

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

**Appeal No.2008/3441/02**

**Shri. Mohammed Yaya Yusuf Sayani  
187, Zakaria Masjid Street,  
Mumbai – 400 009.**

**..... Appellant**

**V/s**

**First Appellate Officer cum D.C.P.  
Zone III,  
Byculla,  
Mumbai – 400 027.**

**.... Respondent**

**Public Information Officer cum A.C.P.  
Central Control Room,  
Bawla Compound,  
Dr. B.S.Road, Byculla (E),  
Mumbai.**

### **GROUNDS**

Mr. Mohammed Yaya Yusuf Sayani had filed second appeal with this Commission u/s 19 (3) of R.T.I. Act, 2005 on 13.03.2008 against order dated 28.02.2008 of the First Appellate Officer and D.C.P., Zone III, Mumbai for non-furnishing of the information sought by him.

The hearing in this appeal was fixed on 04.12.2008. However the appellant vide his letter dated 04<sup>th</sup> December, 2008 has stated that after filing the above second appeal, the P.I.O. & A.C.P. (H.Q.) has furnished the said information vide his letter dated 15.03.2008 and therefore the appellant requested that the second appeal may be closed for non-prosecution. I, therefore, pass the following order.

### **Order**

Appeal is dismissed.

**(Dr.S.V.Joshi)  
Chief Information Commissioner, Maharashtra.**

Place: Mumbai  
Date: 05.12.2008.

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

**Appeal No.2008/3463/02**

**Shri. Vandana M. Thakkar  
House No. 83, Village Ward,  
Father Peter Pereira Marg,  
Kurla (West), Mumbai – 400 070.**

**..... Appellant**

**V/s**

**First Appellate Officer cum Dy. Commissioner of Police  
Zone III, Mumbai,  
Bawala Compound, Dr. B.A. Road,  
Byculla (E), Mumbai – 400 027.**

**.... Respondent**

**Public Information Officer cum Asst. Commissioner of Police  
Central Region, Bawala Compound,  
Byculla, Mumbai – 400 027.**

### **GROUNDS**

Appellant Ms.Vadana M.Thakkar has made second appeal on 22.05.2008 to the Commission. The sum and substance of the grounds are stated below in brief:-

- 1) The impugned order dated 12.02.2008 of the First Appellate Authority is bad in law, illegal and against the principles of equity, fair play and natural justice.
- 2) The Appellate Authority erred in allowing the PIO to provide information on 11.02.2008 which is not provided within stipulated period of 30 days. Delay is of 145 days.
- 3) The Appellate Authority has not allowed the Appellant to put her case and not even allowed to file fresh appeal against the fresh information / reply dated 11.02.2008.
- 4) The Appellate Authority has made false statement that “The Appellant informed him that she is satisfied with the fresh information / reply.
- 5) The certified copies of photographs of the statue of “Laxman” taken on 01.04.2007 has not provided though the Appellant was ready to pay the necessary charges for the same.

- 6) Reason for not recording FIR on complaint and Punchnama done on 01.04.2007 in respect of damage caused to the Idol of Lord “Laxman” has not given.
- 7) Names of the defendants and members of the Rameshwar Krida Mandal whose statements finding and action taken, has not been given.
- 8) The Appellate Authority has failed to consider contrary as well as false and misleading reply given regarding certified copies of the statement recorded by the couple of the office bearers along with their names and addressed as stated by Adv. Mr. Vivian D’souza in his letter dated 05.04.2007 addressed to Mr.P.A.Kamath, the 2<sup>nd</sup> Addl. Registrar of the City Civil Court at Mumbai.
- 9) The Appellate Authority has failed to consider, false and misleading reply given regarding certified copies of statement recorded by the PIO of the eye witness and other members of Sitaram Bhajan Mandal.
- 10) The Appellate Authority has failed to consider false ground that it is not concerned with the Police Station seeking certified copy of written permission given by Rameshwar Krida Mandal to members of Sitaram Bhajan Mandal, certified copies of prior permission obtained by the 1 to 18 defendants to celebrate and perform full night pooja / bhajan in the suit temple and Registration No. of the Rameshwar Krida Mandal and Sitaram Bhajan Mandal along with list of members etc.
- 11) The Appellate Authority has failed to consider that the PIO has provided false information regarding demand of certified copy of FIR, all documents / statements recorded, finding / report thereof and action taken regarding the complaint made on 18.04.2007 in respect of theft of antique piece of snake from the statue of Lord “Shankar” in the temple, reason for not registering FIR in the matter, detail of investigating officer, name of 1 to 18 defendants whose statements are recorded regarding theft.
- 12) The true and correct information is not furnish regarding demand of certified copy of the notice issued to Mr. Suresh Bobale and 17 others as informed by

Inspector of Police of Vinoba Bhave Nagar Police Station to the Appellant and other directions given if any.

