

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

Appeal No.2008/729/02

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

... **Appellant**

V/s

**First Appellate Officer cum Asstt. Commissioner,
Greater Mumbai, Municipal Corporation,
G/North, Harishchandra Yevle Marg,
Dadar (E) Mumbai – 400 028.**

... **Respondent**

**Public Information Officer cum Assitt. Assessor & Collector,
Greater Mumbai, Municipal Corporation,
G/North, Harishchandra Yevle Marg,
Dadar (E) Mumbai – 400 028.**

GROUND

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant had sought information regarding Mrs. Pawar, Inspector of Assessment, G/North Ward, Dadar, Mumbai. He has also raised other issues relating to property tax, its recovery etc. He was not satisfied with the responses from the PIO and the First Appellate Authority and hence this appeal.

The case was fixed for hearing on 01.09.2008. The appellant did not turn up. The respondent was present. He informed the commission, that the appellant has been given the required information by letter dated 02.04.2007. In view of the absence of the appellant and the respondent's submission I decide to close the case.

Order

The appeal is disposed off.

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

Place: Mumbai
Date: 02.09.2008

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

Appeal No.2008/490/02

**Mr. Shaikh Nawabuddin Naimuddin Siddique
Flat No. 702, "A" Wing,
Subhash Chandra CHS, Opp ONGC Tower,
Mukund Nagar, Dharavi, Mumbai – 400 017.**

... Appellant

V/s

**First Appellate Officer cum Chief Officer,
SRA, 5th Floor, Grihanirman Bhavan,
Bandra (E), Mumbai – 400 051.**

... Respondent

**Public Information Officer cum Registrar,
SRA, 5th Floor, Grihanirman Bhavan,
Bandra (E), Mumbai – 400 051.**

GROUND

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant had sought the information regarding Chawl Plot No 181 TPS (Dharavi), Chittrakut Society Grihnirman Sanstha, structures before redevelopment and after development. He has also asked for information regarding litigation against SRA/SRA officials. He was not satisfied with the responses from the PIO and the First Appellate Authority. Hence this appeal.

The case was fixed for hearing on 01.09.2008. Appellant and respondents were present. The appellant has sought this information through more than a dozen applications. His main grievance is that he wanted a copy of the table survey plan (measurement plan) because he suspects that his plot which stood in his name / possession according to the table survey plan has been subsequently shown in the name of some other person. The commission has provided various reliefs – inspection of documents, direction for searching the old papers and warning to initiate action. This

appeal being repetition of the old ones, the relief provided should be enough to help him in achieving his objectives.

Order

The appeal is disposed off.

(Ramanand Tiwari)
State Information Commissioner, Mumbai

Place: Mumbai
Date: 02.09.2008

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

Appeal No.2008/728/02

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

... Appellant

V/s

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

... Respondent

**Public Information Officer cum Assitt. Engineer (Building & Factory)
Greater Mumbai, Municipal Corporation,
P/North, Mamledar Wadi, 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 had sought the following information: -

1. Unauthorized construction carried out by the contractor Aslam Shaikh at Sallauddin Compound, Nr. Uncle Kitchen, Mave Road, Malad (W), Mumbai without the permission of the Dy. Chief Engineer Building and Proposal western suburbs having their office at Bandra and Kandivali nad without the prior permission of P/North Municipal Ward Office?
2. Why action of demolition is not taken against unauthorized construction at Sallauddin Compound, Nr. Uncle Kitchen, beat chowky at the intersection of the Link Road, Marve Road, Malad (W), Mumbai.
3. Copy of the approved plans of the Dy. Chief Engineer Building & Proposal western suburbs having their office at Bandra and Kandivali pertaining to Sallaudddin Compound, Nr. Uncle Kitchen, Beat Chowky at the intersection of the Link Road, Marve Road, Malad (W), Mumbai.
4. Copy of the repair permission by the P/North Municipal Ward Officer for the premised under construction situated at Sallauddin Compound, Nr. Uncle

Kitchen, Beat Chowky at the intersection of the Link Road, Marve Road, Malad (W), Mumbai.

5. Whether any complaint has been lodge by the local ward office of P/North in the Malad police station U/s 52 & 53 MRTP Act against Aslam Shikh?
6. Action taken report of the unauthorized construction situated at Sallauddin Compound, Nr. Uncle Kitchen, Beat Chowly at the intersection of the Link Road, Marve Road, Malad (W), Mumbai?

The PIO by his letters dated 21.05.2007 informed the appellant that the approved plan of the said structure is not available with his office, no repair permission is granted. The appellant was not satisfied and he preferred the first appeal. There is no order passed by the First appellate Authority. Hence this second appeal.

The case was fixed for hearing on 01.09.2008. The appellant did not turn up. The respondent was present. My attention was drawn to the letter dated 29.03.2007 addressed to the appellant where by he has been informed that the notice under section 351 of the MMC Act has been issued and the same will be processed with due process of law. It is clear that the approach of the PIO has been casual. The notice was issued in March 2007. No progress has been seen. Since the appellate has not turned up I am constrained to pass the following order.

Order

The appeal is allowed. The PIO to communicate the final outcome of the notice, what further action has been taken by him. A copy of the communication should be sent to the commission for information. This should be done within 30 days 20 of the RTI Act will be initiated.

(Ramanand Tiwari)
State Information Commissioner, Mumbai

Place: Mumbai
Date: 02.09.2008

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

Appeal No.2008/760/02

**Mr. Saurbha or Abhimanyu Yashavant Altekar,
G-3, Guruprasad, Society, Hanuman Road,
Villeparle (E), Mumbai – 400 057.**

... Appellant

V/s

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

... Respondent

**Public Information Officer cum Assitt. Engineer,
Greater Mumbai, Municipal Corporation,
K/Ward East Office, Azad Road, Gudavali,
Andheri (E), Mumbai – 400 069.**

GROUND

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant had sought information regarding development, maintenance and protection of Dr. K. B. Hedgewar Maidan at Villeparle (E). He has sought information on 22 points which include mainly no and nature of complaints received by MCGM, information regarding the agency which has been entrusted with the responsibility of its maintenance, stage of development, whether watchmen have been appointed etc. The Asstt. Engineer maintenance by him letter dated 19.06.2007 has furnished information on all the 22 points. The appellant however was not satisfied and preferred the first appeal under section 19(1) of the RTI Act, 2005. It is not clear whether the First Appellate Authority has passed any order. The appellant has filed this second appeal before the commission.

The case was fixed for hearing 04.09.2008. Neither the appellant nor the respondent turned up. The appeal therefore is decided on merits and on the basis of facts available in the file. It is revealed from the record that the appellant had made complaints regarding ill maintenance of the ground. He had also complained against the nuisance caused by activities in the maidan. The appellant stays in Guruprasad CHS and it seems

that there was no wall between the ground and the society building. Record shows that a wall has since been constructed. It also appears that the appellant was not happy with the height of the jali fixed and he had requested the MCGM to raise it. The detail pointwise reply of the PIO is also on record. Under these circumstances I am of the view that the information has been furnished I therefore decide to close the case.

Order

The appeal is disposed off.

(Ramanand Tiwari)
State Information Commissioner, Mumbai

Place: Mumbai
Date: 05.09.2008

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

Appeal No.2008/575/02

**Mr. Pradyot Govind Nawathe
205, Raj Baug, Daluchand Coop Hsg Scty Ltd,
Balchandra Road, Matunga, Mumbai – 400 019.**

... Appellant

V/s

**First Appellate Officer cum Director
(Engineering & Services Projects)
Office of the Director Engineering & Services Projects,
Mahaplika Chief Office, 3rd Floor, Mahapalika Marg,
Fort, Mumbai – 400 001.**

... Respondent

**Public Information Officer cum Dy. Chief Engineer
Bhrihan Mumbai Mahanager Palika, 'E' Division,
3rd Floor, Shaikh Hafizuddin Marg,
Byculla, Mumbai – 400 008.**

GROUND

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

1. After receipt of building completion certificate dated 16.09.2004 issued by Ex-Engineer, Building Proposal City II, and after forming Coop Hsg. Socty. The building has undertaken the extension today as the area of block no 201 by utilizing outside open space,

Has BMC given official permission to extend the premises? If yes, please provide copy of the same.

If no what action you have taken to demolish the illegal extension?

2. Whether the Architect M/S Hemant Karani of Karani & consultant has submitted certificate under section 270 A of MMC Act from HE department? As condition mentioned in the building completion certificate dated 16.09.2004.

If yes furnish copy of the same.

3. Astdt. Engineer, Building Proposal City V has waived the need of issue of full occupation certificate (copy enclosed)

Under which law or notification he has waived the requirement of issue of full occupation certificate?

Whether he has authority to issue such certificates?

Whether he can override the Legislative laws?

Information on these points has been furnished by the PIO and other officers. Letters by the Asstt. Engineer dated 11.05.2006, letter dated 16.08.2006 from Dy. Chief Engineer Building proposals (City) are on record. The First Appellate Authority's reply dated 18.09.2006 has not satisfied the appellant. He has therefore filed this third appeal with the commission.

The case was heard on 09.09.2009. Appellant and respondents were present. The PIO was asked to inspect the site and submit report to the commission regarding unauthorized extension by owner of block no 201. The PIO had earlier replied that no permission was granted for extension. The has reported that the extension has been demolished and made unusable. He has also reported that a complaint under section 53 of the MRTP Act has been lodged with the Police. In view of the fact that replies to other points have already been furnished and complaint has been lodged under MRTP Act. The appellant's demand for information has been met. I therefore decide to close the case.

Order

The appeal is disposed off.

(Ramanand Tiwari)
State Information Commissioner, Mumbai

Place: Mumbai
Date: 10.09.2008

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

Appeal No.2008/475/02

Mr. Prashant Shantaram Rane,
A 605, Sindhudurg, SRA Coop HSG, Soc,
Sadguru Nagar, Devipada, Borivali (W),
Mumbai – 400 066.

... Appellant

V/s

First Appellate Officer,
SRA, Ghrih Nirman Bhavan,
Bandra (W), Mumbai – 400 051

... Respondent

Public Information Officer cum Dy. Chief Officer,
SRA, Ghrih Nirman Bhavan,
Bandra (W), Mumbai – 400 051

GROUNDS

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant had asked for a copy of the order dated 24.08.1995 passed by the Hon Lokayukta in case No VLA/CON/4435/94/SO II directing the Chief Officer to convert the transit accommodation allotted to the appellant into a permanent one. There does not seem to be any order passed by the PIO or the First Appellate Authority. The case was fixed for hearing on 09.09.2008. Neither the appellant nor the respondent turned up. It is however seen that the order passed by Hon up Lokayukta has already been implemented. A copy of the letter dated 09.09.1996 addressed to the appellant is on record. The letter says that the gala allotted as transit accommodation is being made permanent. If that is so I do not understand the purpose of this appeal. In view of the fact neither the appellant nor the respondent is present, the information sought has been provided and the case is pending with the commission for quite sometime, I decide to close the case.

Order

The appeal is disposed off.

(Ramanand Tiwari)
State Information Commissioner, Mumbai

Place: Mumbai
Date: 10.09.2008

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

Appeal No.2008/317/02

**Smt. Smita Hareshwar Bhoir,
14/23, Jamanadar Building, 2nd Sutar Galli,
Dockyard Road, Mazgaon, Mumbai – 400 010.**

... Appellant

V/s

**First Appellate Officer cum Dy. Commissioner,
Office of the Dy. Commissioner Education,
3rd Floor, F/South, Municipal Corporation,
Dr. Ambedkar Rd, Parel, Mumbai – 400 032.**

... Respondent

**Public Information Officer cum Executive
Private School, S.S Bangali School,
Babasaheb Jaykar Marg, Charnni Rd,
Mumbai – 400 004.**

GROUNDS

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant has sought information regarding her employment in RK Academy, Colaba, Mumbai. She had sought information on 16 points which the Education officer MCGM by his letter dated 08.09.2006 has replied. She preferred the first appeal which was decided by the First Appellate Authority by his order dated 20.09.2006. The appellant is not satisfied and hence this second appeal.

The case was fixed for hearing on 19.06.2008. The hearing remained inconclusive and the DMC (Education) was asked to examine whether the appellant can be helped in any way. The next hearing was fixed on 26.08.2008. Appellant and respondents were present. The main contention of the appellate seems to be that she was not a part-time teacher as it is made out to be. She also has a grievance that when the school was being closed it was the Managements duty to accommodate her in one their institutions. The respondent has contended that this school was a private one and was not in receipt of any grant. The Education Dept. MCGM has no control over such organization. They have also stated that whatever information was available has been furnished.

I have gone through the case and also considered the argument advanced by parties. The main issue is – whether the appellant was a fulltime teacher or part-time teacher. All information sought revolve round this central point. It also appears from case papers that the appellant has already approached the tribunal and even the High Court. The attempt is to dig up something which resurrects the appellant’s case. The Education Dept. has been maintaining that the school was closed in 2005, it was a private school and the dept has little or no control over it.

It is however seen that the appellant had asked copy of some references to the dept and Dy. Director of Education. The First Appellate Authority in his order dated 20.09.2006 had directed that the report received from the law dept clarification, etc. be furnished to the appellant. There is nothing on record to show that the DMC’s order has been complied. I therefore pass the following order.

Order

The appeal is partially allowed. The PIO should furnish the information as directed by the DMC Education in his order dated 20.09.2006.

(Ramanand Tiwari)
State Information Commissioner, Mumbai

Place: Mumbai
Date: 10.09.2008

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

Appeal No.2008/434/02

**Smt. Smita Sudhakar Desai
Susmita, Plot No. A-36,
Sector 12, Kharghar,
Navi Mumbai – 410 210.**

... **Appellant**

V/s

**First Appellate Officer cum Govt. Pleader,
Appeal Branch, High Court, Mumbai.**

... **Respondent**

**Public Information Officer
Office of the Govt. Pleader,
Appeal Branch, High Court, Mumbai.**

GROUNDS

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

If benefits under Rule 39 were not granted to her, the reasons therefore should be clearly explained to her and true copies of documents in support thereof should be furnished to her. Reasons should be explained to her and true copies of the supporting documents enclosing true copy of office notings of SVB etc to be furnished to her the position and summarily disposing off her application dated August 4, 2006 to be explained. There is a delay of 74 days and the commission should take cognizance of the same and enforce section 20(1) & (2) of the RTI Act.

The appellant retired as superintendent Accounts from the office of the Govt. Pleader, High Court, Mumbai. Her date of increment as superintendent has been fixed as 01.11.1993. She has claimed that according to Rule 39 of the Maharashtra Civil Service Rules 1981 her date of increment should be March 15 1992 after taking into account her temporary promotion as superintendent for a total period of one year seven months and 17 days. The Govt. Pleader, High Court by his letter dated 14.09.2006 informed the appellant that her pay has been fixed according to the provision contained in rule 11(4) of

the Maharashtra Civil Service which according to him was correct. The appellant was not satisfied and she preferred the first appeal under section 19(1) the RTI Act, 2005. No order seems to have been passed by the First Appellate Authority and hence this second appeal.

The case was fixed for hearing on 21.08.2008. The appellant did not turn up. The respondent was present. After going through the case papers, it becomes clear that this is more in the nature of grievance rather than seeking information. The appellant wants her date of increment to be advanced by one year seven months and 17 days where as the office of the Govt. Pleader has fixed the date of increment as 01.11.1993 according to their interpretation of the rules. It is very clear that the commission is not mandated to provide remedial measures and ensures furnishing of available information Citizens have to approach the appropriate grievance redressal authority for getting their problems solved. I am however agreeing with the appellant's contention that she needs to be explained with supporting documents for not accepting her claim. The same has not been done. The PIO has given a very brief reply and the First Appellate Authority did not care to pass any order. I therefore pass the following order.

Order

The appeal is partially allowed. The PIO to furnish detailed explanation with documentary evidence and office notings as demanded by the appellant. This should be done within 30 days. No order with reference to delay as it is not proved that it has been deliberately delayed. A copy of the information furnished to the appellant to be endorsed to the commission for information.

(Ramanand Tiwari)
State Information Commissioner, Mumbai

Place: Mumbai
Date: 08.09.2008

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

Appeal No.2008/782/02

**Mr. Murlidhar Punvasi Malhar
Ramvilas Chawl, Mhatre Compound,
Carton Road No.1, Borivali (W),
Mumbai – 400 066.**

... Appellant

V/s

**First Appellate Officer cum Asstt. Commissioner,
Greater Mumbai, Municipal Corporation,
R/Central Division Office, Palika Building,
Swami Vivekananda Marg,
Near Borovili Station (W), Mumbai – 400 092.**

... Respondent

**Public Information Officer cum Colony Officer,
Greater Mumbai, Municipal Corporation,
R/Central Division Office, Palika Building,
Swami Vivekananda Marg,
Near Borovili Station (W), Mumbai – 400 092.**

GROUNDS

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant had sought information whether his name is included in annexure II. The Asstt. Commissioner by his letter dated 06.01.2007 has informed him that his hut was demolished on 07.11.1987 and revising the order does not fall within the purview of RTI Act. As we know the cut off date is 01.01.1995. The appellant's hut was not in existence on 01.01.1995 although he claims to be having all the proof of having a hut prior to the cut off date. The First Appellate Authority has also confirmed the PIO's order. Hence this second appeal.

The appeal was heard on 10.09.2007. Appellant and respondent were present. The facts are clear that he had a hut which was demolished on 07.11.1987 so it was not in existence on 01.01.1995. I am of the view that this needs to be reviewed with reference to

the existing rules. I would also advise that if needed SRA may also be consulted. As far information is concerned, the same stands furnished.

Order

The Asstt. Commissioner should review the order in the light of existence rules / regulations and find out whether it is possible to include the appellant's name in annexure II.

The appeal is disposed off.

(Ramanand Tiwari)
State Information Commissioner, Mumbai

Place: Mumbai
Date: 11.09.2008

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

Appeal No.2008/788/02

Mr. Narhani Shantaram Thorat
M/102, Shridatt Digambara CHS,
Gaurishankar Vadi No. 1, Pantnager (E),
Mumbai – 400 075.

... Appellant

V/s

First Appellate Officer,
SRA, 5th Floor, Grihanirman Bhavan,
Bandra (E), Mumbai – 400 0051.

... Respondent

Public Information Officer cum Asstt. Registrar,
SRA, 5th Floor, Grihanirman Bhavan,
Bandra (E), Mumbai – 400 0051.

GROUNDS

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant had made a complaint to the Chief Executive Officer Slum Rehabilitation Authority who asked the Ass. Registrar to enquire into. It the appellant has sought a copy of the report. The appellant is a handicapped person and had requested for allotment of a flat on the ground floor. He has however been allotted a flat on the first floor. Record does not show any order passed by the PIO or the First Appellate Authority. Hence this second appeal.

The appeal was heard on 10.09.2007. Appellant and respondents were present. The appellant's contention behind seeking the information is to get accommodated on the ground floor. Respondents stated that allotment has been done on the basis of draw of lottery.

After hearing the parties and examining the papers on record I have come to the conclusion that the appellant deserves to be helped. I pass the following order.

Order

Respondent to ensure that appellant is accommodated on the ground floor taking into account the fact that he is handicapped.

The appeal is disposed off.

(Ramanand Tiwari)
State Information Commissioner, Mumbai

Place: Mumbai
Date: 11.09.2008

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

Appeal No.2008/795/02

**Mr. Mahendra Janardhan Chawan
85/2, Chalke Chawl, Tadwadi, Swadeshi Mill RD,
Sion Chunabhatti, Mumbai – 400 022.**

... Appellant

V/s

**First Appellate Officer,
Employment & Self Employment,
3rd Floor, Konkan Bhavan,
C.B.D. Belapur, Navi Mumbai – 400 614.**

... Respondent

**Public Information Officer,
Employment & Self Employment,
3rd Floor, Konkan Bhavan,
C.B.D. Belapur, Navi Mumbai – 400 614.**

GROUND

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

- A) To furnish complete authentic information to reasonable reasons for not giving publicity to the provisional list in leading local news papers and displaying it on notice board as per norms National Employment Service Manual 1 & 2 for benefits of larger public interest in Citizens of India by the public authorities in Ministry of Employment Exchange & Self Employment Department.
- B) To furnish complete authentic information to reasonable reasons for not giving publicity to annual list information about the dates of seniority updated which the candidates are covered in different occupation in Employment Service Manual 1 & 2 for benefits of larger public interest in Citizens of India by the public authorities in Ministry of Employment Exchange & Self Employment Department.
- C) Furnish complete authentic information to the exact detail for locations of places where the committees have been working as per norm of National Employment Service Manual 1& 2 in lawful matters to Ministry of Employment Exchange & Self Employment Department.
- D) Furnish complete authentic information through a chart to all persons names/surnames on designations with details who are appointed to their duties and power to Government Officers, Government Employees, Concern

Authorities, Complainant Authorities, Representative of worker, Representative of Employees, Administrators, Public Authorities, Members of committees, Members of Parliament, Ministers as per norms of National Employment Service Manual 1 & 2 for discharging official duties in making decisions on law / lawful administrative and quasi judicial decisions as per Right to Information Act 2005 / Rules & Maharashtra Public Record Act 2005 / Rules within Ministry of Employment Exchange & Self Employment Department.

- E) To furnish complete authentic information for clarification whether seniority list maintain as per National Employment Service Manual 1 & 2 is given to any citizens of India and especially citizen who have filed writ petition in Hon'ble High Court at Bombay Nipun Mathkar Vs. Director, Employment Exchange & Self Employment Department & Ors. in Writ petition No. 2731 of 2003 and Vijay Mahadev Raut Vs. Director of Employment Exchange & Self Employment Department ors. in writ 2831 of 2003 as per Order's of Hon'ble High Court, Bombay.
- F) Inspection to complete authentic information records documents to all reports made by committees set up per norms of National Employment Service Manual 1 & 2 within Ministry of Employment Exchange & Self Employment Department.
- G) Furnish complete authentic information records documents to all reports made by committees set up as per norms of National Employment Services 1 & 2 within Ministry Employment Exchange & Self Employment Department.
- H) Furnish complete authentic information records documents to all reports made by committee set up as per norms of National Employment Service Manual 1 & 2 within Ministry of Employment Exchange & Self Employment Department and whether complete and clean transparency is kept and demonstrated by means for making know and communicated the information to public through notice boards, newspapers, public announcements, media broadcasts, internet, exhibitions or any information of material published by public authorities as per norms of Right to Information Act 2005/ Rules & Maharashtra Public Record Act 2005 within Ministry of Employment Exchange & Self Employment Department.
- I) Furnish complete authentic information whether proper action of inquiry is taken by setting up commissions as per The Commissions of Inquiry Act 1952 / Rules by Public Authorities / Complainant Authorities within Ministry of Employment Exchange & Self Employment Department to demanded in petitions dated on 3rd Oct, 2006 & 29th Jan, 2007 by Citizen's of India to their grievances in lawful

matter and whether complete and clean transparency is kept and demonstrated by means for making know and communicated the information to public through notice boards, newspapers, public announcements, media broadcasts, internet, exhibitions or any information of material published by public authorities as per norms of Right to Information Act 2005/ Rules & Maharashtra Public Record Act 2005 Rules within Ministry of Employment Exchange & Self Employment Department and also provide the reasonable reasons if unwilling to take any administrative quasi judicial actions in this matters on the petitions under The Commissions of Inquiry Act 1952 / Rules on the grievances of Citizen of India.

The PIO by his letter dated 30.05.2007 informed the appellant that he is not able to appreciate as to what information is required by him. He also requested the appellant that he may use simple language and seek information in Marathi if possible. The appellant was not happy and he filed the first appeal under section 19(1) of the Right to Information Act, 2005. The First Appellate Authority by his letter dated 30.08.2007 furnished detailed pointwise information. The appellant is not satisfied and hence this second appeal.

The appeal was heard on 11.09.2007. Appellant and respondent were present. The appellant has stated that he has not yet got the information. The respondent has stated that information has already been furnished. He had brought a set up documents and one copy was handed over to the appellant in front of me.

After going through the case papers, considering the arguments advanced by parties and taking into account the written submission made by the respondent, I have come to the conclusion that the required information has been furnished. The information sought is too broad and complex but even then the First Appellate Authority has successfully done his jole. I decide to close the case.

Order

The appeal is disposed off.

(Ramanand Tiwari)
State Information Commissioner, Mumbai

Place: Mumbai
Date: 10.09.2008

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

Appeal No.2008/798/02

**Mr. Vimal Bharti
2nd Floor, 586, J. S. S. Road,
Chira Bazaar, Mumbai – 400 002.**

... Appellant

V/s

**First Appellate Officer,
Sir J. J. Hospital,
Sir J. J. Marg, Byculla,
Mumbai – 400 003.**

... Respondent

**Public Information Officer,
Sir J. J. Hospital,
Sir J. J. Marg, Byculla,
Mumbai – 400 003.**

GROUNDS

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant had sought the following information regarding admission and treatment of Shri. Rajendra Ramchandra Chaturvedi in Sir. J. J. Hospital, Mumbai.

1. Give the Xerox copy of admission form of Rjendra Ramchandra Chaturvedi in J. J. Hospital.
2. At the time of admission what was the Condition of Rajendra Ramchandra Chaturvedi please give all the details in writing?
3. Under which treatement J. J. Hospital have admitted R.R. Chaturvedi. Please give me written.
4. How many kinds of Physical and Mental diseases he has:-
 - a) Give the names of the diseases.
 - b) Give the names of the each Doctor of particular disease taking case of patient in written.
 - c) Give the name of each medicine of particular disease give to patient in written.

5. From the date of admission till today please give the xerox copy of report and Medical Chart of each day treatment of R. R. Chaturvedi.
6. Give me of his current Physical and mental status reports in written.
7. Give the xerox copy of each and every Pathological test, kidney X-Ray test, Sonography test, Urine test and Blood test.
8. When R.R. Chaturvedi will be discharged?
9. After discharging Chaturvedi, will be able to face anything be mentally and physically?
10. Give the xerox copy of each and every papers work done for the patient from the admission till today.

The PIO by his order dated 11.04.2007 denied the information under section 8 of the RTI Act. The appellant filed the first appeal under section 19(1) of the Right to Information Act. No order seems to have been passed by the First Appellate Authority. Hence this second appeal.

The appeal was heard on 11.09.2007. The appellant remained absent. The respondent was present. He has stated that the information sought is personal and has been rightly denied under section 8 of the RTI Act 2005.

I have gone through the case papers and submissions made by the respondent. It is true that section 8 of the RTI Act exempts disclosure of personal information which has no relationship to any public activity or interest or which would cause unwarranted invasion of the privacy of the individual. The section however says that such information can be furnished if the PIO is satisfied that the larger public interest justifies the disclosure of information. There is nothing on record to show that the longer public

interest will be served by disclosure of the required information. The appellant's absence has deprived the commission of any input in this regard. I therefore confirm the order passed by the PIO.

Order

The appeal is disposed off.

(Ramanand Tiwari)
State Information Commissioner, Mumbai

Place: Mumbai
Date: 12.09.2008

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

Appeal No.2008/794/02

Mr. Dr. Dileep Shankar Bhasme,
3/307 Vatsalyadevi CHS, Ashok Nagar,
Opp. A. T. I., V. N. Purav Marg,
Sion-Chunabhatti, Mumbai – 400 022.

... Appellant

V/s

First Appellate Officer cum Administrative Director
Haffkine Bio Pharmaceutical Corporation Ltd.
Acharya Dhonde Marg, Parel,
Mumbai – 400 012.

... Respondent

Public Information Officer cum General Manager,
Haffkine Bio Pharmaceutical Corporation Ltd.
Acharya Dhonde Marg, Parel,
Mumbai – 400 012.

GROUNDS

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant had sought information regarding his pending cases for revised scale as Asstt. Medical Officer. The appeal was heard on 11.09.2008. Appellant and respondent were present. It was stated by the respondent that the matter has been referred to govt. and they are pursuing. The appellant was of the view that the reference was not necessary. The MD Haffkine Bio Pharmaceutical Corporation intervened to say that she has not examined the case and would like to see whether the appellant can be helped. Parties agreed. The appeal is remanded to the First Appellate Authority for reexamining the whole issue with a view to helping the appellant.

Order

The appeal is disposed off.

(Ramanand Tiwari)
State Information Commissioner, Mumbai

Place: Mumbai
Date: 12.09.2008

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

Appeal No.2008/803/02

**Mr. Maruti Pandurang Bhosle,
51/1120 Azad Nagar, 3, Vira Desai Rd,
Andheri (W), Mumbai – 400 058.**

... **Appellant**

V/s

**First Appellate Officer cum Dy. Chief Officer,
Estate Manager – II, Mumbai Ghrihanirman Bhavan,
Bandra (E), Mumbai – 400 051.**

... **Respondent**

**Public Information Officer cum Joint Chief Officer,
Estate Manager – II, Mumbai Ghrihanirman 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 action taken by the Estate Manager II on his application dated 16.03.2007 and action taken by the Vice Chairman and CEO on his application dated 22.12.2006 and also response to the legal notice dated 02.01.2007 given by advocate S.V. Dixit to the Vice Chairman. The appeal was fixed for hearing on 11.09.2007. The appellant did not turn up. The respondent also was not present There is nothing on record to show whether PIO or the First Appellate Authority has passed any order. The appeal however reveals that they have done nothing. 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 will be initiated against him.

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

Place: Mumbai
Date: 12.09.2008

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

Appeal No.2008/801/02

**Mr. Maruti Pandurang Bhosle,
51/1120 Azad Nagar, 3, Vira Desai Rd,
Andheri (W), Mumbai – 400 058.**

... **Appellant**

V/s

**First Appellate Officer cum Dy. Registrar
CHS, Mumbai Ghrihanirman & Area Development,
Ghrihanirman Bhavan,
Bandra (E), Mumbai – 400 051.**

... **Respondent**

**Public Information Officer cum Cooperative Officer
CHS, Mumbai Ghrihanirman & Area Development,
Ghrihanirman 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 information and copies of documents regarding Kripa Sagar Cooperative Society, its redevelopment without MHADA's permission copies of documents file a by the society. The appellant had also requested for certified copy of the bonds furnished by members of the Managing Committee. The PIO by his order dated 04.05.2007 informed him that these information could be obtained from the society as the same are available at society level. The appellant was not satisfied and preferred the first appeal under section 19(1) of the Right to Information Act 2005. The First Appellate Authority by his order dated 25.06.2007 allowed the appeal and directed that it is obligatory on the part of the PIO to furnish the information and the same should be furnished immediately. The information was not furnished. Hence this second appeal.

