case papers and considering the arguments advanced by appellant I have come to the conclusion that information has been partially furnished. It is seen that the First Appellate Authority had directed that the papers should be searched and appellant informed accordingly. I therefore pass the following order.

**Order**

The appeal is allowed and order of the First Appellate Authority confirmed. The PIO should make diligent search and communicate the result within 45 days. The appellant can also inspect relevant documents if she so desires.

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

Place: Mumbai  
Date: 18.09.2009.

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

**Appeal No.2009/3319/02**

**Shrimati. Mani Narayan  
21-Guide, 6<sup>th</sup> Floor,  
16 L.D. Ruparel Marg,  
Malabar Hill,  
Mumbai – 400 006.**

**... Appellant**

**V/s**

**First Appellate Officer cum Dy Police Commissioner  
Zone-2, Mumbai.**

**... Respondent**

**Public Information Officer cum Asstt Police Commissioner  
South Region Ward,  
Sir J.J. Rd, Nagpada, Mumbai.**

**GROUNDS**

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant by his application dated 22.01.2009 had sought information relating to the FIR dated 13.01.2009 lodged against Shri Sanjay Singh at Malabar Hill Police Station by Mr. Gaurav Sherawat, Flat No.40 Guide, bearing CR No. 6/2009.

Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant filed this second appeal before the Commission. The appeal was heard on 18.09.2009. The appellant did not turn up but the respondent was present.

The appellant has sought adjournment. The same is being rejected because the issue is not complicated. It has been submitted by the respondent that information has been denied under section 8. I have gone through the case papers and come to the conclusion that information has been wrongly denied. It does fulfill any of the conditions mentioned in section 8. Moreover the appellant is also staying in the same building and is directly associated with the matter. I therefore pass the following order.

**Order**

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

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

Place: Mumbai  
Date: 18.09.2009.



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

**Appeal No.2009/3243/02**

**Shri. Dube Vishwamitra R.  
505, Adarsh Janseva Soc. (SRA),  
CHS Ltd, 375/P.Y. 379 Vastu Enclave,  
Jijamata Marg, Andheri (E),  
Mumbai – 400 093.**

**... Appellant**

**V/s**

**First Appellate Officer cum Executive Engineer (Spl.)  
Zone III, Municipal Corporation, K/E Ward Office,  
Azad Rd, Andheri (E), Mumbai – 400 069.**

**... Respondent**

**Public Information Officer cum Asstt Engineer (B & F)  
Municipal Corporation, K/E Ward Office,  
Azad Rd, Andheri (E), Mumbai – 400 069.**

**GROUND**

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant by his application dated 24.12.2009 had sought information relating to his complaint against enclosing galleries by occupants in Adarsh Janseva SRA, CHS, Jijamata Rd, Andheri (E), Mumbai.

Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant filed this second appeal before the Commission. The appeal was heard on 18.09.2009. Appellant and respondents were present.

The appellant has contended that he has not been given any information regarding action taken on his complaint against unauthorized enclosures.

The respondent did not have any credible answer. I therefore pass the following order.

**Order**

The PIO to inform the appellant about action taken on his complaint. The information should be furnished within 30 days. If information is not furnished within 30 days action will be initiated under section 20 of the RTI Act, 2005.

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

Place: Mumbai  
Date: 18.09.2009.

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

**Appeal No.2009/3323/02**

**Shri. Navin Shamrao Parab  
1<sup>st</sup> Floor, 7 Topiwala Lane,  
Mulgaonkar Building,  
Lamington Rd, Mumbai – 400 007.**

... **Appellant**

**V/s**

**First Appellate Officer cum Assessor & Collection Dept.  
Municipal Corporation, (Assessor & Collection Dept.)  
Head Office, Mumbai – 400 001.**

... **Respondent**

**Public Information Officer,  
Municipal Corporation, Election Dept.  
Head Office, Mumbai – 400 001.**

**GROUNDS**

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant by his application dated 12.04.2009 had sought the Election abstract of entire Mulgoakar Building, 7 Topiwala Lane, Lamington Rd, Mumbai. Since December 1947 to March 1985. The appellant also wanted record of Parliament, MLA and corporation Election in respect of Ketwadi constituency and Opera House constituency.

Not satisfied with responses form the Public Information Officer and the First Appellate Authority the appellant filed this second appeal before the Commission. The appeal was heard on 18.09.2009. The appellant did not turn up but the respondent was present.

The appellant has contended that he had not been furnished the information within the stipulated time of 30 days. He wanted action to be taken against the PIO but the first appellant concluded that information has been furnished in time.

The respondent's contention is that the appellant was requested to avail of the facility of inspection of documents and apply for copies of selected documents.

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

The appellant had sought information from 1947 to 1985 and the PIO offered inspection. This cannot be said to be denial of information. I see no attempt to deny or delay furnished of information. The First Appellate Authority has correctly concluded that there has been no delay. I therefore decide to close the case.

**Order**

The appeal is disposed off.

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

Place: Mumbai  
Date: 18.09.2009.

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

Appeal No.2009/3241/02

**Shri. Shankar Ramchadra Dhuri**  
**Veer Sawarkar CHS, Room No.150,**  
**Chawl No.10, Veer Sawarkar Nagar Rahivashi Sangh,**  
**Chembur, Mumbai – 400 089.**

... **Appellant**

V/s

**First Appellate Officer cum Dy Collector**  
**Chembur Welfare Center Bldg,**  
**P.Y. Thorat Marg, Near Railway Station,**  
**Chembur (W), Mumbai – 400 089.**

... **Respondent**

**Public Information Officer cum Tahsildar**  
**Chembur Welfare Center Bldg,**  
**P.Y. Thorat Marg, Near Railway Station,**  
**Chembur (W), Mumbai – 400 089.**

### **GROUND**

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant by his application dated 20.02.2009 had sought information in respect of his complaint against exclusion of eligible persons from annexure II prepared in connection with redevelopment of survey no 823 (part) under slum rehabilitation Scheme. The PIO by his letter dated 29.03.2009 informed him that the matter was under enquiry and he would be informed as soon as the enquiry was over. The First Appellate Authority directed that enquiry should be completed and information furnished.

Not satisfied with responses form the Public Information Officer and the First Appellate Authority the appellant filed this second appeal before the Commission. The appeal was heard on 18.09.2009. Appellant was present but the respondent was absent.

The appellant has contended that he has not been given the required information. I therefore pass the following order.

### **Order**

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

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

Place: Mumbai  
Date: 18.09.2009.

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

**Appeal No.2009/3252/02**

**Shri. Pramod Kadam  
16/D 3, Shri Sai Soc.,  
S.V.P. Nagar, MHADA,  
Andheri (W), Mumbai – 400 053.**

**... Appellant**

**V/s**

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

**... Respondent**

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

**GROUNDS**

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant by his application dated 01.12.2009 had sought information in respect of his complaint application dated 13.11.2006 and Divisional Joint Registrar's letter dated 18.11.2006. The appellant wanted to know what action has been taken on those letters.

Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant filed this second appeal before the Commission. The appeal was heard on 22.09.2009. Appellant was present but the respondent was absent.

The appellant has contended that the PIO has not furnished any information regarding action taken by him on those two letters. There is nothing on record to show that any information has been furnished. I therefore pass the following order.

**Order**

The appeal is allowed. Information to be furnished by PIO within 30 days. PIO to explain why action should not be taken against him for not furnishing information. His reply to reach the commission within 4 weeks.

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

Place: Mumbai  
Date: 24.09.2009.

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

**Appeal No.2009/3252/02**

**Shri. Pramod Kadam  
16/D 3, Shri Sai Soc.,  
S.V.P. Nagar, MHADA,  
Andheri (W), Mumbai – 400 053.**

**... Appellant**

**V/s**

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

**... Respondent**

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

**GROUNDS**

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant by his application dated 03.12.2009 had sought information in respect of his complaints before the Housing Adalat dated 06.02.2008. The appellant wanted to know what action has been taken on those complaints.

Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant filed this second appeal before the Commission. The appeal was heard on 22.01.2009. Appellant was present but the respondent was absent.

The appellant has contended that no information has been furnished. Since the respondent was not present, it could not be verified. Case papers do not show any information furnished. I therefore pass the following order.

**Order**

Information to be furnished within 15 days and the PIO to show cause why action under section 20 of the RTI Act 2005 should not be taken against him not furnishing the information.

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

Place: Mumbai  
Date: 24.09.2009.

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

Appeal No.2009/2861/02

**Shri. Khan Mohammed Farooque**  
**Plot No. 44A/B/12, Shivaji Nagar,**  
**Govandi, Mumbai – 400 043.**

... **Appellant**

V/s

**First Appellate Officer cum Chief Officer**  
**Mumbai Zopadpatti Redevelopment Board,**  
**Grihanirman Bhavan, Bandra (E),**  
**Mumbai – 400 051.**

... **Respondent**

**Public Information Officer,**  
**Mumbai Zopadpatti Redevelopment Board,**  
**Grihanirman Bhavan, Bandra (E),**  
**Mumbai – 400 051.**

### GROUNDS

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant by his application dated nil had sought information relating the use of funds for development work through MLA Fund, NS DP etc in 46, Trombay taluka.

Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant filed this second appeal before the Commission. The appeal was heard on 14.07.2009. The appellant did not turn up but the respondent was present.

It has been submitted by him that information has been furnished and the appellant by his letter dated 21.04.2008 has communicated that he had seen all relevant papers and was fully satisfied. I therefore close the case.

### Order

Appeal is disposed off.

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

Place: Mumbai  
Date: 24.09.2009.

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

**Appeal No.2009/3260/02**

**Shri. Kapoorchand Gupta  
26, Natubhai Ganatra Chawl,  
Sai Nagar Compound, M.G. Rd,  
Kandivali (W), Mumbai – 400 067.**

... **Appellant**

V/s

**First Appellate Officer cum Executive Engineer  
Municipal Corporation,  
R/North Ward,  
Kandivali (W), Mumbai – 400 067.**

... **Respondent**

**Public Information Officer cum Assitt Engineer  
Municipal Corporation,  
R/North Ward,  
Kandivali (W), Mumbai – 400 067.**

**GROUNDS**

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant by his application dated 09.04.2009 had sought information relating to unauthorized construction in the open passage of Shankar Niwas, Dr. Dalvi Rd, Kandivali (W), Mumbai. The appellant wanted to know as to how many times action has been taken and if no action has been taken reasons there for.

Not satisfied with responses form the Public Information Officer and the First Appellate Authority the appellant filed this second appeal before the Commission. The appeal was heard on 22.09.2009. The appellant did not turn up but the respondent was present.

The respondent submitted that the said structure has been removed and appellant informed. It is also seen that the First Appellate Authority has warned the PIO to respond to appellate in time. In view of this I conclude that infor4mation has been furnished. I therefore pass the following order.

**Order**

Appeal is disposed off.

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

Place: Mumbai  
Date: 23.09.2009.



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

**Appeal No.2009/3258/02**

**Shri. Kapoorchand Gupta  
26, Natubhai Ganatra Chawl,  
Sai Nagar Compound, M.G. Rd,  
Kandivali (W), Mumbai – 400 067.**

**... Appellant**

**V/s**

**First Appellate Officer cum Executive Engineer  
Municipal Corporation,  
R/North Ward,  
Kandivali (W), Mumbai – 400 067.**

**... Respondent**

**Public Information Officer cum Assitt Engineer  
Municipal Corporation,  
R/North Ward,  
Kandivali (W), Mumbai – 400 067.**

**GROUND**

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant by his application dated 06.04.2009 had sought information in respect of monsoon shed erected at plot no 15 A, B, C, D by M/s Gala Impex Private Ltd, Charkop Industrial Area, Kandivali (W), Mumbai. He wanted to know whether Municipal permission has been obtained for the monsoon structure.