- 13) The Appellate Authority has failed to give name and designation of officer to whom complaint / reminder dated 04.06.2007 of the Appellant is assigned and action taken in the matter and failed to give information whether Rameshwar Krida Mandal ever obtained prior permission from the Charity Commissioner and submitted the same to the concerned Police Station for collection of money from public to celebrate festival like "Ram Navami" and other festivals in the Rameshwar Mandir since 1958, if no, what action is taken in the matter and any offence is registered by the Police against any member of the Rameshwar Krida Mandal.

The hearing of the second appeal was arranged on 06.12.2008 in the office of the Commission at Mumbai. At the time of hearing the appellant and the representative of the Public Information Officer were present.

The Appellant had made Application on 21.08.2007 to the Public Information Officer for seeking information on the points mentioned in that letter. The P.I.O. has given reply to the Appellant under his letter dated 31.08.2007 which is received by the appellant on 12.12.2007 as stated in the second appeal. Applicant has complained to the Commission that she had not received response to her application within one month.

The Appellant had made First Appeal on 11.01.2008 against the information provided by the P.I.O. under his letter dated 31.08.2007. The hearing of the First Appeal was held on 12.02.2008. The Appellant and the Representative of the P.I.O. were present at the time of hearing. The First Appellate Officer has stated in his order dated 12.02.2008 that the Appellant were satisfied with the information provided by the Vinoba Bhave Police Station. But it is seen from the Second Appeal that the Appellant was not satisfied with that information. The Appellant has also mentioned that the P.I.O. has provided a fresh / corrected reply on 11.02.2008 by which the appellant was not satisfied as it is seen from the letter dated 08.12.2008 submitted by the Appellant, to the Commission.

At the time of Second Appeal the Appellant and the representative of the P.I.O. were present. The Commission has heard both the parties. They have also submitted

their say in writing. The Commission has also gone through the papers available in the office of the Commission and has come to the conclusion that the Appellant is not satisfied with the information and Xerox copies of the photographs provided by the P.I.O. Appellant feels that the statement of two office bearers were recorded relying on the wording of the letter by Shri. Vivian D'souza, advocate addressed to Shri. P.A. Kamat. 2<sup>nd</sup> Additional Registrar, City Civil Court which mentioned that police took evidence of couple of office bearers. Police Authorities say that they have not recorded the statement of office bearers. Hence no record. With a view to merit it absolutely clear to the appellant that there statements have not been recorded, it is directed to the P.I.O. that he should give inspection of the concerned papers to the Appellant if she desires and if possible copies of colour photographs. This should be done within 10 days from the receipt of this order and compliance report should be submitted the Commission thereafter immediately.

Some part of 2<sup>nd</sup> appeal of the appellant dwells on what police ought to have done. This is not relevant under RTI Act. What is relevant is the record which has been created as a result of the inquiry. If appellant is not satisfied with manner in which inquiry was conducted, she can complain to the higher authority of police station concerned administratively.

In view of the above following order is passed.

### **Order**

The Appeal is partly allowed. The concerned to act as per the direction of the Commission.

**(Dr.S.V.Joshi)**  
**Chief Information Commissioner, Maharashtra.**

Place: Mumbai  
Date: 15.12.2008.

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

**Appeal No.2008/3476/02**

**Shri. Ethesam Qutubuddin Siddiqui  
U.T. 822/ 08, 2/4,  
C/o. Superintendent, Mumbai Central Prison,  
Arthur Road,  
Mumbai – 400 011.**

**..... Appellant**

**V/s**

**First Appellate Officer cum Dy. Commissioner of Police,  
(Preventive)  
Crime Branch,  
Mumbai – 400 001.**

**.... Respondent**

**Public Information Officer cum Asst. Commissioner of Police (Crime),  
Office of the Police Commissioner,  
Opp. Crawford Market,  
Mumbai – 400 001.**

### **GROUND**

The Appellant Ehtesham Qutubuddin Siddiqui has made second appeal on 10.06.2008 which was forwarded by the Superintendent, Mumbai Central Prison, Mumbai – 400 011 under their letter dated 12.06.2008 to the State Chief Information Commissioner under section 19 (3) of the Right to Information Act, 2005 against the denial of information by the Public Information Officer and the First Appellate Officer.

