

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

Appeal No.2010/4547/02

**Shri. Talha A. Sami Ansari
Room No.16, R.K. Manzil,
18, Old Bengalipura Street,
Mumbai – 400 003.**

... Appellant

V/s

**First Appellate Officer cum Dy Chief Engineer
(Bldg Project), City, Municipal Corporation,
E Ward Office, Mumbai.**

... Respondent

**Public Information Officer cum Executive Engineer
(Bldg Project), City, Municipal Corporation,
E Ward Office, Mumbai.**

GROUNDS

This appeal has been filed under section 19(3) of the Right to Information Act, 2005. The appellant by his application dated 16.11.2009 had sought the following information: -

1. Open spaces around the building as per approved plan.
2. Present open spaces around building as on site.
3. Plinth inspection certificate.
4. Is there any deviation in the approved plan and site condition?
5. Is the ventilation of adjoining buildings is affected?
6. What action will be taken if there is major difference in the approved plan and site condition?

Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant filed this second appeal before the commission. The appeal was heard on 08.04.2010. Appellant and respondents were present.

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

The respondent's contention is that available information has been furnished.

After going through the case papers and considering the arguments advanced by the parties I have come to conclusion that information has been furnished. The appellant however is disputing the correctness of the information. It is therefore ordered that the appellant & respondent should visit the site and verify the information furnished to the appellant. The respondent to initiate action if the building under construction is in not accordance with the approved plan.

Order

The appeal is disposed off.

(Ramanand Tiwari)
State Information Commissioner, Mumbai

Place: Mumbai
Date: 16.04.2010.

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

Appeal No.2010/4607/02

Shri. Arjunlal Chhabria
Bella Vista, Flat No.15,
3rd Floor, Opp. Lake & LIC Office,
S.V. Rd, Bandra (W),
Mumbai – 400 050.

... **Appellant**

V/s

First Appellate Officer cum Dy Chief Officer
SRA, Office of the MHADA,
5th Floor, Grihanirman Bhavan,
Bhandra (E), Mumbai – 400 051.

... **Respondent**

Public Information Officer cum Executive Engineer
SRA, Office of the MHADA,
5th Floor, Grihanirman Bhavan,
Bhandra (E), Mumbai – 400 051.

GROUND

This appeal has been filed under section 19(3) of the Right to Information Act, 2005. The appellant by his application dated 08.07.2009 had sought information relating to the boundary wall between Galaxy Heights and the SRA building near Bangur Nagar Signal, Goregaon (W), Mumbai.

Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant filed this second appeal before the commission. The appeal was heard on 19.04.2010. The appellant did not turn up but the respondent was present.

It transpired during the hearing that this appeal has been decided and order passed in Appeal No.4488/02. In view of this I close the case.

Order

The appeal is disposed off.

(Ramanand Tiwari)
State Information Commissioner, Mumbai

Place: Mumbai
Date: 19.04.2010.

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

Complaint No.2010/683/02

**Shri. Prasad Joshi
Atreya Pharmaceuticals,
Shop No.1, Sukhniwas, Ganpati Chowk,
Agra Rd, Kalyan (W) 421 301.
Dist Thane.**

...Complainant

Vs

**Public Information Officer cum Asstt Commissioner
Food & Drug Administration, Maharashtra State,
Survey No.341, Bandra Kurla Complex,
Bandra (E), Mumbai – 400 051.**

... Respondent

GROUNDS

This complaint has been filed under section 18 of the Right to Information Act 2005. The complainant had sought action taken report on his application dated 07.04.2008. The defendant submitted that he did not receive the letter. It was however stated by him that the complainant had also written to the Joint Commissioner, Food and Drug, Nashik and the same was forwarded to the H.Q. This has been replied. The complainant however insisted on reply to his letter dated 07.04.2008. I therefore pass the following order.

Order

Action taken on complainants letter dated 07.04.2008 to informed within 7 days from the date of receipt of this letter.

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

Place: Mumbai
Date: 17.04.2010.

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

Complaint No.2010/686/02

**Shri. Mehmood Shaikh
Room No.7, Dost Mohd. Chawl,
Nityanand Nagar, Ghatkopar (W),
Mumbai – 400 086.**

...Complainant

Vs

**Public Information Officer,
Chief Engineering,
(Storm Water & Drain),
Municipal Corporation of Greater Mumbai,
546, 3rd Floor, N.M. Joshi Marg,
Byculla (W), Mumbai – 400 011.**

... Respondent

GROUND

This complaint has been filed under section 18 of the Right to Information Act 2005. The facts in brief are as follows: - The complainant had brought to the commission's notice that the PIO refused to accept his application and there was no board displaying names of officers outside the office.

The complaint was heard on 17.04.2010. The defendant was present but the complainant did not turn up.

He has however informed that the complaint was being withdrawn by him. The request is accepted.

Order

The complaint is filed.

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

Place: Mumbai
Date: 17.04.2010.

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

Complaint No.2010/684/02

**Shri. N.G. Gaikwad
MHADA Complex,
SAKET, 03/41,
Filmcity Rd, Dindoshi,
Malad (E), Mumbai – 400 097.**

...Complainant

Vs

**Public Information Officer cum Dy Registrar
Cooperative Societies, Room No.369,
Second Floor, Grihanirman Bhavan,
Mumbai Housing & Area Development Board,
Bandra (E), Mumbai – 400 051.**

... Respondent

GROUND

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

The complaint was heard on 17.04.2010. The complainant was present but the defendant was absent.

It transpired during the hearing that the commission has recommended disciplinary action against the First Appellate Authority. The complainant was advised to pursue with the Department of Cooperation, Govt. of Maharashtra.

Order

The complaint is filed.

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

Place: Mumbai
Date: 17.04.2010.

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

Complaint No.2010/669/02

**Shri. B.A. Alim
E/2, Mini Nagar, S.N. Dube Rd,
Rawal Pada, Dahisar (E),
Mumbai – 400 068.**

...Complainant

Vs

**Public Information Officer cum Asstt Engineer
Municipal Corporation of Greater Mumbai,
Mamledar, Liberty Garden,
Malad (W), Mumbai – 400 064.**

... Respondent

GROUNDS

This complaint has been filed under section 18 of the Right to Information Act 2005 in the context of the commission's order dated 02.09.2008 passed in appeal no 2008/725/02. The facts in brief are as follows: - The present complainant had asked for information as to what action was taken in respect of his complaint regarding unauthorized construction of next to concept Furniture, Rathodi Village, Marve Rd, Malad (W), Mumbai.

Not satisfied with responses from the Public Information Officer and First Appellate Authority the complainant filed appeal under section 19 (3) of the RTI Act, 2005. The commission by its order dated 02.09.2008 directed that information should be furnished within 30 days after carrying out a joint inspection on 17.10.2008. The present complaint is against alleged non compliance of commissions order.

The complaint was heard on 19.04.2010. The complainant was present but the defendant was absent.

The complainant has stated that he has not been furnished the information. The defendant was absent and therefore it could not be verified. Case papers however do not

reveal that the commission's order has been complied. Since the order dated 02.09.2008 itself had indicated that failure to comply would result in penal action no, show cause notice needs to be given. I therefore pass the following order.

Order

The PIO is fined Rs.1000/- for non compliance of the commissions order dated 02.09.2008. The amount should be recovered from the salary of June, 2010.

(Ramanand Tiwari)
State Information Commissioner, Mumbai

Place: Mumbai
Date: 17.04.2010.

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

Appeal No.2010/717/02

**Shri. Paritosh Kandelwal
Nand-deep, Plot No.190,
Sector IV, Charkop,
Kandivali (W), Mumbai – 400 067.**

... **Appellant**

V/s

**First Appellate Officer,
K-East Ward, Municipal Corporation of Greater Mumbai,
BMC Office Bldg, Azad Rd,
Andheri (E), Mumbai – 400 069.**

... **Respondent**

**Public Information Officer,
K-East Ward, Municipal Corporation of Greater Mumbai,
BMC Office Bldg, Azad Rd,
Andheri (E), Mumbai – 400 069.**

GROUND

This appeal has been filed under section 19(3) of the Right to Information Act, 2005. The appellant by his application dated 16.01.2010 had sought information relating to property tax in respect of residential flats and commercial Galas in Mukund Nagar Cooperative Housing Society, Marol Andheri (E), Mumbai.

Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant filed this second appeal before the commission. The appeal was heard on 19.04.2010. The appellant did not turn up but the respondent was present.

The respondent submitted that information has been sent. Since the appellant has remained absent it is not possible to verify whether he has received the information or not. I therefore pass the following order.

Order

Information to be sent free of cost and by registered post within 15 days from the date of receipt of this order.

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

Place: Mumbai
Date: 19.04.2010.

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

Complaint No.2010/171/02

**Shri. Vijay S Pandey
Mumbai Motor Driving School,
Kamlesh Apt., Shop No.45,
Sher-E-Punjab, Andheri (E),
Mumbai – 400 093.**

...Complainant

Vs

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

... Respondent

GROUNDS

This complaint has been filed under section 18 of the Right to Information Act 2005 in the context of the commission's order dated 16.09.2008 passed in appeal no 2008/832/02. The facts in brief are as follows: - The present complainant had sought in respect of Mr. S.E. Bhardwaj. The complainant wanted to know and have a copy of the documents which formed the basis of inclusion in annexure II of Prajakta CHS, Andheri (E), Mumbai.

Not satisfied with responses from the Public Information Officer and First Appellate Authority the complainant filed appeal under section 19 (3) of the RTI Act, 2005. The commission by its order dated 16.09.2008 directed that information should be furnished within 30 days. The present complaint is against alleged non compliance of commissions order.

The complaint was heard on 19.04.2010. Complainant and defendants were present.

The complainant has stated that he has not been given the required information.

The defendant has stated that Mr. Bhardwaj's name has been included in the revised annexure II on the basis of an affidavit filed by him. The defendant submitted that the affidavit was not available on record. He assured the commission that he will search in the appeal section of the SRA and will communicate the outcome to the complainant. I therefore pass the following order.

Order

The PIO will write to the complainant that Shri. Bhardwaj's name was included in the revised annexure II on the basis of an affidavit but same was not available on his record. This should be done within 15 days from the date of receipt of this order.

(Ramanand Tiwari)
State Information Commissioner, Mumbai

Place: Mumbai
Date: 19.04.2010.