Not satisfied with responses form the Public Information Officer and the First Appellate Authority the appellant filed this second appeal before the Commission. The appeal was fixed for hearing on 22.09.2009. Appellant and respondent were absent.

I have gone through the case papers. It seen that the PIO by his letter dated 27.05.2009 has informed the appellant that necessary permission has been given and copies of documents could be had on payment of requisite fee. I therefore conclude that information has been furnished. I therefore pass the following order.

**Order**

Appeal is disposed off.

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

Place: Mumbai  
Date: 24.09.2009.

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

**Appeal No.2009/3293/02**

**Shri. S. S. Prabhu  
B-23, "UDYAN-PRABHA"  
Tejpal Scheme Rd. No.2,  
Vile Parle (E), Mumbai – 400 057.**

... **Appellant**

**V/s**

**First Appellate Officer cum Asstt Architect  
Mumbai Mandal, Room No.469,  
3<sup>rd</sup> Floor, Grihanirman Bhavan,  
Bandra (E), Mumbai – 400 051.**

... **Respondent**

**Public Information Officer cum Asstt Architect & Planner  
Mumbai Mandal, Room No.469,  
3<sup>rd</sup> Floor, Grihanirman Bhavan,  
Bandra (E), Mumbai – 400 051.**

**GROUNDS**

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant by his application dated 19.05.2009 had sought certified copies of documents required to be submitted for getting NOC for the redevelopment of MHADA Society building. The appellant had inspected the file but did not find document at sr no. 4, 5, 10, 11, 12 & 13.

Not satisfied with responses form the Public Information Officer and the First Appellate Authority the appellant filed this second appeal before the Commission. The appeal was fixed for hearing on 24.09.2009. Appellant and respondents were absent.

The appellant has contended that he has been given incomplete information. He also contended that if documents required by him are not on the file, he should be informed accordingly. The respondent contended that whatever documents were available on the file, the appellant has been given copies.

After going through the case papers and considering the arguments advanced by appellant I have come to the conclusion that available information has been furnished. As far as non-availability of documents required by the appellant is concerned, the PIO may inform him after seeing the file once again that these were not available.

**Order**

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

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

Place: Mumbai  
Date: 24.09.2009.

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

**Appeal No.2009/3296/02**

**Shri. Rajendra Sharma  
R. No. R-33, Mariamma Nagar,  
Near Nehru Planetarium,  
Worli, Mumbai – 400 018.**

... **Appellant**

V/s

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

... **Respondent**

**Public Information Officer,  
Mumbai Mandal, Room No.469,  
3<sup>rd</sup> Floor, Grihanirman Bhavan,  
Bandra (E), Mumbai – 400 051.**

**GROUNDS**

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant by his application dated 10.10.2008 had sought information in respect of his application for cancellation of letter of intent bearing no SRA / Eng/317/GS/ML/LO/ 6<sup>th</sup> December 2004 and Intimation of disapproval (1) bearing no SRA / Eng/665GS/ML/AP dated 06.12.2004 issued by SRA in the name of Akshay Sthapaty a Pvt. Ltd. and Mariamma Nagar CHS on Plot bearing Cs 47 Part Lower Parel Division, Worli, Mumbai.

Not satisfied with responses form the Public Information Officer and the First Appellate Authority the appellant filed this second appeal before the Commission. The appeal was fixed for hearing on 24.09.2009. The appellant did not turn up but the respondent was present.

I heard the respondent. He stated that this is one of the many applications from the society and he has been furnishing information regularly. He however stated that he has no problem in furnishing the information available on record. I therefore pass the following order.

**Order**

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

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

Place: Mumbai  
Date: 24.09.2009.

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

**Appeal No.2009/3171/02**

**Shri. Rajiv Asgaonkar  
S71-Patankar Marg, Kurla (W),  
Mumbai – 400 070.**

... **Appellant**

V/s

**First Appellate Officer cum Dy Controller,  
The Maharashtra Wajan Maap Association,  
Head Office, Nariman Point,  
Mumbai – 400 021.**

... **Respondent**

**Public Information Officer,  
The Maharashtra Wajan Maap Association,  
Head Office, Nariman Point,  
Mumbai – 400 021.**

**GROUND**

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant by his application dated 22.02.2009 had sought information relating to the Anti Corruption Bureau's enquiry against Shri Anand D Kulkarni. He wanted copies of documents relating to the enquiry and action.

Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant filed this second appeal before the Commission. The appeal was fixed for hearing on 09.09.2009. Appellant and respondents were present.

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

The respondent's contention is that the enquiry was over long back and officer has been held not guilty. The information has no relevance since it pertained to 1994.

After going through the case papers and considering the arguments advanced by the appellant I have come to the conclusion that available information should be furnished. It is true that the information is old and the case has also been closed. The choice however is that of the appellant. I therefore conclude that available information should be furnished to the appellant. I therefore pass the following order.

**Order**

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

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

Place: Mumbai  
Date: 24.09.2009.

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

**Appeal No.2009/3159/02**

**Shri. Nitin M. Sarvaiya  
51/1119 Azad Nagar-3,  
Veera Desai Rd, Andheri (W),  
Mumbai – 400 058.**

**... Appellant**

**V/s**

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

**... Respondent**

**Public Information Officer cum Cooperative Officer, Class-1  
Dy Registrar Cooperative Housing Board,  
Mumbai Housing & Area Development Board,  
Grihanirman Bhavan, Bandra (E),  
Mumbai – 400 051.**

**GROUNDS**

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant by his application dated 31.05.2008 had sought information relating to conveyance of Krupa Sagar Cooperative Society, Veera Desai Rd, Andheri (W), Mumbai. The appellant had sought copies of related documents.

Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant filed this second appeal before the Commission. The appeal was fixed for hearing on 08.09.2009. Appellant and respondent were absent.

I have gone through the case papers. It is seen that the appellant's application was sent to the Estate Manager-2 by the Dy Registrar Cooperative Societies as the information sought pertained to him. The appellant, however, preferred the first appeal. The same was disposed off on the ground that the application has already been sent to the Estate Manager-2. It is not understood why the appellant is not pursuing the matter with the Estate Manager-2 who has been informed that the matter pertains to him and he

should furnish the required information. The Estate Manager also should have heard the matter and decided according to law. The same has not been done. I therefore pass the following order.

**Order**

Appeal is allowed. Information to be furnished by the Estate Manager-2 within 30 days.

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

Place: Mumbai  
Date: 24.09.2009.

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

**Appeal No.2009/3324/02**

**Shri. Alwyn Anthony Coelho  
Philwin,  
Beyond St. Lawrence High School,  
Marol Village, Andheri (E)  
Mumbai – 400 059.**

**... Appellant**

**V/s**

**First Appellate Officer,  
Urban Development UD-11,  
Mantralaya, Mumbai – 400 032.**

**... Respondent**

**Public Information Officer,  
Urban Development UD-11,  
Mantralaya, Mumbai – 400 032.**

**GROUNDS**

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant by his application dated 05.09.2009 had sought the following information: -

Whether notice dated 28.01.2004 to BMC and notice dated 01.04.2004 to Urban Development Department, Government of Maharashtra served under section 127 of the MRTP Act, in respect of proposed acquisition of land bearing CTS No.1266, 1268, 1269/16 and 1270 of village Marol, Taluka Andheri. MSD has been acted upon by the State Government, if so, kindly furnish the details.

Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant filed this second appeal before the Commission. The appeal was fixed for hearing on 18.09.2009. The appellant did not turn up but the respondent was present.

The respondent has submitted that the file been sent to the Urban Development Minister and the Hon Chief Minister and is still under consideration. In view of the respondent's submission and appellant's absence I decide to close the case.

**Order**

Appeal is disposed off.

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

Place: Mumbai  
Date: 18.09.2009.

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

**Complaint No.2009/401/02**

**Shri. Ashokkumar Maruti Shinde  
Surya-Kiran CHS, 'A' Division, 2<sup>nd</sup> Floor,  
Room No.201, Akurli Rd, Kandivali (E),  
Mumbai – 400 101.**

... **Complainant**

V/s

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

... **Respondent**

**GROUNDS**

This complaint has been filed under section 18 of the Right to Information Act 2005 in the context of the commission's order dated 31.01.2009 passed in appeal no.2009/1592/02. The facts in brief are as follows: -

The complainant had sought information regarding action taken on his letter dated 25.09.2009 to Shri G.A. Sawant, Sub Divisional Officer.

Not satisfied with responses from the Public Information Officer and First Appellant Authority the complainant filed appeal under section 19(3) of the RTI Act, 2005. The commission by its order dated 31.01.2009 directed that information should be furnished within 15 days. The Present complaint is against alleged non compliance of commissions order.

The complaint was heard on 21.08.2009. Complainant and defendants were present.

The complainant has stated that he has not received the information required by him. The defendant did not have any credible answer. I therefore conclude that the commission's order has not been complied and information not furnished. I therefore pass the following order.

**Order**

Defendant to show cause why action under section 20 of the RTI Act should not be taken against hi and why he should not be fined @ Rs.250/- per day for not furnishing the information as ordered. His reply to come within 4 weeks.

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

Place: Mumbai  
Date: 18.09.2009.



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

Appeal No.2009/3285/02

**Shri. Prakash Pagare  
Bldg A-2, Room No.12,  
Worli Police Colony,  
Worli, Mumbai – 400 030.**

... **Appellant**

V/s

**First Appellate Officer cum Dy Police Commissioner  
Shivaji Madai, Office of the Police Commissioner.**

... **Respondent**

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

### GROUNDS

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant by his application dated 16.01.2009 had sought copies of complaints received against Shri Uttam Gaud Administrative Officer (Crime) between 2006 to 2007.

Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant filed this second appeal before the Commission. The appeal was heard on 24.09.2009. The appellant did not turn up but the respondent was present.

It has been submitted by the respondent that only two of the complaints have been traced and the whereabouts of the rest are not known. They have also submitted that an enquiry was constituted to enquire into the matter and preliminary finding suggested that Mr Gaud himself was responsible for disappearance of those complaints.

After going through the case papers and considering the arguments advanced by parties I have come to the conclusion that it would meet the appellant's requirement if the latest position of the case is communicated to him. I therefore pass the following order.

### Order

Appeal is allowed. Information to be furnished by IO within 30 days.

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

Place: Mumbai  
Date: 24.09.2009.

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

**Complaint No.2009/334/02**

**Shri. S. W. Kochikar  
7 Om Satlaj Irla,  
Vile Parle (W),  
Mumbai – 400 056.**

**... Complainant**

**V/s**

**Public Information Officer cum City Engineer  
Engineering Services and Projects,  
Municipal Corporation of Greater Mumbai,  
5<sup>th</sup> Floor Annex Bldg, Mahapalika Rd,  
Mumbai – 400 001.**

**... Respondent**

**GROUND**

This complaint has been filed under section 18 of the Right to Information Act 2005 in the context of the commission's order dated 30.03.2009 passed in appeal no.2009/2138/02. The facts in brief are as follows: -

The complainant had sought information whether the judgment in the criminal case against him was perused or not before passing the dismissal order against him.

Not satisfied with responses from the Public Information Officer and First Appellant Authority the complainant filed appeal under section 19(3) of the RTI Act, 2005. The commission by its order dated 30.03.2009 directed that information should be furnished within 15 days. The Present complaint is against alleged non compliance of commissions order.

The complaint was heard on 04.09.2009. Complainant and defendants were present.

The complainant has stated that he has not been given clear answer to his queries. The defendant stated that information available on file has been furnished and the complainant can inspect relevant file and ask for copies of selected documents.