The hearing of the second appeal was arranged on 08.12.2008 at Mumbai. The Public Information Officer was present at the time of hearing. The Appellant and the First Appellate Officer were not present for hearing.

The Appellant has forwarded the copy the order of the First Appellate Officer alongwith the second appeal. From that copy of the order it is seen that the Appellant has sought for information on following 12 points:-

- 1) The copy of Station Diary entries for preliminary enquiries in respect of 11.7.2006, Mumbai train blast case for period from 11.7.2006 to 1.11.2006 of every unit of the Anti Terrorism Squad, Mumbai.

- 2) The copy of Station Dairy entries for preliminary enquiries in respect of 11.7.2006 Mumbai train blast case for the period from 24.7.2006 to 30.7.2006 of ATS unit – Nagpada.
- 3) The copy of Station Diary entries (lock up) in respect of all accused arrested in 11.7.2006 blast case of Bhoiwada Lock up.
- 4) The copy of medical check up report of the Appellant arrested in LAC No. 04 / 06 of ATS unit – II, checked during the police custody for the period from 03.08.2006 to 10.8.2006 in K.E.M. hospital.
- 5) The copies of all press briefings / press / release / press note by ATS Mumbai in respect of 11.7.2006 Mumbai Train Blast case for the period from 11.7.2006 to 30.11.2006.
- 6) Information of each and every visit in every office of the ATS Mumbai by the Commissioner of Police, Anami Narayan Roy.
- 7) The copy of Call Detail Report (CDR) of mobile no. 9867139179 which is sought by ATS during the interrogation of the Appellant in police custody of LAC No. 04 / 06 of ATS unit-II, Nagpada for the period from date of activation of mobile to 30.7.2006.
- 8) Information of total expense in detail in respect of 11.7.2006 Mumbai Train Blast case investigation.
- 9) The copy of structure of the ATS with post and designation, Address and contact no. of every officer and constable at the time of 11.7.2006 Mumbai Train Blast case investigation between 11.7.2006 to 30.11.2006.
- 10) The copy of Order / Direction from State Government of Maharashtra, if any received by ATS Mumbai in respect of 11.7.2006 Train Blast Case.
- 11) The copy of Order / Direction from Union Govt. of India, if any, received by ATS, Mumbai in respect of 11.7.2006 Mumbai Train Blast Case.
- 12) The copy of Attendance record of following DCP at their office or work done by them with their name and address.
  - a) Vinay Kumar Chawbey, DCP, Zone – IX for the period from 3.10.2006 to 4.10.2006

- b)** Sanjay Vilasrao Mohite, DCP, Crime Branch (Preventive), Mumbai – 400 001 for the period from 04.10.2006 to 05.10.2006 and 24.10.2006 to 25.10.2006.
- c)** Brijesh Singh, DCP, Zone I, for the period from 03.10.2006 to 06.10.2006 and 23.10.2006 to 25.10.2006.
- d)** Dattatray Karale, DCP, Zone IV, Matunga for the period from 6.10.2006 to 7.10.2006 and 24.10.2006 to 25.10.2006.
- e)** D.M.Padhtare, DCP, Zone V for the period from 04.10.2006 to 05.10.2006 and 24.10.2006 to 25.10.2006.
- f)** Ashutosh Dumbhare, DCP, Head Quarter – I, Mumbai for the period from 05.10.2006 to 06.10.2006.
- g)** M.M.Ranade, DCP, Zone XI, Mumbai for the period from 04.10.2006 to 05.10.2006 and 29.10.2006 to 31.10.2006.

It is seen from the order of the First Appellate Officer that the Public Information Officer has denied to furnish the information sought by the Appellant and informed to the Appellant under letter dated 05.11.2007. The First Appellate Officer has agreed to the stand taken by the Public Information Officer.

The Appellant has made first Appeal on 10.12.2007 through the Arthur Road Jail. On hearing and on perusal of the paper available before the First Appellate Officer, he has denied to furnish information sought by the Appellant in the light of the provision made under the Right to Information Act, 2005 as the ATS is functioning under the control of the State Intelligence Department, State of Maharashtra.