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

Complaint No.2010/720/02

**Shri. Francis Gonsalves
Barnny Villa, No.3 Rajan.
Off Carter Rd, Bandra (W),
Mumbai – 400 050.**

...Complainant

Vs

**Public Information Officer cum Executive Engineer
(Bldg Proposal) W.S.H. Ward,
Municipal Corporation of Greater Mumbai
Office the of the Dy Chief Engineer,
Bldg Proposal Deptt., R.K. Patkar Marg,
Bandra (W), Mumbai – 400 050.**

... Respondent

GROUND

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

The complaint was heard on 19.04.2010. Complainant and defendants were present.

Parties agreed that available information has been furnished. The case is therefore closed.

Order

The Complaint is filed.

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

Place: Mumbai
Date: 19.04.2010.

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

Complaint No.2010/670/02

**Shri. B.A. Alim
E/2, Mini Nagar, S.N. Dube Rd,
Rawal Pada, Dahisar (E),
Mumbai – 400 068.**

...Complainant

Vs

**Public Information Officer cum Asstt Engineer
Municipal Corporation of Greater Mumbai,
Mamledar, Liberty Garden,
Malad (W), Mumbai – 400 064.**

... Respondent

GROUNDS

This complaint has been filed under section 18 of the Right to Information Act 2005 in the context of the commission's order dated 16.09.2008 passed in appeal no 2008/755/02. The facts in brief are as follows: - The present complainant had asked for information as to what action was taken in respect of his complaint regarding unauthorized construction of in Vrindavan CHS, near Akashvani Bhavan, Marve Rd, Malad (W), Mumbai.

Not satisfied with responses from the Public Information Officer and First Appellate Authority the complainant filed appeal under section 19 (3) of the RTI Act, 2005. The commission by its order dated 16.09.2008 directed that information should be furnished within 30 days. The present complaint is against alleged non compliance of commissions order.

The complaint was heard on 19.04.2010. The complainant was present but the defendant was absent.

The complainant has stated that he has not been furnished the information. The defendant was absent and therefore it could not be verified. Case papers however do not

reveal that the commission's order has been complied. Since the order dated 16.09.2010 itself had indicated that failure to comply would result in penal action no, show cause notice needs to be given. I therefore pass the following order.

Order

The PIO is fined Rs.1000/- for non compliance of the commissions order dated 16.09.2010. The amount should be recovered from the salary of June, 2010.

(Ramanand Tiwari)
State Information Commissioner, Mumbai

Place: Mumbai
Date: 17.04.2010.

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

Complaint No.2010/671/02

**Shri. B.A. Alim
E/2, Mini Nagar, S.N. Dube Rd,
Rawal Pada, Dahisar (E),
Mumbai – 400 068.**

...Complainant

Vs

**Public Information Officer cum Asstt Engineer
Municipal Corporation of Greater Mumbai,
Mamledar, Liberty Garden,
Malad (W), Mumbai – 400 064.**

... Respondent

GROUNDS

This complaint has been filed under section 18 of the Right to Information Act 2005 in the context of the commission's order dated 02.09.2008 passed in appeal no 2008/726/02. The facts in brief are as follows: - The present complainant had asked for information as to what action was taken in respect of his complaint regarding unauthorized construction of about 5000 Sq.ft in Sanjay Kanajiya Laundry, near Parth Ghosh Bunglow, Rathodi Village, Marve Rd, Malad (W), Mumbai.

Not satisfied with responses from the Public Information Officer and First Appellate Authority the complainant filed appeal under section 19 (3) of the RTI Act, 2005. The commission by its order dated 02.09.2008 directed that information should be furnished within 30 days after carrying out a joint inspection on 17.10.2008. The present complaint is against alleged non compliance of commissions order.

The complaint was heard on 19.04.2010. The complainant was present but the defendant was absent.

The complainant has stated that he has not been furnished the information. The defendant was absent and therefore it could not be verified. Case papers however do not

reveal that the commission's order has been complied. Since the order dated 02.09.2008 itself had indicated that failure to comply would result in penal action no, show cause notice needs to be given. I therefore pass the following order.

Order

The PIO is fined Rs.1000/- for non compliance of the commissions order dated 02.09.2008. The amount should be recovered from the salary of June, 2010.

(Ramanand Tiwari)
State Information Commissioner, Mumbai

Place: Mumbai
Date: 19.04.2010.

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

Complaint No.2010/672/02

**Shri. B.A. Alim
E/2, Mini Nagar, S.N. Dube Rd,
Rawal Pada, Dahisar (E),
Mumbai – 400 068.**

...Complainant

Vs

**Public Information Officer cum Asstt Engineer
Municipal Corporation of Greater Mumbai,
Mamledar, Liberty Garden,
Malad (W), Mumbai – 400 064.**

... Respondent

GROUNDS

This complaint has been filed under section 18 of the Right to Information Act 2005 in the context of the commission's order dated 23.09.2008 passed in appeal no 2008/775/02. The facts in brief are as follows: - The present complainant had asked for information as to what action was taken in respect of his complaint regarding unauthorized construction of about 4 commercial structures next to Bulbul next Bunglow, Rathodi Village, Marve Rd, Malad (W), Mumbai.

Not satisfied with responses from the Public Information Officer and First Appellate Authority the complainant filed appeal under section 19 (3) of the RTI Act, 2005. The commission by its order dated 23.09.2008 directed that information should be furnished within 30 days after carrying out a joint inspection on 17.10.2008. The present complaint is against alleged non compliance of commissions order.

The complaint was heard on 19.04.2010. The complainant was present but the defendant was absent.

The complainant has stated that he has not been furnished the information. The defendant was absent and therefore it could not be verified. Case papers however do not

reveal that the commission's order has been complied. Since the order dated 23.09.2008 itself had indicated that failure to comply would result in penal action no, show cause notice needs to be given. I therefore pass the following order.

Order

The PIO is fined Rs.1000/- for non compliance of the commissions order dated 23.09.2008. The amount should be recovered from the salary of June, 2010.

(Ramanand Tiwari)
State Information Commissioner, Mumbai

Place: Mumbai
Date: 19.04.2010.

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

Complaint No.2010/697/02

**Shri. B.A. Alim
E/2, Mini Nagar, S.N. Dube Rd,
Rawal Pada, Dahisar (E),
Mumbai – 400 068.**

...Complainant

Vs

**Public Information Officer cum Asstt Engineer
Municipal Corporation of Greater Mumbai,
Mamledar, Liberty Garden,
Malad (W), Mumbai – 400 064.**

... Respondent

GROUNDS

This complaint has been filed under section 18 of the Right to Information Act 2005 in the context of the commission's order dated 25.09.2008 passed in appeal no 2008/901/02. The facts in brief are as follows: - The present complainant had asked for information as to what action was taken in respect of his complaint regarding unauthorized construction of a Bunglow of about 1000 Sq.ft opposite Avtar Singh Bunglow, Rathodi Village, Marve Rd, Malad (W), Mumbai.

Not satisfied with responses from the Public Information Officer and First Appellate Authority the complainant filed appeal under section 19 (3) of the RTI Act, 2005. The commission by its order dated 25.09.2008 directed that information should be furnished within 30 days after carrying out a joint inspection on 17.10.2008. The present complaint is against alleged non compliance of commissions order.

The complaint was heard on 19.04.2010. The complainant was present but the defendant was absent.

The complainant has stated that he has not been furnished the information. The defendant was absent and therefore it could not be verified. Case papers however do not

reveal that the commission's order has been complied. Since the order dated 25.09.2008 itself had indicated that failure to comply would result in penal action no, show cause notice needs to be given. I therefore pass the following order.

Order

The PIO is fined Rs.5000/- for non compliance of the commissions order dated 25.09.2008. The amount should be recovered in five equal instalments beginning from the salary of June, 2010.

(Ramanand Tiwari)
State Information Commissioner, Mumbai

Place: Mumbai
Date: 19.04.2010.

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

Complaint No.2010/735/02

**Shri. Dattatraya Burhade
Arigale Galli, Behind Sidheshwer Mangal Hall,
Devlaligaon, Nashik Rd, Dist. Nashik.**

...Complainant

Vs

**Public Information Officer cum Desk Officer
Home Deptt.
Mantralaya, Mumbai – 400 032.**

... Respondent

GROUNDS

This complaint has been filed under section 18 of the Right to Information Act 2005 in the context of the commission's order dated 08.12.2009 passed in appeal no 2008/3832/02, 2008/3834/02. The facts in brief are as follows: - The present complainant had sought information regarding action taken on his complaint against Ashabi Sheikh Gani, Shaukat Khan Rajia Khan, Asif Sheikh, Habiba Sheikh, Anwar Sheikh and others.

Not satisfied with responses from the Public Information Officer and First Appellate Authority the complainant filed appeal under section 19 (3) of the RTI Act, 2005. The commission by its order dated 08.12.2009 directed that information should be furnished within 30 days. The present complaint is against alleged non compliance of commissions order.

The complaint was heard on 20.04.2010. Complainant and defendant were preset. The complainant however refused to sign his attendance.

It transpired during the hearing that the commission's order has been complied and information furnished as directed. The complaint therefore deserves to be closed. I therefore pass the following order.

Order

The complaint is dismissed.

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

Place: Mumbai
Date: 20.04.2010.

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

Complaint No.2010/736/02

**Shri. Dattatraya Burhade
Arigale Galli, Behind Sidheshwer Mangal Hall,
Devlaligaon, Nashik Rd, Dist. Nashik.**

...Complainant

Vs

**Public Information Officer cum Desk Officer
Home Deptt.
Mantralaya, Mumbai – 400 032.**

... Respondent

GROUNDS

This complaint has been filed under section 18 of the Right to Information Act 2005 in the context of the commission's order dated 08.12.2009 passed in appeal no 2008/3832/02, 2008/3834/02. The facts in brief are as follows: - The present complainant had sought information regarding action taken on his complaint against Ashabi Sheikh Gani, Shaukat Khan Rajia Khan, Asif Sheikh, Habiba Sheikh, Anwar Sheikh and others.

Not satisfied with responses from the Public Information Officer and First Appellate Authority the complainant filed appeal under section 19 (3) of the RTI Act, 2005. The commission by its order dated 08.12.2009 directed that information should be furnished within 30 days. The present complaint is against alleged non compliance of commissions order.

The complaint was heard on 20.04.2010. Complainant and defendant were preset. The complainant however refused to sign his attendance.