The appeal was heard on 11.09.2008. The appellant did not turn up. The respondent was present. He has not given satisfactory reply as to why the order passed by

the First Appellate Authority has not been complied under these circumstances I pass the following order.

Order

The order passed by the First Appellate Authority should be complied within 15 days. The PIO responsible for non compliance should be issued a show cause notice as to why action under section 20 of the RTI should not be taken against them.

The appeal is disposed off.

(Ramanand Tiwari)
State Information Commissioner, Mumbai

Place: Mumbai
Date: 12.09.2008

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

Appeal No.2008/800/02

**Mr. Sanjay Gangaram Pawar
Hanuman Mitra Mandal,
Amba Chawl Wadi, Parel,
Mumbai – 400 012.**

... Appellant

V/s

**First Appellate Officer cum Assitt. Commissioner,
F/South Division Office, Dr. Babasaheb Ambedkar Marg,
Parel Naka, Mumbai – 400 012.**

... Respondent

**Public Information Officer cum Colony Officer,
F/South Division Office, Dr. Babasaheb Ambedkar Marg,
Parel Naka, Mumbai – 400 012.**

GROUNDS

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant had sought information regarding verification of Annexure II relating to Mahaluxmi Cooperative Housing Society, Plot No. 138 A/174, Parel. Slum Rehabilitation Authority had asked the MCGM to verify the annexure II of the above society because this was prepared by the MCGM. This verification was requested in view of various complaints received by the SRA regarding authenticity of the annexure. The PIO informed the appellant that the verification work is on and the appellant can inspect the documents. The First Appellate Authority by his letters dated 20.07.2007 confirmed the PIO's order and hence this appeal.

The hearing was held on 11.09.2008. Appellant and respondents were present. The main contention of the appellant has been that he has not yet received the verified annexure II. The respondents have stated that it is taking time because some persons have been shifted to transit camp and some documents have been requisitioned from the chief Promoter. The information regarding Status of the file has been communicated.

I have gone through the file and also considered the argument advanced by parties. The main grievance of the appellant is that neither the PIO nor the First Appellant Authority has indicated the time limit by which the verification work will be over. The appellant's contention is correct. The appellant originally asked information relating to four societies but now wants information about only one society Mahaluxmi CHS, Parel. The verification should not take too much time as the first appellant's order itself was passed on 20.07.2007 and it is more than a year. I therefore direct that this verification work should be completed within one month. The Chief Promoter should cooperate with the MCGM officials and provide whatever documents are required to complete the verification. With these observations I pass the following order.

Order

The appeal is allowed. Respondents to provide information within 30 days.

(Ramanand Tiwari)
State Information Commissioner, Mumbai

Place: Mumbai
Date: 14.09.2008

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

Appeal No.2008/802/02

**Mr. Ramshankar Ayodhyaprasad Saroj
Ghanshyamdas Chawl, Room No. 2,
Sant Rohidas Marg, Kala Killa,
Dharavi, Mumbai – 400 017.**

... **Appellant**

V/s

**First Appellate Officer cum Add. Collector
SRA, 5th Floor, Ghrihanirman Bhavan,
Bandra (E), Mumbai – 400 051.**

... **Respondent**

**Public Information Officer cum Assitt. Registrar
SRA, 5th Floor, Ghrihanirman 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 a certified copy of the complaint dated 07.10.2005 lodged by members of the Omdutta cooperative Housing Society against the Secretary of the society. The PIO by his letter dated 25.06.2007 informed the appellant that his application has been sent to SRA. He however informed him that Photocopy of his complaint letter can be given to him on payment of requisite fee. The appellant preferred the first appeal under section 19(1) the RTI Act. The First Appellate Authority by his letter dated 01.08.2007 passed the order. The appellant is not happy and hence this second appeal.

The appeal was heard on 11.09.2008. The appellant did not turn up the respondent was present. The respondent has made his submission in writing. HE has stated that the required information has been furnished and party has been advised to get it certified by the society. The main contention of the appellant is that he wanted a certified copy of the complaint where as he has been given a photocopy. This complaint has been made by members of the society. The commission has been of consistent view that certified copy should be provided where the document has originated. Documents which have

originated elsewhere cannot be certified by the PIO. In this context the appellant has been rightly advised to get it certified by the society. In the light of the above observation, I decide to close the case.

Order

The appeal is disposed off.

(Ramanand Tiwari)
State Information Commissioner, Mumbai

Place: Mumbai
Date: 14.09.2008

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

Appeal No.2008/804/02

**Mr. Vijay Haridatt Tandle,
B/602, Sanskar, Ganesh Peth Lane,
Dadar (W), Mumbai – 400 028.**

... **Appellant**

V/s

**First Appellate Officer cum Assitt. Commissioner,
G/North Division Office, Dadar (W), Mumbai.**

... **Respondent**

**Public Information Officer cum Assitt. Engineer
G/North Division Office, Dadar (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 26.04.2005 had information is connection with the proposed redevelopment of final plot No. 773, 776 (part) TPS IV Mahim, Bhante Wadi, College Lane, Dadar (W), Mumbai. The appellant wanted copies of all related papers pertaining to the proposal. The PIO does not seem to have passed any order. He filed the first appeal under section 19(1) of the RTI Act. The First Appellate Authority has also not passed any order. The appellant has preferred this second appeal before the commission.

The appeal was heard on 11.09.2008. The appellant did not turn up. Respondents were present. The respondents contention is that information has been sought on so many points. It is, however, clarified that this cannot be a ground for denial of information. There has been a lapse on the part of both the PIO and the First Appellate Authority. I am therefore passing the following order.

Order

The appellant should be allowed inspection of the relevant file and furnished copies of selected documents. This should be done within 30 days failing which action under section 20 of the RTI Act will be initiated against him.

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

Place: Mumbai
Date: 14.09.2008

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

Appeal No.2008/778/02

**Mr. Sandesh Chandrakant Waikar
26/5, Sahantinagar, Sane Guruji Rd,
Satrasta, Jecub Circle, Mumbai – 400 011.**

... Appellant

V/s

**First Appellate Officer cum Joint Chief Commissioner,
Grihanirman Bhavan, Bandra (E),
Mumbai – 400 051.**

... Respondent

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

GROUND

This appeal has been filed under section 19(3) of the Right to Information Act 2005. He had sought information regarding redevelopment of building No 9, 13 and 15 at Dr. Maheshwri Rd, Mavaji Rathod RD, names and address of tenements holder, which transit accommodation they have been provided etc. The PIO does not seem to have passed any order. The appellant filed the first appeal. The First Appellate Authority has also not passed any order. Hence this appeal.

The case heard on 10.09.2008. Neither the appellant nor the respondent turned up. Since the information has not been furnished, it is hereby directed that the PIO furnish the information as requested. I pass the following order.

Order

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

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

Place: Mumbai
Date: 12.09.2008

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

Appeal No.2008/758/02

**Mr. Shashikant Narayan Parkar
110-C, Parkar Niwas, Worli Village,
Mumbai – 400 025.**

... **Appellant**

V/s

**First Appellate Officer cum Assitt. Commissioner,
Brihanmumbai Mahanagarपालिका,
G/South Ward, N.M. Joshi Marg,
Dadar, Mumbai – 400 028.**

... **Respondent**

**Public Information Officer cum Administrative Officer
Brihanmumbai Mahanagarपालिका,
G/South Ward, N.M. Joshi Marg,
Dadar, Mumbai – 400 028.**

GROUND

This appeal has been filed under section 19(3) of the Right to Information Act 2005. He had lodged a complaint dated 24.11.2002 against unauthorized construction at 116 B, Parkar Chawl, Worli Village, Mumbai 25 (VLT vase No. 672/1105). He has by his application dated 24.01.2007 sought information regarding action taken on his complaint. The PIO by his letter dated 12.02.2007 informed the appellant that action papers in respect of vacant Land Tenancy bearing case No. 672/1105 is not available in his office. The appellant filed the first appeal under section 19(1) of the RTI Act 2005. The First Appellate Authority by his order dated 02.04.2007 informed the appellant that the PIO's order was confirmed and information could not be furnished because the case papers were not available. The appellant has come in appeal against this order.

The case was fixed for hearing on 04.09.2008. Appellant and respondent were present. The appellant has contended that he is yet to get the information. The respondent has stated that since the case papers were not available, information on action taken cannot be furnished. I have gone through the case papers and also considered the arguments advanced by parties. It is true that RTI ensures furnishing of available information. But it is not enough say that the information is not available. The real

question is whether the information should have been there or not. The documents in this case are very important and it is not enough to say that they are not available and therefore cannot be furnished. I would therefore direct that strenuous and diligent search be made. The PIO should take help of other officers as contemplated in section 5(4 & 5) of the RTI Act. The required information may be furnished after the file is traced.

Order

It is therefore ordered that strenuous effort should be made to locate the file and information to be furnished to the appellant after the file is traced. The appeal is disposed off.

(Ramanand Tiwari)
State Information Commissioner, Mumbai

Place: Mumbai
Date: 15.09.2008

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

Complaint No.2008/10/02

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

... Appellant

V/s

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

... Respondent

GROUND

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

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

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

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

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

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

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

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

The hearing was fixed on 01.08.2008. The information sought is too broad and nonspecific. It is time consuming also. This, however, cannot be a ground for denying the information. The RTI Act is designed to ensure that information available must be

furnished. Can we think of a situation in which the same question was asked in the state legislature and the department handles the way it has handled the complainant application? The answer is a clear no. We have to make heaven and earth one and ensure that the replies are furnished in time. Section 8(J) says clearly the information which cannot be denied to the Parliament or a state legislature shall not be denied to any person.

In the instant case there has been a lot of passing of the buck and it must stop some where. In the light of the back ground of the case I am of the view that the Director, Technical Education will have to rise to the occasion. He has already written to all the Joint Director and directed them to furnish the information to the complainant and send a copy of the same to him. He should get them compiled and furnish to the complainant. I pass the following order.

Order

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

(Ramanand Tiwari)
State Information Commissioner, Mumbai

Place: Mumbai
Date: 05.09.2008

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

Appeal No.2008/814/02

**Mr. S. M. Deo
M/S. Sudarshan Engg. Co, 60/6,
Tarun Bharat Complex, Shara Road,
Swami Samarth CHS Ltd, Andheri (E),
Mumbai – 400 099.**

... **Appellant**

V/s

**First Appellate Officer cum Superintend Engineer,
M.I.D.C, Andheri (E), Mumbai – 400 093.**

... **Respondent**

**Public Information Officer cum Executive Engineer
M.I.D.C, Andheri (E), Mumbai – 400 093.**

GROUND

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

Information about the detailed working of outstanding MPW A/c Recovery of Rs.8, 02, 141/- and date or this outstanding since when it is pending in your Thane Div II. Against D.B.Jagdale, Civil Contractor and his Tender Agreement No. B-2/6 of 1990 -91 or Talaja Feeder Civil Construction at Talaja.

This outstanding in question is a Govt. money that is of MIDC and please inform whether any recourse to the provision of MID Act 1961 as “Arrears of land Revenue “under section 51, 52, 53 & 54 by the concern officer and please make it clear if any attempts to recover the MPW A/c Arrears under the MID Act 1961 were made. Have you made any application to the collector of Mumbai for this?

The information was denied by the PIO and the First Appellate Authority on the ground that the matter is sub judice. The was done on the basis of the respondent’s solicitor’s advice given to them. The appellant however feels that information cannot be withheld on the ground that the same dispute is pending in any court of law. Hence this second appeal.

The appeal was heard on 15.09.2007. Appellants and respondents were present.

The required information has since been furnished because of a court order. The

appellant's grievance is that why was this not done earlier. The respondents have contended that the information was not given earlier because they were advised not to do so. It was not possible for them to go against the advice of their solicitors. They have therefore contended that no motives can be attributed to their action as the same has been done under bonafide belief that information should not be furnished while the matter was pending in a court of law.

I have gone through the case papers and arguments advanced by parties. It is clear that the information required has been furnished as per court direction. The issues raised by the appellant that why was this not done has been adequately addressed. After going through the papers on record I have come to the conclusion that respondents had not withheld information malafidely. I therefore conclude that information has been furnished and respondents are not guilty under section 20 of the RTI Act. I pass the following order.

Order

The appeal is disposed off.

(Ramanand Tiwari)
State Information Commissioner, Mumbai

Place: Mumbai
Date: 15.09.2008

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

Appeal No.2008/817/02

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

... **Appellant**

V/s

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

... **Respondent**

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

GROUND

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

“Attested copies of all fake tutorial books as mentioned in the second paragraph of show cause notice dated 24.04.2007.”

The appellant was issued a show cause notice by the Management and para 2 of the notice read as follows:

“Your claim that you have inspected these Tutorial Books thoroughly is therefore false. The scrutiny of the said Tutorial Books shows that you have not assessed or checked them at all. Some students have submitted the old Tutorial Books of some other students of past years of some other institution / college and you have blindly assigned the Marks on piece of papers against their Roll Numbers, under your signature without any assessment and it is a clear fraud”.

It seems that neither the PIO nor the First Appellate Authority has passed any order. Hence this second appeal before the commission. The appeal was heard on 15.09.2008. Appellants and respondents were present. The appellant has repeated his

request to get certified copies of the tutorial books. The respondents pleaded that these books are not in their possession and the same have been deposited with the Tribunal where the appellant's case against his dismissal is pending. In view of the fact that the documents are not available with the respondent, certified copies cannot be provided. The respondents however volunteered to furnish the certified copies as soon as they are received back from the Tribunal. The appellant agreed to this. I therefore pass the following order.

Order

Respondent to furnish the information as required by the appellant after the documents are received back from the Tribunal. The appeal is disposed off.

(Ramanand Tiwari)
State Information Commissioner, Mumbai

Place: Mumbai
Date: 15.09.2008

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

Appeal No.2008/816/02

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

... Appellant

V/s

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

... Respondent

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

GROUNDS

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

- i) Audited statements of accounts ending 31st March 2004.
- ii) Statement of income and expenditure ending 31st March 2004.
- iii) Ledger book for the financial year ending 31st March 2004.
- iv) Cash book of financial year ending 31st March 2004.
- v) Credit voucher file of financial year ending 31st March 2004.
- vi) Debit voucher file of financial year ending 31st March 2004.

Neither the PIO nor the First Appellate Authority has passed any orders hence this second appeal.

The appeal was heard on 15.09.2008. Appellant and respondents were present. The appellant has insisted on getting the information he has sought. The respondents have argued that it is not clear as to why should the appellant seek this information. Their attention was drawn to sub section 2 of section 6 of the RTI Act, 2005 which says as follows:

“An application 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 contractile him”. It is therefore necessary that the appellant must be given the information he has asked for. I therefore pass the following order.

Order

The appeal is allowed. Respondent to furnish formation within 30 days failing which action under section 20 of the RTI may be initiated against the PIO.

(Ramanand Tiwari)
State Information Commissioner, Mumbai

Place: Mumbai
Date: 16.09.2008

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

Appeal No.2008/815/02

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

... **Appellant**

V/s

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

... **Respondent**

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

GROUNDS

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

- i) Attested copy of the appointment letter of Dr. Shakul Hurzur.
- ii) Attested copies of salary slips of Dr. Shakul Hurzuk for the academic year 2004 - 05, 2005-06, 2006-2007.
- iii) Why does the Principal Dr. Hakul Hurzuk not reside in the quarters provided by the college in its premises. The PIO does not seem to passed any order. The First Appellate Authority has also not passed any order. The appeal was heard open 15.09.2008. Appellant and respondents were present. The appellant insists on getting the information he has sought. The respondents argument was that the appellant has nothing to do with the information he has sought. His attention was drawn to sub section 2 of section 6 of the RTI Act which says as follows:-

An appellate 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 contracts him.”

I have however realized that information on point no 2 salary slip of Dr. Shakul Hurzuk from 2004-05 to 2006 need not be given. Section 8(1) (j) clearly says that there shall be no obligation to give any information the disclosure of which has no relationship to any public activity or interest. I am of the view that this information need not be furnished. Information on point no 1 & 3 has to be furnished immediately as the same has not been done earlier.

Order

The appeal is partially allowed. Information relating to point no 1 and 3 to be furnished within 15 days.

(Ramanand Tiwari)
State Information Commissioner, Mumbai

Place: Mumbai
Date: 16.09.2008

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

Appeal No.2008/824/02

Mr. Vilasrao Baburao Deshamukh
Room No. A/1, Shri Gurukrupa Chawl,
Hanuman Tekadi, Kajupada, Borivali,
Mumbai – 400 066.

... Appellant

V/s

First Appellate Officer cum Engineering Cell,
SRA, 5th Floor, Grihanirman Bhavan,
Bandra (E), Mumbai – 400 051.

... Respondent

Public Information Officer,
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 chawls in the Vicinity Hanuman Tekadi, Kajupada, Borivali (E). The appeal was fixed for hearing on 16.09.2008. The appellant however by his letter dated 15.09.2008 has informed the commission that he is withdrawing the appeal. The request is granted.

Order

The appeal is stands withdrawn & disposed off.

(Ramanand Tiwari)
State Information Commissioner, Mumbai

Place: Mumbai
Date: 16.09.2008

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

Appeal No.2008/832/02

**Mr. Vijay. S. Pande
Mumbai Driving School,
Kamlesh Apt. Shop No. 45,
Shere Punjab, Andheri (E),
Mumbai – 400 093.**

... Appellant

V/s

**First Appellate Officer cum Add. Collector,
SRA, 5th Floor, Grihanirman Bhavan,
Bandra (E), Mumbai – 400 051.**

... Respondent

**Public Information Officer cum Assitt. Registrar
SRA, 5th Floor, Grihanirman Bhavan,
Bandra (E), Mumbai – 400 051.**

GROUND

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

1. Please provide the information and document that, on what basis and provision the flat no. 101 is allotted to Shri S.E. Bhardwaj in Prajakta SRA CHS Andheri (E).
2. Provide the documents which are submitted by the S.E. Bhardwaj to SRA to decide the eligibility of earlier, slum structure.

Neither the PIO nor the First Appellate Authority has given satisfactory reply to him. Hence this second appeal.

The appeal was heard on 16.09.2008. Appellant and respondent were present. The appellant feels that Shri. S E Bharadwaj has been wrongly allotted flat No 101 in Prajakata SRA Cooperative Housing Society Andheri (E). He has shown to me annexure II where in Mr. Bharadwaj has been shown as ineligible. So what the appellant needs is a

copy of allotment letter to confirm the allotment. The respondent did not give any satisfactory answer for not furnishing the information.

I therefore pass the following order.

Order

The appeal is allowed. The respondent to furnish a copy of the allotment done by the society within 30 days.

(Ramanand Tiwari)
State Information Commissioner, Mumbai

Place: Mumbai
Date: 16.09.2008

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

Appeal No.2008/825/02

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

... **Appellant**

V/s

**First Appellate Officer cum Assitt. Municipal Commissioner,
Mahapalika, D Ward Division Office,
Nana Chowk, Mumbai – 400 007.**

... **Respondent**

**Public Information Officer cum Medical Officer,
Mahapalika, D Ward Division Office,
Nana Chowk, Mumbai – 400 007.**

GROUND

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant has sought information regarding Rajdhani Eating House and inspection of all documents. He is not satisfied with the replies given by the PIO and the First Appellate Authority and hence this second appeal.

The appeal was heard on 16.09.2008. Appellant and respondent were present. The respondent PIO has made exhaustive and pointwise submission. He has replied to all the queries raised by the appellant. It has also been brought to the notice of the commission that they have offered inspection of documents and the appellant has admitted having received the intimation. In the light of these observations. I pass the following order.

Order

The appellant should be provided the opportunity of inspecting relevant documents and furnished copies of selected ones. A copy of the submission made to commission by the PIO should also be made available to the appellant because it very explanatory and contains virtually all the information which the appellant wanted to have. The appeal is disposed off.

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

Place: Mumbai
Date: 17.09.2008

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

Appeal No.2008/828/02

**Mr. Abu Sufiyan Ansari,
Ansari Chawl, Kamla Raman Nagar,
Cape India Hotel, Dumping Rd,
Govandi, Mumbai – 400 043.**

... **Appellant**

V/s

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

... **Respondent**

**Public Information Officer,
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 has sought information regarding allotment of 3 tenements No. 201, 202 and 203 to Shri. Ravindra Shelar, Smt. Lalita Shelar (Wife) and Shri. Himanshu Shelar (Son) although they constitute one family. The case papers do not show that the PIO or the First Appellate Authority has passed any order. Hence this second appeal.

The appeal was heard on 16.09.2008. The appellant was present. The respondents remained absent. The appellant's contention prima facie seems to be correct that 3 members of the same family should not have been allotted 3 tenements. MMRDA does allotment on the basis of the list drawn after the base live survey was conducted. They should have all the details to furnish the relevant information but they have done nothing to furnish the required information. I therefore pass the following order.

Order

The PIO to furnish information as requested by the appellant within 30 days. He should also explain to the commission why was the application of the appellant not attended and information furnished in time.

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

Place: Mumbai
Date: 17.09.2008

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

Appeal No.2008/823/02

Mr. Suryakant Gangaram Chawan
39/2/3, Navjivan CHS,
Opp. Indira Nagar Police Station,
Service Rd, Santacruz (E),
Mumbai – 400 055.

... **Appellant**

V/s

First Appellate Officer cum Chief Executive Officer,
SRA, 5th Floor, Grihanirman Bhavan
Bandra (E), Mumbai – 400 051.

... **Respondent**

Public Information Officer cum Assitt. Engineer
Engineering Division,
(Bandra East & West Division)
SRA, 5th Floor, Grihanirman Bhavan
Bandra (E), Mumbai – 400 051.

GROUNDS

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant had requested for a copy of the LOI, plan and commencement certificate in respect of NILOFAR CHS situated at S.no. 19(Part) Mauje Santacruz (E), Golibar Road, Mumbai. The appellant has stated that a copy of the plan and Letter of Intent have been given to the appellant. The appellant however is not satisfied. The appeal was heard on 16.09.2008. Appellants and respondents were present. They have both repeated their stands. In view of the fact that a copy of the LIO and plan have been given to the appellant, I am of the view that the information has been furnished. I decide to close the case.

Order

The appeal is disposed off.

(Ramanand Tiwari)
State Information Commissioner, Mumbai

Place: Mumbai
Date: 17.09.2008

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

Appeal No.2008/826/02

**Mr. Mohammad Salim Tai
R/4, 4th Floor, Shekharni Manzil,
18, Kazi Street, Null Bazar,
Mumbai – 400 003.**

... Appellant

V/s

**First Appellate Officer cum Dy. Commissioner,
Municipal Corporation, E ward,
10 Shaikh Hafiudin Marg, Byaculla,
Mumbai – 400 008.**

... Respondent

**Public Information Officer cum Assitt. Commissioner
Municipal Corporation, E ward,
10 Shaikh Hafiudin Marg, Byaculla,
Mumbai – 400 008.**

GROUND

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The applicant is TMP licence holder. He is handicapped. He applied for grant of a stall measuring 2.00 x 1.00 m² by converting the existing TMP licence. He has sought information as to the action taken on his application. The senior Inspector (licence), A/ward and Public Information Officer by his letter dated 16.09.2006 informed the appellant that the Hon Supreme Court by its order dated 09.12.2003 and 30.12.2003 has asked MCGM to finalize hawking and non hawking zones in the city. The appellant's application for conversion of the existing TMP into a stall cannot be considered. The First Appellate Authority does not seem to have passed any order. Hence this appeal.

The appeal was heard on 16.09.2008. Appellant and respondents were present. The appellant has requested for information / action taken on his application for conversion of TMP into a regular stall. Respondents have stated that existing policy does not permit or there is no policy to convert TMP into stalls. They however promised that whenever such TMP are removed or have to be removed, an alternative space is provided to them. They also said that the present TMP holder need not worry and he being a

handicapped, will be accommodated somewhere if the present place has to be vacated. In the light of the above, I close the case.

Order

The appeal is disposed off.

(Ramanand Tiwari)
State Information Commissioner, Mumbai

Place: Mumbai
Date: 17.09.2008

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

Appeal No.2008/827/02

**Mr. Dilip B. Madhavani,
Mr. Harilal P. Shah & Other
Shop No. 7, Filka CHS. Ltd,
Daftary Rd, Malad (E),
Mumbai – 400 097.**

... Appellant

V/s

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

... Respondent

**Public Information Officer cum Assitt. Engineer (Building & Factory)
Municipal Corporation, P/North Office, Liberty Gardena,
Malad (W), Mumbai – 400 064.**

GROUND

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

Large scale illegal and unauthorized changes in the society's building in gross and blatant violation of the MCGM Acts / Development Control Regulations or any other concerned Authority / Acts and also without the permission in writing from the said society resulting in severe damages to the entire structural stability of the society's building being 35 years old structure and also which is against the original building Approved Plans bearing file no. CE/401 of 1970-71 dated 14.01.1972. Under such reference kindly favour from your side below mentioned information namely:

- a) Whether any application is received by your department for such ongoing work at the above referred address viz. FILKA CHSL, Daftary Rd, Malad (E), Mumbai – 400 097.
- b) Whether if any permission is granted by your department for such ongoing work at the above referred address. Kindly give us the copy of such permission given by your department.

c) If not then please give us the documentary proof for the action taken by your department against such full fledged work going on, on an emergency basis.

The PIO by his letter dated 27.03.2007 informed the appellant as follows: -

With reference to above, this is to inform you that necessary action has been taken by this office as under.

Regarding extension of balconies, this office had already initiated action under section 351 of M.M.C. Act in 2004-05 & party approached Court of Law and obtained injunction vide B.C.C.C. suit No. 247/2005.

Further for covering of open space at rear side of bldg., this office had taken action under section 55 of M.R.T.P. Act and party has removed the same.

Regarding change of elevation of said bldg., this office initiated action under section 354 A of M.M.C. Act & work has been stopped.

Party has further replied that he has approached to Ex.Eng (Bldg. Prop) Deptt. for permission of said work. This office has referred to Bldg. Proposal Deptt. Further action as deem fit will be taken.

Regarding xerox copies of information, you are requested to pay the necessary charges.

The appellant was not satisfied and preferred the first appeal under section 19(1) of the RTI Act. The First Appellate Authority by his letter dated 10.07.2007 directed that SE (Building) P/North should arrange a joint inspection and give revised reply to the appellant. The appellant was not satisfied and hence this appeal.

The appeal was heard on 16.09.2007. Appellant and respondent were present. The appellant continued to express his dissatisfaction. He contended that no replies have been given to the points raised by him. He also contended that information on points raised by his solicitor in his application dated 8 February 2007 should be given. In fact the notice by Vimla and company is not an application under the RTI Act and it has to be decided

whether to treat this as an application and furnish replies to them. The second important point that the replies furnished by the PIO are not addressing the issues raised the appellants solicitor, is not factually correct. The information furnished by the PIO is directly addressing the points raised in the solicitors notice, although not all points have been covered.

In the light of the above discussion I am of the view that PIO should furnish information on points raised in the appellants solicitor. This is being done after keeping in mind the spirit behind the enactment of the Right to Information Act. The application is not in the form prescribed but I am giving importance to the spirit rather than form. This makes it obligatory on the part of the appellant to cooperate with the PIO so that the required information is furnished to him.

Order

The appeal is allowed. The appellant should be furnished information on the point raised by his solicitor in his notice dated 08.02.2007.

(Ramanand Tiwari)
State Information Commissioner, Mumbai

Place: Mumbai
Date: 17.09.2008

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

Appeal No.2008/834/02

**Mr. Arun Ganpat Bhovar
A/603, Sai Ashish Vikroli
Station Rd, Vikroli (E),
Mumbai – 400 083.**

... Appellant

V/s

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

... Respondent

**Public Information Officer cum Cooperative Officer,
Cooperative Board, 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 applicant had sought information regarding his application for 'no objection' from the society to sell his flat. The PIO by his letter dated 10.05.2007 informed the appellant that the society was being directed to provide him the 'no objection' certificate. The appellant preferred the first appeal. The First Appellant Authority by his order dated 11.07.2007 directed the society under section 79(1) of the Maharashtra Cooperative Society Act 1960 to furnish the required information to the appellant within 15 days. The appellant has come in appeal before the commission against this order.

The appeal was heard on 16.09.2008. The appellant was present. The society's secretary was also present. The secretary stated that the appellant and the society have long standing dispute. The appellant does not pay society charge to the society but deposits directly in the bank. The society needs to verify the payment and only after verification is done, NOC can be issued.

After going through the case papers I have come to the conclusion that the no objection has to be given by the society for which direction under section 79(1) of the Maharashtra Cooperative Societies Act 1960 has been issued by the Dy. Registrar of cooperative societies. There is nothing which the commission can do. I therefore pass the following order.

Order

The appeal is disposed off.

(Ramanand Tiwari)
State Information Commissioner, Mumbai

Place: Mumbai
Date: 17.09.2008

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

Appeal No.2008/833/02

**Mr. Arun Ganpat Bhovar
Mr.Subhash Tukaram Patkar
A/603, Sai Ashish Vikroli
Station Rd, Vikroli (E),
Mumbai – 400 083.**

... Appellant

V/s

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

... Respondent

**Public Information Officer,
Cooperative Board, 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 appellants have sought information regarding mismanagement of the affairs of the society. His grievance include non issuance of share certificate to them. The PIO or the First Appellate Authority does not seem to have passed any order. Hence this appeal.

The appeal was heard on 16.09.2008. The appellant and the society's secretary were present. The secretary informed the commission that there are long standing disputes between the appellant and the society. The appellants do not pay society charges in the office of the society but deposit in the bank. This gives rise to the problem of reconciliation and denial of information to the appellant.