At the time of the hearing of the second appeal before the Commission the Public Information Officer were present. The Commission has heard the Public Information Officer and gone through the papers available before the Commission. On hearing the Public Information Officer and from the paper available before Commission it is observed that the Govt. of Maharashtra has issued Notification No. CRTI – 2005 / C.R. 265 / 05/ 5, dated 11.10.2005 in exercise of the powers conferred by the sub-section (4) of Section 24 of the Right to Information Act, 2005 (22 of 2005) specifying the following intelligence and security organizations (being organization established by the State Govt.) to whom the provision of the said Act is not applicable :-



- 1) State Intelligence Department and its subsidiaries.
- 2) “Special Branch” of the all Police Commissionerates.
- 3) “District Special Branch” of all District Superintendents of Police in all the Districts.

In view of the above notification, issued by the Govt. of Maharashtra, the Commission of the view that the stand taken by the P.I.O. and the First Appellate Officer denying to furnish information sought by the Appellant is correct. In view of that following order is passed,

**Order**

The Appeal is dismissed.

**(Dr.S.V.Joshi)**  
**Chief Information Commissioner, Maharashtra.**

Place: Mumbai  
Date: 15.12.2008.

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

**Appeal No.2008/3347/02**

**Shri.Navin Shamrao Parab  
Mulgaonkar Building,  
1<sup>st</sup> Floor, 7 Topiwala Lane,  
Lamington Road,  
Mumbai – 400 007.**

**..... Appellant**

**V/s**

**First Appellate Officer cum Addl. Registrar,  
Lok Ayukata Office,  
New Administrative Building,  
Mumbai – 400 032.**

**.... Respondent**

**Public Information Officer cum Asst. Registrar,  
Lok Ayukata Office,  
New Administrative Building,  
Mumbai – 400 032.**

### **GROUNDS**

The Appellant Navin S.Parab has made second appeal on 10.03.2008 to the Commission. The sum and substance of the second appeal is stated below in brief:-

- 1) The Appellant has demanded the legal opinion and advice of the P.I.O., certain information about the allotment of the water connection to Mr. Chandrakant Pujari and certain information about his Court matter before Hon'ble Court.
- 2) As per RTI Act, section 6 (1), the P.I.O. has to transfer the application or such part of it as may appropriate within 5 days to that other P.I.O. and inform the applicant immediately about such a transfer.
- 3) The P.I.O. has malafidely denied information without any sufficient ground. The P.I.O. has refused to express his opinion and advice. The Petitioner has demanded information about bogus fabricated and false documents pertain to his case before the Hon'ble Court at Lok Ayukta.
- 4) The First Appellate Authority has passed order on 14.12.2007 which is defective and malicious / frivolous and challengeable. He has protected the interest of

subordinate staff. He has not taken into consideration the exact law points of first appeal.

The hearing of the second appeal was arranged on 16.12.2008 in the office of the Commission at Mumbai. At the time of hearing the Appellant, First Appellant Officer and Public Information Officer were present.

The Appellant had made application on 13.11.2007 to the PIO seeking information on points mentioned below:-

- 1) Whether Smt. Karketta, Additional Municipal Commissioner, Pune Municipal Corporation, Pune and Shri. Sonkamble, Assistant Tax Collector who were present for hearing on 27.07.2007 before the Hon'ble Upa – Lok ayukta have filed their say on petition dated 27.07.2007 ?
- 2) Whether copies of his rejoinder dated 31.08.2007 were sent to the P.M.C. and also let me know whether the documents and papers submitted by him are true, genuine or not and if they are bogus and fabricated documents, whether it is contempt of the Hon'ble Lok Ayukta Court or not ?
- 3) Whether the reply dated 30.08.2007 submitted by P.M.C. is false and bogus and whether it is contempt of the Court or not ?
- 4) Whether P.M.C. has submitted documents / papers as described in 4 (A) and Sr. No. 5 & 6 sought by him vide his rejoinder dated 31.08.2007 ?

It is seen from the letter dated 15.11.2007 of the P.I.O. to the Appellant that the origin of the matter is in the complaint dated 26.12.2002 [file ULA / COM/ 88 / 2003 (UK / T – 18) in the office of the Lok Ayukta] of the Appellant made to the Hon'ble Lok Ayukta Office. The P.I.O. has given the reply and also shown his inability for expressing his / advice / opinion on the points asked by the Appellant. The PIO has also shown the concerned papers to the Appellant on 16.11.2007 and as per the demand of the Appellant copy of the report dated 25.05.2005 filed by the Addl. Municipal Commissioner, P.M.C., Pune, is given to the Appellant.

The Appellant has filed First Appeal as it seems that the Appellant was not satisfied with the information supplied to him by the P.I.O.