After considering the arguments advance by parties and going through the file I have come to the conclusion that commission's order has been complied. The Joint Chief

Officer by his letter dated 07.05.2009 informed the complainant that the dismissal proposal was initiated by the City Engineers office on the basis of the operative part of the judgment of the Court and as per para 18 of the Manual of Department Engineering and not after perusing the judgment of the criminal case in the matter. I therefore decide to close the case.

**Order**

The complaint is filed.

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

Place: Mumbai  
Date: 24.09.2009.

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

**Appeal No.2009/3294/02**

**Shri. Vijay Bende  
43, Metro House, 3<sup>rd</sup> Floor,  
Street, 4<sup>th</sup> Floor, Dobotalao,  
Mumbai – 400 002.**

**... Appellant**

**V/s**

**First Appellate Officer cum Dy Chief Engineer  
(BP) E Ward Office,  
Byculla, Mumbai – 400 008.**

**... Respondent**

**Public Information Officer Executive Engineer  
(BP (City) III, E Ward Office,  
Byculla, Mumbai – 400 008.**

**GROUNDS**

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant by his application dated 26.02.2009 had sought the following information in respect of building no 45 and 47, 3<sup>rd</sup> Marine Street, Mumbai.

- 1) Why was the copy of Director of DMC (Zone-I) as enclosed not forwarded to me/hidden from me?
- 2) Why has the stop work notice been withdrawn when the rectification work is not yet completed?

Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant filed this second appeal before the Commission. The appeal was heard on 24.09.2009. Appellant was present but the respondent was absent.

The appellant has contended that he was not sent a copy of the DMC's letter although it was claimed to have been sent to him. He also stated that the file documents are not paged making it difficult to keep track of documents inspected. He requested that he would like to inspect documents once again.

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

chance to inspect documents after they have been properly arranged and paged. I therefore pass the following order.

**Order**

Appeal is allowed. Information to be furnished by IO within 30 days.

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

Place: Mumbai  
Date: 24.09.2009.

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

**Appeal No.2009/3270/02**

**Smt. Sonal Amit Shaha  
Champaklal Gandhi Bldg,  
No.6 Wing "C", 10<sup>th</sup> Floor, Flat No.1004,  
Damodar Park, L.B.S. Marg, Ghatkopar (W),  
Mumbai – 400 086.**

**... Appellant**

**V/s**

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

**... Respondent**

**Public Information Officer cum Asstt Police Commissioner  
Western Control Desk, 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 29.01.2009 had sought information in respect of Mr. Edward Antony stated to have been residing at Panorma Tower in 2005-2006. He has requested for his family photograph, Marriage Certificate and other details. The PIO by his letter dated 25.02.2009 furnished the information available with him. The First Appellate Authority has virtually confirmed the PIO's order.

Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant filed this second appeal before the Commission. The appeal was fixed for hearing on 23.09.2009. The appellant did not turn up but the respondent was present.

The respondents have given their submission in writing. It has been submitted that copies of documents available with them have been furnished. They have also contended that it is not expected to collect information as required by the appellant and furnish to him. Copies of available information only can be furnished

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

**Order**

Appeal is disposed off.

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

Place: Mumbai  
Date: 24.09.2009.

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

**Appeal No.2009/2302/02**

**Shri. Jagdishchandra S. Gohil  
Jagatdeo's Chawl,  
Kasturba Cross Rd No.7,  
Borovali (E), Mumbai – 400 066.**

**... Appellant**

**V/s**

**First Appellate Officer cum  
Divisional Social Welfare Officer, Mumbai Region,  
Kokan Bhavan, 6<sup>th</sup> Floor, CBD Belapur,  
Navi Mumbai.**

**... Respondent**

**Public Information Officer,  
Special Social Welfare Officer, Mumbai Suburban,  
Administrative Bldg, 4<sup>th</sup> Floor, R.C. Chemburkar Marg,  
Chembur, Mumbai – 400 071.**

**GROUND**

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant by his application dated 25.07.2007 had sought information relating to the status of his application for GOI scholarship submitted on 29.09.2006. The PIO did not furnish the required information and the appellant filed appeal under section 19(1) of the RTI Act. The First Appellate Authority by his order dated 20.11.2008 fined the PIO Rs.7, 500/-

Not satisfied with responses form the Public Information Officer and the First Appellate Authority the appellant filed this second appeal before the Commission. The appeal was heard on 01.09.2009. Appellant and respondents were present.

The appellant has contended he has not been furnished complete information and the PIO has raised unnecessary objections to his application.

The respondent's contention is that the application was not complete and objections were raised requesting the appellant to comply.

After going through the case papers and considering the arguments advanced by parties I have come to the conclusion that information has not been furnished. It also appears that the PIO remained absent during the hearing before the First Appellate

Authority has fined him Rs.7, 500/- although the Act does not empower him to do so. It is to be noted that we are not dealing with the issue of sanction of scholarship. If the application was deficient the PIO has to get the deficiencies removed. What is important is the information about the status of the application. The appellant has not been informed. I therefore feel that information has been denied and the First Appellate Authority action needs to be confirmed. I therefore confirm the order passed by the First Appellate Authority. The PIO to deposit Rs.7, 500/- as directed in the light above observation.

**Order**

Appeal is disposed off.

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

Place: Mumbai  
Date: 18.09.2009.



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

**Appeal No.2009/3266/02**

**Shri. Allwyn Ribeira  
34/12, Sajakar Nagar,  
Wadala, Mumbai – 400 031.**

**... Appellant**

**V/s**

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

**... Respondent**

**Public Information Officer,  
Dy Collector (Appeal)  
Mumbai Suburban District,  
9<sup>th</sup> Floor, New Administrative Bldg,  
Govt. Colony, Bandra (E),  
Mumbai – 400 051.**

**GROUND**

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant by his application dated 28.03.2007 had sought the following information: -

- 1) Copy of the Addl. Tahasildar, Andheri (N.A.)s order No.ATN/NA/I/B-451 dated 26.12.1979.
- 2) Copy of the pilot survey report dated 01-2004 from CTSO Bandra.
- 3) Copy of show cause notice of even No.17-3-05, 26-6-2008 & 25-9-08.
- 4) Copy of the Govt. in R & F D's circular No.NAA/1090/Prejre-16/L-2-dt 17-7-92.
- 5) Copy of VF-2 of land bearing CTS No.F-196 of village Bandra, Taluka Andheri, MSD, area admeasuring 275.90 Sq, Mtrs. belonging to Jessie Francis Gomes & Other.
- 6) Let me know whether the land bearing CTS No.F-196 of village Bandra, Taluka Andheri, MSD, area admeasuring 275.90 Sq, Mtrs. belonging to Jessie Francis

Gomes & other is agriculture land or Non-agriculture as per your records and a copy of it.

Not satisfied with responses form the Public Information Officer and the First Appellate Authority the appellant filed this second appeal before the Commission. The appeal was heard on 22.09.2009. Appellant and respondents were present.

The appellant has contended that he is yet to get complete information. The respondent submitted that available information has been furnished. He explained how the information sought by the appellant cannot be furnished by him.

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

**Order**

Appeal is disposed off.

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

Place: Mumbai  
Date: 22.09.2009.

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

**Appeal No.2009/2894/02**

**Shri. S. S. Prabhu  
B-23, "UDYAN-PRABHA"  
Tejpal Scheme Rd. No.2,  
Vile Parle (E), Mumbai – 400 057.**

... **Appellant**

V/s

**First Appellate Officer cum Dy Registrar  
MHADA, 2<sup>nd</sup> Floor, Room No.369,  
Grihanirman Bhavan,  
Bandra (E), Mumbai – 400 051.**

... **Respondent**

**Public Information Officer,  
MHADA, 2<sup>nd</sup> Floor, Room No.369,  
Grihanirman Bhavan,  
Bandra (E), Mumbai – 400 051.**

**GROUND**

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

- 1) Whether Administrator Mr. Surendra More appointed for Shastri Nagar Dwarka CHS Ltd., Shastri Nagar, Goregaon (W), Mumbai – 400 104 has filed Indemnity Bond as per Maharashtra Govt. Gazette No. सगृतुतु २००ॡ/तु.कुर.-ॡॡॡ/ॡॡ-स, सहकुर, तुणन व वसुतुतुतुग वलतुग, तुंतुरलतु, तुंतुई ॡ०० ०ॡ२., तु.ॡॡ.ॡ०.२००ॡ
- 2) If not, any legal action has been initiated against said Mr. Surendra More (Administrator) for non compliance of above said Gazette order.

Not satisfied with responses form the Public Information Officer and the First Appellate Authority the appellant filed this second appeal before the Commission. The appeal was heard on 20.07.2009. Appellant and respondents were present.

After going through the case papers and hearing the parties I have come to the conclusion that information must be furnished. I therefore pass the following order.

**Order**

Appeal is allowed. Information to be furnished within 15 days.

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

Place: Mumbai  
Date: 18.09.2009.

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

**Appeal No.2009/3184/02**

**Shri. Navinchandra Rupji Chadva  
77, Yusuf Maher Ali Path,  
Masjid Bander, Mumbai – 400 003.**

**... Appellant**

**V/s**

**First Appellate Officer cum Chief Engineer  
Electric Supply & Transport Board,  
BEST Bhavan, Best Marg,  
Kulaba, Mumbai – 400 001.**

**... Respondent**

**Public Information Officer,  
Electric Supply & Transport Board,  
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 by his application dated 28.03.2009 had sought information relating to supply electricity to some hawkers on Yusuf Meher Ali Rd, Masjid Bander Mumbai – Whether they have been provided temporary or permanent connection and related issues.

Not satisfied with responses form the Public Information Officer and the First Appellate Authority the appellant filed this second appeal before the Commission. The appeal was heard on 11.09.2009. The appellant did not turn up but the respondent was present.

The respondent contended that the information sought was not specific and therefore difficult to furnish the required information. It was however submitted on his behalf that information regarding no of authorized connection has been given to the appellant. The appellant was requested to clarify but he did not come.

After going through the case papers and considering the respondent's plea I the have come to the conclusion that the appellant has been rightly informed. I therefore pass the following order.

**Order**

Appeal is disposed off.

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

Place: Mumbai  
Date: 29.09.2009.

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

**Appeal No.2009/3185/02**

**Shri. Suresh Madhavji Kothari  
22/8 Khadak Street,  
Masjid Bunder Rd, Mumbai – 400 009.**

... **Appellant**

**V/s**

**First Appellate Officer cum Asstt Municipal Commissioner  
Municipal Corporation,  
Chhatrapati Shivaji Maharaj Market,  
Palton Rd, Mumbai – 400 001.**

... **Respondent**

**Public Information Officer cum Chief Engineer (Development Plan)  
Municipal Corporation,  
Chhatrapati Shivaji Maharaj Market,  
Palton Rd, Mumbai – 400 001.**

**GROUNDS**

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant by his application dated 01.07.2009 had sought the following information: -

- 1) Xerox copy of letter / notice issued during Jan, 1977 / Feb 1977 to shop owner / occupier or Stall Board owner / occupier for the premises 27/29 Masjid Bunder Rd. This notice was issued for taking over the physical possession by Municipal Corporation of Greater Bombay.
- 2) Xerox copy of the receipt for the last payment made by the occupier of above property. Which was asked by the BMC to ascertain the exact amount of compensation & the correct name of occupier.
- 3) Xerox of any other documents / evidence / affidavit etc produced by occupier for ascertaining the correct name of occupier.
- 4) Xerox of correspondence between BMC & Stall Board Owner / Occupier / tenant/ sub-tenant disputing the correct name of the occupier with reference to above referred notice.
- 5) Name of the Town Planning Officer at present & his qualification.

Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant filed this second appeal before the Commission. The appeal was heard on 11.09.2009. Appellant was present but the respondent was absent.

The appellant has contended that he has not been furnished the required information. He also wants the PIO, Estate Department to be penalized for not transferring his application to AE, Land Acquisition, AE Town Planning within time.

After going through the case papers it seen that no information has been furnished. It is also seen that the PIO Estate department has not forwarded the application in time. It is therefore directed that he should explain the circumstances which led to the delay. The AE Town Planning & AER Land Acquisition are directed to furnish available information to the appellant within 30 days.

**Order**

The appeal allowed. Information to be furnished within 30 days

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

Place: Mumbai  
Date: 29.09.2009.

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

**Appeal No.2009/3169/02**

**Shri. Shivraj Maruti Nene  
B-260/8, Colony, Bandra (E),  
Mumbai – 400 051.**

... **Appellant**

**V/s**

**First Appellate Officer cum Asstt Labour Commissioner  
Officer of the Labour Commissioner, Commerce Center,  
Taddeo, Mumbai – 400 034.**

... **Respondent**

**Public Information Officer cum Colony Labour Officer  
Officer of the Labour Commissioner, Commerce Center,  
Taddeo, Mumbai – 400 034.**

### **GROUNDS**

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant by his application dated 18.02.2009 has sought information relating to the promoting of Shri A.B. Gaikwad, (Clerk typist) to shop Inspector class II before the appellant although the appellant was senior to him.

Not satisfied with responses form the Public Information Officer and the First Appellate Authority the appellant filed this second appeal before the Commission. The appeal was fixed for hearing 09.09.2009. Appellant and respondent were absent.

I have gone through the case papers. It seen that the PIO by his letter dated 20.05.2009 has furnished information to the appellant. The appellant has stated that the information was incomplete and misleading. He has not explained how. In fact he has not even attached a copy of the information furnished by the PIO. The appellant also states that the First Appellate Authority did not hear the appeal and did not pass any order. I therefore feel that the First Appellate Authority has not discharged his responsibilities under the RTI Act. I therefore pass the following order.

### **Order**

The appeal is remanded to the First Appellate Authority who will fix the hearing hear the appellant and pass reasoned order. The appellant will have the option of coming in second appeal if not satisfied.

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

Place: Mumbai  
Date: 29.09.2009.

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

Appeal No.2009/3242/02

**Shri. Chandrakant Amrutlal Marchand**  
Near Rane Bldg, Dr E Moses Rd, Worli,  
Mumbai – 400 018.

... Appellant

V/s

**First Appellate Officer cum Resident Executive Engineer**  
Office of the Resident Executive Engineer,  
Mumbai Bldg Repair & Reconstruction Board,  
Room No.408, 3<sup>rd</sup> Floor, Grihanirman Bhavan,  
Bandra (E), Mumbai – 400 051.

... Respondent

**Public Information Officer cum Dy Engineer**  
Office of the Resident Executive Engineer,  
Mumbai Bldg Repair & Reconstruction Board,  
Room No.408, 3<sup>rd</sup> Floor, Grihanirman Bhavan,  
Bandra (E), Mumbai – 400 051.

### GROUNDS

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant by his application dated 05.03.2009 has sought information in respect of his complaint dated 16.01.2009 against Khyber Projects. In his 156 page complaint to the Chief Officer MHADA, he alleged corruption in the project. The appellant wants to know what action has been taken.

Not satisfied with responses form the Public Information Officer and the First Appellate Authority the appellant filed this second appeal before the Commission. The appeal was fixed for hearing on 18.09.2009. Appellant and respondent were absent.

After going through the case papers it is seen that no information has been furnished. I therefore pass the following order.

### Order

Appeal is allowed. Information to be furnished in 30 days.

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

Place: Mumbai  
Date: 29.09.2009.



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

Appeal No.2009/3315/02

**Shri. Gulam Moh. Abdul Ajit Banani**  
**Room No.811-1/21 Collector Chawl,**  
**Behind U.P. Restaurant, Machimar Market,**  
**Chiragnagar, Ghatkopar, Mumbai – 400 086.**

... **Appellant**

V/s

**First Appellate Officer cum Dy Police Commissioner**  
**Zone-6 Chembur, Mumbai – 400 071.**

... **Respondent**

**Public Information Officer cum Asstt Police Commissioner**  
**Western Divisional Ward, Control Desk,**  
**Chembur, Mumbai.**

### GROUNDS

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant by his application dated 23.12.2008 has sought information regarding no of cases registered against Shri Rafique Shabir Sheikh, Sahijad Shabir Sheikh Riyaz Elias Sheikh and Mehboob Haidar Ali Ansari at Ghatkopar Police Station.

Not satisfied with responses form the Public Information Officer and the First Appellate Authority the appellant filed this second appeal before the Commission. The appeal was fixed for hearing 18.09.2009. Appellant and respondent were absent.

I have gone through the case papers. It is seen that the PIO by his letter dated 22.01.2009 and 27.04.2009 has furnished he required information. It is therefore decided to close the case.

### Order

The appeal is disposed.

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

Place: Mumbai  
Date: 25.09.2009.

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

**Appeal No.2009/3268/02**

**Smt. Sonal Amit Shaha  
Champaklal Gandhi Bldg,  
No.6 Wing "C", 10<sup>th</sup> Floor, Flat No.1004,  
Damodar Park, L.B.S. Marg, Ghatkopar (W),  
Mumbai – 400 086.**

**... Appellant**

**V/s**

**First Appellate Officer,  
Registrar of Partnership Firms,  
Administrative Bldg, VI Floor,  
Bandra (E), Mumbai – 400 051.**

**... Respondent**

**Public Information Officer,  
Registrar of Partnership Firms,  
Administrative Bldg, VI Floor,  
Bandra (E), Mumbai – 400 051.**

**GROUNDS**

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant by her application dated 31.03.2009 had sought the following information: -

- 1) Name of the Officers / senior officers / departments to whom the complaint of PIO / Appellant Authority / Registrar / Deputy Registrar can be lodged.
- 2) Date wise details of my RTI applications made to yourself from 01 Jan 2007 till 31 Mar 2009.
- 3) Date wise details of amount demanded by yourselves related to my RTI applications from 01 Jan 2007 till 31 Mar 2009.
- 4) Date wise details of amount received by yourselves related to demand to obtain the copies requested vide my RTI applications from 01 Jan 2007 till 31 Mar 2009.
- 5) Date wise details of copies forwarded by yourselves as per point No. II & IV.
- 6) Date wise mode of dispatch of copies as per point No. 5.
- 7) Date wise amount demanded by you, and date wise received by you, date wise expended by you for postal and surplus and / or deficit with you.
- 8) Date wise detail for the period 01 Jan 2007 till 31 Mar 2009 related to appellate Authority.

Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant filed this second appeal before the Commission. The appeal was fixed for hearing on 23.09.2009. Appellant and respondent were absent.

The appellant has contended that he wanted only information in detail and copies were not required. Information is by and large copies of documents available on record of the public authority. The appellant however does not want copies. I therefore order that he should be allowed inspection of documents. The PIO should allow inspection of documents and if the and if the appellant requests for copies, the same may be supplied.

**Order**

Appeal is disposed off.

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

Place: Mumbai  
Date: 25.09.2009.

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

**Appeal No.2009/3291/02**

**Shri. Uttamkumar Patel  
Wadi (Modi Wadi) T.H.K. Rd,  
Behind Head Post Office, F.P. No.97,  
Original Plot No.90, T.P.S. II Mahim,  
Mumbai – 400 016.**

**... Appellant**

**V/s**

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

**... Respondent**

**Public Information Officer cum Asstt Engineer  
Municipal Corporation, G/North Ward,  
First Floor, Harishchandra Yelve 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 by his application dated 11.05.2009 had sought the following information: -

- 1) In respect of Final Plot No.97, situated at Padri Wadi, Lt. Dilip Gupte Rd, TPS II – Mahim, Mumbai 400 016, Annexure – II has been issued or not?
- 2) If Annexure – II has been issued then is whose favour it is issued?
- 3) What document are annexed along with application submitted by the person in whose favour Annexure – II issued?

The PIO by his letter dated 25.05.2009 informed him that the information sought does not fit into definition of information. The appellant preferred appeal under section 19(1) of the RTI Act. The First Appellate Authority by his order dated 29.06.2009 directed that the PIO should furnish available information as per records.

Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant filed this second appeal before the Commission. The appeal was heard on 24.09.2009. Appellant and respondents were present.

The appellant has contended that he has not been furnished the required information. The respondent submitted that annexure II has been issued for combined plots no 97 and 96. He promised to furnish the available information I therefore pass the following order.

**Order**

The order passed by the First Appellate Authority is confirmed. The PIO to furnish available information within 30 days failing which action under section 20 of the RTI Act 2005 will be initiated.

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

Place: Mumbai  
Date: 25.09.2009.

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

**Appeal No.2009/2898/02**

**Shrimati. Sandhya Pednekar  
Special Metropolitan Magistrate &  
Small Causes Court, Mumbai.**

**... Appellant**

**V/s**

**First Appellate Officer,  
Chief Judge,  
Court & Small Causes, Mumbai  
Lokmanya Tilak Marg,  
Mumbai – 400 002.**

**... Respondent**

**Public Information Officer cum Registrar  
Court & Small Causes, Mumbai  
Lokmanya Tilak Marg,  
Mumbai – 400 002.**

**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 necessary permission to get extension is obtained from the Govt. as DE not completed within stipulated time.
2. Report of Preliminary Enquiry.
3. Letters received from Hon'ble High Court, Bombay for starting Enquiry.
4. Whether this enquiry is held strictly as per the MC Rules 1979 and amended from time to time.

Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant filed this second appeal before the Commission. The appeal was heard on 10.09.2009. The appellant did not turn but the respondent was present.

The respondent has contended that the appellant has been informed appropriately. The PIO and the First Appellate Authority have passed orders according to the provisions and the second appeal need not be entertained.

I have gone through the case papers and also considered the arguments advanced by the respondent. The first point on which information has been sought is whether extension is obtained from the Govt. the First Appellate Authority has concluded that no extension was sought as it was not necessary. This should satisfy the appellant. Whether extension should have been sought is something which cannot be decided under the RTI Act.

As far as the second point is concerned, the appellant has been informed that a copy of the Preliminary report cannot be furnished because it was only to ascertain facts before a DE is started. This the commission finds difficult to agree. The RTI Act clearly mentions what all can be denied. Sections 8 and 9 of the Act mention the ground on which information can be denied. The preliminary report is not covered in it. I am aware that there are govt. instructions in this regard but they have no relevance after the coming into force of the Right to Information Act. The issue of confidentiality has undergone drastic change after the Act came into force. Now Courts have ruled that / confidential report / evaluated answer sheets should be shown to the candidate. In this area of transparency brought about by the RTI Act it has to be presumed that whatever is not exempted should be disclosed. After all a person is being enquired into and it is only fair that he is provided with / complete set of papers / grounds to defend himself. I am therefore of the opinion that information on point no 2 and 3 should be furnished. No information has been sought on the fourth point and only a query has been raised which need not be answered under the RTI Act. I therefore pass the following order.

**Order**

Information to be furnished on point no. 2 & 3 of the appeal dated 23.01.2008 within 30 days.

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

Place: Mumbai  
Date: 25.09.2009.