I have gone through the case papers. I am of the view that the Maharashtra Cooperative Society Act 1960 gives adequate powers to the Dy. Registrar to sort out issues between the society and its members.

The Dy. Registrar Cooperative Societies is directed to intervene in the matter and provide relief to the appellant.

Order

The appeal is disposed off.

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

Place: Mumbai
Date: 17.09.2008

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

Appeal No.2008/845/02

**Mr. Suresh Balvant Palande,
Ram NAgina Tiwari Bhuvan,
Aslafa Nagar, Ghatkopar (W),
Mumbai – 400 084.**

... Appellant

V/s

**First Appellate Officer,
Municipal Corporation,
Room No. 46, 1st Floor,
Old Building Chief Office,
Mahapalika Marg, Mumbai – 400 001.**

... Respondent

**Public Information Officer,
L/Division, Municipal Corporation,
Room No. 46, 1st Floor,
Old Building Chief Office,
Mahapalika Marg, Mumbai – 400 001.**

GROUND

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant had sought information regarding construction of transit camp constructed in the compound of Jagdamba Mandir, Asalfa Village, Mumbai. He had sought information from the MCGM. He was informed by the Assistant Engineer (Building and Factory) that they did not have the information and therefore could not furnish to the appellant. It is not clear whether the appellant filed any appeal under section 19(1) of the RTI. He has approached the commission under section 19(3) of the RTI Act.

The appeal was heard on 17.09.2008. Appellant and respondent were present. It was explained to him that transit camps are not constructed by MCGM and his application should have been transferred to SRA under intimation to him. The appellant there upon stated that he is no longer interested in the appeal.

In the light of the above background I decide to close the case.

Order

The appeal is disposed off.

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

Place: Mumbai
Date: 17.09.2008

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

Appeal No.2008/855/02

**Mr. Mohammad Salim Tai
R/4, 4th Floor, Shekharni Manzil,
18, Kazi Street, Null Bazar,
Mumbai – 400 003.**

... Appellant

V/s

**First Appellate Officer cum Dy. Commissioner,
Municipal Corporation, E ward,
10 Shaikh Hafiudin Marg, Byaculla,
Mumbai – 400 008.**

... Respondent

**Public Information Officer cum Assitt. Commissioner
Municipal Corporation, E ward,
10 Shaikh Hafiudin Marg, Byaculla,
Mumbai – 400 008.**

GROUND

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The applicant is TMP licence holder. He is handicapped. He applied for grant of a stall measuring 2.00 x 1.00 m² by converting the existing TMP licence. He has sought information as to the action taken on his application. The senior Inspector (licence), A/ward and Public Information Officer by his letter dated 16.09.2006 informed the appellant that the Hon Supreme Court by its order dated 09.12.2003 and 30.12.2003 has asked MCGM to finalize hawking and non hawking zones in the city. The appellant's application for conversion of the existing TMP into a stall cannot be considered. The First Appellate Authority does not seem to have passed any order. Hence this appeal.

The appeal was heard on 18.09.2008. Appellant and respondents were present. The appellant has requested for information / action taken on his application for conversion of TMP into a regular stall. Respondents have stated that existing policy does not permit or there is no policy to convert TMP into stalls. They have stated that the present TMP holder need not worry and he being a handicapped, will be accommodated

somewhere if the present place has to be vacated. In the light of the above, I close the case.

Order

The appeal is disposed off.

(Ramanand Tiwari)
State Information Commissioner, Mumbai

Place: Mumbai
Date: 18.09.2008

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

Appeal No.2008/849/02

**Mr. Pravin M. Dali
A/603, MAuli Co Op Hsg. Soc,
Nr. Mun School, Mithanagar,
M.G.Rd, Goregaon (W),
Mumbai – 400 062.**

... Appellant

V/s

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

... Respondent

**Public Information Officer cum Dy. Registrar
Cooperative Santha, P Division,
Malhotra House, V.T. Mumbai.**

GROUND

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant has asked for copies of bills, bank statement, resolutions, payment vouchers etc. produced by the society in support of statement of account shown in proceedings before the Dy. Registrar on which he has relied while passing order in case of action against the appellant under section 101 of the Maharashtra Co-operative Societies Act 1960. The PIO by his letter dated 12.06.2006 informed the appellant that the information sought would not be available in his office and he should approach the society where these information should be available. The appellant filed the first appeal. The Dy. Registrar by his order dated 31.07.2007 directed the PIO to furnish the required information. The appellant is not satisfied and hence this second appeal.

The appeal was heard on 18.09.2008. Appellants and respondents were present. No new arguments were placed before the commission. The First Appellate Authority has already directed that papers in file No 143/06 should be given to the appellant. I confirm the order.

Order

The First Appellate Authority's order dated 31.07.2007 is confirmed.

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

Place: Mumbai
Date: 18.09.2008

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

Appeal No.2008/853/02

Mr. Ramesh N. Kanojia
A-6, Inayat Nagar, Gaondevi Rd,
Bhandup (W), Mumbai – 400 078.

... **Appellant**

V/s

First Appellate Officer cum Joint Commissioner
Municipal Cooperation, S Division Building,
L.S.Marg, Nr. Mangatram Petrol Pump
Bhandup (W), Mumbai – 400 078.

... **Respondent**

Public Information Officer cum Assitt. Engineer,
Municipal Cooperation, S Division Building,
L.S.Marg, Nr. Mangatram Petrol Pump
Bhandup (W), Mumbai – 400 078.

GROUND

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant wanted information regarding illegal construction carried out by Mr. Baban Pawar at Patil Wadi, Bhandup (W). The appeal was heard on 18.09.2008. The appellant did not turn up. The respondent was present. In his written submission he states that the appellant sits in front of Mr. Pawar's shop Mr. Pawar has made complaints against the appellant for illegally hawking in front of his shop. The appellant therefore has complained against Mr. Pawar. It is also seen that the Asst. Commissioner 'S' Ward by his letter dated 21.08.2007 has informed the appellant that he has directed to issue notice under 351, hear the party and take appropriate action.

In view of the fact that the appellant is absent and the Asstt. Commissioner has proposed to initiate action under section 351 of the Mumbai municipal Corporation Act, I decide to close the appeal.

Order

The appeal is dispose off.

(Ramanand Tiwari)
State Information Commissioner, Mumbai

Place: Mumbai
Date: 19.09.2008

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

Appeal No.2008/853/02

Mr. Ramesh N. Kanojia
A-6, Inayat Nagar, Gaondevi Rd,
Bhandup (W), Mumbai – 400 078.

... **Appellant**

V/s

First Appellate Officer cum Joint Commissioner
Municipal Cooperation, S Division Building,
L.S.Marg, Nr. Mangatram Petrol Pump
Bhandup (W), Mumbai – 400 078.

... **Respondent**

Public Information Officer cum Assitt. Engineer,
Municipal Cooperation, S Division Building,
L.S.Marg, Nr. Mangatram Petrol Pump
Bhandup (W), Mumbai – 400 078.

GROUND

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant wanted information regarding illegal construction carried out by Mr. Baban Pawar at Patil Wadi, Bhandup (W). The appeal was heard on 18.09.2008. The appellant did not turn up. The respondent was present. In his written submission he states that the appellant sits in front of Mr. Pawar's shop Mr. Pawar has made complaints against the appellant for illegally hawking in front of his shop. The appellant therefore has complained against Mr. Pawar. It is also seen that the Asst. Commissioner 'S' Ward by his letter dated 21.08.2007 has informed the appellant that he has directed to issue notice under 351, hear the party and take appropriate action.

In view of the fact that the appellant is absent and the Asstt. Commissioner has proposed to initiate action under section 351 of the Mumbai municipal Corporation Act, I decide to close the appeal.

Order

The appeal is dispose off.

(Ramanand Tiwari)
State Information Commissioner, Mumbai

Place: Mumbai
Date: 19.09.2008

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

Appeal No.2008/856/02

**Chairman/ Secretary, Athiti CHS Ltd,
Plot No. C.D. 199, RSC 31 Municipal,
R/Ward, Gorai-2, Borivali (W),
Mumbai – 400 092.**

... Appellant

V/s

**First Appellate Officer cum Dy. Registrar
Cooperative Santha, 2nd Floor,
Grihanirman Bhavan Desk No. 369,
Bandra (E), Mumbai – 400 051.**

... Respondent

**Public Information Officer,
Grihanirman & Area Developments 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 is a Cooperative Housing Society. They have alleged that the earlier managing committee has not handed over vital documents to the present management – some of the points on which information has been sought is as follows: -

- 1) Cash Book – original (1997-2008)
- 2) Ledger Book – original (1997-2000)
- 3) Minutes Book (1997 to 2000)
- 4) Cash in hand amount Rs.1324/-
- 5) Two round seals of the society
- 6) Marathi rubber stamp
- 7) Pass Book – Ajara Urban Cooperative Bank

The appellant is not satisfied with responses from the PIO the First Appellate Authority. Hence this second appeal.

The appeal was heard on 18.09.2008. The appellant did not turn up. The respondent was present. He has stated that if the society lets him know the name of

the person who is having these records, he can proceed under the Maharashtra Cooperative Societies Act 1960 and order seizure of documents.

I have gone through the case papers and also considered the argument advanced by the respondent. I am of the view that the Dy. Registrar should proceed against the whole managing committee which is alleged to have not given the documents. The Maharashtra Cooperative Societies Act is a powerful Act and the Dy. Registrar should use it against the recalcitrant committee. I therefore pass the following order.

Order

The appeal is allowed. The Dy. Registrar to proceed against the managing committee members who are with holding the vital documents and denying the required information.

(Ramanand Tiwari)
State Information Commissioner, Mumbai

Place: Mumbai
Date: 19.09.2008

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

Appeal No.2008/847/02

Mr. Pravin Shri. Waghmare
55/A, Katradevi Colony, Dr. S.S. Rao Rd,
Nr. Raj Kamal Studio, Parel,
Mumbai – 400 012.

... Appellant

V/s

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

... Respondent

Public Information Officer,
SRA, 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 copies of the power of attorney, Development agreement between the society and the developer, Affidavit, papers relating to the land etc. The record does not show any order passed by the PIO or the First Appellate Authority.

The appeal was heard on 18.09.2008. The appellant did not turn up. The respondent stated that SRA has received the proposal but the same has not been approved. Therefore information could not be furnished. This argument is totally wrong. Furnishing of the required document has nothing to do with approval or otherwise. There has been a lapse on the part of the SRA in not furnishing the information. I therefore pass the following order.

Order

The appeal is allowed. SRA to furnish the required information within 30 days free of cost and failure to comply will lead to initiation of penal action under section 20 of the RTI Act 2005.

(Ramanand Tiwari)
State Information Commissioner, Mumbai

Place: Mumbai
Date: 19.09.2008

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

Appeal No.2008/859/02

**Mr. Shankar Vishnu Velankar
Flat No. 509, Radha Kunj CHS. Ltd,
Manmal Tank Road,
Mahim, Mumbai – 400 016.**

... Appellant

V/s

**First Appellate Officer cum Assitt. Commissioner
Municipal Cooperation, J/North Division Office,
Dadar, Mumbai – 400 028.**

... Respondent

**Public Information Officer cum Senior Inspector,
Municipal Cooperation, J/North Division Office,
Dadar, 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 implementation of Supreme Court's order dated 09.12.2003, 30.07.2004 and 12.02.2007 relating to hawking and non hawking zones, removal of illegal occupants / hawker from footpaths and roads in G/North, MCGM, Dadar, Mumbai. The appellant was not satisfied with the information furnished by the PIO and the First appellate Authority and hence this second appeal.

The appeal was heard on 18.09.2008. Appellant and respondent were present. The appellant has alleged that the Supreme Court's orders have not been implemented. He read out the figures furnished by MCGM showing that the no of hawkers has up instead of coming down. The respondent has stated that no fresh licences have been given by them after the Supreme Court's verdict. He also explained that the Supreme Court's order is being implemented. He stated that survey has been carried out notices given and since the no of pitches available is much less than the no of hawkers operating today they propose to allot pitches by draw of lot. It is therefore not correct to say that Supreme Court's orders are not being implemented.

I have gone through the case papers and also considered the arguments advanced by parties. My conclusion is that required information has been furnished. The order

passed by the First Appellate Authority dated 20.12.2007 is exhaustive and addresses appellants concerns. This problem is gigantic and there are pressure & counter pressure. Despite all this the PIO has stated that the process of implementation is on and information has been furnished from time to time. There is nothing to show that the officials are deliberately delaying the implementation. I would also request the PIO to be in touch with the appellant since he stays in that area and is also fighting for a public cause.

In view light of the above observation, I decide to close the case.

Order

The appeal is disposed off.

(Ramanand Tiwari)
State Information Commissioner, Mumbai

Place: Mumbai
Date: 19.09.2008

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

Appeal No.2008/846/02

**Mr. Chandrakant R. More,
257, Costo Chawl Novelty,
S. V. Rd, Andheri (W),
Mumbai – 400 058.**

... **Appellant**

V/s

**First Appellate Officer cum Assitt. Commissioner,
Municipal Cooperation, K/West Ward Office,
Opp. Andheri Best Bus Depot,
Paliram Path, Andheri (W),
Mumbai – 400 058.**

... **Respondent**

**Public Information Officer cum Assitt. Engineer (Build. & Factory)
Municipal Cooperation, K/West Ward Office,
Opp. Andheri Best Bus Depot,
Paliram Path, Andheri (W),
Mumbai – 400 058.**

GROUND

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant's main contention is that PIO should be penalized for delay in furnishing the information. The appellant had sought information by his application dated 20.03.2007. No information was furnished. He filed his first appeal on 26.06.2007. After the first appeal was filed, the information was furnished on 09.08.2007. The first appeal has been decided on 18.08.2007.

The appeal was heard on 18.09.2008. The appellant did not turn up. Respondents were present. They have admitted that there has been delay. It is therefore ordered that a show cause notice should be issued to the PIO concerned asking him to explain why penal action under section 20 of the RTI should not be taken against him.

Order

The appeal is allowed.

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

Place: Mumbai
Date: 19.09.2008

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

Appeal No.2008/776/02

**Smt. Poonam Chunilal Malik and
Chunilal Vasdev Malik
Row House No. 3, Leslie Villas,
Priti Vihar Soc, Thakur Complex,
Kandivali (E), Mumbai – 400 101.**

... Appellant

V/s

**First Appellate Officer cum Dy. District Registrar,
Co.op. Hosing Societies, MHADA Building,
Bandra (E), Mumbai – 400 051.**

... Respondent

**Public Information Officer cum Dy. District Registrar,
Co.op. Hosing Societies, Malhotra House,
Opp. GPO, Mumbai – 400 001.**

GROUND

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant had asked information regarding Membership details in Priti Vihar Cooperative Housing Society Ltd. Kandivali (E) bearing registration no.BOM/WR/HSG/TC/11806/2002-02 year 2002 and action taken by the Dy. Registrar on his various complaints. The PIO by his letters dated 09.04.2007 informed the appellant that since societies do not receive any grant from govt. they are not within the purview of the RTI. There is nothing to show whether appeal under section 19(1) was filed and whether the First Appellate Authority has passed any order.

The appeal was heard on 23.09.2008. The appellant was present. The respondent was also present (he came a little late). The main contention of the appellant was that the information sought by him is supposed to be with the Dy. Registrar and he should have furnished the same to the appellant.

I have gone through the case papers. It needs to be clarified that the commission does not agree with the view that societies are not within the purview of the RTI. Right to information has been defined as 'right to information accessible under this Act which is held by or under the control of any public authority'. The Dy. Registrar, registrar

societies has registered the society and he is bound to have details of membership. This is what is asked by the appellant. I therefore pass the following order.

Order

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

(Ramanand Tiwari)
State Information Commissioner, Mumbai

Place: Mumbai
Date: 23.09.2008

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

Appeal No.2008/778/02

**Mr. Rajesh Hiralal Merchant
71/4, Gandhi Nagar, Dainik Shivneri Marg,
Near Marshal Arts, Warli,
Mumbai – 400 018.**

... **Appellant**

V/s

**First Appellate Officer cum Assitt. Commissioner,
Municipal Corporation, Room No 46, 1st Floor,
Old Chief Office, Mumbai – 400 001.**

... **Respondent**

**Public Information Officer,
Municipal Corporation, Room No 46, 1st Floor,
Old Chief Office, Mumbai – 400 001.**

GROUND

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant had sought a photo copy of the original documents relating to VLT case No. 575, BMC, IMTS. The PIO by his letter dated 17.03.2006 informed the appellant that the documents were not available and therefore required information cannot be given. The appellant filed the first appeal under section 19(1) of the Right to Information Act 2005. There is nothing on record to show whether the First Appellate Authority has passed any order. The appellant has preferred this second appeal.

The appeal was heard on 23.09.2008. The appellant did not turn up. The respondents were present. According to respondents the property originally stood in the name of one Shri. H.V. Merhant. In 1984 it was transferred in the name of N.J. Virani as P.T. Left (Principal tenant left). The respondent showed to me the file where a formal order has been passed.

It would therefore be desirable for the appellant to inspect the documents, select the document he needs and place his requisition accordingly. I therefore pass the following order.

Order

The appeal is allowed. Respondents to facilitate inspection of the original documents and furnish copies of selected ones. This should be done within 30 days.

(Ramanand Tiwari)
State Information Commissioner, Mumbai

Place: Mumbai
Date: 23.09.2008

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

Appeal No.2008/777/02

**Mr. Rajesh Hiralal Merchant
71/4, Gandhi Nagar, Dainik Shivneri Marg,
Near Marshal Arts, Worli,
Mumbai – 400 018.**

... **Appellant**

V/s

**First Appellate Officer cum Assitt. Commissioner,
Municipal Corporation, G/North Ward,
Harishachandra Yevale Marg,
Dadar (E), Mumbai – 400 028.**

... **Respondent**

**Public Information Officer,
Municipal Corporation, G/North Ward,
Harishachandra Yevale Marg,
Dadar (E), Mumbai – 400 028.**

GROUND

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant had requested for a copy of the transfer documents in VLT case No 575, Dharavi. The property originally stood in the name of one Mr. H.V. Merchant. In 1984 this was allotted to one Mr. N.J. Virani on the ground that the Principal tenant had left the premises. There is a formal order on record transferring the property from H. V. Merchant to N. J. Virani. The appellant wanted copies of documents underlying the transfer. The PIO by his letter dated 17.04.2007 informed him that a copy of the documents relating to transfer by order No. MDD/344 dated 27.03.1984 can be obtained by depositing Rs.2/-. There is nothing on record to show whether the appellant obtained copy or not. It is also not clear whether he preferred the first appeal.

The case was heard on 23.09.2008. The appellant did not turn up. Respondents were there according to respondents the property originally stood in the name of one Shri. H.V. Merchant. In 1984 it was transferred in the name of N.J. Virani as P.T. Left (Principal tenant left). The respondent showed to me the file where a formal order has been passed.

It would therefore be desirable for the appellant to inspect the documents, select the document he needs and place his requisition accordingly. I therefore pass the following order.

Order

The appeal is allowed. Respondents to facilitate inspection of the original documents and furnish copies of selected ones. This should be done within 30 days.

(Ramanand Tiwari)
State Information Commissioner, Mumbai

Place: Mumbai
Date: 23.09.2008

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

Appeal No.2008/829/02

**Mr. Vijaykumar Shankarrao Hotkar
1-B-405, Snehdeep Co-op-Soc, Devratnagar,
Sion-Chunabhatti, Mumbai – 400 022.**

... Appellant

V/s

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

... Respondent

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

GROUND

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant had sought certain clarification by his application dated 05.02.2007 under the Right to Information Act. The said letter was received in the Public Health Department on 07.02.2007. The letter was transferred to Mr. Jewalikar, Public Information Officer on 20.03.2007 violating the provisions of the RTI Act. The appellant therefore sought the following information: -

- 1) Date of receipt of letter in registry and name or designation of person.
- 2) Movement of letter from the date of receipt till it handed over to Shri. Jewalikar Public Information Officer.
- 3) Person responsible for delay of nearly 40 days.
- 4) Action taken or proposed to be taken against person responsible for inordinate delay.
- 5) What instructions are issued to avoid such incidences in future.

The appellant has alleged that the requisitioned information was not furnished to him within 30 days thereby violating the provisions of the Act. He has prayed that the Public Information Officer be held responsible for willful delay in compliance of the requisitioned information as contemplated under section 20 of the Act action be taken

against him. The First Appellate Authority has not passed any order (as it appears from the papers submitted by the appellant). The appellant has filed this second appeal.

The appeal was heard on 16.09.2007. The appellant was present. Respondents were also present. The main contention of the appellant is to have the information regarding movement of his letter resulting delayed furnishing of information.

After going through the case papers it is seen that the First Appellate Authority has not taken any decision. He has failed to discharge the duties cast on him under the RTI Act. The movement of papers can be tracked by him in a better way because this is an internal matter. I therefore direct that the First Appellate Authority must apply his mind and pass reasoned order. The appellant is free to approach the commission if he is not satisfied with the First Appellate Authority's decision. I therefore pass the following order.

Order

The appeal is remanded to the First Appellate Authority for disposal as per law. The case is disposed off at commission's level.

(Ramanand Tiwari)
State Information Commissioner, Mumbai

Place: Mumbai
Date: 24.09.2008

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

Appeal No.2008/649/02

Mr. Dr. Vijay V. Parulekar
2nd Floor, Lalit Nivas, Mahatma Gandhi Rd,
Vile Parle (E), Mumbai – 400 057.

... Appellant

V/s

First Appellate Officer cum Joint Commissioner,
Municipal Corporation, K/East Ward,
Gunvali, Andheri (E), Mumbai – 400 069.

... Respondent

Public Information Officer cum Assitt. Engineer (Build & Factory)
Municipal Corporation, K/East Ward,
Gunvali, Andheri (E), Mumbai – 400 069.

GROUNDS

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant had sought information regarding his complaints against M/s Suprabhat developers. He was not satisfied with responses from the PIO and the First Appellate Authority and hence this appeal.

The appeal was fixed for hearing on 14.08.2008. The appellant remained absent. The appeal was adjourned to find out whether the appellant has received any information as directed by the First Appellate Authority. The appeal was heard today. The appellant again did not turn up. Respondent was present. After going his list of complaints, I come to the conclusion that there is nothing like seeking information. They are in the nature of grievances. His absence has deprived the commission of his valuable input for any direction and I am constrained to pass the following order.

Order

The appeal is dismissed.

(Ramanand Tiwari)
State Information Commissioner, Mumbai

Place: Mumbai
Date: 24.09.2008

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

Appeal No.2008/674/02

**Mr. Jagdish Vithal Keny
House Next to Room No.1,
FNB/198 Shivaji Nagar,
Opp. BMC Vhawl No. 22/8,
Plot No. 126, Sion (E),
Mumbai – 400 022.**

... **Appellant**

V/s

**First Appellate Officer cum Joint Commissioner,
Municipal Corporation, F/North Ward Office,
Matunga, Mumbai – 400 019.**

... **Respondent**

**Public Information Officer cum Colony Officer
Municipal Corporation, F/North Ward Office,
Matunga, Mumbai – 400 019.**

GROUNDS

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant has sought information regarding his eligibility for allotment of tenement being constructed on plot No. 126, Sion. This plot was leased out to Kamagar Cooperative Housing Society by the MCGM. The society is developing the plot in phases. The main contention of the appellate is that he is entitled to get rehabilitated but the society is not accommodating him. The case was fixed for hearing on 21.08.2008. It transpired during the hearing that it was necessary to hear some important parties like society / developer / related departments of MCGM. The appeal was adjourned to 23.09.2005. It was heard on 23.09.2005. The appellant did not turn up. The Assitt F/North, the Assitt. Commission (Estates) Secretary of the society and the developer were present. The Secretary of the society brought to the commissions notice that this is dispute between the appellant and the society and the appellant has already approached the Civil Court for resolution of the same. Representatives of MCGM have brought to my notice that information related to the property has been furnished to the appellant from time to time. I have gone the record and seen that a lot of information relating to the property has been furnished to the appellant.

In the light of the above discussion I have come to the conclusion that as far as the information is concerned, the appellant has been adequately informed. As far as his dispute regarding eligibility for rehabilitation is concerned, the same is pending in the court of law and the commission in no way can intervene and assist. I therefore pass the following order.

Order

The appeal is disposed off.

(Ramanand Tiwari)
State Information Commissioner, Mumbai

Place: Mumbai
Date: 24.09.2008

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

Appeal No.2008/865/02

**Mr. Pundlik Kashinath Raut
The Railway Goods Clearing & Forwarding,
Establishment Lebar Board for Greater Mumbai,
Masjid, Mumbai – 400 009.**

... Appellant

V/s

**First Appellate Officer, the Railway Goods Clearing & Forwarding,
Establishment Lebour Board for Greater Mumbai,
Masjid, Mumbai – 400 009.**

... Respondent

**Public Information Officer, the Railway Goods Clearing & Forwarding,
Establishment Lebour Board for Greater Mumbai,
Masjid, Mumbai – 400 009.**

GROUND

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant wanted to know what action has been taken by the Railway Goods Clearing and Forwarding Establishment Labour Board for the Greater Mumbai on his petition dated 22.08.2006. The PIO has given information on all the points but the appellant was not satisfied. He preferred the 1st appeal under section 19(1) RTI Act. There is nothing on record to show that the First Appellate Authority has passed any order. It is because of this reason that the appellant has filed this 2nd appeal.

The appeal was heard on 22.09.2008. Appellant and respondents were present. It appears that although the PIO has given point wise reply, the appellant is not satisfied. In fact his main grievance is that he has not been promoted to the post of Supervisor / Inspector. Any answer short of promotion is not likely to satisfy him. The respondents have stated that the appellant has since been promoted. Records also show his attempts at getting his problem solved through courts of law.

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

Order

The appeal is disposed off.

(Ramanand Tiwari)
State Information Commissioner, Mumbai

Place: Mumbai
Date: 24.09.2008

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

Appeal No.2008/887/02

**Mr. Bharat Virchandji Gurjar
7, Gazder Street, Shriji Bhavan, J.S.S. Rd,
Mumbai – 400 002.**

... **Appellant**

V/s

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

... **Respondent**

**Public Information Officer,
SRA 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 sought the following information: -

The SRA Dept. Mhada has redeveloped the several slums and also the open plot in the city of Mumbai. Furnish me the details of each building how many excess or new tenements / flats has been come up after rehabilitation of the original tenants / occupants in both reserved category and unreserved category. Who was the contractor of the building when the work order was given, when the building / project completed. When the notice for sale of excess flats / tenements was given. (copy of said notice advertisement) who is the allottee of the flats and at present who is residing in the said flats.

The appellant in his appeal says that his application to the SPIO dated 12.02.2007 was not disposed of within the time limit and his first appeal dated 6th June 2007 was also not disposed of within the time limit prescribed under the Right to Information Act 2005. He has therefore filed the second appeal before the commission.

The appeal was heard on 24.09.2008. The appellant was present but the respondents were absent. The appellant has repeated his point that no information has been furnished and therefore he has come in the second appeal. I have gone through the

file and it is obvious that neither the PIO nor the First Appellate Authority has taken cognizance of the application / appeal. This is a serious matter and reflects their casual approach to RTI Act. I have, however, come to the conclusion that the information is too broad and non specific. It is not pointed and focused. The appellant wants information about the whole city, details of each building, how many excess or new tenements have come to MHADA, who were the allottees of flats etc. I do not think the information is compiled in this form Section 7(9) of the RTI 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. I am of the view that collecting collating and furnishing information in the form in which it has been requisitioned will disproportionate divert the resources of the public authority. The information therefore cannot be furnished. This in no way justifies the total lack of sensitivity on the part of the PIO. It was his duty to bring facts to the notice of the appellant by passing appropriate order. I therefore pass the following order.

Order

The appeal is disposed off. The PIO however should send his explanation as to why action under section 20 of the RTI Act should not be initiated against him for not responding to the appellant's plea. His explanation to reach commission within 30 days.

(Ramanand Tiwari)
State Information Commissioner, Mumbai

Place: Mumbai
Date: 25.09.2008

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

Appeal No.2008/893/02

**Mr. Riyan Ahmed Shaikh
Room No. 3, Shok Nagar Chawl No. 44,
Marol Pipe line, Andheri (E), Mumbai – 400 059.**

... **Appellant**

V/s

**First Appellate Officer cum Assitt. Commissioner,
Municipal Corporation, K/East Ward Office,
Azad Rd, Gundvali, Andheri (E), Mumbai – 400 069.**

... **Respondent**

**Public Information Officer cum Assitt. Engineer (Build & Factory)
Municipal Corporation, K/East Ward Office,
Azad Rd, Gundvali, Andheri (E), Mumbai – 400 069.**

GROUNDS

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant by his application dated 08.05.2007 had sought information regarding action taken on his complaint against one Mr. Zaved Ahmed who had unauthorizedly constructed a shop and a room. The PIO by his letter dated 03.08.2007 informed him that a notice under 351 of the MMC Act has been issued and the case is pending with City Civil Court under BCCC suit no 1274 of 2006. He was not satisfied with the information furnished and filed the first appeal under section 19(1) of the RTI Act 2005. There is nothing on record to show whether the First Appellant Authority has passed any order.

The appeal was heard on 24.09.2008. Appellant and respondent were present. The appellant stated that he was not getting the information because BMC officials were hand in glove with the opponent. He also alleged that no information was furnished even after lapse of 506 days. He has also stated that official's inaction BMC has led to the court case. The respondent stated that since the matter is pending in the court of law and this information has already been furnished, there is nothing to be done on their part.

I have gone through the case papers and also considered the arguments advanced by parties. My conclusion is that the information has been furnished. In fact record shows that by the time the complaint was filed the case was already in the court of law.

The appellant has been given this information. Record also does not show that BMC officials have delayed the action to facilitate filing of the case. The statement made by the appellant to drive home the point is not supported by papers on record. Under these circumstances, I come to the conclusion that the information has been furnished and case needs to be closed.

Order

The appeal is disposed off.