The First Appellate Authority has heard the appeal on 30.11.2007. The Appellant and the P.I.O. were present for the said hearing. Both the parties were heard by the First Appellate Officer. The Appellant has also filed his written argument vide his application dated 30.11.2007. The said application and its enclosure are taken on record by the First Appellate Officer, as it is seen from the order dated 14.12.2007.

The First Appellate Officer has passed his order on 14.12.2007 from which it seems that he has attended all the points raised by the Appellant under his First Appeal dated 15.11.2007 and ultimately dismissed the appeal.

At the time of hearing of second appeal, the Appellant, First Appellate Officer and P.I.O. were present. The Commission has heard both the parties. The Commission has also gone thoroughly through the papers available in the office of the Commission. It is observed from the order dated 14.12.2007 passed by the First Appellate Officer that he has attended all the points raised by the Appellant in the matter, and dismissed the First Appeal rightly. Commission is in agreement with the cogent reasoning of the appellate officer. And most important thing is that the appellant has taken the inspection of the concerned file and obtained the desired document. Under the RTI Act this is the most important and ultimate step to satisfy the information needs of the applicant.

As regards the original complaint of the applicant under Maharashtra Lok Ayukta and Up Lok Ayukta Act 1971, it was also told by the appellate officer that one hearing in this case has already taken place and second hearing will be taken in Pune itself as per the orders of Up Lok Ayukta. In view of that following orders are passed.

**Order**

The Appeal is dismissed.

**(Dr.S.V.Joshi)**  
**Chief Information Commissioner, Maharashtra.**

Place: Mumbai  
Date: 19.12.2008.

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

**Appeal No.2008/2458/02**

**Shri. V. Ashish  
1101. Yogi Residency,  
Yogi Nagar,  
Borivali (W),  
Mumbai – 400 092.**

**..... Appellant**

**V/s**

**First Appellate Officer cum Dy. Secretary,  
General Administration Department,  
Desk No. 39, New Administrative Bldg.,  
19<sup>th</sup> Flr., Opp. Mantralaya,  
Mumbai – 400 032.**

**.... Respondent**

**Public Information Officer cum Under Secretary  
General Administration Department,  
Section 39, New Administrative Bldg.,  
19<sup>th</sup> Flr., Opp. Mantralaya,  
Mumbai – 400 032.**

**GROUNDS**

The hearing on the second appeal filed by Shri. V. Ashish on 12.02.2007 was taken on 18.07.2008 when appellant and the representative of Public Information Officer Shri. S. R. Keluskar remained present. Applicant by his application dated 20.11.2006 wanted to know about the implementation report of the Government Circular K. Ma. A. – 2006/ Pra. Kra. 01/ 06 / 5 dated 03.02.2006. He received no response from Public Information Officer as well as Appellate Officer. Hence this appeal.

The representative who remains present could not explain anything to the Commission. Therefore Prin. Secretary, GAD is now directed to ensure that Public Information Officer gives information to the Applicant within 15 days time from the receipt of this order. The Public Information Officer should also give explanation why the Public Information Officer who was dealing with this subject from 20.01.2006 for the period of one year and if there were more than one Public Information Officer during the period, every one of them should give explanation as why penalty under section 20 of the act should not imposed on him / them. Similarly First Appellate Officer should give his

explanation as to why he failed to give his decision on appeal filed to by the Applicant dated 06.01.2007.

**Order**

The Appeal is allowed. Copy of this order should also be marked to Prin. Secretary, GAD who should ensure that concerned Public Information Officer gives the information within 15 days time. Public Information Officer and Appellate Officer to submit the explanation.

**(Dr.S.V.Joshi)**

**Chief Information Commissioner, Maharashtra.**

Place: Mumbai  
Date: 29.12.2008.

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

**Appeal No.2008/2821/02**

**Shri. Nitin Goyal  
Anjali Bldg., Gr. Floor,  
Schoki House,  
French Bridge, Opera House Junction,  
Mumbai – 400 007.**

**..... Appellant**

**V/s**

**First Appellate Officer cum C.G.M. (Stores),  
Maharashtra State Power Generation Co. Ltd.,  
Prakashgad, 2<sup>nd</sup> Floor,  
Bandra (East),  
Mumbai – 400 051.**

**.... Respondent**

**Public Information Officer cum E.E. (St-II),  
Maharashtra State Power Generation Co. Ltd.,  
Prakashgad, 2<sup>nd</sup> Floor,  
Bandra (East),  
Mumbai – 400 051.**

### **GROUND**

The Appellant Shri. Nitin Goel, has made second appeal on 30.07.2007 to the Commission on following grounds:-

- I. Impugned orders dated 20.02.2007, 11.04.2007 of SPPO and Orders dated 05.06.2007 and 07.07.2007 of the First Appellate Authority of the Maharashtra State Power Generation Co. Ltd. be set aside.
- II. The SPIO directed to supply the information forthwith.
- III. Penalties be imposed on the SPIO.
- IV. Any other relief as thought fit.
- V. For costs, special cost and exemplary costs.