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

**Appeal No.2009/3300/02  
Appeal No.2009/3301/02  
Appeal No.2009/3302/02  
Appeal No.2009/3305/02  
Appeal No.2009/3306/02  
Appeal No.2009/3307/02**

**Dr. K.S Pillai  
B-1/1, Narayan Pujari Nagar,  
A.G. Khan Rd, Worli,  
Mumbai – 400 018.**

**... Appellant**

**V/s**

**First Appellate Officer cum Executive Health Officer  
Public Health Dept. F/South Ward Office Bldg,  
3<sup>rd</sup> Floor, Dr. Ambedkar Rd, Parel, Mumbai – 400 012.**

**... Respondent**

**Public Information Officer cum Dy. Executive Health Officer  
Public Health Dept. F/South Ward Office Bldg,  
3<sup>rd</sup> Floor, Dr. Ambedkar Rd, Parel, Mumbai – 400 012.**

**GROUND**

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant by his application dated 04.05.2009 has sought the following information: -

“Year wise NOTIFIABLE DISEASES in Mumbai since 1988 to 2008 – 20 year period. If CHANGED IN ANY TIME THE PROPER SANCTION PAPER OF COMPETENT GOVERNMENT AND JUSTIFICATION.”

The PIO by her letter dated 25.05.2009 informed him that the information was not likely to serve any larger public interest and his application was disposed off. The First Appellate Authority by his order dated 22.06.2009 informed him that since he is working in the same dept. he should be aware of the information sought.

Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant filed this second appeal before the Commission. The appeal was fixed for hearing on 29.09.2009. Appellant and respondent were present.

The appellant has contended that he has been denied information without giving any reasons.

The respondent's contention is that since the appellant is working in the same dept. and such information is always circulated among the staff, there is no justification for him to seek information.



After going through the case papers and considering the arguments advanced by parties I have come to the conclusion that information has been wrongly denied. The information sought is in no way exempted under section 8 or 9 of the RTI Act. Secondly the RTI Act does not allow us to ask why the applicant wants certain information. Section 6(2) of the RTI Act says that an applicant making request for information shall not be required to give any reason for requesting the information or any other personal details except those that may be necessary for contacting him. As far as the first appellate authority's second point that information for 20 years is a tall order and may not be possible to furnish, I would like to draw his attention to section 4(1) (a) which reads as follows: -

1) "Every public authority shall – a) maintain all its records duly catalogued and indexed in a manner and the form which facilitates the Right to Information under this Act and ensure that all records that are appropriate to be computerized are, within a reasonable time and subject to availability of resources, computerized and connected through a network all over the country on different systems so that access to such records is facilitated."

Having discussed the desirability of records being kept properly, the fact remains that the present situation is not satisfactory. I therefore feel that furnishing information for the last 20 years will be a huge task. It will involve spending a lot of time and energy. Section 7(9) of the RTI Act clearly says that an information shall ordinarily be provided in the form in which it is sought unless it would disproportionately divert the resources of the public authority. The appellant is a municipal officer assigned to do certain work. If I order that he should inspect relevant documents, it would again attract section 7 (9) as he will devote his time to look for his personal pursuit leaving the work assigned to him.

After having discussed pros and cons I am of the view that information for the last five years should be furnished to the appellant. I therefore pass the following order.

### **Order**

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

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

Place: Mumbai  
Date: 29.09.2009.

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

**Appeal No.2009/3256/02**

**Shri. Malgaonkar Bhushan Pandurang  
Plot No.122, Room No. 302,  
Mukesh Apt, Nadkarni Marg,  
Wadala (E), Mumbai – 400 037.**

**... Appellant**

**V/s**

**First Appellate Officer cum Registrar  
University of Mumbai,  
Mumbai – 400 001.**

**... Respondent**

**Public Information Officer,  
University of Mumbai,  
Mumbai – 400 001.**

### **GROUND**

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant by his application dated 18.03.2009 has sought the following information “Every record maintained in the Department of Law whether under the Public Records Act 2005 or the RTI Act 2005 relating to the period starting from 1<sup>st</sup> April 2007 to such date on which inspection permitted by the PIO, First Appellate Authority.”

Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant filed this second appeal before the Commission. The appeal was heard on 22.09.2009. Appellant was present but respondent was absent.

The appellant has contended that he has not been furnished the required information. Since the respondent was absent it could not be verified. It is however seen from the order passed by the First Appellate Authority that information has been furnished by the PIO vide his letter dated 20 April, 2009. I therefore close the case.

### **Order**

Appeal is dismissed.

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

Place: Mumbai  
Date: 25.09.2009.

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

**Appeal No.2009/3290/02**

**Shri. Uttamkumar Patel  
Wadi (Modi Wadi) T.H.K. Rd,  
Behind Head Post Office, F.P. No.97,  
Original Plot No.90, T.P.S. II Mahim,  
Mumbai – 400 016.**

**... Appellant**

**V/s**

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

**... Respondent**

**Public Information Officer cum Asstt Engineer  
Municipal Corporation, G/North Ward,  
First Floor, Harishchandra Yelve 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 by his application dated 11.05.2009 has sought information whether annexure II has been issued in respect of final plot no 96 A, Padri wadi, Lt Dilip Gupte Rd, TPS II, Mahim, Mumbai and if yes then in whose favour and on what basis.

Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant filed this second appeal before the Commission. The appeal was heard on 24.09.2009. Appellant and respondents were present.

The appellant has contended that the information furnished was not correct and proper and the appellant was not satisfied.

The respondent contention is that combined annexure II for plot no 96A and 97 has been issued and the appellant has been properly informed.

After going through the case papers and considering the respondent's plea I the have come to the conclusion that information has been furnished but the appellant suspects that his plot has been wrongly included and he wanted to know the basis on which it has been done. Whether his plot should have been included or not is matter for arbitration and not information. It is however felt that supply of annexure II should give

clarity to the doubts of the appellant. I therefore order that a copy of the available and update annexure II should be given to the appellant.

**Order**

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

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

Place: Mumbai  
Date: 25.09.2009.

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

**Appeal No.2009/3269/02**

**Smt. Sonal Amit Shaha  
Champaklal Gandhi Bldg,  
No.6 Wing "C", 10<sup>th</sup> Floor, Flat No.1004,  
Damodar Park, L.B.S. Marg, Ghatkopar (W),  
Mumbai – 400 086.**

**... Appellant**

**V/s**

**First Appellate Officer,  
Registrar Partnership Board,  
Maharashtra State, Mumbai,  
New Administrative Bldg, 6<sup>th</sup> Floor,  
Govt. Colony, Bandra (E), Mumbai – 400 051.**

**... Respondent**

**Public Information Officer,  
Registrar Partnership Board,  
Maharashtra State, Mumbai,  
New Administrative Bldg, 6<sup>th</sup> Floor,  
Govt. Colony, 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 20.02.2009 had sought information regarding M/s Vintrex Optices, 14 Benzer Apt. Lokhandwala Complex, Andheri West, Mumbai specifically related to exit and entry of partners.

Not satisfied with responses form the Public Information Officer and the First Appellate Authority the appellant filed this second appeal before the Commission. The appeal was fixed for hearing on 23.09.2009. Appellant and respondent were absent.

I have gone through the case papers. It is revealed that available information has been furnished by the PIO under his letter dated 16.03.2009. I therefore decide to close the case.

**Order**

The appeal is disposed off.

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

Place: Mumbai  
Date: 25.09.2009.

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

**Complaint No.2009/171/02**

**Shri. Vijay S Pande  
Mumbai Motor Driving School,  
Kamlesh Apt, Shop No.45,  
Sher-E-Punjab, Andheri (E),  
Mumbai – 400 093.**

... **Complainant**

V/s

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

... **Respondent**

**GROUND**

This complaint has been filed under section 18 of the Right to Information Act 2005 in the context of the commission's order dated 16.09.2008 passed in appeal no.2008/832/02. The facts in brief are as follows: - The complainant had sought information regarding allotment of flat no 101 in Prajakata SRA Cooperative Society Andheri (E), Mumbai. He wanted to have copies of documents which formed the basis of his inclusion of Shri S E Bhardwai's name in Annexure II and subsequent allotment of a flat.

Not satisfied with responses from the Public Information Officer and First Appellate Authority the complainant filed appeal under section 19(3) of the RTI Act, 2005. The commission by its order dated 16.09.2009 directed that information should be furnished within 30 days. The present complaint is against alleged non compliance of commission's order.

The complaint was heard on 25.09.2009. Complainant and defendants were present.

It transpired during the hearing that the information lies with the Dy Collector SRA who has prepared the annexure II. The information cannot be furnished by the Dy Registrar who is not involved in the process of making annexure II or allotment of flat's. I therefore pass the following order.

**Order**

The Dy Collector SRA to furnish the required information to the complainant within 30 days failing which action under section 20 of the RTI will be initiated against him.

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

Place: Mumbai

Date: 25.09.2009.

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

**Appeal No.2009/3181/02**

**Shri. Kishor Bapurao Takne  
Sahyadri CHS, Bldg No. C-2,  
Room No.2:3, Sector 8 B,  
CBD Belapur, Navi Mumbai – 400 614.**

**... Appellant**

**V/s**

**First Appellate Officer cum Senior Law Officer  
Maharashtra Pollution Control Board,  
2<sup>nd</sup> Floor, Kalptaru Point,  
Opp. Cine Planet Theater,  
Sion (E), Mumbai – 400 022.**

**... Respondent**

**Public Information Officer,  
Maharashtra Pollution Control Board,  
2<sup>nd</sup> Floor, Kalptaru Point,  
Opp. Cine Planet Theater,  
Sion (E), Mumbai – 400 022.**

### **GROUND**

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant by his application dated 26.03.2009 has sought information relating to his termination as a peon. He wanted to know the reasons for his dismissal and also action taken on his representation to Hon CM, Hon DCM and Hon Minister for Environment.

Not satisfied with responses form the Public Information Officer and the First Appellate Authority the appellant filed this second appeal before the Commission. The appeal was fixed for hearing on 24.09.2009. Appellant and respondent were present.

The appellant has contended that he has not been informed what action has been taken on the representations sent to him from offices of the Hon CM, Hon DCM and Hon Minister Environment.

The respondent's contention is that reason for his dismissal has been communicated. The appellant has submitted more than one application. It has also been submitted that replies to communications from Hon CM, Hon DCM and Hon Minister has to be routed through proper channel and it takes time.

After going through the case papers and considering the arguments advanced by parties I have come to the conclusion that information has been furnished. Action taken on his representations should be communicated to him as soon as possible. I am also of the opinion that the issue is not that of information but arbitration – whether the order of dismissal is right or wrong. This cannot be decided by the commission and the appellant has to approach the competent authority empowered to look into the matter. I therefore close the case.

**Order**

The appeal is disposed off.

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

Place: Mumbai  
Date: 25.09.2009.



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

Appeal No.2009/3309/02

**Shri. Pramod Kadam**  
16/D 3, Versova Andheri  
Shri Sai Co-op. Housing Board Ltd.,  
S.V.P. Nagar, MHADA, Andheri (W),  
Mumbai – 400 053.

... **Appellant**

V/s

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

... **Respondent**

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

### GROUNDS

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant by his application dated 06.04.2009 had sought information relating to action taken on his complaint dated 26.02.2009. The PIO by his letter dated 30.05.2009 informed him that action on his application was not yet over. The First Appellate Authority did not pass any order.

Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant filed this second appeal before the Commission. The appeal was heard on 29.09.2009. Appellant was present but the respondent was absent.

The appellant has contended that he has not been furnished the required information. He has also stated that the First Appellate Authority has not passed any order.

I have gone through the case paper. It is clear that information has not been furnished. I therefore pass the following order.

### Order

The appeal is allowed. Latest information regarding appellant's complaint should be furnished within 30 days.

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

Place: Mumbai

Date: 29.09.2009.