(Ramanand Tiwari)
State Information Commissioner, Mumbai

Place: Mumbai
Date: 25.09.2008

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

Appeal No.2008/908/02

**Mr. Mohammad Salim Tai
R/4, 4th Floor, Shekharni Manzil,
18, Kazi Street, Null Bazar,
Mumbai – 400 003.**

... Appellant

V/s

**First Appellate Officer cum Dy. Commissioner,
Municipal Corporation, E/Ward,
10 Shaikh Hafiudin Marg, Byaculla,
Mumbai – 400 008.**

... Respondent

**Public Information Officer cum Assitt. Commissioner
Municipal Corporation, E/Ward,
10 Shaikh Hafiudin Marg, Byaculla,
Mumbai – 400 008.**

GROUND

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The applicant is a TMP licence holder. He is handicapped. He applied for grant of a stall measuring 2.00 x 1.00 m² by converting the existing TMP licence. He has sought information as to the action taken on his application. The senior Inspector (licence), A/ward and Public Information Officer by his letter dated 16.09.2006 informed the appellant that the Hon Supreme Court by its order dated 09.12.2003 and 30.12.2003 has asked MCGM to finalize hawking and non hawking zones in the city. The appellant's application for conversion of the existing TMP into a stall cannot be considered. The First Appellate Authority does not seem to have passed any order. Hence this appeal.

The appeal was heard on 28.09.2008. Appellant was present. Respondents did not turn up. The appellant has requested for information / action taken on his application for conversion of his TMP into a regular stall. It has been pleaded by respondents that there is no policy to convert TMP into stalls. Record shows that the appellant had approached the Hon High Court where the Hon High Court has observed: -

“We have full sympathy for the petitioner but we are unable to accept the request of the petitioner for converting the licence into a stall licence. In Maharashtra Ekta Hawkers Union and Another Vs. Municipal Corporation, Greater Mumbai and others (Civil Appeal Nos. 4156-4157 of 2002) the Supreme Court has modified the scheme framed by this Court. Clause 2 of the modified scheme reads as follows:-

Hawkers must not put up stalls or place any tables, stand or such other thing or erect any type of structure. They should also not use handcarts. However, they may protect their goods from the sun, rain or wind. Obviously this condition would not apply to Aarey / Sarita stalls.

In view of the above direction, it is not possible to permit the petitioner to erect a stall and convert his licence in to a stall licence. However, if the petitioner is desirous of starting a PCO booth he is free to make a representation to the Corporation and if such a representation is made the Corporation shall consider the same on its own merits in accordance with law and pass appropriate order within three months from the date of receipt of the application.”

In the light of the above, I close the case.

Order

The appeal is disposed off.

(Ramanand Tiwari)
State Information Commissioner, Mumbai

Place: Mumbai
Date: 26.09.2008

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

Appeal No.2008/904/02

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

... Appellant

V/s

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

... Respondent

**Public Information Officer cum Dy. Registrar
Cooperative Soc., Mumbai Division, Mumbai,
Grihanirman Bhavan, Room No. 69,
Bandra (E), Mumbai – 400 051.**

GROUNDS

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant by his application dated 04.07.2007 had sought the following information: -

- 1) Status of your order dated 21.05.2006 appointing an administrator
- 2) Reason for not taking charge of the society and the Bank Accounts
- 3) What is the reason for mentioning the so called stay orders dated 20.06.2006 when no such orders were issued.
- 4) The name and address of the officer who is responsible for communicating this wrong information regarding stay order dated 20.06.2006.
- 5) Your orders dated 31.05.2006 have become operational from 04.09.2006 hence
(a) Details of action taken if any (b) Reason for no action (c) Any other information.

The appellant was not satisfied with responses from the PIO and the First Appellate Authority hence this appeal.

The appeal was fixed for hearing on 25.09.2008. The appellant did not turn up. The respondents also remained absent. The appeal is being decided on the basis of papers on record.

The contention of the appellate is that on 31.05.2006 the then Dy. Registrar appointed an administrator to Versova Jeepiter Cooperative Housing Society, Lokhandwala Complex, 4th Cross Road, Andheri (w), Mumbai. The said order was stayed on 20.07.2006 and expired on 04.09.2006. The appellant's point is that after vacation of the stay order the original order dated 31.05.2006 becomes operational but the administrator still did not take over the management of the society. This in fact is the grievance of the appellant. Thus it is seen that the appellant has been provided the information he required – date on which the administrator was appointed, date on which the said order was stayed and the dated of on which the stay order stood vacated. He actually wants to know why the administrator failed to take over the management of the society. This grievance cannot be redressed under the Right to Information Act. I therefore conclude that the required information has been furnished the appellant can approach appropriate grievance redressal authority to get the issues sorted out. I pass the following order.

Order

The appeal is disposed off.

(Ramanand Tiwari)
State Information Commissioner, Mumbai

Place: Mumbai
Date: 26.09.2008

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

Appeal No.2008/899/02

**Mr. Bhaskar Bhikaji Shelke
Liquidator, Mscarmd Bank Ltd,
15/A, Morvi Lane, Chowpatty,
Mumbai – 400 007.**

... Appellant

V/s

**First Appellate Officer cum Dy. Secretary (5S)
Cooperation and Textile Department,
Mantralaya, Mumbai – 400 032.**

... Respondent

**Public Information Officer cum Desk Officer (5S)
Cooperation and Textile Department,
Mantralaya, Mumbai – 400 032.**

GROUNDS

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

- i) To see the file concerning my unjustified transfers since November 2005 to March 2006 and notings of the said file and addl. Documents after inspection.
- ii) To inspection the file regarding my representation dated 03.03.2006 about my illegal transfer as liquidator, and additional documents, if any required after inspection of the said file.
- iii) File concerning regularization of waiting period from 18.11.2005 to March 2006 with a view to ascertain the delay caused in regularizing the waiting period and copies of documents required after inspection.
- iv) Inspection of the file concerning my request for repatriation in the co-opn. dept. and action taken thereon – copies of documents after inspection of the file.
- v) My specific queries about officers responsible for my harassment in the govt. service needs to be answered specifically by pro.
- vi) I have called for the inspection of file concerning material to be supplied to GAD for holding the establishment board meeting which was unreasonably delayed to fill the post of director of agril marketing and which was vacant since 01.06.2006. All the files concerning my points contained in my application No. 2/8 annexure B and application No. 3/8 annexure C.

The appellant has stated that the PIO did not furnish the information so he filed the first appeal under section 19(1) of the RTI Act 2005. The appellate authority passed his order dated 02.07.2007 but the appellant was not satisfied and hence this second appeal.

The appeal was heard on 25.09.2008. Appellants and respondents were present. The main contention of the appellant was that he has been denied information as well as inspection of the relevant documents. The respondent did not have any satisfactory reply. Even the First Appellate Authority's interpretation that appellant's request does not within the purview of information is not correct. Both 'information' and right to information have been comprehensively defined in the RTI Act. Inspection of files is included in the definition. I am therefore of the view that appellant is entitled to inspect files and seek copies of selected documents. I would however like to emphasize that appellant has sought answer to some questions which is not only not allowed in the RTI Act also answer themselves could be subjective. He has sought answer to his query as to who was responsible for the harassment caused to him. Apart from being subjective such question – answer is not allowed in the RTI Act. I therefore pass the following order.

Order

The appeal is allowed. Appellate to be allowed inspection of files (I to IV) and furnished copies of selected documents. This should be done within 30 days.

(Ramanand Tiwari)
State Information Commissioner, Mumbai

Place: Mumbai
Date: 26.09.2008

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

Complaint No.2008/45/02

**Mr. Kashinath Govind Jadhav
3/307, Ashray Building, J.S.S.Road,
Opera House, Mumbai – 400 044.**

... **Complainant**

V/s

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

... **Respondent**

GROUNDS

This complaint has been filed under section 18 of the Right to Information Act 2005. The appellant has sought information regarding action taken on his application / request to transfer the tenement he is living in his name. The building has reconstructed by Mumbai Repair and Reconstruction Board. The appellant's father along with his family including the appellant and his brother was staying in Room No. 74. His father died in 1968. The board issued vacation notice in the name of his brother Shri. Vithal Govind Jadhav. Shri. Vithal Jadhav was allotted tenement No 307 after reconstruction. The appellant says that he along with his family is staying in the room but it stands in the name of Vithal Jadhav. He says his no objection should have been taken before the flat was allotted to Vithal Jadhav. He wants to see papers relating to the room.

The appeal was heard on 24.09.2008. The appellant was present but the respondent did not turn up. The appeal was fixed on 18.08.2008 but had to be adjourned because the respondent did not turn. This shows his casual approach to the RTI Act. In the light of the submission made by the appellant I pass the following order.

Order

The appeal is partially allowed. The appellant should be allowed inspection of documents relating to room No. 307 and furnish copy of the selected documents.

The PIO should be given a show cause notice why action against him should not be initiated under section 20 of the RTI Act 2005.

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

Place: Mumbai
Date: 26.09.2008

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

Appeal No.2008/905/02

**Mr. Sunil Madhukar Wakharkar
E-5/B-007, Highway Park,
Thakur Sankul, Kandiwali (E),
Mumbai – 400 101.**

... **Appellant**

V/s

**First Appellate Officer cum Joint Director
Higher Education, Mumbai Division,
Mumbai – 400 001.**

... **Respondent**

**Public Information Officer cum Joint Director (Administrative Officer)
Higher Education, Mumbai Division,
Mumbai – 400 001.**

GROUNDS

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant had sought information regarding govt. approval to recruitments made by Mithibai College during 01.01.86 to 31.12.89 (period of zero base Budget) when recruitment was banned. The application received by the Department of Higher and Technical Education Dept. was transferred to the Director, Higher and Technical Education who in turn transferred it to the Regional Joint Director, Higher and Technical Education Mumbai. The last communication dated 31.07.2007 from the Joint Director says that the appellant would be informed soon.

The appeal was heard on 25.09.2008. The appellant was present. The Joint Director, Higher Technical Education was absent. The appellant has stated that he has not yet been furnished the information. It appears from the file that he has asked for the same information from Mithibai College and they furnished the information by their letter dated 19.01.2006. The appellant has sought the same information which is expected to be furnished by the Joint Director, Higher and Technical Education, Mumbai.

I have gone through the file and also considered the arguments advanced by the appellant. The information sought is pointed and straight forward. The Joint Director, Technical Education has not taken it seriously. His approach to RTI Act has been casual.

He wrote to the appellant in July 2007 that information was likely to be furnished soon but the appellant is yet to receive the information under these circumstances, I pass the following order

Order

The Joint Director, Higher and Technical Education, Mumbai to furnish the information to the appellant within 30 days failing which action under section 20 of the RTI Act will be initiated against him.

(Ramanand Tiwari)
State Information Commissioner, Mumbai

Place: Mumbai
Date: 26.09.2008

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

Appeal No.2008/919/02

Mr. Arun Vasant Kondwilkar
Laxmi Cottage, Room No. 83 A (E)
2nd Floor, Dr. Babasaheb Ambedkar Road,
Parel (E), Mumbai – 400 012.

... **Appellant**

V/s

First Appellate Officer cum Assitt. Commissioner
Greater Mumbai, Municipal Corporation,
G/North, Harishchandra Yevle Marg,
Dadar (E) Mumbai – 400 028.

... **Respondent**

Public Information Officer cum Colony Officer
Greater Mumbai, Municipal Corporation,
G/North, Harishchandra Yevle Marg,
Dadar (E) Mumbai – 400 028.

GROUND

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant had asked copies of annexure I, II & III of Dr. Babashaheb Ambedkar Nagar (SRA) CHS, Senapati Bapat Marg, Dadar, Mumbai. The appellant was not satisfied with replies received from the PIO and the First Appellate Authority hence this appeal.

The appeal was heard on 29.09.2005. The appellant stated that he has received some information but that according to him it was not complete. He also clarified that his main interest is in annexure II. The respondent has stated that the original annexure has been furnished but it is being verified. Amended annexure II can be furnished after the work of verification is over. I therefore pass the following order.

Order

The appeal is allowed. The respondent to furnish amended annexure II as soon as it is ready.

(Ramanand Tiwari)
State Information Commissioner, Mumbai

Place: Mumbai
Date: 30.09.2008

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

Appeal No.2008/921/02

**Mr. Shivanand Shankar Sanade
Room No. 5, Building No. 16,
New P.M.J.P. Mhada Colony,
Navghar Road, Mulund (E),
Mumbai – 400 081.**

... Appellant

V/s

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

... Respondent

**Public Information Officer cum Project Manager
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 had sought information regarding rehabilitation of zopadpatti owners from Milind Nagar near Chlorination plant on Jogeshwri Vikroli Road, Mumbai. Not satisfied with responses from the PIO and the First Appellate Authority, the appellant has filed this second appeal.

The appeal was heard on 29.09.2008. Appellants and respondents were present. The appellant has stated that he wanted information regarding documents submitted by zopadpatti owner which formed the basis for their eligibility. The respondent stated that the list was made by SPARC and therefore they do not have the details.

After going through the case papers and considering the arguments advanced by parties I have come to the conclusion that the respondents reply is correct. It is a well known fact the Base line Survey was conducted by SPARC which was selected in consultation with the World Bank. The MMRDA has made the allotment and that list is available with them. I therefore pass the following order.

Order

The appeal is disposed off.

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

Place: Mumbai
Date: 30.09.2008

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

Appeal No.2008/917/02

**Mr. Shivdas Laxman Naik
Health Department, Mantralaya,
Mumbai – 400 032.**

... Appellant

V/s

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

... Respondent

**Public Information Officer cum Desk Officer (Add)
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 implementation govt. decision dated 4th November 2003. Not satisfied with responses from the PIO and the First Appellate Authority, he has preferred this second appeal.

The appeal was heard on 29.09.2005. Appellant and respondents were present. The appellant has stated that his case is still not finalized. The respondents have stated that the Department of Public Health had promoted him but the Finance and the General Administration Department are not agreeing to the proposal. After going through the case papers and considering the arguments advanced by parties I am of the view that the opinion recorded by the Finance and the General Administration Department should be communicated to the appellant so that he can take it up with them.

Order

The appeal is allowed. Respondent to furnish copies notings and opinion recorded by the Finance and General Administration Department. This should be done within 30 days.

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

Place: Mumbai
Date: 30.09.2008

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

Appeal No.2008/933/02

**Mr. Pradeep Shankar Chawan
33/37, Worli BDD Chawl,
Dr. G.M. Bhosle Marg, Worli,
Mumbai – 400 018.**

... **Appellant**

V/s

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

... **Respondent**

**Public Information Officer cum Executive Engineer
Central Mumbai Division (PWD),
Worli, Mumbai – 400 018.**

GROUND

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant had requested for copies of tender documents, programmers, Measurement books and Bill register for the period 2004 – 2006 when Mr. Kamalakar Jadhav was working as Dy. Engineer, Eastern Sub Division, Central Mumbai Dept of PWD, Worli, Mumbai. The appellant is not satisfied with the replies received from the PIO and the First Appellate Authority and hence this appeal.

The appeal was heard on 30.09.2008. The appellant did not turn up. The PIO and the First Appellate Authority were present. It has been contended by them that taking into account the nature of information sought it would take a very long time and cause avoidable waste of time and energy. The First Appellate Authority therefore had ordered that the appellant should inspect the documents, copies of selected document could be furnished. The appellant has not availed of his facility.

I have gone through the case papers. It is very clear that the information sought by the appellant is voluminous and pertains to a particular officers tenure. The order passed

by the First Appellate Authority had offered a viable solution. I confirm the order of the First Appellate Authority. The appellant should inspect documents and ask for copies of the selected ones.

Order

The appeal is disposed off.

(Ramanand Tiwari)
State Information Commissioner, Mumbai

Place: Mumbai
Date: 30.09.2008

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

Appeal No.2008/484/02

**Shri. Stanely D'Cunha
16/7, Green Crest, Amritvan Goregaon (E),
Mumbai – 400 063.**

...Appellant

V/s

**First Appellate Officer cum Office of the Commissioner
For persons with disabilities,
Church Road, Near Police Commissioner's Office
Pune – 411001.**

.... Respondent

**Public Information Officer cum Office of the Commissioner
For persons with disabilities,
Church Road, Near Police Commissioner's Office
Pune – 411001.**

GROUND

This appeal has been filed under section 19 (3) of the Right to Information Act 2005. The appellant had sought information regarding outcome of his case no. 77 (57) of 2002 – Shri. Edward S.D'Cunha V/s The Shipping Corporation of India, according to the appellant the case was argued and concluded on 13-6-2006. The commissioner for disabilities, Pune did not pass final order till the date of filing the application under RTI. The case was fixed for hearing on 02.09.2008. The appellant was present. The respondent did not turn up. It is seen from record that case has since been decided and the appellant informed. The appellant had sought information by his application dated 13-11-2006 and the case was decided on 30-12-2006.

I have gone through the case papers and considered the argument advanced by parties. In view of the fact that the final order has been passed which was the main demand of the appellant, I decide to close the case.

Order

The appeal is disposed off.

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

Place: Mumbai
Date: 02.09.2008.

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

Appeal No. 1) 2008/477/02
2) 2008/478/02
3) 2008/479/02
4) 2008/480/02
5) 2008/481/02
6) 2008/482/02

Shri. Nadeem M. Oomerbhoy
Nariman Building, 6th Floor,
Flat 12A, 162 M.K.Road,
Mumbai – 400 021.

..... Appellant

V/s

First Appellate Officer cum Chief Officer,
MHADA, Bandra (East),
Mumbai – 400051.

.... Respondent

Public Information Officer cum Dy. Chief Officer,
MHADA, Bandra (East),
Mumbai – 400051.

GROUND

These appeals have been filed under section 19 (3) of the Right to Information Act 2005. The appellant has sought copies of documents of the following properties:

No.	Appeal No.	Property Details
1	2008/ 477 / 02	House with shops located at 177-181 Bapty Road, Kamathipura, Ward No. E – 785 (1)
2	2008/ 478 / 02	Property known as Usmania Building 160-168 located at Bapty road, BMC Ward No. E25-26
3	2008/ 479 / 02	Property known as Ahmed Oomebhoy Buidling located at Dr. D'Silva Road, 1-1F, Tulsi Pipe Road, Dadar, BMC Ward No. G-3678 (7) & (7A)
4	2008/ 480 / 02	Property known as Mohamedi Building 165 – 175 A, located at Bapty Road, BMC Ward No. E 782-784
5	2008/ 481 / 02	Property known as Russi Villa, C.S.No.3/ 631 of Malabar Hill and located at 55, Peddar Road, Mumbai 400026, BMC Ward No. D-3461
6	2008/ 482 / 02	Property known as Sattar Sea View, C.S.No.1512 of Girgaum Division, located at 45, Chowpatty Sea Face, Mumbai – 400007, BMC Ward No. 2442 (1A)

These appeals were fixed for hearing on 2-9-2008. The appellant was represented. Respondents were present. Respondents have pleaded that these properties are old and records voluminous. It is not practically possible to furnish copies of all records and this would take a long time and a lot of energy. Section 7 (9) of the Right to Information Act also says that 'an information shall ordinarily be provided in the form in which it is sought unless it would disproportionate divert the resources of the public authority. Responding to the appellant's request will definitely be a strain on the resources of the public authority. It is because of this reason that in almost all cases party was advised to take inspection and select documents and get copies of selected documents. He instead has preferred the second appeal.

After going through the case papers and considering arguments I have come to the conclusion that party should take inspection of record of properties, select documents and get them from PIO's concerned. I therefore pass the following order.

Order

Appellant to take inspection of files. Select documents and requisition copies of selected documents. These appeals are disposed off.

(Ramanand Tiwari)
State Information Commissioner, Mumbai

Place: Mumbai
Date: 02.09.2008.

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

Appeal No.2008/726/02

**Shri. Bakhar Abdul Alim Ahmed
E/02, Mini Nagar Co-op Hsg. Socty.,
S.N.Dubey Road, Rawalpada,
Dahisar (3), Mumbai – 400068.**

.....Appellant

V/s

**First Appellate Officer cum Asst. Commissioner
BMC, P/ North Office,
Mamledar, Liberty Garden,
Malad (W), Mumbai – 400 064.**

....Respondent

**Public Information Officer cum Asst. Engineer
BMC, P/ North Office,
Mamledar, Liberty Garden,
Malad (W), Mumbai – 400 064.**

GROUNDS

This appeals has been filed under section 19 (3) of the Right to Information Act 2005. The appellant had asked for information as to what action has been in respect of his complaint regarding unauthorized construction of about 5000 sq.ft. in Sanjay Kananjiya Laundry, near Parth Ghosh Bunglow, Rathodi Village, Marve Road, Malad (W), Mumbai. The appellant is not satisfied with responses from the PIO and the first appellate authority and hence this appeal.

The case was fixed for hearing on 1-9-2008. Appellant and respondents were present. The appellant grievance is that he has not only been denied information but also inspection of site. It appears from case papers that the authorities have been asking only questions and not paid attention to the real problem. This is serious and it needs to be understood that any attempt to deny the information may lead to penal action under section 20 of the RTI Act. I therefore pass the following order.

Order

The appellant and the respondent to have a joint inspection on 17-10-2008. The appellant to furnish the required information after inspection. The information to be furnished within 30 days after the inspection is over. Any failures on the part of PIO will lead to initiation of action under section 20 of the RTI Act.

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

Place: Mumbai
Date: 02.09.2008.

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

Appeal No.2008/569/02

**Shri. Shrikant Krishnaji Sarmalkar (Ex. MLA)
Besides Surbhi Narsing Home,
Opp. Bldg. No. 68, Gandhi Nagar,
Bandra (East), Mumbai – 400051.**

....Appellant

V/s

**First Appellate Officer cum Chief Executive Officer,
Indian Mercantile Chamber, 3rd Fl.,
Ramji Bhai Kamani Marg, Ballard Estate,
Fort, Mumbai – 400038.**

.... Respondent

**Public Information Officer cum Port Officer
Office of the Maharashtra Maritime Board,
Indian Mercantile Chamber, 3rd Fl.,
Ramji Bhai Kamani Marg, Ballard Estate,
Fort, Mumbai – 400038.**

GROUND

This appeal have been filed under section 19 (3) of the Right to Information Act 2005. The appellant has sought information regarding retrieval of the ship 'ROHINI' from Malavan port. The appellant wanted to know whether tenders were invited for the same, if yes how many company has applied for doing this work. The work was entrusted to Vishal Diving and shore shipping services, the appellant wanted to know the registration no. of the company, details of their past experience whether permission of the Pollution Control Board was obtained etc. The PIO by his letter dated 10-01-2007 furnished point wise information. This did not satisfy the appellant. He preferred the 1st appeal under section 19 (1) of the Right to Information Act 2005. The appellant was not satisfied with the response of the 1st appellate authority hence this second appeal.

The case was fixed for hearing on 1-9-2008. The appellant did not turn up. The respondent was present. He has submitted his say in writing. He has enclosed a large no of relevant papers to support his submission. The respondent says that this ship got sunk about 35 years back. The port held the view that it was not viable to invite tenders for reprieving remains of sunken ships in the area of minor ports. They admitted that the work was assigned to Vishal Diving off Shore Shipping Services and they were awarded the contract. The respondent also claims that necessary papers have verified and clearances obtained.

After going through case papers and considering the submission made by the respondent I have come to the conclusion that the relevant information has been furnished. The appellant may have grievances against the procedure followed by the respondent but the Right to Information Act is not mandated to redress his grievance. The Right to Information Act ensures furnishing of available information and that has been done in this case. I therefore pass the following order.

Order

The appeal is disposed off.

(Ramanand Tiwari)
State Information Commissioner, Mumbai

Place: Mumbai
Date: 02.09.2008.

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

Appeal No.2008/756/02

**Shri. B. A. Alim
E /02, Mininagar Co-op. Hsg. Society,
S.N. Dube Road, Rawalpada,
Dahisar (E), Mumbai – 400 068.**

...Appellant

V/s

**First Appellate Officer cum Asst. Commissioner,
M.C.G.M., P/ North Zone Office,
Mamledar Wadi, Liberty Garden,
Malad (West), Mumbai – 400064.**

.... Respondent

**Public Information Officer cum Asst. Engineer,
Building Department,
BMC, P/ North Zone Office,
Mamledar Wadi, Liberty Garden,
Malad (West), Mumbai – 400064.**

GROUND

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

In Rathodi Village, Marve Road, Malad (West), Mumbai – 95, “how many bungalows, and how many rooms, and how many commercial shops are paying assessment tax. Please provide their names and addresses.”

The PIO by his letter dated 5-5-2007 asked him to furnish details of the properties with name and address of the payer of assessment tax, the ward no. etc as the assessment record is maintained ward wise. The appellant was not satisfied. He filed the first appeal under section 19(1) of the Right to Information Act. The appellant along with his appeal papers has submitted two orders from the first appellant authorities dated 25-4-2007. These orders, however do not disclose anything about content of his application for information although the date of appeal 7-3-2007 is quoted. This is appellant’s second appeal before the commission.

The appeal was fixed for hearing on 4-9-2008. Appellants and respondents were present. I have gone through the case papers and come to the conclusion that the reply given by the PIO is in order. The information sought is too broad and vague. The appellant has sought information about the whole village and of all kinds of structures – Bungalows, Commercial structures and shops. This will definitely divert disproportionately the resources of the public authority. I confirm the PIO’s order.

Order

The appeal is dismissed.

(Ramanand Tiwari)
State Information Commissioner, Mumbai

Place: Mumbai
Date: 05.09.2008.

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

Appeal No.2008/757/02

**Shri. Vilasrao Baburao Deshmukh
Room No. A -1, Shri. Gurukripa Chawl,
Hanuman Tekadi, Kajupada,
Borivali (East), Mumbai – 400066.**

....Appellant

V/s

**First Appellate Officer cum Chief Officer,
Mumbai Slum Improvement Board,
Geihnirman Bhavan, MHADA Bldg.,
Bandra (East), Mumbai – 400 051.**

.... Respondent

**Public Information Officer cum Dy. Chief Engineer
Mumbai Slum Improvement Board,
Geihnirman Bhavan, MHADA Bldg.,
Bandra (East), Mumbai – 400 051.**

GROUNDS

This appeal has been filed under section 19 (3) of the Right to Information Act 2005. The appellant had sought information regarding construction of Samaj Mandir at Hanuman Tekadi, Kanjupada, Borivali (E), Mumbai. This Samaj Mandir was constructed under National Slum Development Programme by Mumbai Slum Improvement Board, Mumbai. The appellant wanted to have a copy of the permission given in the prescribed form, information regarding sanction of fund by Govt., the purchase documents by Prabudha Seva Sangh at whose request the Samaj Mandir was constructed and other related details. The appellant has been informed by the PIO as well as the first appellant authority that this programme was a centrally sponsored one and this particular work costing Rs. 5 lakhs was sanctioned during 2002-2003. They have also informed him that this was a declared slum and construction has been sanctioned by the Board. The appellant is not satisfied and he has preferred this second appeal.

The case was fixed for hearing on 4-9-2008. Appellant and respondents were present. The main ground of the appellant seems to be that he being the owner, his permission / no objection should have been obtained. The slum Improvement Board's argument was that this was already a declared slum and they have been mandated to provide basic amenities. There was a local demand, they had the fund and they constructed under the Samaj Mandir under NSDP.

I have gone through the case papers and also considered the arguments advanced by parties. I have come to the conclusion that available information has been furnished.

The Commission cannot decide or even comment on issues relating to ownership. The issue is old and Samaj Mandir is not some thing which might have been constructed overnight. The appellant could have taken recourse to appropriate legal measures while the construction was going on. It is now history. The RTI insures access to available information and the same can be used for whatever purpose the appellant deems fit. I am of the view that available information has been furnished by the Board. I pass the following order.

Order

The appeal is disposed off.

(Ramanand Tiwari)
State Information Commissioner, Mumbai

Place: Mumbai
Date: 05.09.2008.

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

Appeal No.2008/267/02
Appeal No.2008/268/02

Shri. Ashok Valumaj Dhingreja
5, Dan Kutir, 12th Road, Khar,
Mumbai – 400052.

.....Appellant

V/s

First Appellate Officer ,
R.A.Podar College of Commerce & Economics,
Matunga (CR), Mumbai – 400019.

.... Respondent

Public Information Officer
R.A.Podar College of Commerce & Economics,
L.Napoo Road, Matunga (CR), Mumbai – 400019.

GROUND

These appeals have been filed under section 19 (3) of the Right to Information Act 2005. The appellant has sought information regarding details of students admitted whose names did not figure in the merit list displayed. In his appeals under section 19 (3) he has listed other issue like selection of Vice Principal and issues related to that. Similarly in his another application he has sought information regarding purchase of Electronic machines, Budget provisions, Approval etc. but the appeal under 19 (3) is on the issue of appointment of the Vice Principal. He has not organized his papers properly leading to confusion. The issues are overlapping. I therefore order that these appeals be returned to the appellant with direction to organize his papers in an orderly fashion. Subjects of application, the first appeal and the second appeal cannot be different. The first appeal has to be on the issues on which application for information has been filed. Similarly the second appeal has to be on the same issues on which the first appeal has been decided. In the light of these observations. I order that these papers be returned to him.

Order

The appeals are disposed off. The appellant if he so wishes may a fresh appeal after organizing the papers in an orderly and proper way.

(Ramanand Tiwari)
State Information Commissioner, Mumbai

Place: Mumbai
Date: 08.09.2008.

Shri. Ganpat Nadkarni
21 / 271, Ramkrishna Nagar,
S.V.Road, Khar (W)
Mumbai – 400052.

.....Appellant

V/s

First Appellate Officer Asst Municipal Commissioner,
H / West Ward, B.M.C.,
St. Martins Road, Bandra (W),
Mumbai – 400050.

.... Respondent

Public Information Officer Asst. Engineer,
Building & Factories,
H / West Ward, B.M.C.,
St. Martins Road, Bandra (W),
Mumbai – 400050.

GROUNDS

This appeal has been filed under section 19 (3) of the Right to Information Act 2005. The appellant by his application dated 28-2-2007 had sought information regarding demolition of fences and small gardens maintained by ground floor residents of building No. 19, 20 and 21 of Ram Krishna Nagar on 26-2-2007 by one Mr. Rane and his squad. The PIO by his letter dated 30-3-2007 furnished the information. The appellant was not satisfied. He preferred the first appeal but the first appellate authority does not seem to have passed any order. Hence this second appeal.