It transpired during the hearing that the commission's order has been complied and information furnished as directed. The complaint therefore deserves to be closed. I therefore pass the following order.

Order

The complaint is dismissed.

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

Place: Mumbai
Date: 20.04.2010.

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

Complaint No.2010/737/02

**Shri. Dattatraya Burhade
Aringale Galli, Behind Sidheshwer Mangal Hall,
Devlaligaon, Nasik Road, Dist. Nasik.**

...Complainant

Vs

**Public Information Officer cum Asstt Police Commissioner
(Div-2), Office of the Police Commissioner,
Nasik Road.**

... Respondent

GROUNDS

This complaint has been filed under section 18 of the Right to Information Act 2005 in the context of the commission's order dated 08.12.2009 passed in appeal no 2008/3832/02, 2008/3834/02. The facts in brief are as follows: - The present complainant had sought information regarding action taken on his complaint against Ashabi Sheikh Gani, Shaukat Khan Rajia Khan, Asif Sheikh, Habiba Sheikh, Anwar Sheikh and others.

Not satisfied with responses from the Public Information Officer and First Appellate Authority the complainant filed appeal under section 19 (3) of the RTI Act, 2005. The commission by its order dated 08.12.2009 directed that information should be furnished within 30 days. The present complaint is against alleged non compliance of commissions order.

The complaint was heard on 20.04.2010. Complainant and defendant were preset. The complainant however refused to sign his attendance. It was disclosed during the hearing that the commission's order has been complied and information furnished as directed. The complaint therefore deserves to be dismissed. I therefore pass the following order.

Order

The complaint is dismissed.

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

Place: Mumbai
Date: 20.04.2010.

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

Complaint No.2010/733/02

**Shri. Suresh N. Waghmare
TCI Compound, Kopar Bus Stop,
Thane-Bhivandi Road,
Taluka Bhivandi, Dist. Thane.**

...Complainant

Vs

**Public Information Officer cum Chairman
Goods Transport Labour Board,
102/103, Steel Chambers, Devji Ratanshi Marg,
Dana Bunder, Mumbai – 400 009.**

... Respondent

GROUNDS

This complaint has been filed under section 18 of the Right to Information Act 2005 in the context of the commission's order dated 09.12.2009 passed in appeal no 2009/3841/02. The facts in brief are as follows: - The complainant had sought information contained in his application dated 02.07.2009.

Not satisfied with responses from the Public Information Officer and First Appellate Authority the complainant filed appeal under section 19 (3) of the RTI Act, 2005. The commission by its order dated 09.12.2009 directed that information should be furnished. The present complaint is against alleged non compliance of commissions order.

The complaint was heard on 20.04.2010. Complainant and defendant were preset.

It has been brought to the commission's notice that the order dated 09.12.2009 has been stayed by the Hon High Court in writ petition no 1748 of 2010.

In view of the stay granted by the Hon High Court, the complaint is being filed.

Order

The complaint is filed.

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

Place: Mumbai
Date: 20.04.2010.

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

Complaint No.2010/681/02

**Shri. Pandhrinath Bandal
475/79, Bhagirathi Niwas,
Behind P.M.T. Depot, Kothrud,
Pune 29.**

...Complainant

Vs

**Public Information Officer cum Dy Assistant
Office of the Director General,
Maharashtra State, Mumbai.**

... Respondent

GROUND

This complaint has been filed under section 18 of the Right to Information Act 2005 in the context of the commission's order dated 31.12.2009 passed in appeal no 2009/2784/02. The facts in brief are as follows: - The complainant had sought information on points contained on his application 22.10.2008.

Not satisfied with responses from the Public Information Officer and First Appellate Authority the complainant filed appeal under section 19 (3) of the RTI Act, 2005. The commission by its order dated 31.12.2009 directed that information should be furnished within 15 days. It has been represented by the defendant that available information on point no 1 & 2 has been furnished. Information on point no 3 & 4 being personal could not be furnished.

The complaint was heard on 15.04.2010. The defendant was present but the complainant did not turn up.

It has been stated that information on point no 3 & 4 could not be given because they are personal since the complainant was not present it could not be verified whether this was in public interest. In view of the complainant's absence and the defendant's submission I conclude that information on point no 3 & 4 has been rightly denied. It has

not been proved that it was in larger public interest. The order dated 31.12.2009 stands modified to the extent that information on point no 3 & 4 need not be furnished.

Order

The case is closed.

(Ramanand Tiwari)
State Information Commissioner, Mumbai

Place: Mumbai
Date: 20.04.2010.

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

Complaint No.2010/729/02

**Shri. Usman Shaikh
Gate No.7, Plot No.6/53,
NCC, Malwani Colony,
Malad (W), Mumbai – 400 095.**

...Complainant

Vs

**Public Information Officer,
Municipal Corporation (Election Deptt)
Election Office Old Bldg,
Municipal Head Office,
Mahapalika Marg, Mumbai – 400 001.**

... Respondent

GROUNDS

This complaint has been filed under section 18 of the Right to Information Act 2005 in the context of the commission's order dated 30.01.2010 passed in appeal no 2009/3413/02. The facts in brief are as follows: - The present complainant by his application dated 15.04.2009 had sought information regarding action taken on his complaint dated 30.03.2009.

Not satisfied with responses from the Public Information Officer and First Appellate Authority the complainant filed appeal under section 19 (3) of the RTI Act, 2005. The commission by its order dated 30.01.2010 directed that information should be furnished within 30 days. The present complaint is against non compliance of commissions order.

The complaint was heard on 20.04.2010. The complainant was present but the defendant was absent.

The complainant has stated that the Election Department of the MCGM against whom the order was passed has no role to play. The issue is concerned with Building & Factory Department. I therefore decide to close the case.

Order

The complaint is filed.

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

Place: Mumbai
Date: 20.04.2010.

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

Appeal No.2010/4513/02

**Shri. Shamkant Kashiram More
Darshnika Division, Maharashtra State,
27, Barjirchi Bharucha Marg, Kala Ghoda,
Fort, Mumbai – 400 023.**

... Appellant

V/s

**First Appellate Officer,
Darshnika Division, Maharashtra State,
27, Barjirchi Bharucha Marg, Kala Ghoda,
Fort, Mumbai – 400 023.**

... Respondent

**Public Information Officer,
Darshnika Division, Maharashtra State,
27, Barjirchi Bharucha Marg, Kala Ghoda,
Fort, Mumbai – 400 023.**

GROUND

This appeal has been filed under section 19(3) of the Right to Information Act, 2005. The appellant by his application dated 09.11.2009 had sought copies of question papers and answersheet's in respect of the examination held for selection of asstt research officer class III. He has also sought details of the selection process for selecting asstt research officers (ladies).

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

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

The respondent's contention is that the information relates to a third person and has no content of any public interest. Therefore the information has been denied.

After going through the case papers and considering the arguments advanced by the parties I have come to conclusion that the appellant has been correctly informed. The information sought is personal and there does not seem to be any content of public interest. I therefore confirm the orders.

Order

The appeal is disposed off.

(Ramanand Tiwari)
State Information Commissioner, Mumbai

Place: Mumbai
Date: 20.04.2010.

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

Appeal No.2010/4515/02

Shri. Pradeep Ambadas Ingole
Regal View, 102, Shri Sahayak Elight,
Behind Garden Hotel, Thana Naka,
Panvel (W) 410 206.

... Appellant

V/s

First Appellate Officer,
Maharashtra State Vocation Training Examination Board,
Shasakiy Tantra Niketan Bldg., K Division,
Bandra (E), Mumbai.

... Respondent

Public Information Officer,
Maharashtra State Vocation Training Examination Board,
Shasakiy Tantra Niketan Bldg., K Division,
Bandra (E), Mumbai.

GROUND

This appeal has been filed under section 19(3) of the Right to Information Act, 2005. The appellant by his application dated 22.09.2009 had sought information relating to the Maharashtra State Vocational Training Examination Board. He had sought details of employees working in that office – their names, date of joining educational qualification posts held, monthly salary and copies of documents submitted the time of joining.

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

It was revealed during the hearing that the appellant was asked to deposit Rs.991/ by the PIO's letter dated 15.10.2009. He has not availed of the offer. He should deposit the required amount and collect the information.

Order

The appeal is allowed. Information to be furnished by PIO within 7 days after the appellant has deposited the required amount.

(Ramanand Tiwari)
State Information Commissioner, Mumbai

Place: Mumbai
Date: 20.04.2010.

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

Appeal No.2010/4515/02

Shri. Pradeep Ambadas Ingole
Regal View, 102, Shri Sahayak Elight,
Behind Garden Hotel, Thana Naka,
Panvel (W) 410 206.

... **Appellant**

V/s

First Appellate Officer,
Maharashtra State Vocation Training Examination Board,
Shasaky Tantra Niketan Bldg., K Division,
Bandra (E), Mumbai.

... **Respondent**

Public Information Officer,
Maharashtra State Vocation Training Examination Board,
Shasaky Tantra Niketan Bldg., K Division,
Bandra (E), Mumbai.

GROUND

This appeal has been filed under section 19(3) of the Right to Information Act, 2005. The appellant by his application dated 22.09.2009 had sought information relating to the Maharashtra State Vacation Training Examination Board. He had sought details of employees working in that office – their names, date of joining educational qualification posts held, monthly salary and copies of documents submitted the time of joining.

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

It was revealed during the hearing that the appellant was asked to deposit Rs.991/ by the PIO's letter dated 15.10.2009. He has not available of the offer. He should deposit the required amount and collect the information.

Order

The appeal is allowed. Information to be furnished by PIO within 7 days after the appellant has deposited the required amount.

(Ramanand Tiwari)
State Information Commissioner, Mumbai

Place: Mumbai
Date: 20.04.2010.

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

Appeal No.2010/4501/02

**Shri. Mukesh Cheda
Wilson Villa, Plot No.17,
5th Floor, Rande Rd, Shivaji Park,
Dadar, Mumbai – 400 028.**

... Appellant

V/s

**First Appellate Officer cum Asstt Commissioner (Estate)
Municipal Corporation of Greater Mumbai
2nd Floor, Faltan Road, Mumbai – 400 001.**

... Respondent

**Public Information Officer,
Municipal Corporation of Greater Mumbai
2nd Floor, Faltan Road, Mumbai – 400 001.**

GROUND

This appeal has been filed under section 19(3) of the Right to Information Act, 2005. The appellant by his application dated 05.10.2009 had sought the following information: -

Under what provision were the NOC given by Asstt M.C. (G/North) for redevelopment. Under what provision & DCR the redevelopment has been permitted. Is the reason recorded for permitting the redevelopment different from the one under which NOC was given by Asstt M.C. (G/North) then whose sanctioned is obtained.

Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant filed this second appeal before the commission. The appeal was heard on 05.04.2010. Appellant and respondents were present.

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

The respondent's contention is that information has been sought in the question form and hence it could not be furnished.

After going through the case papers and considering the arguments advanced by the parties I have come to conclusion that information has not been furnished. The information has been sought in question / answer form but there is a definition answer to the question. The information has to be furnished. I pass the following order.

Order

The appeal is allowed. Information to be furnished by PIO within 15 days from the date of receipt of this order.

(Ramanand Tiwari)
State Information Commissioner, Mumbai

Place: Mumbai
Date: 20.04.2010.

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

Complaint No.2010/711/02

**Shri. Krushna M. Koyande
D/702, Sindhudurg SRA Cooperative Board,
Sadguru Nagar, Devipada,
Borivali (E), Mumbai – 400 066.**

...Complainant

Vs

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

... Respondent

GROUND

This complaint has been filed under section 18 of the Right to Information Act 2005 in the context of the commission's order dated 26.11.2009 passed in appeal no 2008/3436/02. The facts in brief are as follows: - The complainant had sought copies of the registration certificate and the list of members in respect of Unnatnagar Hill view Cooperative Housing Society Ltd., M.G. Marg, Goregaon, Mumbai.

Not satisfied with responses from the Public Information Officer and First Appellate Authority the complainant filed appeal under section 19 (3) of the RTI Act, 2005. The commission by its order dated 26.10.2009 directed that information should be furnished within 15 days. The present complaint is against non compliance of commissions order.

The complaint was fixed for hearing on 20.04.2010. The complainant and defendant were present.

Case papers reveal that the commissions order has not been complied. I therefore pass the following order.

Order

The defendant is prima facie guilty of violation of the provisions of the RTI Act, 2005 by not furnishing the information as directed by the commission. Since the defendant was already asked to explain his conduct and there is nothing on record to show that he has explained his position, he is fined Rs.5000/-. The same should be recovered from his salary in equal instalment beginning from June, 2010.

(Ramanand Tiwari)
State Information Commissioner, Mumbai

Place: Mumbai
Date: 21.04.2010.

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

Complaint No.2010/707/02

**Adv. Rajesh Bindra
20 D/105, 1st Floor,
Opp. Bharat House,
Mumbai – 400 023.**

...Complainant

Vs

**Public Information Officer cum Tahsildar
Office of the Collector, Mumbai City,
Old Custom House,
Mumbai – 400 001.**

... Respondent

GROUNDS

This complaint has been filed under section 18 of the Right to Information Act 2005 in the context of the commission's order dated 11.08.2009 passed in appeal no 2009/3013/02. The facts in brief are as follows: - The complainant had sought information regarding issuance of scheduled Tribe Certificates in Mumbai in respect of Mahadeo Koli.

Not satisfied with responses from the Public Information Officer and First Appellate Authority the complainant filed appeal under section 19 (3) of the RTI Act, 2005. The commission by its order dated 11.08.2009 directed that information should be furnished within 15 days. The present complaint is against non compliance of commissions order.

The complaint was fixed for hearing on 20.04.2010. The complainant was present but the defendant was absent.

Case papers reveal that the commission's order has not been complied. I therefore pass the following order.

Order

The PIO to show cause why action under section 20 of the RTI Act, 2005 should not be taken against him for non compliance of the commission's order and non furnishing of the information. His reply to come within 4 weeks from the receipt of this order.

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

Place: Mumbai
Date: 21.04.2010.

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

Appeal No.2010/4612/02

Shri. Anil B. Bhole
Satyam Chawl, Shop No.2,
Opp. Ambedkar Nagar Bus Stop,
P.L. Lokhande Marg,
Chembur, Mumbai – 400 089.

... **Appellant**

V/s

First Appellate Officer cum Jt Commissioner
Schedule Tribe Certificate Verification Committee,
3rd Floor, Vartak Nagar Prabhag Committee Office,
Opp. Koras Company, Vartak Nagar,
Thane (W) 400 606.

... **Respondent**

Public Information Officer cum Research Officer
Schedule Tribe Certificate Verification Committee,
3rd Floor, Vartak Nagar Prabhag Committee Office,
Opp. Koras Company, Vartak Nagar,
Thane (W) 400 606.

GROUND

This appeal has been filed under section 19(3) of the Right to Information Act, 2005. The appellant by his application dated 26.05.2008 had sought information relating to of cases pending in respect of Mahadeo Koli/ Tokare Koli in Thane, Nandurwar and Nashik Offices.

Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant filed this second appeal before the commission. The appeal was heard on 20.04.2010. The appellant did not turn up but the respondent was present.

It has been submitted by the respondent that information has been furnished. Case papers reveal that information has been furnished. In view of the respondent's submission and the appellant's absence, I decide to close the case.

Order

The appeal is disposed off.

(Ramanand Tiwari)
State Information Commissioner, Mumbai

Place: Mumbai
Date: 21.04.2010.

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

Appeal No.2010/2843/02

**Shri. Atul Mathuria
B-11 Shiv Chaya 33,
Cooperative Housing Society,
Sir M.V. Rd, Andheri (E),
Mumbai – 400 069.**

... **Appellant**

V/s

**First Appellate Officer cum Dist. Dy Registrar Reg (3),
Room No.69, Ground Floor, MHADA Bldg,
Bandra (E), Mumbai – 400 051.**

... **Respondent**

**Public Information Officer cum Dy Registrar
Cooperative Society, K/East Ward,
Malhotra House, 6th Floor, Opp. GPO,
Fort, Mumbai – 400 001.**

GROUND

This appeal has been filed under section 19(3) of the Right to Information Act, 2005.

Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant filed this second appeal before the commission. The appeal was heard on 20.04.2010. The appellant did not turn up but the respondent was present.

The appellant by his letter dated 01.08.2008 has informed the commission to drop the proceedings. The request is accepted.

Order

The appeal is disposed off.

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

Place: Mumbai
Date: 21.04.2010.

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

Complaint No.2010/3364/02

**Shri. K.D. Tolani
Flat No.04/A, 3rd Floor,
Om Satnam CHS, 3rd Rd,
Khar (W), Mumbai – 400 052.**

...Complainant

Vs

**Public Information Officer,
Cooperative Board, Mumbai Office,
Grihanirman Bhavan, 1st Floor,
Room No.69, MHADA Bldg,
Bandra (E), Mumbai – 400 051.**

... Respondent

GROUNDS

This complaint has been filed under section 18 of the Right to Information Act 2005 in the context of the commission's order dated 30.10.2009 passed in appeal no 2008/3364/02. The facts in brief are as follows: The present complainant had sought information / inspection in respect of the Om Satnam Cooperative Housing Society.

Not satisfied with responses from the Public Information Officer and First Appellate Authority the complainant filed appeal under section 19 (3) of the RTI Act, 2005. The commission by its order dated 30.10.2009 directed that inspection should be allowed on 23.10.2009 and copies of selected documents given. The present complaint is against non compliance of commissions order.

The complaint was heard on 20.04.2010. Complainant and defendants were present.

It was revealed during the hearing that inspection has not been allowed as directed. The defendant is prima facie guilty of not complying with the commission's order. I therefore propose to fine him Rs.25, 000/-. The defendant to show cause why this order should not be confirmed. His reply to come within 4 weeks from the receipt of this order.

Order

Complaint is allowed.

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

Place: Mumbai
Date: 21.04.2010.

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

Appeal No.2010/4409/02

**Shri. G.R. Dalmia
Director, Rajat Sales Pvt. Ltd.,
C-15, Krishnalaya, Sion Duncan RD,
Mumbai – 400 022.**

... Appellant

V/s

**First Appellate Officer,
Office of the D.O.A
J.J School of Art Compound,
Dr.D.N. Rd, Mumbai – 400 001.**

... Respondent

**Public Information Officer,
Office of the D.O.A
J.J School of Art Compound,
Dr.D.N. Rd, Mumbai – 400 001.**

GROUNDS

This appeal has been filed under section 19(3) of the Right to Information Act, 2005. The appellant by his application dated 15.09.2008 had sought the following information: -

- a. Details of Govt. funds allocated for Purchase of Computers, Photography & Allied Products for the years 2007-08 & 2008-09.
- b. Item-wise Value of orders released during 2007-08 & Details of said fund utilized.
- c. Item-wise Value of orders yet to be released which remained pending out of the above-cited tender and when the said items are likely to be ordered.
- d. Name of Lowest Eligible Bidder for different products.

Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant filed this second appeal before the commission. The

appeal was heard on 20.04.2010. The appellant did not turn up but the respondent was present.

It has been brought to the commission's notice that the appellant has expressed desire to withdraw the appeal. Request is granted.

Order

Appeal is disposed off.

(Ramanand Tiwari)
State Information Commissioner, Mumbai

Place: Mumbai
Date: 20.04.2010.

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

Appeal No.2010/4645/02

**Shri. Ramesh Jadhav
14-B, Omkar CHS. Ltd,
Amboli Pada, Andheri (W),
Mumbai – 400 058.**

... Appellant

V/s

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

... Respondent

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

GROUNDS

This appeal has been filed under section 19(3) of the Right to Information Act, 2005. The appellant by his application dated 27.07.2009 had sought information regarding his complaint against office bearers of his society and action taken by Amboli Police Station, Mumbai.

Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant filed this second appeal before the commission. The appeal was heard on 20.04.2010. Appellant and respondents were present.

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

The respondent's contention is that the appellant has been informed that the complaint was of a civil nature and he should approach court of law or the Dy Registrar of Cooperative Societies.

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

wanted FIR to be registered but the Police station in its wisdom concluded that it was a civil matter. The commission is not mandated to direct the Police Station to register the FIR as desired by the appellant. The RTI Act ensures furnishing of available information of available information. The same has been done in this case and I decide to close the case.

Order

Appeal is disposed off.

(Ramanand Tiwari)
State Information Commissioner, Mumbai

Place: Mumbai
Date: 21.04.2010.