The Appellant has also further stated that non supply of requisitioned information is in direct contravention of Law, particularly RTI Act, 2005.

The hearing of the Appeal was arranged on 01.09.2008, in the office of the Commission at Mumbai and notice in the matter was sent to the parties by post. The SPIO was present but the Appellant was not present at the time of hearing.

The Appellant under his letter dated 23.01.2007 has sought the information in respect of sale order No. SM / DC / Ballarshah / 2462, dated 27.11.1991 for disposal of 3 X 7.5 MW Ballarshah Thermal Power Station pertaining to the period from 01.04.1989 to 31.03.1993 and asked for inspection and copies of all record and proceeding including files notes in connection with above matter particularly complete correspondence with M/s. Shankar Ramchandra & brothers and other 3 points. The Superintending Engineer (D.C.) of the Maharashtra State Power Generation Co. Ltd. under his letter dated 20.02.2007 has informed to the Appellant that due to restructuring of the erstwhile M.S.E.B., the old records have been reshuffled at various locations and could not be traced. Therefore unable to furnish copies of documents for inspection. Besides it was denied to furnish copies of correspondence with the Advocate Shri. Hastak at Chandrapur in accordance with section 8(1) (e) of the Right to Information Act, 2005.

Besides the Appellant under his letter dated 13.03.2007 has sought information on 6 points, out which first two points were stated in previous letter dated 23.01.2007 one of the point regarding sale order dated 27.11.1991 for disposal of 3 X 7.5 MW Ballarshah Thermal Power Station is replied on 11.04.2007 that the matter is pending before Arbitral Tribunal and arbitration proceedings are in progress. Disclosure of the documents / records pertaining to the subject matter may constitute contempt of the court. Out of the other 5 points in one case attention is invited on reply given under letter dated 20.02.2007, 3 points are replied negatively as no such record / report generated.

The Appellant has made first appeal on 23.04.2007 with request to set aside the orders dated 20.02.2007 and 11.04.2007 of the SPIO, and penalties be imposed on PIO.

The First Appellate Officer has arranged the hearing on 11.05.2007 which is not materlised as it was not convenient to the Appellant. Second time hearing was arranged on 04.06.2007 for which also the Appellant was not present on the ground that he was expecting the reply on his letter dated 30.04.2007 incorporating supplementary additional grounds.

The First Appellate Officer has considered the points raised in the letters dated 23.01.2007, 13.03.2007 and 23.04.2007 of the Appellant an reply given to him under letters dated 20.02.2007, and 11.04.2007 by the S.E. (D.C.) and PIO respectively.



The First Appellate Officer seem to be upheld the stand taken by the S.E.(D.C.) and SPIO and replied on each point of the Appellant in detail under letter dated 05.06.2007.

The hearing of the Second Appeal was fixed on 01.09.2008. The Appellant was not present for hearing and because of that the Commission could not understand the justification of the Appellant. The PIO was present. The Commission has heard him in the matter. Besides the Commission has gone through all the concerned papers in the matter available in the office of the Commission.

The matter is question before the High Court as well as pending before Arbitral Tribunal and arbitration proceeding are in progress. The contention of Appellate Officer that at this stage the information which is before there two bodies can not be given holds ground. If applicant is still desirous of getting this information, he may apply for the copies from the court or Arbitral Tribunal. After the court proceedings are over, then papers could be revealed to the applicant. On the remaining points stand taken by the First Appellate Officer is seem to be correct. In view of that, following order is passed in the matter.

**Order**

The Appeal is disposed off in terms of above.

**(Dr.S.V.Joshi)**

**Chief Information Commissioner, Maharashtra.**

Place: Mumbai  
Date:29.12.2008.