The case was fixed for hearing on 20-8-2008. Neither the appellant nor the respondents turned up. The appeal is being decided on the basis of available papers.

I have gone through the papers on record. It appears that the PIO received some complaint regarding hedges and wire fencing done by some residents. The PIO demolished them and this action according to the appellant was not correct. That is the reason he has asked questions like whether the complaint was in order, whether the Managing Committee passed any resolution in favour of the complaint. He has also sought information like how much of man-hour was spent in demolition, the weight of the steel confiscated, the name of the person from whom the cost of demolition was recovered etc. It appears that the PIO has virtually answered all the points. Demolition

of structures for which no permission has been obtained is a routine work. There is no need to find out whether the Managing Committee had passed any resolution in favour of the complaint. The information furnished is detailed and adequate. I therefore pass the following order.

Order

The appeal is dismissed.

(Ramanand Tiwari)
State Information Commissioner, Mumbai

Place: Mumbai
Date: 08.09.2008.

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

Appeal No.2008/637/02

**Shri. Vasant Shantaram Naik
Flat.No.11 & 12,
Shri. Ramnath Co-op. Hsg.Socety. Ltd.,
Plot No. 920, Opp. Sayani Road,
11 Prabhadevi, Mumbai – 400025.**

.....Appellant

V/s

**First Appellate Officer Asst. Municipal Commissioner
B.M.C. G/ South Ward Office,
N.M.Joshi Marg,
Mumbai – 400013.**

.... Respondent

**Public Information Officer Administrative Officer,
Estates,
B.M.C. G/ South Ward Office,
N.M.Joshi Marg,
Mumbai – 400013.**

GROUNDS

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

The case was fixed for hearing on 13-8-2008. Appellant and respondent were present. The appellant has stated that the required information has still not been provided. The respondent stated that they have furnished the information available with them.

I have gone through the case papers and also considered the arguments advanced by parties. It appears that the information furnished is not what the appellant had sought.

The appellant wanted to know about the transfer of galas from his father's name to his name. The reply enlists cases finalised and pending. It does not indicate what happened to his case. The appellant probably is required to infer that his case is pending. This is not correct. He needs to be told what is the status of the application and why it has not been finalised. Similarly he has promised that the excess rent would be adjusted. He needs to be told whether it has been adjusted or not and if not why. I therefore pass the following order.

Order

The appeal is allowed. The PIO should inform the appellant regarding adjustment of excess recovery rent as admitted by him. The PIO should also inform the appellant regarding transfer of galas in the name of the appellant. This has to be done within 30 days and copies of his communication to be endorsed to the Commission.

(Ramanand Tiwari)
State Information Commissioner, Mumbai

Place: Mumbai
Date: 08.09.2008.

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

Appeal No.2008/688/02

**Shri.Dr. Rasik M. Shah
41, Sayadri Aarey Road,
Goregaon (East)
Mumbai – 400063.**

.....Appellant

V/s

**First Appellate Officer Dy. Registrar
Co-operative Society, P Ward, Mumbai,
Malhotra House, 6th Floor, Opp.G.P.O.,
Fort, Mumbai – 400001.**

.... Respondent

**Public Information Officer Dy. Registrar
Co-operative Society, P Ward, Mumbai,
Malhotra House, 6th Floor, Opp. G.P.O.,
Fort, Mumbai – 400001.**

GROUNDS

This appeal has been filed under section 19 (3) of the Right to Information Act 2005. The appellant had sought information regarding Goregaon Sahyadri C.H.S. Ltd., Nivriti C.H.S. Ltd., Mukta C.H.S. Ltd., Dhanvanti C.H.S.Ltd. and Dyaneshwari C.H.S. Ltd. He wanted details regarding their registration, recreation ground, names of builders / promoters, plans, sale deeds, agreements terms and conditions etc. The PIO and Dy. Registrar by his letter dated 14-3-2007 furnished the relevant information relating to his department and advised him to get in touch with appropriate departments for remaining information. The appellant seems to have filed the first appeal but there is nothing on record to show that the first appellate authority has passed any order. Hence this second appeal.

The appeal was fixed for hearing on 20-8-2008. Appellant and respondent were present. The appellant has contended that he has not received complete information as yet. The respondent has stated that whether information was available with his office has been furnished to the appellant. I have gone through the case papers and also considered the arguments advanced by the parties. It is very clear that the range of information is too broad. It relates to a large no. of departments.

Although the RTI provides that the PIO should send copies of the application to concerned public authority if they do not concern him, it seems practically very difficult in this case. The appellant has sought all kinds of information. Sale and registration,

recreation ground etc. It will require a lot of time and energy to even sort out what pertains to whom. It will lead to diverting resources of the department and will not be in public interest. I therefore feel that the advice rendered by the PIO is in order. I therefore confirm the order passed by the PIO.

Order

The appeal is disposed off.

(Ramanand Tiwari)
State Information Commissioner, Mumbai

Place: Mumbai
Date: 06.09.2008.

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

Appeal No.2008/688/02

**Shri. Kashinath Govind Jadhav,
307, Ashray Bldg., 3rd Floor,
J.S.S. Road, Opera House,
Mumbai – 400004.**

.....Appellant

V/s

**First Appellate Officer Dy.Chief Officer,
MHADA, Grihnirman Bhavan,
Bandra, Mumbai – 400051.**

.... Respondent

**Public Information Officer
Grinirman Vibhag,
Mantralay, Mumbai – 400032.**

GROUNDS

This appeal has been filed under section 19 (3) of the Right to Information Act 2005. The appellant contention is that gala no.307, Ashraya Building, J.S.S.Road Mumbai stood in the name of his father Shri. Govind Jadhav. This building was taken up for redevelopment. The galas had to be vacated for undertaking the work. The vacation notice was issued to Shri. Vitthal Jahav the appellant's brother. A gala in the redeveloped building was allowed to Smt. Shalini Vitthal Jadhav because by that time Shri. Vitthal Jadhav had died. The appellant claims that he and his sisters are also claimant to the gala as legal heirs. He requested copies of relevant papers and specially Indemnity Bond executed by Mrs. Shalini Vitthal Jadhav. The PIO has informed him that there is no Indemnity Bond on record a copy of the agreement between the allotter and Maharashtra Housing and Area Development Authority has been furnished to the appellant.

The appellant is not satisfied and therefore he filed the first appeal under Section 19 (1) of the Right to Information Act 2005. He is not happy with the first appellate authority's response and hence this appeal.

The appeal was fixed for hearing on 8-8-2008. Appellant and respondent were present. The appellant found that vital documents have not be furnished to him. The respondent maintains that whatever was available on record has been given to the appellant. In fact the main grievance of the appellant is that he should get a share in the redeveloped gala as the earlier gala stood in his father's name and be along with the present allotter and his sister are the legal heirs. He may have insit in case but the

Commission does not issues of heirship. As far as his grievance that he has not been given all the papers he wanted, I would like to order that the appellant be allowed inspection of relevant documents / file and copies of documents selected by him. I pass the following order.

Order

The appeal is partially allowed. Appellant should be allowed inspection of the file and should be given copy of selected documents. This should be done within 30 days.

(Ramanand Tiwari)
State Information Commissioner, Mumbai

Place: Mumbai
Date: 09.09.2008.

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

Appeal No.2008/769/02

**Shri. Kashinath Govind Jadhav,
307, Ashray Bldg., 3rd Floor,
J.S.S. Road, Opera House,
Mumbai – 400004.**

.....Appellant

V/s

**First Appellate Officer Dy.Chief Officer,
MHADA, Grinirman Bhavan,
Bandra, Mumbai – 400051.**

.... Respondent

**Public Information Officer
Grinirman Vibhag,
Mantralay, Mumbai – 400032.**

GROUNDS

This appeal has been filed under section 19 (3) of the Right to Information Act 2005. The appellant contention is that gala no.307, Ashraya Building, J.S.S.Road Mumbai stood in the name of his father Shri. Govind Jadhav. This building was taken up for redevelopment. The galas had to be vacated for undertaking the work. The vacation notice was issued to Shri. Vitthal Jadhav, the appellant's brother. A gala in the redeveloped building was allotted to Smt. Shalini Vitthal Jadhav because by that time Shri. Vitthal Jadhav had died. The appellant claims that he and his sisters are also claimant to the gala as legal heirs. He requested copies of relevant papers and specially Indemnity Bond executed by Mrs. Shalini Vitthal Jadhav. The PIO has informed him that there is no Indemnity Bond on record but a copy of the agreement between the allottee and Maharashtra Housing and Area Development Authority has been furnished to the appellant.

The appellant is not satisfied and therefore he filed the first appeal under Section 19 (1) of the Right to Information Act 2005. He is not happy with the first appellate authority's response and hence this appeal.

The appeal was fixed for hearing on 8-8-2008. Appellant and respondent were present. The appellant feels that vital documents have not be furnished to him. The respondent maintains that whatever was available on record has been given to the appellant. In fact the main grievance of the appellant is that he should get a share in the redeveloped gala as the earlier gala stood in his father's name and be along with the present allottee and his sister are the legal heirs. He may have merit in his case but the

Commission does not decide issues of heirship. As far as his grievance that he has not been given all the papers he wanted, I would like to order that the appellant be allowed inspection of relevant documents / file and copies of documents selected by him. I pass the following order.

Order

The appeal is partially allowed. Appellant should be allowed inspection of the file and should be given copy of selected documents. This should be done within 30 days.

(Ramanand Tiwari)
State Information Commissioner, Mumbai

Place: Mumbai
Date: 09.09.2008.

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

Appeal No.2008/762/02

**Shri. Greg R.Pereira
A7 Rodrigues Compound,
Malwani Village,
Marve Road,
Malad (west)
Mumbai – 400095.**

.....Appellant

V/s

**First Appellate Officer Asst.Commissioner,
B.M.C., P / North Ward,
Mamledar Wadi,
Liberty Garden, Malad (W)
Mumbai – 400064.**

.... Respondent

**Public Information Officer cum Asst. Assessor & Collector
B.M.C., P / North Ward,
Mamledar Wadi,
Liberty Garden, Malad (W)
Mumbai – 400064.**

GROUND

This appeal has been filed under section 19 (3) of the Right to Information Act 2005. The appellant had sought information in respect of property bearing P (N) Ward No. 11512 / 216 A/c No. 14-0 393-00-9. He was informed by the PIO by his letter dated 22-2-2007 that information would be furnished on payment of Rs.230 per property per year. He was not happy and filed the first appeal under section 19 (1) of the RTI Act. The first appellate authority by his order dated 11-7-2007 confirmed the PIO's order. The appellant not being satisfied has filed this second appeal under section 19 (3) of the RTI Act.

The case was fixed for hearing on 4-9-2008. Appellant and respondent were present. The appellant has drawn Commission's attention to the Maharashtra Right to Information Rules 2005 4 (B). which says :

“When information is readily available either by way of photocopying or by other way (in A- 4 or A-3) size paper created or copied plus postal charges will be charged.”

He therefore argued that the fee demanded by the MCGM is not in accordance with these rules. The respondent has argued that the Schedule fee has been fixed by the MCGM in 2003 is protected under Maharashtra Right to Information Rules 4 (1) (A)

which says that when the concerned department has already fixed the price of some documents, maps etc., the price so fixed plus postal charges will be recovered.

I have gone through the case papers and also considered the arguments advanced by parties. It is very clear that the MCGM schedule of fee was fixed in 2003 where as the Rules under RTI came in 2005. In any case the rules themselves give protection if the concerned department has already fixed the price. This means that 4 (b) will not apply in cases where 4 (A) applies. The respondent's contention is correct. The PIO order is confirmed.

Order

The appeal is disposed off.

(Ramanand Tiwari)
State Information Commissioner, Mumbai

Place: Mumbai
Date: 08.09.2008.

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

Appeal No.2008/469/02

Shri. Suryakant Yashwant Hande
Ganesh Chawl, Near Primary Marathi School No. 14,
Ulhasnagar – 421004,
Dist – Thane

.....Appellant

V/s

First Appellate Officer Asst. Director,
Directorate of Business Study & Training,
Maharashtra State, 3 Mahapalika Marg,
Post Box – 100 36, Mumbai – 400001.

.... Respondent

Public Information Officer cum Dy. Director
Directorate of Business Study & Training,
Maharashtra State, 3 Mahapalika Marg,
Post Box – 100 36, Mumbai – 400001.

GROUNDS

This appeal has been filed under section 19 (3) of the Right to Information Act 2005. The appellant has sought information regarding release of advance increment deemed date of his promotion and fixation of his pay. The PIO by his letter dated 30-8-2006 furnished the detailed information but the appellant was not satisfied. He preferred the first appeal but the first appellate authority response did not satisfy him. Hence this second appeal.

The case was fixed for hearing on 9-9-2008. The appellant did not turn up. The respondent was present. He has made his detailed submission in writing and also enclosed copies of replies given to the appellant. It appears that the required information has been furnished.

The appellant however gives an impression that the information does not do justice to him. Since he is absent, the Commission has been deprived of his valuable input in assisting him in getting justice. I am therefore constrained to pass the following order.

Order

The appeal is disposed off.

(Ramanand Tiwari)
State Information Commissioner, Mumbai

Place: Mumbai
Date: 10.09.2008.

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

Appeal No.2008/466/02

**Shri. M.B.Lal
Flat No. 64, 6th Floor, Anand Sagar,
Co-op. Society Ltd.,
24, Shrikishna Chandra Road,
Bandra Reclamation,
Bandra, Mumbai – 400050.**

.....Appellant

V/s

**First Appellate Officer Section Dy. Registrar,
Co-op. Housing Society, Mumbai
Malhotra House, 6th Floor,
Fort, Mumbai – 400001.**

.... Respondent

**Public Information Officer cum Dy. Registrar,
Co-op. Society, MHADA
Grihnirman Bhavan,
Bandra (East), Mumbai – 400051.**

GROUNDS

This appeal has been filed under section 19 (3) of the Right to Information Act 2005. The appellant had sought information relating to Bandra (HIG) Anand Nagar Co-operative Housing Society Ltd., 24 Krishnachandra Road, Bandra Reclamation (W), Mumbai – 400050. The information sought in short were – whether the society has adopted Model Bye laws, whether Managing Committee has furnished bonds, charging of penal interest from defaulters etc. All information relate to the society. The appellant is not happy with responses from the PIO as well as the first appellate authority and hence this second appeal.

The case was fixed for hearing on 9-9-2008. The appellant did not turn up. The respondent was present. He has stated that the information sought by the appellant are available at the society level. It has also been stated by him they have issued direction under section 79 of the Maharashtra Co-operative Societies Act 1960, directing the society to furnish the information sought by the appellant. It appears that the appellant quest for information predates the RTI Act 2005. Even the direction issued by the Dy. Registrar is dated 16-7-2004. There is nothing on record to show that the society has obliged the Dy. Registrar. This is not correct. The appellant should be given the information he has requested since there is nothing to show that the same has been furnished.

Order

I allow the appeal. Respondent to furnish information within 30 days.

(Ramanand Tiwari)
State Information Commissioner, Mumbai

Place: Mumbai
Date: 10.09.2008.

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

Appeal No.2008/132/02

**Shri. Dilip Laxman Sawant
304, Devgiri Mahadev Palav Marg,
Curry Road (W),
Mumbai – 400013.**

.....Appellant

V/s

**First Appellate Officer
School Education and Sports Department
Mantralaya,
Mumbai – 400032.**

.... Respondent

**Public Information Officer
School Education and Sports Department
Mantralaya,
Mumbai – 400032.**

GROUNDS

This appeal has been filed under section 19 (3) of the Right to Information Act 2005. The appellant had sought information regarding release of grant to 23 KHO-KHO associations despite the fact that they have not got themselves registered. The appellant has raised some other issues also. He is not satisfied with the responses from the PIO and the first appellate authority and therefore this second appeal.

The case was heard on 9-9-2005. Appellant and respondents were present. It was explained to the appellant that the proforma in which he has sought information is too big and non specific. It may not be possible to furnish information in the form in which he had sought the information as this would disproportionately divert the resources of the public authority. The appellant however explained to the Commission that his main issue is release of grant to unregistered associations. I find it reasonable and feasible. The

respondent must rise to the occasion and furnish the required information. I therefore pass the following order.

Order

The Director sports is directed to inform the appellant association wise grants released from 1996-97 to 2005-2006. He shall also inform whether it is necessary for the associations to get themselves registered and if so their details. This information must be furnished within 30 days.

(Ramanand Tiwari)
State Information Commissioner, Mumbai

Place: Mumbai
Date: 10.09.2008.

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

Appeal No.2008/719/02

**Shri. Harshal Shah,
Sales Executive – Marketing,
Jain Irrigation Systems Limited,
Jain House, 41 /43, Police Court Lane,
Fort, Mumbai – 400001.**

.....Appellant

V/s

**First Appellate Officer
Maharashtra Development Co. Ltd.,
12th Floor, World Trade Centre,
Cuff Parade, Mumbai – 400005.**

..... Respondent

**Public Information Officer cum
Maharashtra Development Co. Ltd.,
12th Floor, World Trade Centre,
Cuff Parade, Mumbai – 400005.**

GROUNDS

This appeal has been filed under section 19 (3) of the Right to Information Act 2005. The appellant had sought authentic and certified copies and action papers in respect of the following,

- 1) How many manufacturers you had sent inquiry for 40mm HDPE PLB Ducts & from whom you received the quotations?
- 2) What was the landed cost in Rupees per meter of the 40mm OD HDPE duct ordered?
- 3) What quantity of the 40 mm OD HDPE Duct is ordered?
- 4) What was the Landed cost in Rupees per meter of the Double Wall Corrugated Pipes Ordered?

The PIO by his letter dated 5-4-2007 informed the appellant that the information asked cannot be furnished since the same pertains to business and trade secrets and disclosure of this would harm the competitive position of the third party with adverse effect on the project. The appellant was not satisfied and he preferred the first appeal under section 19 (1) of the RTI Act 2005. The first appellate authority by his order dated 11-5-2007 confirmed the PIO's order. Hence this second appeal.

The case was fixed for hearing on 28-8-2008. Appellant and respondents were present. The appellant has maintained that he should be given the information he has

asked for. The respondent has maintained that the information will not be in his organization's interest. He has however furnished some information to the Commission.

I have gone through the case papers and also considered the arguments advanced by parties. I have come to the conclusion that the present case is not covered under section 8. The appellant simply wants to know how many manufacturers were contacted, what quantity ordered and what was the landed cost. There can be nothing confidential or trade secret about them. In any case the Act says that even if in such cases if the Commission feels that public interest outweighs private interest the Commission can order disclosure. I therefore feel that disclosure of information will further the cause of transparency and would be in accordance with the spirit of the RTI. I therefore pass the following order.

Order

The appeal allowed. Information to be furnished in 30 days.

(Ramanand Tiwari)
State Information Commissioner, Mumbai

Place: Mumbai
Date: 08.09.2008.

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

Appeal No.2008/783/02

**Shri. Arjunlal M. Chabria
Belle Vista, Flat No. 15,
3rd Floor, opp. Lake & L.I.C. Office,
S.V.Road, Bandra (W),
Mumbai – 400050.**

.....Appellant

V/s

**First Appellate Officer Dy. Controller Of Rationing
'D' Region, Alka Building, Opp. Andheri
Bus Depot, Andheri (E), Mumbai.**

..... Respondent

**Public Information Officer cum Rationing Officer
'D' Region, Alka Building, Opp. Andheri
Bus Depot, Andheri (E), Mumbai.**

GROUNDS

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

- 1) It is a fact that many persons are not having the Ration Card at the present address of their residence of the jurisdiction of 25-D Rationing Office.
- 2) Is it a fact that the present Rationing Officer Mr. Wadedkar is asking for the letter of the Municipal Councilor for the new Ration Card
- 3) Please supply me the copy of the GR or any letter from the food and civil supply department that a letter of the Municipal Councilor is required for the New Ration Card
- 4) What are the documents required for the issue of a new ration card?
- 5) How many new ration cards have been issued from April 2006 till today?
- 6) Please supply me the Xerox Copy of the new ration cards issued from April 2007 till today and the documents submitted by the applicant and relied upon by the rationing office

The PIO by his letter dated 23-4-2007 furnished the information to the appellant. The appellant was not satisfied and preferred the first appeal under section 19 (1) of the RTI Act 2005. The first appellate authority by his order dated 25-6-2008 confirmed the PIO's order. This second appeal is against this order.

The case was fixed for hearing on 10-9-2005. The appellant did not turn up. The respondents were present. They have made their submission in writing. It has been

stated by them that information has already been sent to the appellant. They have however pointed out that there was one mistake in reply to appellant's question no.2 whether municipal councillor's letter was necessary for obtaining a ration card. They had given the answer in the negative. They have clarified that govt. has issued instruction to the effect that councillor's recommendations are necessary under certain circumstances. I have directed them to furnish the corrected version of their reply. In view of the above observation, the appeal is disposed off.

Order

Appellant to be sent the revised version of PIO's reply. The appeal is disposed off.

(Ramanand Tiwari)
State Information Commissioner, Mumbai

Place: Mumbai
Date: 10.09.2008.

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

Appeal No.2008/621/02

**Shri. Firangish J. Gai
Wadia Building,
598 A Girgaum Road,
Mumbai – 400002.**

.....Appellant

V/s

**First Appellate Officer
Maharashtra State Electricity Board Ltd.
Prakashgad, Plot No. G -9, Bandra (East),
Mumbai – 400051.**

..... Respondent

**Public Information Officer
Maharashtra State Electricity Board Ltd.
Prakashgad, Plot No. G -9, Bandra (East),
Mumbai – 400051.**

GROUNDS

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

- a) What are the “Net Arrears” shows in the bills for February 2007 and March 2007 in respect of Consumer No. 020020201453, Meter No. 9101038375, standing in the name of my father Mr.Darab M. Aspar ?
- b) What is the planned load-shedding applicable to the area in which the above captioned consumer is location under your Billing Unit BU 4696 (relevant to the period 1-4-2006 to 30-4-2007) ?
- c) Give details of the power break-down / tripping of power / non-supply of power / failure of power in respect of the area in which the above captioned consumer is located under your Billing Unit BU 4696 (relevant to the period 1-4-2006 to 30-4-2007) ?
- d) What is the name, designation and address of the First Appellate Authority before whom appeals have to be filed against the PIO’s orders ?
- e) Consumption of the charges, if any, payable for furnishing the above sought information.

The appellant has also complained that the MAHADISCOM is not accepting applications / first appeals under the RTI Act. Case papers show that neither the PIO nor the first appellate authority has passed any order. Hence this second appeal.

The case was fixed for hearing on 12-8-2008. The appellant was present. The respondent did not turn up. After going through the case papers and submission made by the respondent I have come to the conclusion that the respondent's response has been casual and do not seem to be bothered about the RTI Act. They seem to have taken cognizance of the appellant's application at all. I therefore pass the following order.

Order

The appeal allowed. Respondent to furnish the information sought by the respondent within 30 days. They will also inform the Commission whether they have appointed PIO / Asstt. PIO / first appellate authority. Failure to comply this direction will lead to initiation of action under 20 of the RTI Act 2005.

(Ramanand Tiwari)
State Information Commissioner, Mumbai

Place: Mumbai
Date: 09.09.2008.

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

Appeal No.2008/670/02

**Shri. Valerian Diago
51/52, A, Mahim Mansion,
M.M.C. Road, Mahim,
Mumbai – 400016.**

.....Appellant

V/s

**First Appellate Officer Dy. Chief Engineer
Slum Rehabilitation Authority,
5th Floor, Grihnirman Bhavan,
Bandra (East), Mumbai – 400051.**

..... Respondent

**Public Information Officer cum Asst. Engineer
Slum Rehabilitation Authority,
5th Floor, Grihnirman Bhavan,
Bandra (East), Mumbai – 400051.**

GROUNDS

This appeal has been filed under section 19 (3) of the Right to Information Act 2005. The appellant had sought information whether commencement certificate for the 10th to the 14th floor has been issued to the developer of building No.4 Caribbean Sagar city. Plot No. 254 (part) and Plot No.276 (part) at Gilbert Hill, ward K /west, V.P.Road off S.V.Road at Andheri (west), Mumbai. The PIO by his letter dated (not visible) informed the appellant that the plot under reference belongs to private owners on which Slum Rehabilitation Scheme is approved in accordance with DCR 33 (10) and Appendix V of amended DCR. He further informed him that other information requested by him is not as per the provision of section 2 (F) of the RTI Act 2005 and therefore cannot be furnished. The appellant filed the first appeal but no order seems to have been passed by the first appellate authority. Hence this second appeal.

The case was fixed for hearing on 20-8-2008. Appellant and respondent were present. The appellant complained that he is yet to get the information he had sought. The respondent could not give satisfactory and convincing reply. The information sought is simple and straight forward. Schemes under 33 (10) are sanctioned and monitored by the Slum Rehabilitation Authority. They have / should have all the information. The contention and conclusion of the PIO is not correct. I therefore pass the following order.

Order

The appeal is allowed. Respondent furnish information within 30 days failing which action under 20 of the RTI will be initiated against them.

(Ramanand Tiwari)
State Information Commissioner, Mumbai

Place: Mumbai
Date: 08.09.2008.

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

Appeal No.2008/784/02

**Shri. Bhimsen Yadav
Azad Wadi, Damu Nagar,
Kandivali (East),
Mumbai – 400101.**

.....Appellant

V/s

**First Appellate cum Asst.Commissioner,
B.M.C., R / South,
Near S.V.P. Sweeming Pool,
M.G.Cross Road No.2,
Kandivali (W), Mumbai – 400067.**

..... Respondent

**Public Information Officer cum Asst. Engineer
Building & Factories,
B.M.C., R / South,
Near S.V.P. Sweeming Pool,
M.G.Cross Road No.2,
Kandivali (W), Mumbai – 400067.**

GROUNDS

This appeal has been filed under section 19 (3) of the Right to Information Act 2005. The appellant had sought information regarding Thakur College of Thakur village file No. Che / A 2542 / AR Plan No. AL2 page no. 597 dated 21-12-2001. The applicant says that as per the plan no bank, Hotel or ATM Centre is shown but at the site there is Pratap Co-operative Bank, SBI ATM and hotel known as F² Fast Food and HSBC Bank. The appellant also wanted to know whether these activities have been started after the occupancy certificate was granted or before that. The PIO by his letter dated 8-6-2006 has furnished the information. The appellant was not satisfied. He filed the first appeal under section 19 (1) of the RTI Act but the first appellate authority's order dated 4-5-2007 also did not satisfy him. He has therefore come in the second appeal.

The appeal was heard on 10-9-2008. The appellant did not turn up. The respondent was there. The respondent has stated that the appellant has filed more than one application which has caused some confusion. He had come prepared for some other case but had no clue about this appeal. His replies were not satisfactory.

After going through the file and considering the submission made by the respondent, I have come to the conclusion that the information sought by the appellant must be furnished. The information sought is simple and straightforward. I therefore pass the following order.

Order

The appeal is allowed. PIO to furnish the information sought by the appellant. The appellant should not be asked to approach other PIO. In case the PIO feels that particular information is not with him, he may seek assistance under section 5 (4&5) from anyone who will be deemed to be a PIO for the purpose. The time limit is 30 days.

(Ramanand Tiwari)
State Information Commissioner, Mumbai

Place: Mumbai
Date: 10.09.2008.

Shri. Prof. Patankar Nisarali Mohammad
2/204 Aghadi Nagar,
Andheri (East), Mumbai – 400093.

.....Appellant

V/s

First Appellate cum Principal
Maharashtra College,
Bellasis Road,
Mumbai – 400008.

..... Respondent

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

GROUNDS

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

- 1) Attested copy of casual leave application from Prof. Mehmood Alam Khan of Maths departments, Maharashtra College
- 2) Attested copy of a ten page unsigned letter attributed to the applicant but in possession of the college.
- 3) Attested copy of NAAC report of Maharashtra College

The appellant's second appeal on the same issue has already been decided by Hon. Chief Information Commissioner, Maharashtra and he by his order dated 24-5-2007 directed the respondent to furnish the desired information. The appellant also complains that this order of Hon. CIC has not been implemented.

The appeal was heard on 10-9-2007. Appellant and respondent were present. The appellant has stated that he has been given a copy of the NAAC report but the same is not attested. Information on the remaining two points have not been given to him. The respondent agreed that the NAAC report given to the appellant is not attested but denied the existence of CL application from Prof. Mehmood Alam Khan and ten page unsigned letter.

I have gone through the case papers and also considered the arguments advanced by parties. The appellant's detailed submission has been taken into account. The appellant has raised a very pertinent point that the non existence of these two documents

were not brought to the notice of Hon. CIC and that is the reason he has ordered that copies of these documents be furnished to the appellant. Para 3 of the Hon. CIC order however says that 'if such letter exists and such accompaniment has been sent by the principal to the Grievance Cell of the University, a copy of that document should be given to the applicant.' The order does express doubt about the existence of the document.

In the light of the above discussion I pass the following order.

Order

Appellant to be given an attested copy of the NAAC report and copy of the casual leave application from Prof. Mehmood Alam Khan within 30 days. The PIO has not fully implemented the Hon. CIC's order dated 24-5-2007 and failure on his part to furnish the information as directed will lead to initiation of action under section 20 of the RTI Act.

This disposes off the appeal.

(Ramanand Tiwari)
State Information Commissioner, Mumbai

Place: Mumbai
Date: 11.09.2008.

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

Appeal No.2008/796/02

Shri. Farid-UL-Hussain
F / Sector, X-1 /Lane, Room No.- 02,
Cheeta Camp, Mumbai – 400 088.

.....Appellant

V/s

First Appellate cum Chief Officer,
(M.S.I.B. – MHADA)
Mumbai Slum Improvement Board,
Grih Nirman Bhavan, 3rd Floor,
Bandra (East), Mumbai – 400 051.

..... Respondent

Public Information Officer cum Dy.Chief Engineer,
(M.S.I.B. – MHADA)
Mumbai Slum Improvement Board,
Griha Nirman Bhavan, 3rd Floor,
Bandra (East), Mumbai – 400 051.