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

**Complaint No.2009/222/02**

**Shri. Jagannath H Sharma  
Chandrikabai H Sharma Chawl,  
Room No. 182, Khar Jawahar Nagar,  
Saibaba Rd, Khar (E), Mumbai – 400 051.**

**... Complainant**

**V/s**

**Public Information Officer cum Asstt Engineer  
Municipal Corporation, H/E Ward, Prabhat Colony,  
1<sup>st</sup> Floor, Santacruz (E), Mumbai – 400 051.**

**... Respondent**

**GROUND**

This complaint has been filed under section 18 of the Right to Information Act 2005 in the context of the commission's order dated 14.08.2008 passed in appeal no.2008/653/02. The facts in brief are as follows: - The complainant had sought information regarding action taken on his complaint against unauthorized construction of Mezzanine floors by his tenants.

Not satisfied with responses from the Public Information Officer and First Appellate Authority the complainant filed appeal under section 19(3) of the RTI Act, 2005. The commission by its order dated 14.08.2009 directed that information should be furnished within 30 days. The present complaint is against alleged non compliance of commission's order.

The complaint was heard on 25.09.2009. The complainant was present but the defendant was absent.

The complainant has stated that he has not been given any information despite commission's order. He also stated the MCGM officials have been taking the plea that the structures were protected and unless their photopasses are cancelled by the collector, no action can be taken.

After considering the arguments advanced by parties and going through the file I have come to the conclusion that commission's order has not been complied. The structures may be protected but unauthorized changes cannot be tolerated. The

complainant has not been furnished information regarding action taken by MCGM officials. I therefore pass the following order.

**Order**

The PIO to show cause why action under section 20 of the RTI Act 2005 should not be taken against him and five @ Rs.250/- per day should be imposed on him. His reply to come in 4 weeks.

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

Place: Mumbai  
Date: 29.09.2009.

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

**Complaint No.2009/321/02**

**Shri. Vijay K Manthena  
Hariyanawala Lane, Station Rd,  
Abdulla Mention Bldg No.7,  
Room No.34, Kurla (W),  
Mumbai – 400 070.**

**... Complainant**

**V/s**

**Public Information Officer cum Municipal Architect  
Mahapalika Main Office,  
5<sup>th</sup> Floor, Mahapalika Marg, Mumbai – 400 001.**

**... Respondent**

**GROUNDS**

This complaint has been filed under section 18 of the Right to Information Act 2005 in the context of the commission's order dated 10.09.2008 passed in appeal no.2008/768/02. The facts in brief are as follows: - The complainant by his application dated 16.10.2006 had sought information regarding irregularities committed by BSES Hospital, Andheri (W), Mumbai.

Not satisfied with responses from the Public Information Officer and First Appellate Authority the complainant filed appeal under section 19(3) of the RTI Act, 2005. The commission by its order dated 10.09.2009 directed that information should be furnished within 30 days. The present complaint is against alleged non compliance of commission's order.

The complaint was heard on 25.09.2009. The defendant was present but the complainant did not turn up.

It has been stated by the defendant that commission's order has been complied. The Municipal architect who approved the plan submitted that the hospital is being run on behalf of MCGM on certain terms and conditions. Information regarding alleged irregularities has been furnished.

After considering the arguments advanced by parties and going through the file I have come to the conclusion that commission's order has been complied. I therefore close the case. .

**Order**

The complaint is filed.

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

Place: Mumbai  
Date: 29.09.2009.

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

**Complaint No.2009/221/02**

**Shri. Jagannath H Sharma  
Chandrikabai H Sharma Chawl,  
Room No. 182, Khar Jawahar Nagar,  
Saibaba Rd, Khar (E), Mumbai – 400 051.**

... **Complainant**

V/s

**Public Information Officer cum Asstt Engineer  
Municipal Corporation, H/E Ward, Prabhat Colony,  
1<sup>st</sup> Floor, Santacruz (E), Mumbai – 400 051.**

... **Respondent**

**GROUND**

This complaint has been filed under section 18 of the Right to Information Act 2005 in the context of the commission's order dated 14.08.2008 passed in appeal no.2008/651/02. The facts in brief are as follows: - The complainant had sought information regarding municipal action against fixing of rolling shutters and his request to remove them.

Not satisfied with responses from the Public Information Officer and First Appellate Authority the complainant filed appeal under section 19(3) of the RTI Act, 2005. The commission by its order dated 14.08.2009 directed that information should be furnished within 30 days. The present complaint is against alleged non compliance of commission's order.

The complaint was heard on 25.09.2009. The complainant was present but the defendant was absent.

The complainant has stated that he has not been furnished any standard reply/information. He also stated that the MCGM officials have been taking the plea that the structures were protected and unless the collector cancels their photopass, no action could be taken.

After considering the arguments advanced by the appellant and going through the file I have come to the conclusion the commission's order has not been complied. The structures may be protected but making unauthorized changes cannot be tolerated. The

commission does not share the view held by the MCGM officials. The appellant has shown me papers where the Law Department of the MCGM has also opined that unauthorized changes can be removed. I therefore order that the PIO to show cause why he should not be penalized @ Rs.250/- for not furnishing the information.

**Order**

The complaint is allowed.

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

Place: Mumbai  
Date: 29.09.2009.

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

**Complaint No.2009/340/02**

**Shri. Ravindra Gavde  
C/211, Akashganga, Raheja Hospital Rd,  
Mahim, Mumbai – 400 016.**

... **Complainant**

V/s

**Public Information Officer cum Estate Manger  
No.5, Mumbai Housing & Area Development Board,  
MHADA, Bandra (E), Mumbai – 400 051.**

... **Respondent**

**GROUND**

This complaint has been filed under section 18 of the Right to Information Act 2005 in the context of the commission's order dated 30.01.2009 passed in appeal no.2008/1573/02. The facts in brief are as follows: - The complainant had claimed refund of property tax and other taxes from MHADA for the period the galas were not allotted. The society has paid to MCGM and they have claimed refund. MHADA is supposed to pay these taxes until the shops were allotted.

Not satisfied with responses from the Public Information Officer and First Appellate Authority the complainant filed appeal under section 19(3) of the RTI Act, 2005. The commission by its order dated 30.01.2009 directed that information should be furnished within 15 days. The present complaint is against alleged non compliance of commission's order.

The complaint was heard on 25.09.2009. Complainant and defendants were present.

The complainant has stated that he has not been given any information. The society has also not been refunded the amount. The defendant while admitting that MHADA has to refund the amount stated that the file is in the final stage of processing. This has been made known to the complainant.

After considering the arguments advanced by parties and going through the file I have come to the conclusion that commission's order has been complied. It is not



possible to adhere to the time schedule in such cases. It is however clear that the defendant can not be expected to wait indefinitely. I therefore order that MHADA should finalize the case within 30 days and inform the complainant.

**Order**

The complaint is allowed. The defendant to comply within 30 days.

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

Place: Mumbai  
Date: 25.09.2009.

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

**Complaint No.2009/18/02**

**Shri. Sunil Madhukar Wakharkar  
E-5/B-007 Highway Park,  
Thakur Sankul, Kandivali (E),  
Mumbai – 400 101.**

... **Complainant**

V/s

**Public Information Officer cum Dy Registrar  
University of Mumbai,  
Mumbai – 400 001.**

... **Respondent**

**GROUND**

This complaint has been filed under section 18 of the Right to Information Act 2005 in the context of the commission's order dated 04.09.2009 passed in appeal no.2008/2848/02. The facts in brief are as follows: - The complainant had sought copies of proposals sent to the University in 2006 for approval of principal's post for Mithibai College and N.M. College. He was informed that while the proposal for N.M. College was sent to the University no proposal in respect of Mitibai College was sent in 2006. The complainant says this was wrong. He says that the Management did send the proposal and the same was approved on 4<sup>th</sup> August, 2006.

The complaint was heard on 25.09.2009. The complainant was present but the defendant was absent.

The complainant has stated that the Asstt PIO, by his letter dated 08.09.2008 informed him that no proposal for approval was sent by Mithibai College in 2006. The appellant has submitted a copy of the letter dated 04.08.2006 sent by the University which reads as follows: -

“Refer to your letter dated 26<sup>th</sup> June, 2006, forwarding therewith the report of appointment of Dr.Kiran V. Mangaonkar as Principal in Mithibai College of Arts, Chauhan Institute of Science & Amrutben Jivanlal College of Commerce & Economics Mumbai, on probation basis from 20<sup>th</sup> June, 2006 for consideration of the University.

In this connection, I am directed to inform you that the appointment of Dr. Kiran. V. Mangaonkar as Principal in your abovementioned College has been approved by the University on probation basis w.e.f. 20<sup>th</sup> June, 2006.

Further, you are requested to communicate the above decision to the person concerned in writing as per S.109-C. Since the defendant was not there, it could not be verified.”

After considering the arguments advanced by the complainant and going through the file I have come to the conclusion that wrong information has been furnished. The PIO prima facie has violated the provisions of the Right to Information Act, 2005. I therefore propose to impose a fine of Rs.25, 000/- for giving false information. He is directed to show cause why this order should not be confirmed. His reply to reach the commission within 4 weeks.

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

Place: Mumbai  
Date: 25.09.2009.

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

**Complaint No.2009/337/02**

**Shri. Vinod Nair  
7/104 Sardar Nagar No.4,  
Sion-Koliwada,  
Mumbai – 400 037.**

**... Complainant**

**V/s**

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

**... Respondent**

**GROUND**

This complaint has been filed under section 18 of the Right to Information Act 2005 in the context of the commission's order dated 30.12.2009 passed in appeal no.2008/1389/02. The facts in brief are as follows: - The complainant had sought information in respect of MHADA's policy for sale / transfer of its property. The Tenant Welfare Association, Sardar Nagar 4, Sion-Koliwada, Mumbai was allotted some space for welfare activities for the benefit of the tenants of the colony. This space was finally allotted to Anuradha Mandal by MHADA. MHADA claims to have done this by following rules and regulation and with the consent of the Tenant Association. Some members of the Association disapprove of it. Information was sought relating to reallotment to Anuradha Mandal.

Not satisfied with responses from the Public Information Officer and First Appellate Authority the complainant filed appeal under section 19(3) of the RTI Act, 2005. The commission by its order dated 30.12.2009 directed that information should be furnished within 15 days. The present complaint is against alleged non compliance of commission's order.

The complaint was heard on 25.09.2009. The defendant was present but the complainant did not turn up.

The defendants have submitted that relevant information has been furnished. It has been explained by them that the real issue is appellant's disapproval to the

reallotment of the space to Anradha Mandal. There has been court cases and some them are still pending. Available information has been furnished.

After considering the arguments advanced by parties and going through the file I have come to the conclusion that commissions order has been complied.

**Order**

The complaint is filed.

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

Place: Mumbai  
Date: 25.09.2009.

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

Appeal No.2009/3308/02

**Shri. Pramod Kadam**  
16/D 3, Versova Andheri  
Shri Sai Co-op. Housing Board Ltd.,  
S.V.P. Nagar, MHADA, Andheri (W),  
Mumbai – 400 053.

... **Appellant**

V/s

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

... **Respondent**

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

### **GROUND**

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant by his application dated 02.03.2009 had sought the following information relating to action taken on his complaint dated 14.11.2006 and 16.09.2008.

Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant filed this second appeal before the Commission. The appeal was heard on 29.09.2009. Appellant was present but the respondent was absent.

The appellant has contended that no information has been furnished case papers show that no information as been furnished. I therefore pass the following order.

### **Order**

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

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

Place: Mumbai  
Date: 29.09.2009.