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

Complaint No.2010/666/02

**Shri. Saiyyed Zafer Hussain
Nandadeep, B/1, N.G. Acharya Rd,
Khandev Nagar, Chembur,
Mumbai – 400 071.**

...Complainant

Vs

**Public Information Officer,
Chatrapati Shivaji Maharaj Mandai,
2nd Floor, Ramabai Ambedkar Marg,
Next to Manish Market, Mumbai – 400 001.**

... Respondent

GROUNDS

This complaint has been filed under section 18 of the Right to Information Act 2005. The complainant had sought information from the office of the MCGM located at Chhatrapati Shivajee Maharaj Mandai, 2nd Floor, Ramabai Ambedkar Marg, Mumbai. He was asked to deposit money at the MCGM HQ.

The complaint was heard on 20.04.2010. Complainant and defendants were present.

The defendant agreed that the complainant was asked to deposit money at the HQ since they did not have the facility of accepted cash.

After going through the case papers and considering the arguments. I have come to be conclusion that the grievance is genuine but the defendant is not responsible. I therefore close the case. A copy of this order is forwarded to the Municipal Commissioner requesting to ensure that facility to deposit money should be close to the place where information is available.

Order

Complaint is filed.

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

Place: Mumbai
Date: 21.04.2010.

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

Complaint No.2010/696/02

**Shri. B.A. Alim
E/2, Mini Nagar, S.N. Dube Rd,
Rawal Pada, Dahisar (E),
Mumbai – 400 068.**

...Complainant

Vs

**Public Information Officer cum Asstt Engineer
Municipal Corporation of Greater Mumbai,
Mamledar, Liberty Garden,
Malad (W), Mumbai – 400 064.**

... Respondent

GROUNDS

This complaint has been filed under section 18 of the Right to Information Act 2005 in the context of the commission's order dated 25.09.2008 passed in appeal no 2008/775/02. The facts in brief are as follows: - The present complainant had asked for information as to what action was taken in respect of his complaint regarding unauthorized construction of about 4 commercial structures next to Bulbul next Bunglow, Rathodi Village, Marve Rd, Malad (W), Mumbai.

Not satisfied with responses from the Public Information Officer and First Appellate Authority the complainant filed appeal under section 19 (3) of the RTI Act, 2005. The commission by its order dated 25.09.2008 directed that information should be furnished within 30 days after carrying out a joint inspection on 17.10.2008. The present complaint is against alleged non compliance of commissions order.

The complaint was heard on 17.04.2010. The complainant was present but the defendant was absent.

The complainant has stated that he has not been furnished the information. The defendant was absent and therefore it could not be verified. Case papers however do not

reveal that the commission's order has been complied. Since the order dated 23.09.2008 itself had indicated that failure to comply would result in penal action no, show cause notice needs to be given. I therefore pass the following order.

Order

The PIO is fined Rs.1000/- for non compliance of the commissions order dated 23.09.2008. The amount should be recovered from the salary of June, 2010.

(Ramanand Tiwari)
State Information Commissioner, Mumbai

Place: Mumbai
Date: 19.04.2010.

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

Appeal No.2010/4503/02

**Shri. Sandeep Thakur
F/8/R H 6/Secotr 6,
Vashi, Navi Mumbai – 400 703.**

... Appellant

V/s

**First Appellate Officer cum Dy Chief Engineer (Traffic)
Municipal Corporation of Greater Mumbai,
Main Stores Bldg, Dr. E Moses Rd,
Worli, Mumbai – 400 018.**

... Respondent

**Public Information Officer cum Executive Engineer (MUTP & Traffic)
Municipal Corporation of Greater Mumbai,
Main Stores Bldg, Dr. E Moses Rd,
Worli, Mumbai – 400 018.**

GROUNDS

This appeal has been filed under section 19(3) of the Right to Information Act, 2005. The appellant by his application dated 17.03.2009 had sought information relating to parking lots at Hutatma Chowk, parking capacity names of allotties and parking rates.

Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant filed this second appeal before the commission. The appeal was heard on 05.04.2010. Appellant and respondents were present.

The appellant has contended that he was not satisfied with the information furnished to him. He has pointed out that the information to him does not reveal the capacity of the parking lot which is so important. The respondent submitted a copy of the tender floated and tried to convince that the tender itself did not give the capacity and therefore that information cannot be furnished.

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

appellant's point that the information has been furnished late is factually correct. According to the PIO's own admission the application was dated 17.03.2009 and his reply was dated 13.11.2009. The PIO prima facie is guilty of not adhering to the time schedule prescribed in the RTI Act. He therefore needs to explain why action should not be taken against him.

Order

Appeal is allowed. The PIO to explain why action under section 20 of the RTI Act 2005 should not be taken against him for not furnishing information in time. His reply to come within 3 weeks from the date of receipt of this order.

(Ramanand Tiwari)
State Information Commissioner, Mumbai

Place: Mumbai
Date: 22.04.2010.

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

Appeal No.2010/4453/02

Shrimati. Alka M. Chandragiriwar
E-14, 3rd Floor, Madhav Nagar,
R.E. Kidwai Rd,
Wadala (W), Mumbai.

... **Appellant**

V/s

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

... **Respondent**

Public Information Officer,
Engineering Division, 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 by his application dated 21.02.2009 had sought inspection of the entire file in respect of redevelopment of CS No.75 (part) scheme no.58 Worli division B.G. Kher Marg, Worli, Mumbai.

Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant filed this second appeal before the commission. The appeal was heard on 23.04.2010. Appellant and respondents were present.

It was decided that the respondent will facilitate the desired inspection on 28.04.2010 at 3.30 P.M Parties agreed.

Order

Appeal is disposed off.

(Ramanand Tiwari)
State Information Commissioner, Mumbai

Place: Mumbai
Date: 23.04.2010.

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

Appeal No.2010/4554/02

**Shri. Aravind B. Mestri
15, 9/9, Lakdiwala Chawl,
Antim Bhukhand No.273/74,
Jawahar Path, Ghatkopar (E),
Mumbai – 400 077.**

... Appellant

V/s

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

... Respondent

**Public Information Officer,
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 by his application dated 03.11.2009 had sought information relating to the appeals filed by ineligible persons for inclusion of their names in annexure II in Nalanda Cooperative Housing Society.

Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant filed this second appeal before the commission. The appeal was heard on 08.04.2010. Appellant and respondents were present.

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

The respondent's contention is whatever information was available has been furnished. It has been stated by them that there was only one appeal filed by Shri.Shambhunath Kallu Ramdeo and same has still not been decided.

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

I therefore pass the following order.

Order

Appeal is disposed off.

(Ramanand Tiwari)
State Information Commissioner, Mumbai

Place: Mumbai
Date: 22.04.2010.

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

Appeal No.2010/4625/02

**Shri. Prakash G. Navathe
204, Rajbaug, Daluchand CHS Ltd.,
271, Sir Bhalchandra Marg, Matunga,
Mumbai – 400 019.**

... Appellant

V/s

**First Appellate Officer cum Dy Chief Engineer (B P)
Municipal Corporation of Greater Mumbai,
E Ward Office, 3rd Floor, Byculla,
Mumbai – 400 008.**

... Respondent

**Public Information Officer cum Executive Engineer (B P)
Municipal Corporation of Greater Mumbai,
E Ward Office, 3rd Floor, Byculla,
Mumbai – 400 008.**

GROUND

This appeal has been filed under section 19(3) of the Right to Information Act, 2005. The appellant by his application dated 19.06.2009 had sought information relating to Daluchand Niwas, Matunga, Mumbai. He wanted to know why the Building Completion Certificate issued has not been cancelled and when was it likely to be cancelled.

Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant filed this second appeal before the commission. The appeal was heard on 21.04.2010. Appellant and respondents were present.

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

The respondent's contention is that Building Completion Certificate has been issued as per the Development Control Regulations and the condition of section 270 A of

the MMC Act has also been fulfilled. There was therefore no question of cancelling the BCC.

After going through the case papers and considering the arguments advanced by the parties I have come to conclusion that information has been furnished. The appellant has been agitating the point that the occupancy certificate cannot be substituted by BCC and these are two independent certificates in the Development Control Regulation. The commission has agreed with the appellant and respondent also agrees that no Occupancy Certificate has been issued in this case. The respondent however states that there was no relevance of issuing Occupancy Certificate once the BCC has been issued & condition of section 270 A fulfilled. I therefore conclude that available information has been furnished.

Order

The case is closed.

(Ramanand Tiwari)
State Information Commissioner, Mumbai

Place: Mumbai
Date: 22.04.2010.

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

Appeal No.2010/4490/02

Shri. Maruti B. Naikade
Room No.59, 2nd Floor,
Samta Colony Transits Camp,
Pantnagar (E), Mumbai – 400 051.

... **Appellant**

V/s

First Appellate Officer cum Dy Registrar
(MHADA), Room No.69, 2nd Floor,
Grihanirman Bhavan, Bandra (E),
Mumbai – 400 051.

... **Respondent**

Public Information Officer,
Office of the Dy Registrar
(MHADA), Room No.69, 2nd Floor,
Grihanirman Bhavan, Bandra (E),
Mumbai – 400 051.

GROUND

This appeal has been filed under section 19(3) of the Right to Information Act, 2005. The appellant by his application dated 17.09.2009 had sought information whether the administrator, Pantnagar, Vishranti Cooperative Housing Society had furnished the bond as required by law. He had also sought a copy of the extension proposal beyond nine months and related issues.

Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant filed this second appeal before the commission. The appeal was fixed for hearing on 05.04.2010. Appellant and respondents were absent.

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

Order

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

(Ramanand Tiwari)
State Information Commissioner, Mumbai

Place: Mumbai
Date: 22.04.2010.

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

Appeal No.2010/4604/02

**Shri. Rajkumar Singh
23/B, Mehar Apt.,
Anesty Rd, Mumbai – 400 036.**

... Appellant

V/s

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

... Respondent

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

GROUND

This appeal has been filed under section 19(3) of the Right to Information Act, 2005. The appellant by his application dated 23.09.2009 had sought the following information relating to his unit no E 16 admeasuring 1075 Sq.ft in Commerce Centre, Tardeo, Mumbai occupied by Govt. of Maharashtra since November, 1964.