GROUNDS

This appeal has been filed under section 19 (3) of the Right to Information Act 2005. The appellant had sought information regarding lavatory built by MHADA under Nirmal Bharat Abhiyan in Sector “A” near Madarsa, Cheeta Camp, Mumbai. He was not satisfied with the responses from the PIO and the first appellate authority hence this second appeal.

The case was heard on 11-9-2007. The appellant did not turn up. The respondent was present. During the hearing of the appeal the respondent brought to the Commission’s notice that the appellant by his letter dated 8-9-2008 has informed that the information sought has been received by him and he has requested for cancelling the hearing.

Order

The prayer is granted and appeal is disposed off.

(Ramanand Tiwari)
State Information Commissioner, Mumbai

Place: Mumbai
Date: 11.09.2008.

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

Appeal No.2008/754/02

Shri. Dr. Vimal Garg
404 / 27, Basera Co-op.Housing Society,
Oshiwara MHADA,
Opp. Link Road,
Mumbai – 400053.

.....Appellant

V/s

First Appellate cum Asst.Commissioner,
Brihanmumbai Mahanagarpalika,
H / East Zone Office,
Santacruz, Mumbai – 400055.

..... Respondent

Public Information Officer cum Asst. Engineer,
Maintenance,
Brihanmumbai Mahanagarpalika,
H / East Zone Office,
Santacruz, Mumbai – 400055.

GROUND

This appeal has been filed under section 19 (3) of the Right to Information Act 2005. The appellant had sought information regarding non-allotment of accommodation in line of the one demolished by the MCGM. The Asst. Engineer (Maintenance) H / East by his letter dated 28-9-2006 informed the appellant that his shop was demolished in 1999 as per MCGM policy. Eligibility for reallotment or alternate allotment is finalised based on documentary evidence showing the position as in 1995. The PIO also informs him that there is no documentary evidence in the appellant's name and therefore his case could not be finalised in his favour.

The case was fixed for hearing on 4-9-2008. The appellant was present. Respondents were absent. The papers in possession of the appellant gives an impression that there has been change of hand. The papers in his hands including the identity card are not in his name. Since the documents are not in his name, he has been rightly declared ineligible. The Commission can do nothing. I decide to close the case.

Order

The appeal is disposed off.

(Ramanand Tiwari)
State Information Commissioner, Mumbai

Place: Mumbai
Date: 11.09.2008.

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

Appeal No.2008/797/02

**Shri. Dayanand Mahadev Choudhary
204, Devdarshan, Yashwant Nagar,
Vakola Pipe Line, Santacruz (East),
Mumbai – 400055.**

.....Appellant

V/s

**First Appellate cum Dy. Secretary
Rural Development & Water Conservation Dept.,
Mantralaya, Mumbai - 400032.**

..... Respondent

**Public Information Officer cum Under Secretary
Rural Development & Water Conservation Dept.,
Mantralaya, Mumbai - 400032.**

GROUNDS

This appeal has been filed under section 19 (3) of the Right to Information Act 2005. The appellant had sought information regarding action being taken against Walawal Village Panchayat, Taluka Kudal District – Sindhudurg under section 145 (1) of the Village Panchayat Act 1958. He is not satisfied with responses from the PIO and the first appellate authority. Hence this appeal.

The appeal was heard on 11-9-2007. The appellant did not turn up. The respondent was present. The respondent during the hearing brought to the notice of the Commission that the appellant has informed by his letter dated 6-9-2007 that he has received the information and he is withdrawing his appeal. The same is granted.

Order

Appeal is disposed off.

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

Place: Mumbai
Date: 11.09.2008.

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

Appeal No.2008/792/02

Appeal No.2008/793/02

**Shri. Amar Sakharam Hadkar
8/38, Tejukaya Mension,
Dr. Ambedkar Road,
Lalbaug, Mumbai – 400012.**

.....Appellant

V/s

**First Appellate cum Joint Chief Officer,
MHADA, Grihnirman Bhavan,
Bandra (East),
Mumbai - 400051.**

..... Respondent

**Public Information Officer cum Land Manager
& Executive Engineer (Ghatkopar Section),
MHADA, Grihnirman Bhavan,
Bandra (East),
Mumbai - 400051.**

GROUNDS

These appeals have been filed under section 19 (3) of the Right to Information Act 2005. The appellant had sought information in connection with a hotel building at Kannamwar Nagar No. 2, Vikroli (East). The PIO does not seem to have passed any order. The appellant approached the first appellate authority under section 19 (1) of the RTI Act. The first appellate authority by his order dated 29-5-2005 directed the PIO to furnish the information within 8 days. The appellant did not get the information and hence this appeal.

The appeal was heard on 11-9-2007. Appellant and respondent were present. The PIO admitted that information has not been furnished. This is not enough. The the then PIO must explain why the first appellate authority's ordered was not complied. I pass the following order.

Order

PIO to furnish information within 15 days failing which action under section 20 of the RTI Act will be initiated against him. A show cause notice be issued to Shri.Chandere, Asstt. Estate Manager, Kurla why action under section 20 should not be taken against him for not furnishing the information as directed by the first appellate authority. The appeal is disposed off.

(Ramanand Tiwari)
State Information Commissioner, Mumbai

Place: Mumbai
Date: 12.09.2008.

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

Appeal No.2008/791/02

**Shri. Edwin D Souza
Versova Jupiter Coop Housing Society Ltd.,
Lokhandwala complex 4th cross road,
Andheri (W), Mumbai 400 053.**

.....Appellant

V/s

**First Appellate cum Dist. Sub Registrar
Coop Societies, K West Grih Nirman
Bhavan Room No. 69 A, Bandra East
Mumbai – 400 051.**

..... Respondent

**Public Information Officer cum Dy. Registrar
Coop. Societies (3) Grih Nirman Bhavan,
Room No. 69 A, Bandra East,
Mumbai – 400 051.**

GROUNDS

This appeal has been filed under section 19 (3) of the Right to Information Act 2005. On 22-1-2007 the appellant had filed an application under form 'P' with the Dy. Registrar, Co-operative Societies, K – West in regard to various irregularities committed by Versova Jupiter Co-operative Society Ltd., Lokhandwala Complex, 4th Cross Road, Andheri (West), Mumbai for his immediate action as per provisions of MCS Act 1960. Since he did not get any response, the appellant filed a RTI application dated 22-2-2007 requisitioning the information as to what action was taken on his letter. This was replied by Dy. Registrar's letter dated 7-3-2007, but the appellant was not satisfied and he filed the first appeal dated 20-3-2007 under section 19 (1) of the RTI Act. The first appellate authority by his order dated 4-5-2007 disposed off his appeal. The appellant has filed this second appeal before the Commission.

The appeal was heard on 11-9-2007. The appellant remained absent. The respondent was present. He has made his submission in writing which has been kept on record.

I have gone through the case papers. It is clear from the case that the issue has arisen because of alleged wrong levy of water charges. The appellant has alleged that his water charges were revised in violation of the bye laws of the society. The Maharashtra Co-operative Societies Act 1960 gives ample power to the Dy. Registrar to sort out such issues. In any case the replies to appellant's queries have been furnished. Since the

appellant was not present, it was not possible to find out whether he was satisfied or not. In view of the respondent's submission that replies have been furnished and the first appellate authority's confirmation of the order and also the appellant's absence at the time of hearing of the second appeal, I am constrained to pass the following order.

Order

Appeal is disposed off.

(Ramanand Tiwari)
State Information Commissioner, Mumbai

Place: Mumbai
Date: 12.09.2008.

Shri. Dr. Vinodkumar L.Dhavan
101, Krishna Kunj CHS Ltd.,
Plot No. 13, L.T. Nagar Road No. 1,
Off M.G.Road, Goregaon (W),
Mumbai – 400062.

.....Appellant

V/s

First Appellate Officer
Office of the Principal
Patkar Varde College,
S.B.Road, Goregaon (W),
Mumbai – 400062.

.... Respondent

Public Information Officer
Office of the Principal
Patkar Varde College,
S.B.Road, Goregaon (W),
Mumbai – 400062.

GROUNDS

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

- 1) Construction of a Shed & a wall on the back-side (south side) of the laboratory wing.
- 2) Construction of rooms on the east-side (ground floor) of the laboratory wing.
- 3) Construction of a structure (class-rooms, etc. on the terrace of the existing laboratory building.)
- 4) Construction of metal staircase between 1st floor and ground floor on the north side of the laboratory wing.
- 5) Addition & alterations carried out in the laboratory building (on all floors).
- 6) Construction of rooms on the east-side of the auditorium on the ground floor of the Commerce building / wing.
- 7) Construction of wooden –rooms in the compulsory open space (corridor) on the 1st, 2nd & 3rd floor of the Commerce building / wing.
- 8) Construction of a structure (class-rooms, etc.) on the terrace of the existing Commerce building / wing.
- 9) Additions & alterations carried out on the ground floor of the Main building accommodating the ATM center and the Bank of India.

- 10) Additions & alterations carried out on the first floor of the Main building above ATM center and Bank of India.
- 11) Additions & alterations carried out on the first and second floors of the Main building.
- 12) Construction of mezzanine floor near the library on the 3rd floor of Main building.

The PIO or the first appellate authority has not passed any order. The appellant therefore has preferred the second appeal before the Commission.

The appeal was heard on 11-9-2008. Appellant and respondents were present. The appellant has stated that he is yet to get the information. The respondent has submitted that they have submitted that they have furnished a copy of the plan approved by the MCGM. The appellant, however, has stated that he wanted point wise reply where he has been given a copy of the approved plan. The appellant suspected that there are violations / irregular construction endangering lives of students apart from being unauthorised and illegal.

I have gone through the case papers and also considered the arguments advanced by parties. The best way to find out whether there are constructions beyond the approved plan is to entrust the task of verification by the agency which has approved the plan. It is therefore directed that the Executive Engineer Building proposal MCGM should verify / get it verified and send a copy of his report to the appellant. Copies to be endorsed to the Commission and the respondent's college. I therefore pass the following order.

Order

The Executive Engineer Building proposal (in charge of the area) to get the alleged irregular construction / construction beyond the approved plan verified and send a copy of his findings to the appellant. Copies also should be sent to the college and the Commission.

The appeal is disposed off.

(Ramanand Tiwari)
State Information Commissioner, Mumbai

Place: Mumbai
Date: 14.09.2008.

Smt. Pratibha B. Mehta
9, Charkop, Shri. Riddhi Siddhi CHS Ltd.,
Plot No. 276, R.P.G. IV, Sector – 5,
Charkop, Kandivali (W),
Mumbai – 400067.

.....Appellant

V/s

First Appellate Officer cum the Divisional Joint Registrar
Co-operative Societies,
6th Flr., Malhotra House,
Opp. GPO, Fort,
Mumbai.

.... Respondent

Public Information Officer the Dy. Registrar
Co-operative Societies Cell,
MHADA, IInd Flr.,
Grih Nirman Bhavan,
Bandra (E), Mumbai – 400051.

GROUNDS

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

- a) Why Applicants complaints dated 28-10-06, 28-11-06 and 12-2-07, against the so called (Present) Managing Committee Members for Non-submission of Indemnity Bonds by them, thereby, violating the Mandatory Provisions of Section 73 (1-AB), has remained unattended / Unreplied ?
- b) Whether the Indemnity Bonds filed by the said Managing Committee Members, (i.e. much beyond the mandatorily stipulated (statutory) time-limit for filing the same) is valid and legal allowing them to continue in their post for the term 2004-2007?
- c) Does the decisions and resolutions passed by the so called Managing Committee are binding on the Society?
- d) The so called Secretary namely, Shri. J. B. Shah has let out his flat on rental basis and is staying elsewhere. Whether he has right to continue as a so-called Secretary? (Annexed hereto and marked as Exhibit “B” Colly are the copies of the Complaints, Applications, First appeal, Correspondence and postal proof etc.)

The papers submitted by the appellant do not show any order passed by the PIO or the first appellate authority. Hence this second appeal.

The appeal was heard on 10-9-2008. The appellant remained absent. The respondent was present. His argument was that the information sought is available at society's level and the appellant could get it from the society. It seems that the PIO has attempted to get the information and furnish to the appellant, but has not succeeded. section 2 of the RTI Act defines right to information. It clearly says that right to information means the right to information accessible under this Act which is held by or under the control of any public authority. I am of the view that the information sought is in fact not held by the PIO because Managing Committee members are required to furnish the bond which will remain with the society. The District Deputy Registrar is supposed to be informed. The Maharashtra Co-operative Societies Act 1960 empowers the Dy. Registrar adequately to command the society to furnish the information. I therefore hold that the information sought is held under his control and he must get it from the society and furnish to the appellant. I pass the following order.

Order

The appeal is allowed. PIO to get information and furnish to the appellant within 30 days.

(Ramanand Tiwari)
State Information Commissioner, Mumbai

Place: Mumbai
Date: 12.09.2008.

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

Appeal No.2008/485/02

**Smt. Arjunlal M. Chabaria
Belle Vista, Flat No.13, 3rd Flr.,
S.V.Road, Bandra (W),
Mumbai – 400050.**

.....Appellant

V/s

**First Appellate Officer cum Director,
Engineer and Projects,
Municipal Head Office, Annexe Bldg.,
3rd Flr., Fort,
Mumbai – 400001.**

.... Respondent

**Public Information Officer Dy. Chief Engineer
Building Proposal, Western Suburbs,
Bandra (W), Mumbai – 400050.**

GROUNDS

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

- a) It is a fact that there is a plot called Dettiners Compound, Bearing C.T.S. No.64, Survey No. 23, Part No.1 (pt), Borivali Village, Jogeshwari (W), Mumbai – 400102. i.e. 126, S.V.Road, Jogeshwari (W), Mumbai – 400102.
- b) Is it a fact that there is a structure admeasuring 500 Sq.ft. belonging to Mr. Bilkis Gulburg Shah who has purchased from Zafura Khatoon Gulam Rasool who in turn has purchased from Chandbibi Fakir Mohd. ?
- c) Is it a fact that the said structure is situated at Capt. Gajanan Samant Marg, which is at 126, situated on Plot bearing City Survey No. 64, Survey No. 23, part No. 1 (pt), Bandivali Village, Jogeshwari (W), Mumbai – 400102 i.e. S.V.Road, Jogeshwari (W), Mumbai – 400102 ?
- d) Is it a fact said structure is having the Gumasta License of A- 1 Beef Shop situated at the above premises ?

The PIO by his letter dated 9-11-2006 informed him that since the file was old and not traceable, the information cannot be furnished. The appellant filed the first appeal. The first appellate authority by his order dated 18-1-2007 ordered that the file should be searched and necessary information furnished to the appellant. The appellant preferred this second appeal before the Commission.

The appeal was heard on 9-9-2008. The appellant did not turn up. The respondent was present. The respondent has stated that the file has since been traced and the appellant was informed that he may inspect the file and collect copies of selected documents. The Commission was further informed that the appellant has received the information acknowledged the receipt of the document. The acknowledgement is on record. The respondent has submitted that this could be the reason for non appearance of the appellant before the Commission. In the light of the above discussion I pass the following order.

Order

The appeal is disposed off.

(Ramanand Tiwari)
State Information Commissioner, Mumbai

Place: Mumbai
Date: 13.09.2008.

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

Appeal No.2008/736/02

**Smt. Veena M.Khanchandani
Murli Govind Society, 33rd Rd.,
Flat No.3, Plot No. 527,
Khar (W), Mumbai – 400052.**

.....Appellant

V/s

**First Appellate Officer cum Asst. Commissioner
B.M.C., H / West Ward,
Bandra (W.), Mumbai – 400050.**

.... Respondent

**Public Information cum
B.M.C., H / West Ward,
Bandra (W.), Mumbai – 400050.**

GROUNDS

This appeal has been filed under section 19 (3) of the Right to Information Act 2005. The appellant had sought the information regarding his complaint application No. HW/ 31731/AEB/ Dt. 4-2-2005 to BMC Commissioner, H West and subsequent appeal DMC / Z III/ General /4152/ AC H/W 7-1-2006 to Zonal Commissioner BMC, Andheri. The papers submitted by the appellant do not show that any order has been passed. The appeal was heard on 1-9-2008. The appellant is unhappy that although the existence of unauthorised structure has been admitted the same has not yet been demolished. The respondent did not have any satisfactory answer. It is true that RTI ensures furnishing of existing information and the same has done in this case. The officials have admitted that the construction is unauthorised but if we stop there on the plea that information has been furnished, that will go against the spirit of the RTI which has been enacted to bring transparency and accountability among public authority. The PIO in this case must proceed further in a accordance with law and must demolish the unauthorised structure after due process of law. With there observation, I pass the following order.

Order

The appeal is disposed off.

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

Place: Mumbai
Date: 15.09.2008.

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

Appeal No.2008/819/02

**Shri. Jayprakash S. Tiwari
Mumbai Driving School,
Kamlesh Apatment, Shop No. 45,
Sher- E -Punjab Andheri (East),
Mumbai – 400093.**

.....Appellant

V/s

**First Appellate Officer cum Additional Collector,
Encroachment,
Administrative Building,
Bandra (East), Mumbai – 400051.**

.... Respondent

**Public Information cum Dy. District Officer,
Encroachment,
Administrative Building,
Bandra (East), Mumbai – 400051.**

GROUNDS

This appeal has been filed under section 19 (3) of the Right to Information Act 2005. The appellant has sought information regarding Prajakta SRA Co-operative Housing Society, CTS No. 501, Kondivita, Andheri, Mumbai. He has asked for copies all documents which are mentioned in column of documentary evidence of Jodapatra – 2, copy of Punchnama which is mentioned in the letter dated 30-4-2005 of Additional Collector encroachment and plan. The appellant has not enclosed copies of relevant documents to get a clear idea of his demand. The appeal was heard on 15-9-2008. The appellant was present. The information sought lacks clarity. The only point clear to me was his demand for annexure II of the society. I therefore pass the following order.

Order

The appeal is partially allowed. Additional Collector encroachment to furnish a copy of annexure II to the appellant within 15 days under intimation to the Commission.

(Ramanand Tiwari)

State Information Commissioner, Mumbai

Place: Mumbai
Date: 16.09.2008.

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

Appeal No.2008/476/02

**Shri.Shaikh Nawabuddin Nemuddin
Plot No.702, 'A' Wing, Subhashchandra CHS.,
Off ONGC Tower, Mukund Nagar,
Dharatvi, Mumbai – 400017.**

.....Appellant

V/s

**First Appellate Officer cum Asst. Municipal Commissioner,
B.M.C., G / Office of the North Ward,
Dadar, Mumbai – 400028.**

.... Respondent

**Public Information cum Project Officer (Dharavi),
B.M.C., G / Office of the North Ward,
Dadar, Mumbai – 400028.**

GROUNDS

This appeal has been filed under section 19 (3) of the Right to Information Act 2005. This one of the numerous appeals / applications filed by the appellant in respect of Chitrakut CHS. The appeal was heard on 2-9-2008. Appellants and respondents were present. The appellant has sought information on 22 points. Most of them have been covered by our earlier orders. I am however ordering as requested that the appellant should be allowed inspection of relevant files and copies of selected documents should be furnished on payment of requisite fee.

Order

The appeal is partially allowed. The appellant to be allowed to inspect relevant files and furnished copies of selected documents on payment of requisite fee. This should be done in 30 days.

(Ramanand Tiwari)

State Information Commissioner, Mumbai

Place: Mumbai
Date: 16.09.2008.

**Shri. Kartar R. Rijhsinghani
C.B.M. High School, S.S.C. Nagar,
Sion Koliwada, Mumbai – 400037.**

.....Appellant

V/s

**First Appellate Officer cum Asst. Commissioner,
B.M.C. F/ North Ward,
Bhau Daji Road, Mumbai -400019.**

.... Respondent

**Public Information cum Asst. Engineer,
Building & Factories,
B.M.C. F/ North Ward,
Bhau Daji Road, Mumbai -400019.**

GROUNDS

This appeal has been filed under section 19 (3) of the Right to Information Act 2005. The appellant by his application dated 13-12-2006 had sought the following information:

- b) Whether the above referred structure is authorised?
- c) Copy of the permission
- d) For granting permission to construct the said structure
- e) Copy of the conditions imposed for doing any Priyatam Dharam Sabha
- f) If the said structure is illegal, then what action has been taken against the structure and its builders?
- g) If no action has been taken so far, then who are the officers responsible for taking action on my complaints?
- h) What action has been taken against these officers for their inaction and dereliction of duty?

The appellant is not satisfied with the responses from the PIO and the first appellate authority and hence this second appeal.

The appeal was heard on 1-9-2009. Appellants and respondents were present. The appellant continues to be aggrieved as the alleged unauthorised structure has not been fully removed. The respondents have contended that all recent extension and unauthorised construction have been removed.

I have gone through the file and also considered the arguments advanced by parties. In their written submission made by respondents they have admitted that there

has been unauthorised and extension. They have enclosed photographs to show that the unauthorised extension / construction to a large extent have been removed. The appellants have admitted this but have complained that the remaining portion is used by the encroacher for keeping things on the portion of their school building. I would like to impress upon the Municipal authorities that this is a dispute between a party representing private interest and another representing public interest. If the Municipal authorities have already concluded that the construction is unauthorised, nothing should prevent them from demolishing the unauthorised construction. The burden of proof lies with the encroacher. The Municipal authorities should look into it again and ensure that illegal construction is demolished to ensure smooth functioning of the school. In the light of the above observation. I decide close the case.

Order

The appeal is disposed off.

(Ramanand Tiwari)

State Information Commissioner, Mumbai

Place: Mumbai

Date: 16.09.2008.

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

Appeal No.2008/464/02

**Shri. Shiva Billava
Lt-4/21, Marol Maroshi Road,
Andheri (East), Mumbai – 400059.**

....Appellant

V/s

**First Appellate Officer cum President / Secretary,
Cosmopolitan Education Society,
Valia Ramniklal Chhaganlal Junior College of Commerce,
D.N. Nagar, Andheri (W), Mumbai – 400053.**

.... Respondent

**Public Information cum Principal
Cosmopolitan Education Society,
Valia Ramniklal Chhaganlal Junior College of Commerce,
D.N. Nagar, Andheri (W), Mumbai – 400053.**

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 annual lesson plan from 1999 to 2004. The appellant has been denied this information on the ground that the matter is pending in the tribunal. The appellant has filed this second appeal against this order. The appeal was heard on 2-9-2008. Appellants and respondents were present. The appellant reiterated his demand for information whereas the respondents wanted him to wait for the tribunal's decision.

After going through the case papers and considering the arguments I have come to the conclusion that the desired information must be furnished. The respondent seems to be under the impression that the appellant may use this information to his advantage during the hearing before the tribunal. The RTI Act has demolished all such impression and the game of hide and seek has also been put to an end. This is to ensure transparency and accountability. If the information is likely to be used by the appellant to his

advantage so it be. This can never be a ground for denial of the information sought. I therefore pass the following order.

Order

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

(Ramanand Tiwari)

State Information Commissioner, Mumbai

Place: Mumbai
Date: 16.09.2008.

Smt. Anandi Ramchandran
Bldg.No.29/A-22, Takshila (2nd floor),
Mahakali Caves Road,
Andheri (E), Mumbai -400093.

....Appellant

V/s

First Appellate Officer cum District Dy. Registrar
Mumbai (3)
Co-op. Society, K – East Ward,
Grihnirman Bhavan, Ground floor,
Bandra (East), Mumbai – 400051.

.... Respondent

Public Information cum Dy. Registrar
Co-op. Societies (K East),
Malhotra House, Opp GPO, Mumbai – 400001.

GROUNDS

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

- b) Period to which the information relates: Recent past years.
- c) Description of Information Required : Why no reply is being given to my abovementioned (Annexed with letter dated legal notices to you dated 19-12-2006) regarding illegal, high handed and dictatorial actions / decisions taken by the managing committee of Bldg. Takshila CHS LTD, Mumbai 400093 such as,
 - 1) Denial of Structural Audit Report to bonafide members of in time. 2) Not divulging terms of agreement / contract of repairs to the bonafide members of the society and going ahead with the contract contrary to the Structural Audit Report.
 - 3) Is Tech-n-Eco given permission by MCGM to carry out repairs in Bldg. 29 Takshila CHS LTD and why no action is being initiated against the society for appointing Tech-n-Eco as consultant without calling for tenders despite knowing very well about the complaints from other Takshila building societies about the

poor / bad quality of work executed by Tech-n-Eco, and allowing Tech-n-Eco to carry out major repairs against the report of the structural members without calling for discussions or getting approval of General Body and taking decisions Important financial decisions being taken by the managing committee without signing the mandatory bond u/s 73 (1AB) of MCS ACT.

Neither the PIO nor the first appellate authority's orders are on record. The appeal was heard on 17-9-2008. The appellant did not turn up. The respondent was present. He has given his say in writing. The respondent says that the appellants earlier complaints were not covered under Right to Information Act therefore they were not replied. The Divisional Joint Director however on 14-2-2008 directed the office to furnish the required information, obtain the society's explanation and other relevant documents. The appellant was informed that she could collect the information. Similarly action was initiated against the Managing Committee the same has been disbanded and an administrator has been appointed.

After going through the case papers, submission made by the respondent. I have come to the conclusion that information stands furnished. There has been delay and PIO is warned to be careful in future about the time limit prescribed in the Act.

Order

The appeal is disposed off.

(Ramanand Tiwari)

State Information Commissioner, Mumbai

Place: Mumbai
Date: 17.09.2008.

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

Appeal No.2008/852/02

**Shri. Pradeep Jadhav
302 A, Sunnyside,
Lokhandwala Complex,
Andheri (W),
Mumbai – 53.**

.....Appellant

V/s

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

.... Respondent

**Public Information cum Controller of Metrology
Govt. Barrack No.7,
Free Press Journal Marg,
Mumbai – 400 021.**

GROUNDS

This appeal has been filed under section 19 (3) of the Right to Information Act 2005. The appellant had complained to the Controller of Metrology against M/s Lokhandwala Watch Co. Shop No. 341, Swiss Palace, Shashtri Nagar, Lokhandwala Complex, Andheri (West), Mumbai under the provisions of Packaged Commodities Act. The shopkeeper had sold out a clock to the appellant for Rs.340/-. The appellant complained that there was no M.R.P. printed and this was done with a view to cheating customers. He had requested the department to take action against the shopkeeper and keep him informed. This was done on 1-11-2006. As there was no response the appellant filed a RTI application under section 6 (1) of the Act asking for information regarding action taken on his complaint. This complaint is dated 24-4-2007. The Deputy Controller of Legal Metrology by his letter dated 14-5-2007 informed the appellant that the Inspector of Legal Metrology Andheri – B Division has taken necessary action against M/s. Lokhandwala Watch Co. on 13-11-06. The officer further says that it was

found that the retailer had smudged the original M.R.P. The matter has been compounded as per legal procedure and M/s. Lokhandwala paid Rs.5000/- as compounding fee and the matter stood closed. The appellant is not convinced. He says that the action is still not complete. He wanted to know what happened to the excess amount charged from him. He also wanted penal action and an apology from the retailer. The same issue has been raised before the Commission in his second appeal.

The appeal was heard on 18-9-2007. Appellant and respondent were present. The main contention of the appellant is that he should get the excess amount refunded. The respondent has stated that their Act does not provide for compensation. The RTI also does not provide for any such compensation. The respondent feels that appellant's complaint has been attended to and the matter should be closed. The appellant has been duly informed about the action taken on his complaint.

I have gone through the case papers and also considered the arguments advanced by parties. My conclusion is that the required information has been furnished. The appellant has been given copies of relevant papers. Since the RTI Act does not provide for compensation, the appellant may approach the appropriate Consumer Court for getting his grievance redressed. I decide to close the case.

Order

The appeal is disposed off.

(Ramanand Tiwari)

State Information Commissioner, Mumbai

Place: Mumbai
Date: 19.09.2008.

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

Appeal No.2008/854/02

**Shri. Anilkumar Indramal Gupta
Parsiwadi Ramprasad Varma Chawl,
Room No.3, Ghatkopar (W),
Mumbai – 400086.**

.....Appellant

V/s

**First Appellate Officer cum Asst. Engineer
B.M.C., N ward's Office,
1st floor, Jawahar Road,
Ghatkopar (E), Mumbai – 400077.**

.... Respondent

**Public Information cum Asst. Engineer
B.M.C., N ward's Office,
1st floor, Jawahar Road,
Ghatkopar (E), Mumbai – 400077.**

GROUNDS

This appeal has been filed under section 19 (3) of the Right to Information Act 2005. It appears that a notice under 351 was issued to the appellant. The appellant says he has done nothing to set a notice under 351. He wrote to the Municipal Commissioner to withdraw the notice. He has been sending letters in this regard. Now he has filed application to seek information as to what happened to his petitions. The PIO by his order dated 1-6-2007 informed him that he could deposit Rs.12 @ Rs.2/- per copy and collect the information. The file virtually gets closed there. There is nothing on record to show whether the appellant deposited money and collected the information.

The appeal was heard on 18-9-2007. The appellant remained absent. The respondent was present. He has stated that the appellant did not turn up to deposit money and collect the information. Since the appellant did not turn up, I am constrained to close the case. I pass the following order.

Order

The appeal is disposed off.

(Ramanand Tiwari)

State Information Commissioner, Mumbai

Place: Mumbai
Date: 19.09.2008.

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

Appeal No.2008/820/02

**Shri.Ashok K. Hebbar
901 / D, Alka Bhuvan, Sainath Nagar,
Eksar Road, Borivali (W),
Mumbai – 400 103.**

.....Appellant

V/s

**First Appellate Officer cum Dy. Chief Engineer
Building Proposal,
Western Suburbs, R/C Ward,
Brihanmumbai Mahanagarपालिका,
Kandivali (W), Mumbai – 400 067.**

.... Respondent

**Public Information cum Executive Engineer
Building Proposal,
Western Suburbs, R/C Ward,
Brihanmumbai Mahanagarपालिका,
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 30-5-2007 sought information regarding storm water disposal system of Manas Moti CTS No. 1448 / 6 connecting street gutter. He wanted all relevant papers submitted by Developer, Architect / Licensed plumber and particularly copy of the application and plan submitted, copy of the completion certificate and other connected papers. The PIO by his order dated 1-6-2007 informed him that he could take inspection of the file papers and locate the documents / plan of which he intended to get copies. The appellant was not satisfied and he preferred the first appeal. The first appellate authority by his order dated 21-8-2007 stated that since he had refused to inspect files his appeal was disposed off. Hence this second appeal.