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

**Appeal No.2009/3314/02**

**Shri. Pramod Kadam  
16/D 3, Versova Andheri  
Shri Sai Co-op. Housing Board Ltd.,  
S.V.P. Nagar, MHADA, Andheri (W),  
Mumbai – 400 053.**

**... Appellant**

**V/s**

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

**... Respondent**

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

**GROUNDS**

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant by his application dated 06.04.2009 had sought information relating to his complaint dated 18.12.2009 and communication issued from the office of the Dy Registrar dated 19.01.2009. The PIO by his letter dated 30.05.2009 has furnished the required information. The First Appellate Authority does not seem to have passed any order.

Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant filed this second appeal before the Commission. The appeal was heard on 29.09.2009. Appellant was present but the respondent was absent.

The appellant has contended that he has been given incomplete and misleading information. Since the respondent was not there, it could not be verified. Case papers however show that the PIO has furnished point wise reply. It is however seen that

information relating to point no 3 & 4 does not seem to be in order. I therefore pass the following order.

**Order**

Appeal is partially allowed. Information on point no 3 & 4 should be furnished within 15 days.

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

Place: Mumbai  
Date: 30.09.2009.



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

**Appeal No.2009/3312/02**

**Shri. Pramod Kadam  
16/D 3, Versova Andheri  
Shri Sai Co-op. Housing Board Ltd.,  
S.V.P. Nagar, MHADA, Andheri (W),  
Mumbai – 400 053.**

**... Appellant**

**V/s**

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

**... Respondent**

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

**GROUND**

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant by his application dated 13.03.2009 had sought information regarding of duplicate share certificate, transfer of flats and related issues.

Not satisfied with responses form the Public Information Officer and the First Appellate Authority the appellant filed this second appeal before the Commission. The appeal was heard on 29.09.2009. Appellant was present but the respondent was absent.

The appellant has contended that information has not been furnished and the First Appellant Authority has not passed any order. Since respondent was not present, it could not be verified. It is however seen from the PIO's letters dated 30.05.2009 that point wise reply has been furnished. In fact the appellant had sought clarification that also the PIO has furnished. I therefore conclude that information has been furnished and pass the following order.

**Order**

The appeal is dismissed.

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

Place: Mumbai  
Date: 30.09.2009.

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

**Appeal No.2009/3299/02**

**Mrs. Pauline Fernandes  
10 Rajan, Off Carter Rd,  
Bandra, Mumbai – 400 050.**

... **Appellant**

**V/s**

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

... **Respondent**

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

**GROUNDS**

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant by his application dated 01.04.2009 had sought information regarding action taken against Mr. Amit Khoje, Ward Officers, H/West, Mr. M.M. Patel, Sr. Engineer B & F and Mr. S. S. Joshi, Sr. Engineer B & F H Ward (W), Mumbai. The appellant by her application dated 7<sup>th</sup> March, 2009 had complained that the above named officers did not take appropriate measures to stop / demolish the unauthorized structure – “Thelma Villa”. Finally the matter went up to the Supreme Court and the structure was demolished. In this connection an enquiry was also ordered and it was concluded that permission was forged and fabricated. The enquiry officer recommended filing of police complaint against builders. The appellant has alleged connivance of MCGM officials. The respondent was also present but had nothing to contribute. The appellant has already been told that the information was not available.

I have gone through the case papers and also considered the arguments advanced by parties. It seems that papers submitted by the appellant finally landed in the ward office and they are correct in their reply. If the complaint is against the ward office, there was no point in sending appellant’s complaint to them. I am therefore of the view that

the matter needs to be looked into by the Additional Municipal Commissioner, Western Suburban to whom a copy of her complaint has been endorsed. The appellant has produced acknowledgement which shows that the same has been received in the office of the AMC. I would therefore direct that the Additional Municipal Commissioner should furnish / arrange to furnish the required information – action taken on appellant’s complaint against the three above named officials. I therefore pass the following order.

**Order**

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

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

Place: Mumbai  
Date: 29.09.2009.

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

**Appeal No.2009/3292/02**

**Capt. Hilary Cornelio  
B/3, Montinho Apt,  
35, Waroda Rd, Bandra (W),  
Mumbai – 400 050.**

**... Appellant**

**V/s**

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

**... Respondent**

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

**GROUNDS**

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant by his application dated 12.03.2009 has sought the following information relating to the Kanara Catholic Association (Public Trust No. F-510 (BOM)). The appellant has sought information regarding construction of a hall by the trust and catering contract has been given without General Body's consent. The PIO by his letter dated 20.03.2009 informed the appellant to collect the information from the trust. The appellant approached the trust but the trust denied information saying that it was confidential and exempt under section 8 of the RTI Act. It is not known whether the appellant approached the First Appellate Authority but has come in appeal before the commission. The appeal was heard on 24.09.2009. The appellant did not turn up but the respondent was present. The respondent has submitted that appellant has been asked to collect the required information from the trust.

I have gone through the case papers. It is seen that the PIO has asked the appellant to approach the trust and the trust has denied information. It is true that trusts are exempted from the RTI Act in the sense that they cannot be directly approached for furnishing information. The appellant in this has approached the PIO in the office of the

Charity Commissioner which is a public authority. The information has to be furnished by the public authority who is holding the information under whose control the information is being held. In this case the information is definitely being held under the control of the public authority. I am of the opinion that PIO has to obtain the information and furnish to the appellant. I would like to remind the trust that the concept of confidentiality has undergone drastic change after coming into force of the RTI Act. The appellant is a member and wanted to know about construction of the Hall and how it has been contracted. This is very much in public domain. One of the aims of the RTI Act is to bring transparency. I have therefore come to the conclusion that the information sought is not exempt under the RTI Act 2005 and held under the control of a public authority. It is therefore accessible and should be available to the public and to the appellant in this case. I therefore pass the following order.

**Order**

The appeal is allowed. The PIO to obtain information from the Kanara Catholic Association and furnish to the appellant. This has to be done within 30 days.

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

Place: Mumbai  
Date: 25.09.2009.

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

**Appeal No.2009/3213/02**

**Shri. Pramod Kadam  
16/D 3, Versova Andheri  
Shri Sai Co-op. Housing Board Ltd.,  
S.V.P. Nagar, MHADA, Andheri (W),  
Mumbai – 400 053.**

**... Appellant**

**V/s**

**First Appellate Officer cum Stamp Superintend  
Principal Stamp Office, Nagar Bhavan,  
Fort, Mumbai – 400 001.**

**... Respondent**

**Public Information Officer cum Stamp Collector  
MMRDA Bldg, 1<sup>st</sup> Floor, Bandra-Kurla Complex,  
Bandra (E), Mumbai – 400 051.**

**GROUND**

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant by his application dated 28.04.2009 has sought information relating to stamp duty and registration fee in respect of chawls allotted by MHADA at Sardar Vallabhabhai Patel Nagar, Andheri (W), Mumbai.

Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant filed this second appeal before the Commission. The appeal was heard on 29.09.2009. Appellant and respondent were present.

The appellant has contended that he was not satisfied with the information given to him. He also alleged that there was no uniformity in the calculation of stamp duty and registration fee although the structures are similar. The respondent offered inspection of records / documents to satisfy the appellant. It was agreed to arrange the inspection 03.10.2009. I therefore close the case.

**Order**

The appeal is disposed off.

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

Place: Mumbai  
Date: 30.09.2009.

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

Appeal No.2009/3310/02

**Shri. Pramod Kadam**  
16/D 3, Versova Andheri  
Shri Sai Co-op. Housing Board Ltd.,  
S.V.P. Nagar, MHADA, Andheri (W),  
Mumbai – 400 053.

... **Appellant**

V/s

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

... **Respondent**

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

### GROUNDS

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant by his application dated 28.04.2009 has sought information on 14 points relating Shri Sai Cooperative Housing Society, Versova, Andheri, Mumbai.

Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant filed this second appeal before the Commission. The appeal was heard on 29.09.2009. Appellant was present but the respondent was absent.

The appellant has contended that he has not been furnished the required information. Since the respondent was not present it could not be verified. Case papers reveal that information has not been furnished. I therefore pass the following order.

### Order

The appeal is allowed. PIO to furnish information within 30 days and report compliance.

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

Place: Mumbai  
Date: 30.09.2009.

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

**Appeal No.2009/3311/02**

**Shri. Pramod Kadam  
16/D 3, Versova Andheri  
Shri Sai Co-op. Housing Board Ltd.,  
S.V.P. Nagar, MHADA, Andheri (W),  
Mumbai – 400 053.**

**... Appellant**

**V/s**

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

**... Respondent**

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

**GROUNDS**

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant by his application dated 28.04.2009 has sought information relating to Shri Sai Housing Society Versova, Andheri. The appellant had asked information from the administrator on 7 points.

Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant filed this second appeal before the Commission. The appeal was heard on 29.09.2009. Appellant was present but the respondent was absent.

The appellant has contended that he has not been furnished the required information. Since the respondent was not present, it could not be verified.

I have gone through the case papers and considered the arguments advanced by parties. It is seen that the appellant had sought information from the Administrator who is not a public authority. Cooperative Housing Societies do not fall within the purview of the RTI Act. The issue has not been finally settled.



The commissions however has been allowing access to information relating to societies through the PIO / First Appellate Authority appointed in the office of the Deputy Registrar of Cooperative Societies provided the information is held by them or held under their control. In this case the appellant has approached the society which is not a public authority; the appeal does not deserve consideration. I pass the following order.

**Order**

The appeal is dismissed.

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

Place: Mumbai  
Date: 30.09.2009.

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

**Appeal No.2009/3304/02**

**Shri. Dr. K.S. Pillai  
B-1/1, Narayan Pujari Nagar,  
A.G.Khan Rd, Worli,  
Mumbai – 400 018.**

**... Appellant**

**V/s**

**First Appellate Officer cum Executive Health Office  
Public Health Dept,  
F/South Ward Office Bldg,  
3<sup>rd</sup> Floor, Dr. Ambedkar Rd,  
Parel, Mumbai – 400 012.**

**... Respondent**

**Public Information Officer cum Dy. Executive Health Office  
Public Health Dept,  
F/South Ward Office Bldg,  
3<sup>rd</sup> Floor, Dr. Ambedkar Rd,  
Parel, Mumbai – 400 012.**

**GROUND**

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant by his application dated 04.05.2009 has sought the following information: -

“Certified copy of Year wise PUBLIC HEALTH TRAINING DETAILS since 1988-JPPV to 2008-20 years period.

Training / study (including seminars, workshops etc.) In India and abroad, title / topic of training, name and designation of persons with expenses, source of fund, bond period if applicable, subsequent utilization placement and benefit, whether materials of training is kept in custody of dept. library.”

Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant filed this second appeal before the Commission. The appeal was heard on 29.09.2009. Appellant and respondents were present.

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

The respondent's contention is that all these materials are available in the department and the appellant being an insider has access to documents.

After going through the case papers and considering the arguments advanced by parties I have come to the conclusion that information has not been furnished. The fact that the appellant is an insider and has access to documents cannot take away his right under the Right to Information Act 2005. I am however of the view that furnishing the information for twenty years will definitely have adverse impact on the resources of the public authority. I therefore feel that information for the preceding 3 years should be furnished. I therefore pass the following order.

**Order**

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

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

Place: Mumbai  
Date: 30.09.2009.