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

**Appeal No.2008/3147/02**

**Shri.S.S.Dev  
Sudarshan Engineering Company,  
60/6, Swami Samarth Apartment, Tarun Bharat,  
Complex Sahar Road, Andheri (East),  
Mumbai – 400 099.**

**..... Appellant**

**V/s**

**First Appellate Officer,  
Office of the Lok Ayukta,  
New Administrative Bldg.,  
1<sup>st</sup> Flr., Madam Cama Road,  
Mantralaya, Mumbai – 400 032.**

**.... Respondent**

**Public Information Officer,  
Office of the Lok Ayukta,  
New Administrative Bldg.,  
1<sup>st</sup> Flr., Madam Cama Road,  
Mantralaya, Mumbai – 400 032.**

### **GROUNDS**

By his second appeal dated 13<sup>th</sup> December, 2007 under Section 19 (3) of the Act, the appellant has filed appeal against the decisions of Appellate Officer of Lok Ayukta Office in the appeals No. 20 / 2007 and 21 / 2007 dated 3.10.2007.

The hearing took place on 17.10.2008. When Appellant, Appellate Officer and Public Information Officer were present.

As per the Act, Applicant is supposed to get information as defined in the act under section 2 (f).

Appellant's first application deals with

1. Processing his complaint and time taken at each level, applicability of GAD circular dated 11.07.2006 for prevention of delay in discharge of official duty to the office of Lok Ayukta, jurisdiction of Lok Ayukta's Office over MIDC, certain clarification about complaint with Affidavit and simple letter complaint and priority or otherwise to Sr. Citizen.

2. Under second application appellant has sought information pertaining to the stand taken by Lok Ayukta's Office regarding his complaint against MIDC about escalation payment alongwith R.A. Bills and non-inclusion of escalation clause. I find that Public Information Officer has given pointwise information as it exists in his office and Appellate Officer in his two detailed orders has dealt with each and every point raised by the appellant and had come to the conclusion that information has been provided satisfactory.

I find no reason in interfering with the order of Appellate Officer.

**Order**

The Appeal is dismissed.

**(Dr.S.V.Joshi)**

**Chief Information Commissioner, Maharashtra.**

Place: Mumbai

Date: 02.01.2009.

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

**Appeal No.2008/1285/02**

**Shri. Shailesh Gandhi  
B2, Gokul Apartment, Podar Road,  
Santacruz (W),  
Mumbai – 400 054.**

**..... Appellant**

**V/s**

**First Appellate Officer cum Deputy Secretary,  
Home Department,  
Mantralaya,  
Mumbai – 400 032.**

**.... Respondent**

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

**GROUND**

Shri. Shailsh Gandhi has filed second appeal with this Commission on 04.03.2007. As original application dated 14.01.2007 he elicited zerox copies of minutes of meetings of are RWITC from July, 2003 to June 2004. The request was not exceeded by Public Information Officer, Home Department and this stand was confirmed by Appellate Officer. On scrutiny of papers it was found that appellant has made the similar application under section 11 (3) of the Maharashtra Right to Information Act, 2002. In that case Lok Ayukta who was Second Appellate Authority under that Act has given detailed decision in that case. Since the present proceeding are under Central Act, however, the issues are just the same and even if the provision of Central Act are made applicable, the situation does not change.

**Order**

The Appeal is therefore disallowed.

**(Dr.S.V.Joshi)  
Chief Information Commissioner, Maharashtra.**

Place: Mumbai  
Date: 31.12.2008.

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

**Appeal No.2008/3245/02**

**Shri. Harinarayan S. Mishra  
Room No. 2, Bldg. No. 4,  
Praijat Co-op. Housing. Society,  
New MHADA Colony,  
Sion-Pratiksha Nagar,  
Mumbai – 400 022.**

**..... Appellant**

**V/s**

**First Appellate Officer cum Dy. Commissioner of Police,  
Zone III, Central Control Office,  
Bawla Compound,  
Dr. B. A. Road,  
Byculla (E), Mumbai.**

**..... Respondent**

**Public Information Officer cum Asst. Commissioner of Police,  
Zone III, Central Control Office,  
Bawla Compound,  
Dr. B. A. Road,  
Byculla (E), Mumbai.**

### **GROUNDS**

The Appellant Shri. Harinarayan S. Mishra has made unsigned second appeal on 30.01.2008 to the Commission on the following grounds.

- a) The Commission be pleased to direct the concerned person to give the Accidental Death Report (A.D.R.) of Santosh Goswami.
- b) The concerned person be punished for not giving the A.D.R. within stipulated period.
- c) Disciplinary action pleased be initiated against the concerned person for misguiding the appellant by giving incorrect information.

The hearing of the appeal was arranged on 24.10.2008 in the office of the Commission. At the time of hearing the Appellant, the Public Information Officer and the First Appellant Officer, were present.