The appeal was heard on 16-9-2008. The appellant was present. Respondent remained absent. The main contention of the appellant is that he did not want to inspect the file and should be given the information sought by him by his application dated 30-5-2007 and elaborated by another application dated 14-6-2007. It is not understood why should the PIO or the first appellate authority insist on the appellant inspecting the file. Normally inspection is resorted to when issues are not clear and the appellant is asked to identify them by inspection. Here the points on which information has been

sought are clear and straight forward. In the light these observation. I pass the following order.

Order

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

(Ramanand Tiwari)

State Information Commissioner, Mumbai

Place: Mumbai
Date: 20.09.2008.

Shri.Ashok K. Hebbar
901 / D, Alka Bhuvan, Sainath Nagar,
Eksar Road, Borivali (W),
Mumbai – 400 103.

.....Appellant

V/s

First Appellate Officer cum Dy. Chief Engineer
Building Proposal,
Western Suburbs, R/C Ward,
Brihanmumbai Mahanagarpalika,
Kandivali (W), Mumbai – 400 067.

.... Respondent

Public Information cum Executive Engineer
Building Proposal,
Western Suburbs, R/C Ward,
Brihanmumbai Mahanagarpalika,
Kandivali (W), Mumbai – 400 067.

GROUNDS

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

Papers / documents in connection with Manas Moti's alleged Drainage / Sewerage Line passing through Alka Bhuvan, C.T.S. No. 2246 as follows –

- a. Copy of application and plan for laying Drainage / Sewerage Line in Alka Bhuvan Premises.
- b. Copy of all the papers / correspondence given by Alka Bhuvan Ex-Secretary / Ex-Office Bearers.
- c. Copy of application for dismantle of the existing Drainage / Sewerage Line and Septic Tanks of Alka Bhuvan, C.T.S. No. 2246.
- d. Copy of Completion Certificate alongwith approved plan for Manas Moti's alleged Drainage / Sewerage Line passing through Alka Bhuvan, C.T.S. No.2246
- e. Copy of permanent street connection of Manas Moti's alleged Drainage / Sewerage Line.
- f. Nothing about Drainage / Sewerage Line connection while issuing Occupation Certificate to Manas Moti.
- g. In case any of the above documents are not available written statement thereto.

The PIO by his order dated 22-5-2007 informed the appellant that he should take inspection of file / papers and locate the documents / plan pf which he intended to get copies. The appellant was not satisfied and he filed the first appeal under section 19 (1) of the RTI Act. The first appellate authority by his order dated 21-8-2007 informed the appellant that he has been requested to take inspection of documents. He further mentions that documents / plan were already issued to him and he could avail of the facility of inspection for any additional information. The appellant denies having received any information and insists on getting information as requested. That is why he has filed this second appeal.

The appeal was heard on 16-9-2007. The appellant was present. The respondents did not turn up. After going through the case papers and listening to the appellant I am of the view that the information sought must be given. We cannot force parties to inspect documents if he does not want. This is resorted to when the information sought is huge and the PIO or the first appellate authority is not in a position to decide. The information sought by the appellate is simple and pointed. He should be given point wise information. If he opts to inspect it is okay otherwise the PIO should furnish relevant information from the record. I pass the following order.

Order

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

(Ramanand Tiwari)

State Information Commissioner, Mumbai

Place: Mumbai
Date: 20.09.2008.

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

Appeal No.2008/822/02

**Shri. Vijay Ashok Dalvi
Shramik Bharti Chawl,
Shanta Jog Marg,
Tilak Nagar, Mumbai – 400089.**

.....Appellant

V/s

**First Appellate Officer cum Asst. Municipal Commissioner
B.M.C. L – Ward, Kurla,
Mumbai - 400 051.**

.... Respondent

**Public Information cum Asst. Engineer
(Environment)
Laxman Yadav Mandai Bldg.,
S.G.Barve Marg,
Kurla, Mumbai – 400 070.**

GROUNDS

This appeal has been filed under section 19 (3) of the Right to Information Act 2005. The appellant's sought information regarding not passing of bills of certain agencies whose services were hired by MCGM under what is know as Hyderabad pattern of cleaning. The PIO by his letter dated 18-5-2007 has furnished point wise information. The appellant was not satisfied and he preferred the first appeal. The first appellate authority by his letter dated 21-5-2007 directed the PIO to furnish information which were not complete or the answers which were vague and not clear. The appellant has preferred this second appeal against this order.

The appeal was heard on 16-9-2008. Appellants and respondents were present. The appellant has stated that some of bills have still been not paid. More than a year has gone after the first appellate authority passed his order. The PIO needs to pay attention to this. I pass the following order.

Order

The appeal is allowed. The PIO to furnish the latest information regarding pending bills to the respondent. A copy of the same may sent to the commission for information.

(Ramanand Tiwari)

State Information Commissioner, Mumbai

Place: Mumbai
Date: 20.09.2008.

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

Appeal No.2008/848/02

**Shri. Sandeep Digambar Dhoble
1 /6, Anthoni D'mello Colony,
Ganeshwada, Kanjurmarg (East),
Mumbai – 400 042.**

.....Appellant

V/s

**First Appellate Officer cum
M.S.E.D.Co. Ltd. Bhandup Sub-Section No.2
M.R.V. Shinde Marge, L.B.S. Road,
Bhandup, Mumbai – 400 078.**

.... Respondent

**Public Information cum Dy. Executive Engineer
M.S.E.D.Co. Ltd. Bhandup Sub-Section No.2
M.R.V. Shinde Marge, L.B.S. Road,
Bhandup, 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 13-4-2007 had asked for information regarding no meters taken away by them for non-payment of charges from March 2007 to date and whether there were written instructions to take away meters. The PIO by his letter dated 11-5-2007 informed the appellant that the information was ready and he should deposit Rs.50/- and collect the required information. The appellant filed the first appeal under section 19 (1) of the RTI Act 2005. He has alleged that he has been asked to deposit more money than required by law. The record does not show whether any order was passed by the first appellate authority. The appellate has filed this second appeal before the Commission.

The appeal was heard on 18-9-2008. The appellant was present. The respondent did not turn up. The record does not show whether the appellant deposited the required amount. The first appellate authority should have given his verdict on the allegation of charging more money than the law requires. The first appellate authority has failed to discharge his duties. I therefore pass the following order.

Order

The appeal is remanded to the first appellate authority for disposal according to law. The appellant may approach the Commission if he is not satisfied with the first appellate authority's order. This appeal is disposed off.

(Ramanand Tiwari)

State Information Commissioner, Mumbai

Place: Mumbai
Date: 20.09.2008.

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

Appeal No.2008/830/02

**Shri. Prakash J. Gowda
Annabhau Sathe Nagar,
Sanjay Gandhi Nagar, behind bldg. No.66,
Lalubhai Compound,
Mankhurd, Mumbai – 400 043.**

.....Appellant

V/s

**First Appellate Officer cum
M.M.R.D.A.,
Bandra Kurla Complex,
Bandra (East),
Mumbai – 400 051.**

.... Respondent

**Public Information cum
M.M.R.D.A.,
Bandra Kurla Complex,
Bandra (East),
Mumbai – 400 051.**

GROUNDS

This appeal has been filed under section 19 (3) of the Right to Information Act 2005. The appellant wanted to know whether allottee of tenements under MUTP, MUIP at Lalubhai compound, Mankhurd, Indian Oil Nagar, Shivajee Nagar, Govandi Prkalpa 3, P.L.Lokhande Marg, Gautam Nagar, Govandi, Mumbai can be sold / bought under the govt. regulation / rules. Records do not show whether the PIO or the first appellate authority has passed any order. The appeal was heard on 16-9-2008. The appellant was present. The respondent did not turn up. I have gone through the case papers also heard the appellant. The information sought is very simple but still has not attracted the attention of the PIO or the first appellate authority. This is very serious and reflects their approach to the Right to Information Act. I am aware that there are existing govt. instructions regarding sale / purchase of tenements allotted to PAPS. The PIO, MMRDA has still failed to furnish the information. I pass the following order.

Order

The appeal is allowed. PIO to furnish information within 30 days. PIO should also explain why action under section 20 why action under section 20 of the RTI should not be initiated against him.

(Ramanand Tiwari)

State Information Commissioner, Mumbai

Place: Mumbai
Date: 20.09.2008.

Smt.Meera S. Kamat
Flat No.2, Ruchi Co-op. Hsg. Soc. Ltd.,
Chikoowadi Road, Shimpoli,
Borivali (W),
Mumbai – 400 092.

.....Appellant

V/s

First Appellate Officer cum Asst.Commissioner
B.M.C., R / Central Ward,
2nd floor, Mahapalika Market Building,
S.V.P.Road, Borivali (W)
Mumbai – 400 092.

.... Respondent

Public Information cum Asst. Engineer
Maintenance
B.M.C., R / Central Ward,
2nd floor, Mahapalika Market Building,
S.V.P.Road, Borivali (W)
Mumbai – 400 092.

GROUND

This appeal has been filed under section 19 (3) of the Right to Information Act 2005. The appellant by her application dated 17-4-2007 had sought the following information:

- 1) No. of Flats and Shops given to B.M.C. by the builder?
- 2) Those dishoused are from which area? Kindly let me have details from where they were dishoused their area whether dishoused in road cutting or otherwise.
- 3) Terms and conditions of housing of these dishoused.
- 4) Copy of the license given to the shop owners at present with the name and address of the owner of the shop.
- 5) Copy of the permission for internal construction for those who have done.

The PIO by his letter dated 03-07-2007 furnished information on the following points

(1) Sanction of shops allotted at Kent garden building (2) List of occupants to whom

shops are allotted (3) Terms and conditions with PAPS. The appellant was not satisfied and she filed the first appeal under section 19 (1) of the RTI Act. The first appellate authority passed his order dated 22-6-2007. The appellant has come in appeal against this order.

The appeal was heard on 22-9-2008. Appellants and respondents were present. The appellant appeared satisfied with the co-operation she received from the ward office. It was pointed out by her that she is yet to get copies of licenses from the Asst Superintendent of Market, Zone 4. The Asst. Commissioner present agreed and also promised to ensure that these copies are furnished to the applicant.

Order

The appeal is partially allowed. The Asstt. Superintendent of Market Zone, 4 is directed to furnish copies of Licenses to the appellant within 30 days. The Asstt. Commissioner of the ward will ensure that the information is furnished in time to the appellant.

(Ramanand Tiwari)

State Information Commissioner, Mumbai

Place: Mumbai
Date: 22.09.2008.

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

Appeal No.2008/860/02

**Shri. Jeetsingh Rawat
24/1214, Panchasheel Co-op. Hsg. Soc.,
Sardar Nagar No.1,
Sion – Koliwada,
Mumbai – 400022.**

.....Appellant

V/s

**First Appellate Officer cum Dy. Chief Officer
(T.C.), MHADA, Grihnirman Bhavan,
Bandra (E),
Mumbai – 400 051.**

.... Respondent

**Public Information Dy. C.O. / Jt. Chief Officer,
(R.R.) MHADA, Grihnirman Bhuvan,
Bandra (E),
Mumbai – 400 051.**

GROUNDS

This appeal has been filed under section 19 (3) of the Right to Information Act 2005. The appellant has asked for a copy of the list of tenants shifted to newly constructed transit accommodation at Pratiksha Nagar. There is no order from the PIO but the first appellate authority by his order dated 13-6-2007 directed the Deputy Chief Officer and the PIO to furnish information within 7 days. The appellant did not receive any information hence this appeal.

The appeal was heard on 22-9-2008. The appellant was present. The respondent was also present. The appellant insisted on getting the list. The respondent has pleaded that there are 5000 tenants in transit accommodation. They do not have the list readily available. They have however started the work.

I have gone through the case papers and also considered the arguments advanced by parties. I have come to the conclusion that the information must be furnished. Those shifted were staying there only and have been shifted to the new accommodation after

their ground floor structures were demolished. I am aware of the magnitude of the work but the information is basic and vital. I therefore pass the following order.

Order

The PIO to furnish the list of tenants as requested within 30 days. Since the work is huge, the PIO can furnish information as and when it is ready the outer limit being one month.

(Ramanand Tiwari)

State Information Commissioner, Mumbai

Place: Mumbai
Date: 22.09.2008.

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

Appeal No.2008/871/02

**Shri.Jaibunnisa Tofiq Ahmed
Room No. 251, Kamala Nagar,
R.A.K.Road, Wadala,
Mumbai – 400 031.**

.....Appellant

V/s

**First Appellate Officer cum Asstt. Commissioner
B.M.C. / Office of the F South Section,
Matunga (East),
Mumbai – 400 019.**

.... Respondent

**Public Information Camp Officer
B.M.C. / Office of the F South Section,
Matunga (East),
Mumbai – 400 019.**

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 survey list prepared during January 2007 for issuing ID cards. She is not satisfied with orders passed by the PIO or the first appellate authority. Hence this appeal.

The appeal was heard today. Appellant and respondent were present. The appellant has along with her application under RTI Act enclosed a copy the list prepared by SPARC. Her name appears at Sr. No.60. The respondent has stated that MCGM has not prepared any list. Kamalanagar Zopadpatti is spread partly on govt. land and partly on land belonging to the Indian Railways. Since they have not conducted any survey, they are not in a position to furnish a copy of the same. Under these circumstances I pass the following order.

Order

The appeal is disposed off.

(Ramanand Tiwari)

State Information Commissioner, Mumbai

Place: Mumbai
Date: 22.09.2008.

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

Appeal No.2008/775/02

**Shri. Bakhar Abdul Alim Ahmed
E/02, Mini Nagar Co-op Hsg. Socty.,
S.N.Dubey Road, Rawalpada,
Dahisar (3), Mumbai – 400068.**

.....Appellant

V/s

**First Appellate Officer cum Asst. Commissioner
BMC, P/ North Office,
Mamledar, Liberty Garden,
Malad (W), Mumbai – 400 064.**

.... Respondent

**Public Information Officer cum Asst. Engineer
BMC, P/ North Office,
Mamledar, Liberty Garden,
Malad (W), Mumbai – 400 064.**

GROUND

This appeals has been filed under section 19 (3) of the Right to Information Act 2005. The appellant had asked for information as to what action has been taken in respect of his complaint regarding unauthorized construction of about 4 Commercial Structures next to Bulbul Nest Banlgow, Rathodi Village, Marve Road, Malad (W), Mumbai. The appellant is not satisfied with responses from the PIO and the first appellate authority and hence this appeal.

The case was fixed for hearing on 23-9-2008. Appellant was present. Respondents did not turn up. The appellant's grievance is that he has not only been denied information but also inspection of site. This is serious and it needs to be understood that any attempt to deny the information may lead to penal action under section 20 of the RTI Act. I therefore pass the following order.

Order

The appellant and the respondent to have a joint inspection on 17-10-2008. The appellant to furnish the required information after inspection. The information to be furnished within 30 days after the inspection is over. Any failures on the part of PIO will lead to initiation of action under section 20 of the RTI Act.

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

Place: Mumbai
Date: 23.09.2008.

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

Complaint No.2008/72/02

**Shri. Shukla & Shukla
Shri.Hanuman Bldg.,
Chamber No.12, 3rd Flr.,
Off G.T.Hospital,
2, R.S.Sapre Marg,
Mumbai – 400 002.**

.....Complainant

V/s

**First Appellate Officer cum Chief Officer
Girhnirman Bhavan, Repair Board,
3rd Floor, Room No. 401,
Bandra (E), Mumbai – 400 051.**

.... Respondent

**Public Information Officer cum
EM (TC) /RR-EM (RT),
Girhnirman Bhavan, Repair Board,
3rd Floor, Room No. 401,
Bandra (E), Mumbai – 400 051.**

GROUNDS

This complaint has been filed under section 18 of the Right to Information Act 2005. The complainant by his application dated 28-2-2006 had asked for the following information:

- a. Who was the tenant of Shop No. 10, Building No.3, 5, 5A Dr. Bhalerao Marg Girgaum, Mumbai – 400 004.
- b. What F.S.I. is available for Shop No. 10, Building No. 3, 5, 5A Dr.Bhalerao Marg, Girgaum Mumbai – 400 004.
- c. When the building was demolished
- d. When the newly reconstructed building was ready for occupation
- e. Whether an alternative was provided to occupier for Shop No.10, Building No. 3, 5, 5A Dr. Bhalerao Marg, Girgaum, Mumbai – 400 004.
- f. Who is in possession of Shop No. 10 Building No. 3, 5, 5A, Dr. Bhalerao Marg, Girgaum, Mumbai – 400 004.

MHADA by their letter dated 27-3-2006 furnished the following information:-

- a. As per tenant list finally published by SLAO / MHADA & as per a record of EE / RUI, the name of Shri. K.B.Irani, Shri. M.S.Karpe, Shri. V.S. Karpe zis reflected as an occupant for room No. 10 in bldg. No. 3-5 Dr. Bhalerao Marg and it is the residential room.
- b. The carpet area of room No.10 was 9.50 sq.mt. which was counted into FSI.

- c. The upper floor of the bldg. were demolished in the year 1985 by repair wing and ground floor was demolished by EE / RU – 1 office in the year 1999.
- d. The newly constructed bldg was ready for occupation in the year June 2004.
- e. This information is not available in this office. The same may be obtained from the office of E.M. (T.C.) /RR.
- f. The said information is not available in this office; however the same may be obtained from E.M. (R.T.) office.

The complainant approached the commission under section 19 (3) of the RTI Act 2005. The Commissioner by its order dated 23-4-2008 ordered that the appellant must be furnished information on point No. e & f also. The complainant now has come to the Commission complaining that the direction has not been complied with.

The complaint was heard on 24th September, 2008. The complainant was present. The defendant was also present. The defendant has stated that information with reference to e & f is nil. During the hearing it further transpired that the defendant is referring to new shops constructed where as the complainant has asked information about the old shops. For the sake of clarity the points on which information was to be furnished is as follows:-

- e) Whether alternative was provide to occupier of Shop No. 10 &
- f) Who is possession of Shop No. 10?

It is revealed from the record that the complainant has been shown as to be staying in a residential tenement. The complainant disputes this and claims that tenement No.10 is commercial and he has required license to run the business. It is clear that this dispute is about the nature of the tenement which has been demolished. MHADA's record shows that this is residential and therefore he has been offered a residential tenement. The complainant is claiming, a shop in lieu of whatever has been demolished. The Commission is of the view this dispute cannot be sorted out under the RTI Act. The complainant has been asked to get in touch with MHADA and get the record corrected.

Order

The complaint is disposed off.

(Ramanand Tiwari)
State Information Commissioner, Mumbai

Place: Mumbai
Date: 23.09.2008.

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

Appeal No.2008/642/02

**Shri. Suryakant Gangaram Chavan
39/2/3, Navjivan CHS. Ltd.,
Off Indira Police Chowki,
Service Road, Santacruz (East),
Mumbai – 400 055.**

.....Appellant

V/s

**First Appellate Officer cum Chief Exe. Officer
Slum Rehabilitation Authority,
5th Flr., Grihnirman Bhavan,
Kalanagar, Bandra (E),
Mumbai – 400 051.**

.... Respondent

**Public Information Officer cum Asstt. Engineer
Slum Rehabilitation Authority,
5th Flr., Grihnirman Bhavan,
Kalanagar, Bandra (E),
Mumbai – 400 051.**

GROUNDS

This appeal has been filed under section 19 (3) of the Right to Information Act 2005. The appellant had sought information regarding M/s Shivalik Ventures, 26, Oncular Building, 3rd floor, Sir P.M.Road, Fort, Mumbai, his SRA projects in Mumbai Suburban and no. of building constructed by him. The appellant wanted a photocopy of the list. The PIO informed him that they do not maintain developerwise list and therefore the information cannot be furnished. The appellant filed the first appeal under section 19 (1) of the RTI Act. There is nothing on record to show that the first appellate authority passed any order. Hence this second appeal.

The appeal was heard on 23-9-2008. The appellant was present. The respondents did not turn up. The appellant has stated that the PIO does have the information but he is not furnishing the same to him. He has shown to me a list of works undertaken by the developer. But the context of the communication is different. The developer has requested some modifications in those projects and therefore he had submitted the list of projects. I agree with the PIO that the information sought cannot be furnished because they do not maintain list of works proposed / being undertaken by a particular developer. The RTI Act promises furnishing of available information. If the information is not available, it cannot be furnished. Compilation of such a data will unnecessarily lead to diversion of public authority's resources. I therefore pass the following order.

Order

The PIO's order is confirmed. The appeal is disposed off.

(Ramanand Tiwari)
State Information Commissioner, Mumbai

Place: Mumbai
Date: 24.09.2008.

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

Appeal No.2008/891/02

**Shri. Arjunlal M. Chabria
Belle Vista, Flat No. 15,
3rd Floor, opp. Lake & L.I.C. Office,
S.V.Road, Bandra (W),
Mumbai – 400050.**

.....Appellant

V/s

**First Appellate Officer Dy. Chief Engineer
Slum Rehabilitation Authority,
Grihnirman Bhavan, Office of the MHADA,
Bandra (E), Mumbai – 400 051.**

..... Respondent

**Public Information Officer cum Executive Engineer
Slum Rehabilitation Authority,
Behram Baug,
Jogeshwari (W), Mumbai – 400 102.**

GROUNDS

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

- 1) It is a fact that the plot situated at Shakti Nagar Sewa Sangh Committee, Tiwari Chawl, Behram Baug, Jogeshwari (W), Mumbai – 400102 has been taken for Development by the Developer M/s Zorastrian Radith Society, under S.R.A. Scheme.
- 2) Is it a fact that the L.O.I. and B.C.C. has already been issued by S.R.A. Authorities to the Builder Cum Developer M/s.Zorastrian Radith Society for the Development of the above plot under S.R.A. Scheme.
- 3) Please let me know whether the builder cum developer has fulfilled and observed all the conditions laid down in L.O.I.
- 4) Please be kind enough to supply me the copy of L.O.I. and B.C.C. in respect of the development of the above plot.
- 5) Please let me know whether O.C., I.O.D. has been issued in respect of the above plot to the builder / developer, if 'Yes' – Please be kind enough to supply me the copy of O.C. & I.O.D. of the above plot.
- 6) Please be kind enough to supply me the copy of the approved plan of the building to be constructed under S.R.A. project and for sale also.

- 7) Please be kind enough to supply me the list of Annexure II, which has been accepted and declared eligible by the S.R.A. Authorities in respect of the above plot.
- 8) Is it a fact that many persons have been given 2 rooms in one house who has helped the builder
- 9) Please supply me the Xerox copy of documents submitted to the S.R.A. Authorities and in particular the slum dweller who has been declared eligible as per the S.R.A. Nos: 1, 23, 38, 51, 63, 64, 66, 67, 70, and 74 in Annexure II
- 10) Is it a fact those who are good to the builders / developers and those who have helped the builder in developing the above plot are given 2 rooms in one family and their names were declared eligible in Annexure II
- 11) Please be kind enough to submit me the Xerox copy of all the documents the slum dwellers who were declared eligible in Annexure II duly certified by you as true copy
- 12) Please be kind enough to supply me the information of the action taken reporting respect of petition cum complaint filled by me on behalf of my client Mr. Abdul Kalam Azad Shaikh to all the Mantralalya Ministers, Mantralaya Bureaucrats, Police Authorities, M.H.A.D.A. and S.R.A. Authorities on 02-05-2007 for the eligibility of my client's room premises at the above plot and for alternate accommodation (Enclosed the Xerox copy of the Complaint Cum Petition)

The PIO by his order dated nil informed the appellant that the information asked by him was available on record and he should deposit Rs.42/- and collect the information. The appellant filed the first appeal under section 19 (1) of the RTI Act as the information was not furnished within one month. There is nothing on record to show whether the first appellate authority has passed any order. The appellant has come to the Commission in the second appeal.

The appeal was heard on 24-9-2008. The appellant did not turn up. The respondent was there. The appellant was asked to deposit Rs.42/- which he did not do. It is possible that the communication was not sent in time, but the non response by the appellant is not understood. He could have deposited Rs.42/- collected the information and taken up the issue of delay with the Commission. I therefore pass the following order.

Order

The PIO's order is confirmed. The appellant may deposit Rs.42/- and collect the information. The appeal is disposed off.

(Ramanand Tiwari)
State Information Commissioner, Mumbai

Place: Mumbai
Date: 23.09.2008.

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

Appeal No.2008/890/02

**Shri. Arjunlal M. Chabria
Belle Vista, Flat No. 15,
3rd Floor, opp. Lake & L.I.C. Office,
S.V.Road, Bandra (W),
Mumbai – 400050.**

.....Appellant

V/s

**First Appellate Officer Asst. Municipal Commissioner
B.M.C., K / West Ward Office,
Andheri (W), Mumbai – 400 058.**

..... Respondent

**Public Information Officer cum Asst. Engineer
Building & Factories,
B.M.C., K / West Ward Office,
Andheri (W), Mumbai – 400 058.**

GROUNDS

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

- 1) Is it a fact that, the complaint lodged by me on 10-01-2007 (a) To the Hon'ble Chief Minister, who is also holding the Urban Development Dept. (b) To the Hon'ble Minister of state for Urban Development (Hon'ble Mr.Rajesh Tope) (c) To the Hon'ble Urban Development Secretary (d) To The Hon'ble Municipal Commissioner and other Municipal Bureaucrats. In request or complain against Mr.N.U. Mutai for change of user from residential to commercial on Gr.Floor, Flat No.2, Sadhu Waswani C.H.S. Ltd., 32, Behram Baug, Off. S.V.Road, Jogeshwari (W), Mumbai – 400 102.
- 2) Is it a fact the the laetter has been received from your office that the office staff has “Inspected the site and no commercial activity going on and flat is closed” [(Vide No.KW/43174/BF) dated 12-3-2007] and it is learnt from adjoining flats.
- 3) Is it a fact that the commercial activity is going on in the said flat with the name of the firm put on the flat even today
- 4) Please supply me the inspection report of the office staff who was visited the site i.e Flat No.2, Sadhu Waswani C.H.S. Ltd., 32, Behram Baug, Off S.V. Road, Jogeshwari (W), Mumbai – 400 102 and given the report that no commercial activity is going on in the said flat. Please supply me the name of the officer who has gone to inspect the site.

- 5) Please supply me the action taken report on the complaint lodged by me on behalf of Sadhu Waswani C.H.S. Ltd., about change of user by Mr.N.U.Mutai owner of Flat No.2, Sadhu Waswani C.H.S. Ltd., 32, Behram Baug, Off S.V.Road, Jogeshwari (W), Mumbai – 400 102 under 52, M.R.T.P. Act and lodged the complaint with the local police s
- 6) tation as E.E.B.P. (W/S) K/W clearly states that no permission is given for change of user from residential to commercial.
- 7) Please let me know and give reason why action is not taken against Mr.N.U.Mutai owner of flat No. 2, Sadhu Waswani C.H.S. Ltd., 32, Beharam Baug, Off S.V.Road, Jogeshwari (W), Mumbai – 400 102 under 52, M.R.T.P. Act and lodged the complaint with the local police station as E.E.B.P. (W/S) K/W clearly states that no permission is given for change of user from residential to commercial.

The PIO by his communication dated 11-7-2007 informed the appellant that complaints were received and inspection was carried out but it was found that the flat is closed for many days and there was no commercial activities going on. He was also informed that no inspection report was prepared and no action was initiated as the flat was found closed. The appellant was not satisfied and he filed appeal under section 19 (1) of the RTI Act. The first appellant authority by his order dated 18-7-2007 confirmed PIO's order and recorded that the appellant was satisfied with the reply of the PIO. The appellant however has filed this second appeal before the Commission.

The appeal was heard on 24-9-2008. The appellant did not turn up. The respondent was present. He has stated that the required information has been furnished and appellant was satisfied with the PIO's reply. Since the appellant was absent it was not possible to verify whether he was satisfied with the information furnished by the PIO. Under these circumstances I have no way but to close the case.

Order

The appeal is disposed off.

(Ramanand Tiwari)
State Information Commissioner, Mumbai

Place: Mumbai
Date: 25.09.2008.

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

Appeal No.2008/901/02

**Shri. Bakhar Abdul Alim Ahmed
E/02, Mini Nagar Co-op Hsg. Socty.,
S.N.Dubey Road, Rawalpada,
Dahisar (3), Mumbai – 400068.**

....Appellant

V/s

**First Appellate Officer cum Asst. Commissioner
BMC, P/ North Office,
Mamledar, Liberty Garden,
Malad (W), Mumbai – 400 064.**

.... Respondent

**Public Information Officer cum Asst. Engineer
BMC, P/ North Office,
Mamledar, Liberty Garden,
Malad (W), Mumbai – 400 064.**

GROUNDS

This appeals has been filed under section 19 (3) of the Right to Information Act 2005. The appellant had asked for information as to what action has been in respect of his complaint regarding unauthorized construction of a Bunglow of about 1000 sq.ft. opposite Avtar Singh Bunglow, Rathodi Village, Marve Road, Malad (W), Mumbai. The appellant is not satisfied with responses from the PIO and the first appellate authority and hence this appeal.

The case was fixed for hearing on 25-9-2008. The appellant was present. Respondents were absent. The appellant grievance is that he has not only been denied information but also inspection of site. This is serious and it needs to be understood that any attempt to deny the information may lead to penal action under section 20 of the RTI Act. I therefore pass the following order.

Order

The appellant and the respondent to have a joint inspection on 17-10-2008. The appellant to furnish the required information after inspection. The information to be furnished within 30 days after the inspection is over. Any failures on the part of PIO will lead to initiation of action under section 20 of the RTI Act.

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

Place: Mumbai
Date: 25.09.2008.