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

**Appeal No.2009/3303/02**

**Shri. Dr. K.S. Pillai  
B-1/1, Narayan Pujari Nagar,  
A.G.Khan Rd, Worli,  
Mumbai – 400 018.**

**... Appellant**

**V/s**

**First Appellate Officer cum Executive Health Office  
Public Health Dept,  
F/South Ward Office Bldg,  
3<sup>rd</sup> Floor, Dr. Ambedkar Rd,  
Parel, Mumbai – 400 012.**

**... Respondent**

**Public Information Officer cum Dy. Executive Health Office  
Public Health Dept,  
F/South Ward Office Bldg,  
3<sup>rd</sup> Floor, Dr. Ambedkar Rd,  
Parel, Mumbai – 400 012.**

**GROUND**

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant by his application dated 14.05.2009 has sought the following information: -

- a. Materials Management – What is the indenting procedure aimed at and defect found & whether reified? What was the aim of password for DEHOs and who are all using the same? Who is entering the GR for payment and what is the base record?
- b. Health licensing including NH registration and PNDT registration – status if relayed reason & who is responsible person and accountable for it.
- c. Birth and Death Registration and issue of certificates. What is the system of password for different activity level for system safety against of bogus certificates?
- d. Health Management information system – What is the status? Why this is not yet “go live”? Status if relayed reason & who is responsible person and accountable

for it? If any deliberate mistakes done whether the liability cost will be recovered from such person?

Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant filed this second appeal before the Commission. The appeal was heard on 29.09.2009. Appellant and respondents were present.

The appellant has contended that no information has been furnished.

The respondent's contention is that available information has been furnished.

After going through the case papers and considering the arguments advanced by parties I have come to the conclusion that information has been furnished. Information sought is not specific and lacks clarity. This is also in the form of question answer which is not expected. Under these circumstances and in the light of the information furnished I am of the view that the appeal deserves to be closed. I therefore pass the following order.

**Order**

The appeal is disposed off.

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

Place: Mumbai  
Date: 30.09.2009.

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

**Appeal No.2009/3335/02**

**Shri. A. N. Giri  
M/s M.P. Vashi & Associate,  
13, Shrinath Bhuvan,  
27, Picket Cross Rd, Mumbai – 400 002.**

**... Appellant**

**V/s  
First Appellate Officer cum Executive Engineer  
Division – 1, MIDC,  
Thane.**

**... Respondent**

**Public Information Officer cum Dy. Executive Engineer  
Marol Sub – Div. Andheri (E),  
Mumbai – 400 093.**

**GROUNDS**

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant by his application dated 13.03.2009 have sought information: relating to annexure II prepared by MIDC in 1999 for redevelopment of pocket no.5 MIDC, Central Rd, Bhim Nagar, Andheri (E), Mumbai – 400 093.

Certified copies of documents on the basis which below mentioned slum dwellers were declared eligible: II

Not satisfied with responses form the Public Information Officer and the First Appellate Authority the appellant filed this second appeal before the Commission. The appeal was heard on 30.09.2009.

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

The respondent's contention is that the annexure II prepared in 1999 had to be cancelled in 2006 because their huts were not found on the site. Documents mentioned in the old annexure II of 1999 of respective slum dwellers were not available with MIDC and therefore could not be made available to the appellant.

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

Since the documents were not available copies could not be furnished. In any case those names have been deleted in 2006 on the ground that their huts were not found on site. This has been communicated to the appellant. I therefore close the case and pass the following order.

**Order**

The appeal is disposed off.

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

Place: Mumbai  
Date: 30.09.2009.

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

**Appeal No.2009/3342/02**

**Shri. S.V. Thomas  
Maharashtra CHS Ltd,  
B-5, Ambedkar Nagar, Ambedkar Marg,  
Parel, Mumbai – 400 012.**

... **Appellant**

**V/s**

**First Appellate Officer cum Dy Registrar  
Cooperative Board, Mumbai (1), City,  
Malhotra House, 6<sup>th</sup> Floor, Opp. GPO,  
Fort, Mumbai – 400 001.**

... **Respondent**

**Public Information Officer cum Asstt Registrar  
(FS Division) Cooperative Board, Mumbai (1), City,  
Malhotra House, 6<sup>th</sup> Floor, Opp. GPO,  
Fort, Mumbai – 400 001.**

**GROUNDS**

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant by his application dated 27.12.2008 has sought information in respect of his communication dated 30.10.2009 and action taken by the Dy Registrar. The issues related to resolutions passed by the society in its annual general body meeting dated 22.07.2008. The First Appellate Authority had allowed the appeal but the appellant did not get the information.

Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant filed this second appeal before the Commission. The appeal was heard on 30.09.2009. Appellant and respondent were present.

The appellant has contended that he had not been provided the information as ordered by the First Appellate Authority.

The respondent's contention is that they have already furnished the information.

After going through the case papers and considering the arguments advanced by parties I have come to the conclusion that information has not been furnished. Case papers reveal that the resolutions pertained to writing off Rs.83, 621.45 which required Dy Registrar's permission. The other resolution was for amending the bye laws for



issuing duplicate share certificates. Both these resolutions required Dy Registrar's approval. The appellant wanted to know whether they have been submitted to the Dy Registrar and if yes what action has been taken. The information sought is totally in the domain of public interest. I therefore pass the following order.

**Order**

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

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

Place: Mumbai  
Date: 30.09.2009.

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

Appeal No.2009/3343/02

**Shri. Shashikant Savant**  
**Pratiksha Nagar, Bahumazli Bldg,**  
**No.10/203, Sion-Koliwada,**  
**Mumbai – 400 022.**

... **Appellant**

V/s

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

... **Respondent**

**Public Information Officer cum Estate Manager**  
**Mumbai Building Repair & Reconstruction Board,**  
**Grihnirman Bhavan, Bandra (E),**  
**Mumbai – 400 051.**

### **GROUND**

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant by his application dated 19.01.2009 has sought information relating to encroachment in transit camps at Pratiksha Nagar, Sion-Koliwada action taken and penalty recovered.

Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant filed this second appeal before the Commission. The appeal was heard on 30.09.2009. Appellant was present but respondent was absent.

The appellant has contended that he has not been furnished the required information. Since the respondent was not present it could not be verified. It is however seen that no information has been furnished although it is of vital importance. I therefore pass the following order.

### **Order**

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

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

Place: Mumbai  
Date: 30.09.2009.

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

**Appeal No.2009/3344/02**

**Shri. Sultan Sheikh  
B-15/5, Mitha Nagar, Municipal Colony,  
Mitha Nagar, Mahatma Gandhi Marg,  
Goregaon (W), Mumbai – 400 090.**

**... Appellant**

**V/s**

**First Appellate Officer cum Joint Commissioner  
G/North Ward, Municipal Corporation,  
Harichandra Yelve Marg, Behind Plaza Theater,  
Dadar, Mumbai – 400 028.**

**... Respondent**

**Public Information Officer cum Office Superintend  
G/North Ward, Municipal Corporation,  
Harichandra Yelve Marg, Behind Plaza Theater,  
Dadar, Mumbai – 400 028.**

**GROUND**

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant by his application dated 20.08.2008 has sought the information relating to payment of the provident fund amount due to her.

Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant filed this second appeal before the Commission. The appeal was heard on 30.09.2009. The appellant present but the respondent was absent.

The appellant has contended that she has not been paid the amount and it was being withheld illegally. She stated that the reason given was that she had not vacated the official quarter but it was not necessary to do so and it was not required by law and the amount could not be withheld on this ground. The respondent was not present so it could not be verified. It is however seen that the amount has been withheld on the ground that she has not filed an affidavit stating that the quarter has been vacated. The legality or otherwise of the stand taken by the appellant cannot be sorted out under the RTI Act. The Act only ensures furnishing of available information.

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

**Order**

The appeal is disposed off.

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

Place: Mumbai  
Date: 30.09.2009.

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

Appeal No.2009/3336/02

**Shri. Gandhi Ayyakannu Kondar**  
**Anna Nagar, Shiv Shakti, SRA CHS Ltd,**  
**New Link Rd, Andheri (W), Mumbai – 400 053.**

... **Appellant**

V/s

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

... **Respondent**

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

### **GROUND**

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant by his application dated 31.10.2009 had sought the information relating to Anna Nagar Shivshakti SRA CHS, New Link Rd, Andheri (W), Mumbai.

Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant filed this second appeal before the Commission. The appeal was heard on 30.09.2009. Appellant and respondent were present.

The appellant has contended that he wanted to inspect the file. He also wanted permission to seek assistance from someone.

The respondent agreed. It was decided to carryout the inspection 09.10.2009.

### **Order**

The appeal is disposed off.

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

Place: Mumbai  
Date: 30.09.2009.

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

Appeal No.2009/3338/02

**Shri. Chetan Kothari**  
**52, Oceanic Apt.,**  
**Dr. Rajbali Patel Lane off.**  
**B. Desai Rd, Mumbai – 400 026.**

... **Appellant**

V/s

**First Appellate Officer cum Asstt Municipal Commissioner**  
**Municipal Corporation,**  
**H/West Office Bldg, St. Martin's Rd,**  
**Behind Bandra Police Station,**  
**Bandra (W), Mumbai.**

... **Respondent**

**Public Information Officer,**  
**Office of the Chief Accountant (Finance)**  
**Municipal Head Office, Room No.211,**  
**2<sup>nd</sup> Floor, Annexe Bldg, Mahapalika Marg,**  
**Mumbai – 400 001.**

### **GROUND**

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant by his application dated 06.04.2009 has sought the information relating to consumption of electricity by different wards. He wanted summary details and the amount paid for consumption of electricity.

Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant filed this second appeal before the Commission. The appeal was heard on 30.09.2009. Appellant and respondent were present.

The appellant has contended that he had sought information from all the wards. The H/W ward however has furnished details of month wise consumption and payment details. He wanted only summary.

The respondent agreed to provide. I therefore pass the following order.

### **Order**

The appeal is allowed. PIO to furnish the summary as required by the appellant. This should be done in 15 days.

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

Place: Mumbai  
Date: 30.09.2009.

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

**Appeal No.2009/3340/02**

**Shri. Kailas Sharma  
12/704, Surya Complex,  
Kanjurmarg (W), Mumbai – 400 078.**

... **Appellant**

V/s

**First Appellate Officer,  
MMRDA Bldg,  
3<sup>rd</sup> Floor, Bandra-Kurla Complex,  
Bandra (E), Mumbai – 400 078.**

... **Respondent**

**Public Information Officer,  
MMRDA Bldg,  
3<sup>rd</sup> Floor, Bandra-Kurla Complex,  
Bandra (E), Mumbai – 400 078.**

**GROUNDS**

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant by his application dated 17.04.2009 had sought information relating to Vikroli Indira Nagar, MapNo.7 East. The applicant says that there only 240 persons on the wailing list but flats have been allotted to more than 300 persons. He also says that many persons whose huts have been shown on the map have not been allotted flats.

Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant filed this second appeal before the Commission. The appeal was heard on 30.09.2009. Appellant and respondent were present.

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

The respondent submitted that the appellant had not sought any information but remarks of the MMRDA. The respondent also submitted copies of allotment letters issued to the appellant. The respondent stated that allotments are done as per the list drawn by the NGO.

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

**Order**

The appeal is disposed off.

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

Place: Mumbai  
Date: 30.09.2009.

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

**Complaint No.2009/363/02**

**Shri. S. S. Prabhu  
B-23, "UDYAN-PRABHA"  
Tejpal Scheme Rd. No.2,  
Vile Parle (E), Mumbai – 400 057.**

... **Complainant**

**V/s**

**Public Information Officer cum Dy Registrar  
MHADA Room No.362,  
Grihanirman Bhavan, Bandra (E),  
Mumbai – 400 051.**

... **Respondent**

**GROUND**

This complaint has been filed under section 18 of the Right to Information Act 2005. The complainant has enclosed a list of 10 orders and alleged that they have not been complied. It is to be noted that some of the complaints from the list have already been disposed off. The complainant's expectation that the commission should sort out and pass ordered is not fair. I therefore direct that the complainant should make complaint individual order wise. I therefore close the file.

**Order**

The complaint is filed.

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

Place: Mumbai  
Date: 30.09.2009.