The Appellant had filed the application on 09.10.2007 to the Public Information Officer for all Emergency Police Register record of 13.03.2007 of Register maintained at K.E.M. Hospital's Police Counter and the Accidental Death Register records etc. The

Public Information Officer has provided information on 08.11.2007 to Appellant except information on the Accidental Death Register on the ground that it was submitted to the Court.

As the incomplete information was provided by Public Information Officer, the Appellant had made first appeal on 07.12.2007. The First Appellate Officer on giving hearing on 19.12.2007 had passed the order on 19.12.2007 itself. It is stated in the order that the First Appellate Officer has no power to take action on Public Information Officer for giving misleading information. In view of that he has recommended for taking action against the Public Information Officer and disposed of the appeal.

The Appellant has made unsigned second appeal on 30.01.2008 on the grounds stated in para one above. The Commission has heard both the parties and gone through all the papers available before the Commission. It is seen that later on expected information is made available to the Appellant. This fact has also been taken note by Addl. Senior Judge Bombay at Sewree in his order dated 18.12.2007. As the appeal is unsigned, the Commission is passing following order.

**Order**

The Appeal is dismissed.

**(Dr.S.V.Joshi)**

**Chief Information Commissioner, Maharashtra.**

Place: Mumbai  
Date: 31.12.2008.

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

**Appeal No.2008/3224/02**

**Shri.Moin Akhter Qureshi  
Baitul Akhter Bldg.,  
First Floor, Room No.18 /19,  
Above Delhi Darbar Hotel,  
Patthe Bapurao Marg,  
Mumbai – 400 004.**

**...Appellant**

**V/s**

**First Appellate Officer cum Asst.Municipal Commissioner  
Office of the “D” Ward, M.C.G.M.  
Nana Chowk, Mumbai – 400 007.**

**.... Respondent**

**Public Information Officer cum Asst. Engineer,  
(Building & Factories)  
Office of the “D” Ward, M.C.G.M.  
Nana Chowk, Mumbai – 400 007.**

**GROUNDS**

Appellant Shri.Moin Akhtar Qureshi has made second appeal on 6-12-2007 to the Commission on the grounds that the Public Information Officer has given false and incomplete reply and further false order dated 30-8-2007 was given by the First Appellate Authority, therefore penalty be imposed on Public Information Officer.

The hearing of the second appeal was fixed on 22-10-2007 in the office of the Commission. The Appellant, Public Information Officer and First Appellate Officer were present at the time of hearing.

The appellant under his letter dated 11-6-2007 has applied under the Right to Information Act, 2005 for following information from the Public Information Officer:-

- 1) Under his separate letter dated 11-6-2007, the appellant had brought to the notice of the Public Information Officer, illegally constructed weather shed in the open chowk, after “D” ward bldg. department had demolished illegal construction of Delhi Darbar Hotel on 13-4-2007. The appellant want to know in detail, action taken on his complaint dated 11-6-2007.
- 2) Whether the P.I.O. has inspected the site after demolition.

- 3) The appellant has requested to take necessary action and give reply accordingly. If permission is given then also let him know, what ground the P.I.O. has given permission to cover open chowk.
- 4) Whether all the requisite documents were submitted or not such as N.O.C. from landlord etc.?
- 5) What action the P.I.O. will take on the illegal weather shed?
- 6) The appellant has asked for document submitted by the owner / landlord or the illegal weather shed constructor?

The P.I.O. has given pointwise reply to the appellant under his letter no.ACD/9324/B, dated 6-7-2007.

However the appellant has made first appeal on 23-7-2007 on the grounds that the P.I.O. has not given order / reply within specified period.

The First Appellate Officer has heard appeal on 23-8-2007. The appellant and the P.I.O. were present for hearing. The First Appellate Officer has stated that he has gone through the application of the appellant under the Right to Information Act, 2005 and the reply given by the P.I.O, and he observed that the P.I.O. has given the appropriate information reply to the appellant and hence further, the first appellate officer has disposed off the appeal and accordingly order has been issued on 30-8-2007.

At the time of hearing of the second appeal before the Commission the appellant, the P.I.O. and the first appellate officer were present. The Commission has heard both the parties and gone through the paper available in the office of the Commission.

Public Information Officer has given reply on 06.07.2007 as the application dated 16.06.2007. He has also offered the inspection of concerned papers to applicant. The applicant should have selected the papers of which he had wanted the copies, so that latter dispute above the correctness of available information could be avoided. In view of above I pass the following order.

### **Order**

The appeal is disposed off.

**(Dr.Suresh V.Joshi)**  
**Chief Information Commissioner, Maharashtra.**

Place: Mumbai  
Date: 29.12.2008.