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

Appeal No.2008/892/02

**Shri. Rajendra K.Shah & Others
8, Kamala Niketan,
Narayan Dabholkar Road,
Mumbai – 400 006.**

....Appellant

V/s

**First Appellate Officer cum Chief Engineer
Asstt. Commissioner,
B.M.C., Head Office, New Bldg.,
Mahapalika Marg, Mumbai – 400 001.**

.... Respondent

**Public Information Officer cum Asst. Engineer
Executive Engineer, Building Proposal (City),
B.M.C. / Office of the E Ward,
Byculla, Mumbai -**

GROUNDS

This appeal has been filed under section 19 (3) of the Right to Information Act 2005. The appellant had requested for information relating to subdivision and development of original C.S. No. 1/35, Malabar Hill Division known as Jeevan Villa and Kamala Niketan situated at Narayan Dabholkar Road, Mumbai. He had also requested for a copy of the plan specifying the boundaries of the plot and its owner's details. The PIO by his letters dated 7-1-2007 informed the appellant to approach the Executive Engineer (Building Proposal City) by his letter dated 27-2-2007 informed the appellant that as per records available his office had not received / approved any proposal relating to CS No./35 of Malabar Hill Division. The appellant filed an appeal under section 19 (1) of the RTI Act but was not satisfied with the order passed by the first appellate authority. Hence this appeal.

The appeal was heard on 24-9-2008. Neither the appellant nor respondents turned up. The appeal is being decided on the basis of papers available on record.

As is clear, the appellant had sought information on two counts (1) BMC approved plan (2) The plan specifying the boundaries of the plot and its owner's details. It is seen from the reply given by the Building Proposal (City) that they did not receive / approve any plan. As far as the second point is concerned, there is a letter dated 11-12-2006 from Collectorate informing the appellate that the plan specifying the boundaries and ownership can be obtained from the collector's office on payment of requisite fees. Thus it seen that both his queries stood replied. Under these circumstances I decide to close the case.

Order

The appeal is disposed off.

(Ramanand Tiwari)
State Information Commissioner, Mumbai

Place: Mumbai
Date: 25.09.2008.

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

Appeal No.2008/889/02

**Shri. Jayant Ramchandra Patwardhan
3 / D, Madhav Nagar Society,
Bhawani Shankar Marg,
Dadar (W), Mumbai – 400 025.**

....Appellant

V/s

**First Appellate Officer cum Asstt. Municipal Commissioner
B.M.C., G / North Ward's Office,
Harishchandra Yewale Marg,
Dadar (W), Mumbai – 400 028.**

.... Respondent

**Public Information Officer cum Asstt. Engineer
Building & Factories,
B.M.C., G / North Ward's Office,
Harishchandra Yewale Marg,
Dadar (W), Mumbai – 400 028.**

GROUNDS

This appeals has been filed under section 19 (3) of the Right to Information Act 2005. The appellant by his application dated 3-5-2007 had sought information regarding construction of staircase and other changes on the first floor of building known Tirthankar Co-operative Housing Society on FP No. 294 of TPS IV, Mahim, Mumbai. The PIO by his letter dated 6-6-2007 informed the appellant that the information regarding permission for construction could be obtained from the Dy.Chief Engineer, Building Proposal (City). The appellant preferred the first appeal under section 19 (1) of the RTI Act. There is nothing on record to show that the first appellate authority has passed any order. Hence this second appeal.

The appeal was heard on 24-9-2008. The appellant did not turn up. The respondent was present. He informed the Commission that although the appellant was asked to get in touch with the Dy.Chief Engineer, Building Proposal they had also referred the matter to the Building proposal department. The reply received showed that the department had approved amended plan for proposed change of user including additions / alterations on the first floor of the building. It is however seen that nobody informed the appellant who had sought the information. I therefore pass the following order.

Order

The appeal is allowed. The PIO to furnish the information received from the building proposal department. This should be done within 15 days.

(Ramanand Tiwari)
State Information Commissioner, Mumbai

Place: Mumbai
Date: 25.09.2008.

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

Appeal No.2008/894/02

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

....Appellant

V/s

**First Appellate Officer cum Hon. Gen. Secretary
Khairul Islam Higher Education Society's
Maharashtra College of Arts Science and Commerce,
2, Prince Court, 53/c, Clare Road, Byculla,
Mumbai – 400008.**

.... Respondent

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

GROUNDS

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

- 1) 1993 – 1994 (Appeal No. 896)
- 2) 1994 – 1995 (Appeal No. 897)
- 3) 1995 – 1996 (Appeal No. 895)
- 4) 1996 – 1997 (Appeal No. 894)

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

The appeal was heard on 24-9-2008. The appellant was present but the respondent remained absent. The appellant has stated that he needs copies of his annual confidential reports for submitting to the Tribunal which is hearing his petition against his dismissal from his job. He also wanted to know whether exparte order can be issued in his favour in view of the respondent's absence.

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

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

Order

The appeals are disposed off.

(Ramanand Tiwari)
State Information Commissioner, Mumbai

Place: Mumbai
Date: 25.09.2008.

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

Appeal No.2008/872/02

**Shri. Bakhar Abdul Alim Ahmed
E/02, Mini Nagar Co-op Hsg. Socty.,
S.N.Dubey Road, Rawalpada,
Dahisar (3), Mumbai – 400068.**

.....Appellant

V/s

**First Appellate Officer cum Asst. Commissioner
BMC, P/ North Office,
Mamledar, Liberty Garden,
Malad (W), Mumbai – 400 064.**

.... Respondent

**Public Information Officer cum Asst. Engineer
BMC, P/ North Office,
Mamledar, Liberty Garden,
Malad (W), Mumbai – 400 064.**

GROUND

This appeals has been filed under section 19 (3) of the Right to Information Act 2005. The appellant had asked for information as to what action has been taken in respect of his complaint regarding unauthorized construction of about 4 Commercial Structures next to Bulbul Nest Banlgow, Rathodi Village, Marve Road, Malad (W), Mumbai. The appellant is not satisfied with responses from the PIO and the first appellate authority and hence this appeal.

The appeal was heard on 22-9-2008. Appellant was present. The appellant's grievance is that he has not only been denied information but also inspection of site. This is serious and it needs to be understood that any attempt to deny the information may lead to penal action under section 20 of the RTI Act. I therefore pass the following order.

Order

The appellant and the respondent to have a joint inspection on 17-10-2008. The appellant to furnish the required information after inspection. The information to be furnished within 30 days after the inspection is over. Any failures on the part of PIO will lead to initiation of action under section 20 of the RTI Act.

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

Place: Mumbai
Date: 25.09.2008.

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

Appeal No.2008/991/02

**Shri. Vinod V.Chothani
10, Ladhabai Mansion,
4th Floor, 14 New Queen's Road,
(Mama Parmanand Marg)
Mumbai – 400 004.**

.....Appellant

V/s

**First Appellate Officer cum Dy. Municipal Commissioner
(Election),
O/o of the Dy. Municipal Commissioner
(Election), 6th Floor, Annex Building,
Mahapalika Marg,
Mumbai – 400 001.**

.... Respondent

**Public Information Officer cum the Chief Fire Officer
Mumbai Fire Brigade,
'E' Ward, Byculla,
Mumbai – 400 008.**

GROUNDS

This appeals has been filed under section 19 (3) of the Right to Information Act 2005. The appellant had sought information and inspection of all documents followed by Xerox copies of all documents exchange of full correspondence, permission NOC / license issued by the Chief Fire Officer in respect of Rajdhani Eating House, Ground Floor, Ladhabhai Mansion CHS, Opera House, Mumbai. The APIO by his letter dated 20-6-2007 informed the appellant that he had verified all the documents pertaining to the matter under reference. He further says that copies of documents relating to and originated from his office have been furnished and copies of other documents cannot be furnished as per rules.

The appellant was not satisfied and filed an appeal under section 19 (1) of the Right to Information Act 2005. The first appellate authority by his order dated 11-7-2007 disposed off his appeal by saying that the required information has been furnished and the appellant could approach the Medical Officer "D" ward for any further information if he so desired. The appellant has come in second appeal against this order.

The appeal was heard on 25-9-2008. The appellant was present. The respondent did not turn up. The main contention of the appellant is that he has not been given copies of all documents and he was furnished copies of selected documents only. It is seen from the order passed by the APIO that he allowed copies of document which had originated from his office and clearly said that copies of documents which were on his file but had

not originated from his office were denied. This according to the provisions of the RTI Act 2005 is not correct. His attention is drawn to section 2 (J) which says 'right to information' means right to information accessible under this Act which is held by or under the control of any public authority. The information sought by the appellant is being held by the APIO at the time of inspection and he is duty bound to furnish the same irrespective of the origin of the document. I therefore pass the following order.

Order

The appeal is allowed. Appellant to be furnished copies of all selected documents irrespective of its origin within 30 days.

(Ramanand Tiwari)
State Information Commissioner, Mumbai

Place: Mumbai
Date: 26.09.2008.

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

Appeal No.2008/902/02

Shri.Suryakant Gangaram Chavan
39/2/3, Navjeevan Housing Society,
Opp. Indira Nagar Police Chowki,
Service Road, Santacruz (E),
Mumbai – 400 055.

.....Appellant

V/s

First Appellate Officer cum Asst. Chief Officer
M.H.A.D.A
3rd Floor, Grihnirman Bhavan,
Bandra (East), Mumbai – 400 051.

.... Respondent

Public Information Officer cum Asstt. Land Manager
M.H.A.D.A
3rd Floor, Grihnirman Bhavan,
Bandra (East), Mumbai – 400 051.

GROUNDS

This appeals has been filed under section 19 (3) of the Right to Information Act 2005. The appellant had sought copies of all documents submitted in support of their eligibility for inclusion in annexure II. The information related to the following society situated at Santacruz and Khar, Golibar Jawahar Nagar Road City SN. 13, 13 part 33 and 41 to 45. Pragati CHS (proposed), Subhashnagar CHS (proposed), Shantala CHS (proposed), Aman CHS (proposed), Sambhaji CHS (proposed), Shivaji CHS (proposed), Saiganesh CHS (proposed), Ashtavinayak CHS (proposed) and Shraddha CHS (proposed). The appellant was not satisfied with the responses form the PIO and the first appellate authority. Hence this second appeal.

The appeal was heard on 25-9-2008. Appellants and respondents were present. The appellant stated that he has already received the information he had requested for and he does not want to pursue the matter. In the light of this I decide to close the case.

Order

The appeal is disposed off.

(Ramanand Tiwari)
State Information Commissioner, Mumbai

Place: Mumbai
Date: 26.09.2008.

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

Appeal No.2008/907/02

**Shri.S.G.Kulkarni
Transit Camp, Linking Road (Extension)
Santacruz (W),
Mumbai – 400 054.**

.....Appellant

V/s

**First Appellate Officer cum Asstt. Commissioner
D – Ward, M.C.G.M., Jobanputra Compound,
Nana Chowk, Grant Road (West),
Mumbai – 400 007.**

.... Respondent

**Public Information Officer cum Medical Officer of Health
D – Ward, M.C.G.M., Jobanputra Compound,
Nana Chowk, Grant Road (West),
Mumbai – 400 007.**

GROUND

This appeal has been filed under section 19 (3) of the Right to Information Act 2005. The appellant by his application dated 23-8-2006 had sought information regarding license issued to and proceedings initiated against M/s Kulkarni Uphar Sadan, 171 – 173 Raja Ram Mohan Roy, Mumbai – 400004. He also wanted copies of documents which formed the basis for grant of licenses. The appellant was not happy with the response of the PIO and therefore filed an appeal under section 19 (1) of the RTI Act 2005. The first appellate authority by his order dated 9-2-2007 directed that the appellant should be allowed to inspect the documents and furnish copies of selected ones. The appellant has approved the Commission saying that he has not been granted inspection of documents.

The appeal was heard on 25-9-2008. Appellant and respondent were present. Both of them have submitted their say in writing. The appellant has stated that information required by them as well as inspection of documents have not been given despite reminders. The appellant has submitted that the licenses were issued in 1976 and

documents which formed the basis are not available on record. He has stated that copies of available documents have been furnished to the appellant. He is however willing to allow inspection of documents.

In the light of the above I pass the following order.

Order

The appeal is allowed. Appellant should be allowed inspection of documents and should also be given copies of the selected documents. This should be done within 30 days.

(Ramanand Tiwari)
State Information Commissioner, Mumbai

Place: Mumbai
Date: 26.09.2008.

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

Appeal No.2008/903/02

**Shri. Ganesh Vitthal Devmane
121- B, 7-Halima Villa,
Vakola Masjid,
Pandit Jawaharlal Nehru Road,
Santacruz (East),
Mumbai – 400 055.**

.....Appellant

V/s

**First Appellate Officer cum
Maharashtra Pollution Control Board,
Kalpataru Point, 3rd & 4th Floor,
Sion Matunga Scheme Road No.8,
Opp. Cine Planet Cinema,
Sion (East)
Mumbai – 400 022.**

.... Respondent

**Public Information Officer cum
Maharashtra Coastal Zone Management Authority
New Administrative Building,
Opp. Mantralaya,
Mumbai – 400 032.**

GROUND

This appeal has been filed under section 19 (3) of the Right to Information Act 2005. The appellant has sought information regarding action taken by Maharashtra Coastal Zone Management Authority against the Municipal Commissioner, the Chief Engineer (DP), Dy. Chief Engineers of various Building proposal Depts. having allowed blatant violation of CRZ Notification dated 19-2-91 issued by the Ministry of Environment and forest, Govt. of India. The Sr. Law Officer M.C.Z.M.A. by his letter dated 7-5-2007 informed the appellant that the information sought by him was not available with Maharashtra Coastal Zone Management Authority. The appellant filed an appeal under section 19 (1) of the RTI Act. The M.C.Z.M.A. informed the appellant by its letter dated 29-5-2007 that M.C.Z.M.A. has not constituted any appellate authority under the Right to Information Act. It further said that a copy of the letter issued to the Municipal Commissioner M.C.G.M. dated 4-4-2007 and a reminder dated 25-5-2007 calling required information were enclosed for information. The appellant has filed this second appeal under the Right to Information Act, 2005.

The appeal was heard on 25-9-2008. The appellant did not turn up. The respondent was present. This case has been badly handled at all levels. The Maharashtra Pollution Control Board which does not deal with cases of CRZ violation has been made respondent. The papers have been moving between M.P.C.B. & M.C.Z.M.A., M.C.Z.M.A wrote to the appellant that they have not constituted the appellant authority but have sought information from the Municipal Commissioner, M.C.G.M. The information sought is too broad and non specific. It is not possible to furnish information as to what action has been taken against the Municipal Commissioner for blatant violation of CRZ norms. The RTI insures furnishing of available information. Section 7 (9) of the RTI Act clearly says that information shall ordinarily be provided in the form in which it is sought unless it is likely to disproportionately divert the resources of the public authority. The form and scope of the information sought is so broad that it would definitely divert the resources of the public authority, I pass the following order.

Order

The appeal is disposed off.

The Dy. Secretary, State Information Commission (Mumbai) should find out from the Chairman, Maharashtra Coastal Zone Management Authority whether the first appellate authority under the RTI has been constituted and why was it not constituted so far.

(Ramanand Tiwari)
State Information Commissioner, Mumbai

Place: Mumbai
Date: 26.09.2008.

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

Appeal No.2008/909/02

**Shri.Cyril Peter D'Souza (Social Worker)
Goodluck Chawl, Room No.18,
Near Saisankalp Building, Malvani Block
No.3, Opp.B.M.C.Colony,
Malad (West), Mumbai – 400 095.**

.....Appellant

V/s

**First Appellate Officer Dy.Chief Engineer,
Building Proposal, Western Suburbs,
P & R Ward, 1st floor,
R.K.Patkar Road,
Bandra (W), Mumbai – 400 050.**

.... Respondent

**Public Information Officer Dy.Chief Engineer,
Building Proposal, Western Suburbs,
1st floor,
R.K.Patkar Road,
Bandra (W), Mumbai – 400 050.**

GROUNDS

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

- 1) Newly constructed Infinity Mall, layout plan and approval plan.
- 2) Copy of Internal Report of Sanction of various head of the Department.
- 3) I.O.D.
- 4) C.C.
- 5) O.C.
- 6) Shifting of M.T.N.L. reservation and construction of mall on M.T.N.L. Reservation Land Information.
- 7) Copy of the D.P. Remarks.
- 8) Who has given the shifting permission to reserved land M.T.N.L.?
- 9) What is the valuation of the land?
- 10) If the M.T.N.L. has been shifted then please give me the location where is the M.T.N.L. shifted.

The PIO by his letter dated 9-8-2007 informed the applicant that the information cannot be furnished because details like location of the site, Plot No., CTS No., Name of the Village of the property have not been furnished. Aggrieved by this decision the

appellant preferred the first appeal before the first appellate authority under section 19 (1) of the Right to Information Act 2005. The appellant however by his letter dated 26-10-2007 informed the first appellate authority that the application was made on the basis of some information / misconception in respect of the plot under reference. He was no longer interested and his application may be treated as withdrawn. He has however come in the second appeal.

The appeal was heard on 25-9-2007. Appellant and respondent were present. The appellant has stated that he has been denied information on wrong grounds. The property in relation to which the information has been sought is very famous and M.C.G.M. should be able to locate it. The respondent has stated the details of property are very necessary. They have also stated that the appellant has already withdrawn the application.

I have gone through the case papers and also considered the arguments advanced by parties. The information sought by the appellant is very broad and what the PIO has asked him to furnish is correct. The PIO may have so many information in his head but the procedure under the RTI is formal. If somebody wants information he has to furnish details of the property. Moreover his withdrawal letter and again coming in second appeal is intriguing. The appellant should take up this matter with the police if he thinks that some fraud has been committed. Under the circumstances I have come to the conclusion that the PIO has rightly rejected his request. I confirm the PIO's order.

Order

The appeal is disposed off.

(Ramanand Tiwari)
State Information Commissioner, Mumbai

Place: Mumbai
Date: 26.09.2008.

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

Appeal No.2008/910/02

**Shri.Cyril Peter D'Souza (Social Worker)
Goodluck Chawl, Room No.18,
Near Saisankalp Building, Malvani Block
No.3, Opp.B.M.C.Colony,
Malad (West), Mumbai – 400 095.**

.....Appellant

V/s

**First Appellate Officer Asstt. Commissioner
B.M.C. , P / North Ward,
Mamletdar Wadi, Liberty Garden
Malad (W), Mumbai – 400 064.**

.... Respondent

**Public Information Officer Asstt. Commissioner
B.M.C. , P / North Ward,
Mamletdar Wadi, 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 had sought information regarding construction of the first floors on buildings housing Darshan Opticals, Rajhans Jewellers, Mehta Jewellers and Gala Electronics which are situated at Malvani No.1, next to B.M.C. Colony, Marve Road, Mumbai. He wanted copies of permission if any and if no permission was given details of the action taken against them. The appellant was not satisfied with the response from the PIO or the first appellate authority and hence this second appeal.

The appeal was heard on 25-9-2008. The appellant and respondents were present. The appellant stated that he has not been provided the information he had sought. The respondent did not have any satisfactory reply. Under these circumstances I pass the following order.

Order

The appeal is allowed. PIO to furnish required information 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: 29.09.2008.

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

Appeal No.2008/900/02

Appeal No.2008/923/02

Appeal No.2008/924/02

Appeal No.2008/925/02

Appeal No.2008/926/02

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

....Appellant

V/s

**First Appellate Officer cum Hon. Gen. Secretary
Khairul Islam Higher Education Society's
Maharashtra College of Arts Science and Commerce,
2, Prince Court, 53/c, Clare Road, Byculla,
Mumbai – 400008.**

.... Respondent

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

GROUNDS

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

- 1) 1985 - 1986 (Appeal No. 900)
- 2) 1986 - 1987 (Appeal No. 925)
- 3) 1987 - 1988 (Appeal No. 926)
- 4) 2005 - 2006 (Appeal No. 923)
- 5) 2006 - 2007 (Appeal No. 924)

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

The appeal was heard on 29-9-2008. The appellant and respondent were present. The appellant has stated that he needs copies of his annual confidential reports for submitting to the Tribunal which is hearing his petition against his dismissal from his job.

I have gone through the case papers and also considered the arguments advanced by the appellant. The preamble to the RTI Act 2005 very clearly says that 'democracy requires an informed citizenry and transparency of information which are vital to its functioning and also to contain corruption and to hold govt. and their instrumentalities accountable to the governed. It also says that revelation of information in actual practice is likely to conflict with other public interests including efficient operation of govt. and optimum use of limited resources and the preservation confidentiality of sensitive information. The RTI Act is designed to harmonise those conflicting interests while preserving the paramountcy of democratic ideal.' The annual confidential reports have been traditionally confidential. There are circumstances under which it is communicated to the person concerned. It remains confidential otherwise. As far as the appellant's case before the Tribunal is concerned, there have been instances where the courts have called for these reports and examined them and passed orders. Finally, giving copies of appellant's annual confidential reports has no element of public interest, it is purely personal. Under these circumstances I am of the view that no public interest is likely to be served by furnishing copies of appellant's annual confidential reports to him. Since the content of all his appeals is the same, they have been clubbed together and disposed off. I pass the following order.

Order

The appeals are disposed off.

(Ramanand Tiwari)
State Information Commissioner, Mumbai

Place: Mumbai
Date: 29.09.2008.

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

Appeal No.2008/920/02

**Shri. Suhas Prabhakar Warekar
Room No. 11, 2nd Floor,
Bandukwala Bldg.,
Off Nawab tank bridge,
Dockyard Road,
Mazgaon, Mumbai – 400 010.**

.....Appellant

V/s

**First Appellate Officer Joint Chief Officer
M.B.R. & R. Board, Grihnirman Bhavan,
Bandra (East),
Mumbai – 400 051.**

.... Respondent

**Public Information Officer Dy. Engineer
(Co-op. Hsg. Soc. Cell)
M.B.R. & R. Board, Grihnirman Bhavan,
Bandra (East),
Mumbai – 400 051.**

GROUNDS

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

Copies of documents of some of the proposed Co-operative societies who had applied to the Co-operative Cell for the acquisition of properties under section 103-B of the MHADA Act and who had later withdrawn their application or rejected by the authorities. The PIO by his letter dated 19-7-2007 informed that since the information sought was too broad and vast, it was not possible to furnish the same. He was however informed that he could inspect the file and selected documents would be supplied to him. The first appellate authority by his order dated 6-8-2007 virtually confirmed the PIO's order. Hence this appeal.

The appeal was heard on 29-9-2008. Appellant and respondent were present. The respondent again explained the problem and said that there are about 450 files from 1986. If the appellant inspects the files and selects documents the same will be supplied to him. The appellant also agreed.

Order

Appellant to be allowed to inspect documents and copies of selected documents to be given within 30 days.

(Ramanand Tiwari)
State Information Commissioner, Mumbai

Place: Mumbai
Date: 29.09.2008.

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

Appeal No.2008/913/02

**Shri. Suresh N. Rege
105, 106 & 107, Udyog Mandir no. 1,
7 – C, Bhagoji Kir Marg,
Mahim, Mumbai – 400 016.**

.....Appellant

V/s

**First Appellate Officer Director
Purabhilekh Sanchanalaya,
Govt. of Maharashtra,
Elphiston College Bldg.
Mumbai – 400 032.**

.... Respondent

**Public Information Officer Director
Purabhilekh Sanchanalaya,
Govt. of Maharashtra,
Elphiston College Bldg.
Mumbai – 400 032.**

GROUNDS

This appeal has been filed under section 19 (3) of the Right to Information Act 2005. The appellant has asked for copies of the following Gazette notifications:

Sr. No.	Notification No. & date	Date of on which notification published
1	N.bank/D/4/No.156/Saraswat Bank/1999 Dt.21-8-1999	14-10-1999
2	N.bank/D/4/No.156/Saraswat Bank/2001 Dt.7-2-2001	01-03-2001
3	N.bank/D/4/No.156/Saraswat Bank/2002 Dt.4-2-2002	07-03-2002
4	N.bank/D/4/No.156/Saraswat Bank/2003 Dt.24-2-2003	08-05-2003
5	N.bank/D/4/No.156/Saraswat Bank/2004 Dt.13-4-2004	13-05-2004

The appellant was not satisfied with the replies received from the PIO and the first appellate authority. Hence this second appeal.

The appeal was heard on 29-9-2005. Appellant and respondent were present. The appellant has stated that he has not received the information he had asked for despite furnishing details. The respondent has contended that he has offered inspection of documents which the appellant has not availed of.

After going through the case papers and considering arguments, I have come to the conclusion that the respondent must furnish the information which has been asked for.

The appellant cannot be asked to inspect documents if the information asked for is specific. I therefore pass the following order.

Order

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

(Ramanand Tiwari)
State Information Commissioner, Mumbai

Place: Mumbai
Date: 29.09.2008.

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

Appeal No.2008/914/02

**Shri.Bharat V.Gurjar
7, Gazdar street,
Chira Bazar,
Mumbai – 400 002.**

.....Appellant

V/s

**First Appellate Officer Director
Grihnirman Bhavan, Room No.19,
Bandra (East),
Mumbai – 400 051.**

.... Respondent

**Public Information Officer Dy. Director Marketing
Grihnirman Bhavan, Room No.19,
Bandra (East),
Mumbai – 400 051.**

GROUND

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

MHADA has constructed several building either on open plots, redevelopment of old buildings or slum project. By all this way MHADA got numbers of excess tenements / flats in the city of Mumbai which were sold through your department either by issuing public notices or by other ways.

Furnish me the details of each and every buildings separately how many tenaments / flats were issued and when (Notice copy of said advertisement). To whom the flats were sold and when occupations in said flats. Without advertisement how many flats were given and to whom and on what ground. Whether any vacant premise is still there in any building.

Not satisfied with the responses from the PIO and the First Appellate Authority, he has filed this second appeal.

The appeal was heard on 29-9-2008. Appellant and respondent were present. The appellant has submitted that he is withdrawing the appeal. The same is granted.

Order

The appeal is disposed off.

(Ramanand Tiwari)
State Information Commissioner, Mumbai

Place: Mumbai
Date: 30.09.2008.

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

Appeal No.2008/912/02

**Shri.Vasantlal M.Kenia
M/s. P.Damji & Co.
K – 7, MKT – I, Phase – II,
APM Complex, FAM MKT,
Turbhe, Navi Mumbai- 400705.
(Maharashtra)**

.....Appellant

V/s

**First Appellate Officer Secretary
Mumbai Agriculture Produce Market Committee,
Central Bldg., Onion Potato Market,
Turbhe, Navi Mumbai.**

.... Respondent

**Public Information Officer Dy. Secretary
(Vikas)
Mumbai Agriculture Produce Market Committee,
Central Bldg., Onion Potato Market,
Turbhe, Navi Mumbai.**

GROUNDS

This appeal has been filed under section 19 (3) of the Right to Information Act 2005. The appellant by his application dated 03-01-2007 had sought the following information:

Detail list of present occupants of Central Facility Building Market – I, Phase II APM Complex, Turbhe along with name address and nature of work carried on there address of original allottees whether holding APM license if yes under which category the licenses have been issued.

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

The appeal was heard on 29-9-2008. Appellant and respondent were present. The appellant has stated that he has not been furnished the information he had asked for. The respondent has stated that the complex was constructed and sold out by city and Industrial Development Corporation (CIDCO). The list of present occupants is not readily available with them and they have furnished the list of original allottees. They have however agreed to provide the same after collecting the details of present occupants. I therefore pass the following order

Order

The appeal is allowed. Respondent to furnish the information within 30 days under information to the Commission.

(Ramanand Tiwari)
State Information Commissioner, Mumbai

Place: Mumbai
Date: 30.09.2008.

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

Appeal No.2008/941/02

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

.....Appellant

V/s

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

.... Respondent

**Public Information Officer cum Principal
Maharashtra College, Bellasis Road,
Mumbai – 400 008.**

GROUNDS

These appeal has been filed under section 19 (3) of the Right to Information Act 2005. The appellant had sought copies of his confidential reports for the year 1992-1993.

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

The appeal was heard on 30-9-2008. The appellant and respondent were present. The appellant has stated that he needs copies of his annual confidential reports for submitting to the Tribunal which is hearing his petition against his dismissal from his job.

I have gone through the case papers and also considered the arguments advanced by the appellant. The preamble to the RTI Act 2005 very clearly says that 'democracy requires an informed citizenry and transparency of information which are vital to its functioning and also to contain corruption and to hold govt. and their instrumentalities accountable to the governed. It also says that revelation of information in actual practice is likely to conflict with other public interests including efficient operation of govt. and optimum use of limited resources and the preservation confidentiality of sensitive information. The RTI Act is designed to harmonise those conflicting interests while preserving the paramountcy of democratic ideal.' The annual confidential reports have been traditionally confidential. There are circumstances under which it is communicated

to the person concerned. It remains confidential otherwise. As far as the appellant's case before the Tribunal is concerned, there have been instances where the courts have called for these reports and examined them and passed orders. Finally, giving copies of appellant's annual confidential reports has no element of public interests, it is purely personal. Under these circumstances I am of the view that no public interest is likely to be served by furnishing copies of appellant's annual confidential reports to him. Since the content of all his appeals is the same, they have been clubbed together and disposed off. I pass the following order.

Order

The appeal is disposed off.

(Ramanand Tiwari)
State Information Commissioner, Mumbai

Place: Mumbai
Date: 29.09.2008.

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

Appeal No.2008/938/02

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

.....Appellant

V/s

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

.... Respondent

**Public Information Officer cum Principal
Maharashtra College, Bellasis Road,
Mumbai – 400 008.**

GROUNDS

These appeal has been filed under section 19 (3) of the Right to Information Act 2005. The appellant had asked for salary details of Dr. Sakeel Hurzuk, Principal of Maharashtra College for the academic years 2004-2005, 2005-2006, 2006-2007. Not satisfied with the responses from the PIO and the first appellate authority, he has filed this second appeal.

The appeal was heard on 30-9-2008. Appellant and respondent were present. The appellant has submitted that since he has received the information he had sought, he is no longer interested in the appeal. I therefore pass the following order.

Order

The appeal is disposed off.

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

Place: Mumbai
Date: 30.09.2008.