1. A copy of lease deed between the Additional Commissioner of Sales Tax, M.S., Mumbai, and myself being the owner of Unit E-16 in Commerce Center, Tardeo, Mumbai 400 034, which was occupied on rent, e.r.f. 1st Nov, 1964.
2. A copy of Resolution issued by Govt. of Maharashtra to accord sanction to the payment of monthly rent for my unit E-16, Commerce Centre, Tardeo, Mumbai – 400 034, for the period 1st Nov, 1964 unit about June, 1966, during which period my unit was occupied by the Addl. Commissioner of Sales Tax, M.S. Mumbai.
3. A copy of Maharashtra State General Administration Department Order/Memorandum, wherein my unit no. E-16, Commerce Centre, Tardeo, Mumbai – 400 034 was taken on rent & allocated to the Addl. Commissioner of Sales Tax, M.S., Mumbai w.e.f. 1st Nov, 1964.

Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant filed this second appeal before the commission. The appeal was heard on 16.04.2010. Appellant and respondents were present.

The appellant has contended that he has not been furnished the information required by him. The respondent has submitted that available information has been furnished. It has also been stated by the respondent that the sales tax was occupying the unit only for two years and it went to the Labour Commissioner on vacation by the Sales tax deptt.

It was revealed during the hearing that the appellant is basically interested in a copy of the lease deed. The memorandum issued by the Finance Deptt dated 26th Nov, 1964 does say that the Additional Commissioner, Sales tax to obtain the draft lease deed from the land lord and send the same to the Govt. for scrutiny. The premises were occupied by the Labour Deptt. in 1966.

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

Order

The appeal is disposed off.

(Ramanand Tiwari)
State Information Commissioner, Mumbai

Place: Mumbai
Date: 22.04.2010.

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

Appeal No.2010/4646/02
Appeal No.2010/4647/02

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

... **Appellant**

V/s

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

... **Respondent**

Public Information Officer cum Nayab Tahsildar
SRA, 5th Floor,
Grihanirman Bhavan,
Bandra (E), Mumbai – 400 051

GROUND

These appeals have been filed under section 19(3) of the Right to Information Act, 2005. The appellant by his application dated 10.12.2009 had sought copies of annexure II, III, 10 A in respect of Jai Hanuman Grihanirman Sanstha, Dadar, Mumbai.

Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant filed this second appeal before the commission. The appeal was heard on 21.04.2010. Appellant and respondents were present.

The appellant has contended that he has not been given the required information. The respondent came after the appellant had gone and furnished copies of acknowledgement given by the appellant. In view of the fact that desired information has been furnished. I decide to close the cases.

Order

The appeals are disposed off.

(Ramanand Tiwari)
State Information Commissioner, Mumbai

Place: Mumbai
Date: 22.04.2010.

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

Complaint No.2010/744/02

**Shri. Sheikh Iqbal Ahmed
1/115, BIT Chawl,
3rd Floor, I.R. Rd,
Sydhanum Compound,
Mumbai – 400 003.**

...Complainant

Vs

**Public Information Officer cum Asstt Engineer
Municipal Corporation of Greater Mumbai,
B Ward Office, Babula Tank X Lane,
Opp. J.J. Hospital, Mumbai – 400 009.**

... Respondent

GROUNDS

This complaint has been filed under section 18 of the Right to Information Act 2005 in the context of the commission's order dated 23.09.2008 passed in appeal no 2009/2402/02. The facts in brief are as follows: - The complainant had sought the following information: -

- 1) Certified copy of Bill of quantity
- 2) Certified copy of work order issued to contractor.
- 3) Certified copy of completion work.
- 4) Certified copy of detail of penalty, rebate taken from contractor.
- 5) Certified copy of complaint received by Municipal Corporation authority in respect of Inferior quality and bad workmanship of contractor work.

Not satisfied with responses from the Public Information Officer and First Appellate Authority the complainant filed appeal under section 19 (3) of the RTI Act, 2005. The commission by its order dated 23.09.2008 directed that inspection should be allowed on 06.05.2009 and copies of selected documents given. The present complaint is against alleged non compliance of commissions order.

The complaint was heard on 21.04.2010. The complainant was present but the defendant did not turn up.

The complainant has stated that the commission's order has not been implemented. Since the respondent was not present it could not be verified. Case papers show that the order has not been complied. I therefore pass the following order.

Order

The PIO to show cause why he should not be fined for non compliance of the commission's order dated 23.04.2009. His reply to reach the commission within 15 days from the date of receipt of this order.

(Ramanand Tiwari)
State Information Commissioner, Mumbai

Place: Mumbai
Date: 22.04.2010.

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

Complaint No.2010/712/02

**Shri. Nainesh S. Dolas
Anjali Soc., Ravi Industrial Compound,
Panpakhadi, Thane (W),
Dist. Thane – 400 602.**

...Complainant

Vs

**Public Information Officer cum Chief Executive Engineer
Aare Milk Colony, Goregaon, Mumbai.**

... Respondent

GROUND

This complaint has been filed under section 18 of the Right to Information Act 2005 in the context of the commission's order dated 30.01.2010 passed in appeal no 2010/537/02. The facts in brief are as follows: - The complainant had sought information regarding recovery of total tax levied on the road passing through Aare Colony and connecting Pawai to the Western Express Highway.

Not satisfied with responses from the Public Information Officer and First Appellate Authority the complainant filed appeal under section 19 (3) of the RTI Act, 2005. The commission by its order dated 30.01.2010 directed that information should be furnished within 15 days. The present complaint is against alleged non compliance of commissions order.

The complaint was fixed for hearing on 19.04.2010. The complainant and defendant were absent.

Case papers reveal that the commission's order has not been complied. I therefore pass the following order.

Order

The PIO is prima facie guilty of violating the provisions of the RTI Act, 2005 by not furnishing the information as directed by the commission. It is proposed to fine the PIO Rs.10, 000/- for willful violation of the order. The PIO to show cause why this order should not be confirmed. His reply to come within 4 weeks.

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

Place: Mumbai
Date: 22.04.2010.

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

Complaint No.2010/741/02

**Shri. Saiyed Zafar Hussain
Shri Ganesh Kripa Soc,
202/A wing, Next to Kadam Hall,
Thane – 400 612.**

...Complainant

Vs

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

... Respondent

GROUND

This complaint has been filed under section 18 of the Right to Information Act 2005. The complaint is that the name of MR. Sirajuddin Sheikh was not included in the Annexure II related to survey no 195 of Andheri New Kapaswadi, Juhu Ekta Cooperation Housing Society Ltd, New D.N. Nagar, Andheri (W), Mumbai.

The complaint was heard on 21.04.2010. The defendant was present but the complainant did not turn up.

The defendant has stated that no information has been sought and complainant has been advised to approach SRA for getting his grievance settled.

After considering the arguments advanced by parties and going through the file I have come to the conclusion that the complainant has been properly informed.

I therefore close the case.

Order

Complaint is filed.

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

Place: Mumbai
Date: 22.04.2010.

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

Appeal No.2010/4633/02

**Shri. Shivsharan Mankar
Bhushan Malgavkar,
302/122, Mukesh Apt.,
Nadkarni Marg,
Wadala, Mumbai – 400 037.**

... Appellant

V/s

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

... Respondent

**Public Information Officer,
Office of the Chief Secretary,
Mantralaya, Mumbai – 400 032.**

GROUND

This appeal has been filed under section 19(3) of the Right to Information Act, 2005. The appellant by his application dated 19.01.2010 had sought information relating to the fee the appellant is being asked to pay for getting Certified copies of the information he had sought. The Supdt. M.L.A Hostel had asked the appellant to pay Rs.5/- per copy and the appellant wants to know the rule under which he has been asked to pay.

Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant filed this second appeal before the commission. The appeal was heard on 22.04.2010. Appellant and respondents were present.

The appellant has contended that he has not been furnished the required information. The respondent submitted that the information pertained to the GAD & the PWD, Govt. of Maharashtra and his application has been transferred to the PWD and copy to the Principal Secretary, GAD.

After going through the case papers and considering the arguments advanced by the parties I have come to conclusion that information has been furnished and the requirement under section 6(3) has been met. I am, however, of the view that the issue is of utmost importance affecting the right of an information seeker. I would therefore direct that the Supdt, M.L.A. Hostel must furnish the required information to the appellant within 15 days from the date of receipt of this order. Failure to do the same will automatically lead to imposition of fine under section 20 of the RTI Act.

Order

The appeal is allowed.

(Ramanand Tiwari)
State Information Commissioner, Mumbai

Place: Mumbai
Date: 23.04.2010.

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

Appeal No.2010/4632/02

**Shri. Vishwanath S. Chaudhari
A1-10, Ashoka, Flat No.602,
Yashodham, Film City Rd,
Goregaon (E), Mumbai – 400 063.**

... Appellant

V/s

**First Appellate Officer Ward Executive Engineer
Office of the Assistant Commissioner,
P/South Ward, Mithanagar,
Municipal School Bldg,
Goregaon (W), Mumbai – 400 104.**

... Respondent

**Public Information Officer cum Asst. Engineer (B & F)
Office of the Assistant Commissioner,
P/South Ward, Mithanagar,
Municipal School Bldg,
Goregaon (W), Mumbai – 400 104.**

GROUNDS

This appeal has been filed under section 19(3) of the Right to Information Act, 2005. The appellant by his application dated 25.09.2009 had sought inspection of files relating to Rajasthani Mandal. According to the appellant the premises are being used for commercial purpose and some illegal construction has also taken place. The appellant wanted to know what action has been taken.

Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant filed this second appeal before the commission. The appeal was heard on 22.04.2010. Appellant and respondents were present.

The appellant has contended that he has not been shown the file. The respondent has submitted that the structure is quite old and it was difficult to find out whether they were authorized or otherwise.

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

seen that the First Appellate Authority by his order dated 01.01.2010 had directed the PIO to furnish the information. It is thus clear that the PIO is not interested in furnishing the information. I therefore pass the following order.

Order

The appeal is allowed. PIO to furnish information within 15 days from date of receipt of this order. He should also show cause why he should not be penalized for not furnishing the information in time. His reply to reach the commission within 4 weeks.

(Ramanand Tiwari)
State Information Commissioner, Mumbai

Place: Mumbai
Date: 23.04.2010.

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

Appeal No.2010/4458/02

**Shri. Arjunlal Chhabria
Bella Vista, Flat No.15,
3rd Floor, Opp. Lake & LIC Office,
S.V. Rd, Bandra (W),
Mumbai – 400 050.**

... Appellant

V/s

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

... Respondent

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

GROUNDS

This appeal has been filed under section 19(3) of the Right to Information Act, 2005. The appellant by his application dated 01.09.2009 had sought information regarding action taken on his complaint against unauthorized constructions, additions extensions and alterations carried out by owners and occupants of flats at Om Misquita Nagar CHS, Vidya Mandir Rd, Dahisar (E), Mumbai.

Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant filed this second appeal before the commission. The appeal was heard on 23.04.2010. Appellant and respondents were present.

The appellant has contended that he has not been furnished the required information. The respondent submitted that the matter pertained to the MCGM and therefore his application was transferred in accordance with the provisions of the RTI Act. The appellant was informed accordingly.

After going through the case papers and considering the arguments advanced by the parties I have come to conclusion that appellant has been correctly informed. I therefore decide to close the case.

Order

The appeal is disposed off.

(Ramanand Tiwari)
State Information Commissioner, Mumbai

Place: Mumbai
Date: 23.04.2010.

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

Appeal No.2010/4444/02

**Shri. Ishwarlal C. Sisodia
A-501, Sagar Darshan, Hatiskar Marg,
Prabhadevi, Mumbai – 400 025.**

... Appellant

V/s

**First Appellate Officer cum Joint Municipal Commissioner
Disaster Management & C.C.R.S,
Municipal Corporation Head Office,
6th Floor, Mahapalika Marg,
Mumbai – 400 001.**

... Respondent

**Public Information Officer cum Chief Officer
Disaster Management & C.C.R.S,
Municipal Corporation Head Office,
6th Floor, Mahapalika Marg,
Mumbai – 400 001.**

GROUNDS

This appeal has been filed under section 19(3) of the Right to Information Act, 2005. The appellant by his application dated 26.08.2009 had sought information relating to the central complaints registration system (Tel No.1916) He had also sought some clarification from Shri M.L. Narvekar in respect his interview on Sahadri, Doordarshan on 04.08.2009.

Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant filed this second appeal before the commission. The appeal was heard on 23.04.2010. Appellant and respondents were present.

The appellant has contended that he was not satisfied with the information furnished to him. He pointed out that there were discrepancies between what he talked and what the respondent has been informed. It related to mobilizing different relief services after the news came through 1916.

The respondent was trying to explain the situation but the appellant was not satisfied.

I have considered the arguments advanced by parties. The appellant had organized his facts in a very systematic way. The respondent did not seem so well prepared. I would however like to point out that discrepancies if any cannot be said to be deliberate with intention to give wrong information. I see no mischief on the part of the respondent. I would however like to advise him to be extremely careful during his future talks. I close the case.

Order

The appeal is disposed off.

(Ramanand Tiwari)
State Information Commissioner, Mumbai

Place: Mumbai
Date: 23.04.2010.

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

Appeal No.2010/4443/02

Shri. Pradeepkumar Talpade
Yogi Plaza CHS Ltd.,
Bldg. No. C/48, Flat No.007,
Yogi Nagar, Borivali (W),
Mumbai – 400 091.

... **Appellant**

V/s

First Appellate Officer,
Dy Registrar, Cooperative Board,
R Division, 316, A/1 Bldg, 3rd Floor,
Truck Terminal, Near RTO Office,
Wadala (E), Mumbai – 400 037.

... **Respondent**

Public Information Officer,
Dy Registrar, Cooperative Board,
R Division, 316, A/1 Bldg, 3rd Floor,
Truck Terminal, Near RTO Office,
Wadala (E), Mumbai – 400 037.

GROUND

This appeal has been filed under section 19(3) of the Right to Information Act, 2005. The appellant by his application dated 21.10.2009 had sought information whether the Dy Registrar, Cooperative Societies has sanctioned extension of the Annual General Body Meeting Yogi Plaza CHS, Borivali (W), Mumbai. The appellant is of the view that it should not have been given extension.

Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant filed this second appeal before the commission. The appeal was heard on 23.04.2010. Appellant and respondents were present.

It was explained during the hearing that the commission is not mandated to go into justifiability of the extension granted. The case is therefore closed.

Order

The appeal is disposed off.

(Ramanand Tiwari)
State Information Commissioner, Mumbai

Place: Mumbai
Date: 23.04.2010.

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

**Appeal No.2010/4449/02
Appeal No.2010/4450/02
Appeal No.2010/4451/02
Appeal No.2010/4452/02**

**Shrimati Smita Kelakar
A-203, Yash Soc., Near Jeeval Vikas Centre,
Andheri (E), Mumbai – 400 069.**

... Appellant

V/s

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

... Respondent

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

GROUND

These appeals have been filed under section 19(3) of the Right to Information Act, 2005. The appellant had sought information relating to the clerk cum typist examination 2007. The appellant's name was recommended by the Maharashtra Public Service Commission but she could not be appointed because she did not have the requisite certificate of having passed the typing (Marathi) exam on the relevant date.

Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant filed this second appeal before the commission. The appeal was heard on 23.04.2010. Appellant and respondents were present.

The appellant has contended that she has not been furnished the information required by her. The respondent has submitted that the information falls in the category of "third party information" and hence could not be furnished.

After going through the case papers and considering the arguments advanced by the parties I have come to conclusion that information has not been furnished. The appellant has raised many issues almost amounting to roving and fishing enquiry. He has however asked for a copy of the recommendation sent to the govt. The appellant has shown to me a copy of the covering letter which reveals that the information asked for was available with the respondent. I do not consider the argument of third party valid. The examination was held in 2007 and the recommendations have been acted upon. I therefore pass the following order.

Order

A copy of the CD containing application forms of the candidates whose names were recommended should be given to the appellant within 15 days from the date of receipt of this order.

(Ramanand Tiwari)
State Information Commissioner, Mumbai

Place: Mumbai
Date: 23.04.2010.

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

Appeal No.2010/4460/02

**Shri. Arjunlal Chhabria
Bella Vista, Flat No.15,
3rd Floor, Opp. Lake & LIC Office,
S.V. Rd, Bandra (W),
Mumbai – 400 050.**

... Appellant

V/s

**First Appellate Officer,
Divisional Executive Engineer,
Office of the Asstt Commissioner (R/North), Dahisar,
Jayvant Sawant Marg, Dahisar (W),
Mumbai – 400 068.**

... Respondent

**Public Information Officer,
Divisional Executive Engineer,
Office of the Asstt Commissioner (R/North), Dahisar,
Jayvant Sawant Marg, Dahisar (W),
Mumbai – 400 068.**

GROUNDS

This appeal has been filed under section 19(3) of the Right to Information Act, 2005. The appellant by his application dated 01.09.2009 had sought information regarding action taken on his complaint against unauthorized constructions, additions extensions and alterations carried out by owners and occupants of flats at Om Misquita Nagar CHS, Vidya Mandir Rd, Dahisar (E), Mumbai.

Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant filed this second appeal before the commission. The appeal was heard on 23.04.2010. Appellant and respondents were present.

The appellant has contended that he had not received the information he had sought. The respondent submitted that some unauthorized constructions have been

removed action has been initiated against the remaining ones. The appellant seemed satisfied.

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

Order

The appeal is disposed off.

(Ramanand Tiwari)
State Information Commissioner, Mumbai

Place: Mumbai
Date: 23.04.2010.

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

Appeal No.2010/4630/02

**Shri. Shafiq A. Qureshi
LEN-477, Dr. Babasaheb Ambedkar Nagar,
Capt. Prkash Pathe Marg,
Cuff Parade, Colaba, Mumbai – 400 005.**

... Appellant

V/s

**First Appellate Officer cum Dy Collector,
Office of the Dy Collector,
Colaba Division, Old Custom House,
Fort, Mumbai – 400 001.**

... Respondent

**Public Information Officer,
Office of the Dy Collector,
Colaba Division, Old Custom House,
Fort, Mumbai – 400 001.**

GROUNDS

This appeal has been filed under section 19(3) of the Right to Information Act, 2005. The appellant by his application dated 12.05.2008 had sought information relating to applications submitted during the survey to make the list of eligible persons. The appellant wanted copies of those applications along with enclosures.

Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant filed this second appeal before the commission. The appeal was heard on 22.04.2010. Appellant and respondents were present.

The appellant has contended that he has not been furnished the required information. The respondent submitted that the appellant was given inspection of documents but the documents wanted by him were not available. It was also submitted by them that the list of eligible persons have not yet been finalised. Some people have approached the Divisional Commissioner against the order of demolition.

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

Order

The appeal is disposed off.

(Ramanand Tiwari)
State Information Commissioner, Mumbai

Place: Mumbai
Date: 23.04.2010.

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

Appeal No.2010/4445/02

**Shrimati. Kalavati Sandis
H/41, Veer Jijamata Nagar,
Dr. E. Moses Rd,
Worli, Mumbai – 400 018.**

... Appellant

V/s

**First Appellate Officer,
S.W.M. Division,
Municipal Corporation,
P/South Ward, Goregaon (W),
Mumbai – 400 062.**

... Respondent

**Public Information Officer cum Office Incharged
Office of the Dy Collector,
Colaba Division, Old Custom House,
Fort, Mumbai – 400 001.**

GROUNDS

This appeal has been filed under section 19(3) of the Right to Information Act, 2005. The appellant by his application dated 24.08.2009 had sought information relating to her application for appointment in place of her mother in, law who was declared medically unfit.

Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant filed this second appeal before the commission. The appeal was heard on 23.04.2010. Appellant and respondents were present.

The appellant has contended that her application was pending for a long time and she has not been given any information.

The respondent's contention is that she has to furnish some documents which the appellant had not done.

After going through the case papers and considering the arguments advanced by the parties I have come to conclusion that the respondent needs to expedite the matter. The appellant is also advised to comply with the requirement as communicated.

Order

The appeal is disposed off.

(Ramanand Tiwari)
State Information Commissioner, Mumbai

Place: Mumbai
Date: 23.04.2010.

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

Appeal No.2010/4457/02

**Shri. Mahesh Sanganeria
E-7/1, Bangur Nagar,
Goregaon (W), Mumbai – 400 090.**

... Appellant

V/s

**First Appellate Officer,
Office of the Collector of Stamps
Bandra – Kurla Complex,
Bandra (E), Mumbai – 400 051.**

... Respondent

**Public Information Officer,
Office of the Collector of Stamps
Bandra – Kurla Complex,
Bandra (E), Mumbai – 400 051.**

GROUNDS

This appeal has been filed under section 19(3) of the Right to Information Act, 2005. The appellant by his application dated 12.08.2009 had sought information relating to the valuation norms for stamp duty in respect of Reversionary Agreements for encumbered plots in Mumbai suburban district.

Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant filed this second appeal before the commission. The appeal was heard on 23.04.2010. Appellant and respondents were present.

The appellant has contended that he was not satisfied with the information given to him. The respondent submitted that the appellant has already been informed that there were no norms available and the matter has been referred to the Deputy Director Town Planning. The appellant has accordingly been informed.

After going through the case papers and considering the arguments advanced by the parties I have come to the conclusion that available information has been furnished. The appellant has been advised to expedite the matter with the Deputy Director, Town Planning, Mumbai.

Order

The appeal is disposed off.

(Ramanand Tiwari)
State Information Commissioner, Mumbai

Place: Mumbai
Date: 23.04.2010.

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

Appeal No.2010/4648/02

**Shri. Ashok Pawar
13/36, Govt. Press Colony,
Char Banglow, J.P. Rd,
Andheri (W), Mumbai – 400 053.**

... Appellant

V/s

**First Appellate Officer cum Stamp Collector
Office of the Stamp Collector, Borovali,
MMRDA Bldg, 1st Floor,
Bandra-Kurla Complex, Bandra (E),
Mumbai – 400 051.**

... Respondent

**Public Information Officer,
Office of the Stamp Collector, Borovali,
MMRDA Bldg, 1st Floor,
Bandra-Kurla Complex, Bandra (E),
Mumbai – 400 051.**

GROUNDS

This appeal has been filed under section 19(3) of the Right to Information Act, 2005. The appellant by his application dated 29.08.2009 had sought information regarding his request for refund of excess stamp duty recovered from him.

Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant filed this second appeal before the commission. The appeal was heard on 23.04.2010. Appellant and respondents were present.

The appellant has contended that he has not been furnished the information he had sought. The respondent submitted that the appellant has already been informed.

After going through the case papers and considering the arguments advanced by the parties I have come to conclusion that although action taken has been communicated, the appellant was not satisfied. Prima facie it seems to be a case of excess recovery. The

appellant also wanted a certified copy of the demand notice sent to him. I therefore pass the following order.

Order

The PIO to furnish a certified copy of the demand notice free of cost. His file should also be processed expeditiously and result communicated to him. A copy of the demand notice to be sent within 7 days from the date of receipt of this order.

(Ramanand Tiwari)
State Information Commissioner, Mumbai

Place: Mumbai
Date: 23.04.2010.

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

Appeal No.2010/4549/02

**Shri. P.P. Talathi
Aderbad, Flat No.43,
34 N.S. Patkar Marg,
Mumbai – 400 007.**

... Appellant

V/s

**First Appellate Officer cum Dist. Dy Registrar
Cooperative Board, Mumbai (1) City,
Malhotra House, 6th Floor,
Fort, Mumbai – 400 001.**

... Respondent

**Public Information Officer cum Dy Registrar
C.S., D-Division, Malhotra House, 6th Floor,
Fort, Mumbai – 400 001.**

GROUNDS

This appeal has been filed under section 19(3) of the Right to Information Act, 2005. The appellant by his application dated 26.10.2009 had sought a copy of all documents / papers filed by the Aderbad Cooperative Housing Society for amending the object of the society.

Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant filed this second appeal before the commission. The appeal was heard on 23.04.2010. The appellant did not turn up but the respondent was present.

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

Order

Appeal is disposed off.

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

Place: Mumbai
Date: 23.04.2010.

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

Appeal No.2010/4644/02

**Shri. Sudin Pradhan
Nalanda CHS Soc.,
Bldg No.34/1236,
Shubhashnagar,
Chembur, Mumbai – 400 071.**

... Appellant

V/s

**First Appellate Officer cum Dy Police Commissioner
Zone-6, 4th Floor, Administrative Bldg,
Ramkrushan Chemburkar Marg, Chembur,
Mumbai – 400 071.**

... Respondent

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

GROUNDS

This appeal has been filed under section 19(3) of the Right to Information Act, 2005. The appellant by his application dated 07.09.2009 had sought information relating to the complaint lodged by Shri Pagare, Sub-Engineer and the action taken by the police.

Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant filed this second appeal before the commission. The appeal was heard on 22.04.2010. Appellant and respondents were present.

The appellant has contended that he has not been given the information he had sought. The respondent in his written submission has explained the situation and has concluded that the Sub-Engineer did not turn up to lodge the First Information Report and no further action was taken.

After going through the case papers and considering the arguments advanced by the parties I have come to conclusion that inaction on the part of Shri Pagare has led to non furnishing of the desired information. I therefore pass the following order.

Order

Shri Pagare, Sub-Engineer will attend the police station and complete the formalities within one month from the date of receipt of this order. Since the appellant has not given his exact address, he should deliver of a copy of this order to the Sub-Engineer.

(Ramanand Tiwari)
State Information Commissioner, Mumbai

Place: Mumbai
Date: 23.04.2010.

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

Appeal No.2010/4634/02

Shri. Pravin D. Talekar
Saflya Bldg., Block No.1,
Pandurangwadi Marg No.2
Goregaon (E), Mumbai – 400 063.

... **Appellant**

V/s

First Appellate Officer cum Division Executive Engineer
Office of the Asstt Commissioner, K/West Ward Office,
Municipal Corporation of Greater Mumbai,
2nd Floor, Opp. BEST Depot, Paliram Path,
Andheri (W), Mumbai – 400 058.

... **Respondent**

Public Information Officer cum Asstt Engineer (B & F)
Office of the Asstt Commissioner, K/West Ward Office,
Municipal Corporation of Greater Mumbai,
2nd Floor, Opp. BEST 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 by his application dated 27.01.2009 had wanted to know whether MCGM uses its own vehicles for transporting the staff for demolition work and seized goods or hires vehicles. He wanted details of private vehicles used.

Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant filed this second appeal before the commission. The appeal was heard on 22.04.2010. The appellant did not turn up but the respondent was present.

He has submitted that the appellant has been furnished information by the PIO's letter dated 05.03.2009. A copy of the letter is on record. The case is therefore closed.

Order

The appeal is disposed off.

(Ramanand Tiwari)
State Information Commissioner, Mumbai

Place: Mumbai
Date: 23.04.2010.

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

Complaint No.2010/755/02

**Shri. Kusha Sarang
6, Arjun Sadan, Ramdaswadi Sindhiket,
Kalyan-Murbad Rd, Kalyan (W),
Ta. Kalyan, Dist. Thane.**

...Complainant

Vs

**Public Information Officer,
Urban Development Department,
(Establishment) Mantralaya,
Mumbai – 400 032.**

... Respondent

GROUNDS

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

Not satisfied with responses from the Public Information Officer and First Appellate Authority the complainant filed appeal under section 19 (3) of the RTI Act, 2005. The commission by its order dated 02.09.2008 directed that information should be furnished within 30 days after carrying out a joint inspection on 17.10.2008. The present complaint is against alleged non compliance of commissions order.

The complaint was heard on 22.04.2010. The defendant was present but the complainant did not turn up.

It has been submitted by him that the complainant has inspected the documents and information required by him has been furnished. The case is therefore closed.

Order

The complaint is filed.

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

Place: Mumbai
Date: 23.04.2010.

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

Complaint No.2010/754/02

**Shri. Dilip R. Kadam
Koynowale (Ghotcamp),
Mumbai – 400 068.**

...Complainant

Vs

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

... Respondent

GROUND

This complaint has been filed under section 18 of the Right to Information Act 2005 in the context of the commission's order dated 16.11.2009 passed in appeal no 2009/3616/02. The facts in brief are as follows: - The complainant had sought information on his application for grant of land.

Not satisfied with responses from the Public Information Officer and First Appellate Authority the complainant filed appeal under section 19 (3) of the RTI Act, 2005. The commission by its order dated 16.11.2010 directed that information should be furnished within 15 days. The present complaint is against alleged non compliance of commissions order.

The complaint was heard on 22.04.2010. The defendant was present but the complainant did not turn up.

The defendant submitted that information has been furnished by the PIO's letter dated 20.01.2010. The complaint is therefore filed.

Order

The complaint is filed.

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

Place: Mumbai
Date: 23.04.2010.

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

Complaint No.2010/757/02

**Shri. Shivram Kadam
1/1, Onsainath CHS,
Koknipada, Kurad Village,
Malad (E), Mumbai – 400 097.**

...Complainant

Vs

**Public Information Officer cum Asstt Engineer (Water Works)
Municipal Corporation, Liberty Garden,
Mamletdarwadi, Malad (E), Mumbai – 400 064.**

... Respondent

GROUNDS

This complaint has been filed under section 18 of the Right to Information Act 2005 in the context of the commission's order dated 25.11.2008 passed in appeal no 2008/1230/02. The facts in brief are as follows: - The present complainant had sought details relating to water connection no 0020472. He wanted to know names of members of the group. The PIO informed him that those papers were not available. The First Appellate Authority directed the PIO to search the papers and make them available to the appellant.

Not satisfied with responses from the Public Information Officer and First Appellate Authority the complainant filed appeal under section 19 (3) of the RTI Act, 2005. The commission by its order dated 25.11.2008 directed that information should be furnished within 15 days. The present complaint is against alleged non compliance of commissions order.

The complaint was heard on 22.04.2010. The complainant was present but the defendant was absent.

The complainant has stated that he has not been provided with the required information. Since the defendant was not there. I pass the following order.

Order

The PIO to show cause why he should not be penalized under section 20 of the RTI Act for not furnishing the information as directed. His reply to come within 4 weeks.

(Ramanand Tiwari)
State Information Commissioner, Mumbai

Place: Mumbai
Date: 23.04.2010.

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

Complaint No.2010/465 A/02

**Shri. Madhukar Dhuri
Tapovan 'K' Shop No.1-A,
Senapati Bapat Marg,
Lower Parel, Mumbai – 400 013.**

...Complainant

Vs

**Public Information Officer cum Dy Chief Officer
Mumbai Building Repair & 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 in the context of the commission's order dated 09.09.2009 passed in appeal no 2009/3167/02. The facts in brief are as follows: - The complainant had a shop admeasuring 2.23 sq.m. He had also applied for construction of a WC for which he had deposited Rs.10, 000/-. He had also paid excess amount of Rs.5, 250/-. He had sought information in this regard.

Not satisfied with responses from the Public Information Officer and First Appellate Authority the complainant filed appeal under section 19 (3) of the RTI Act, 2005. The commission by its order dated 09.09.2009 directed that information should be furnished within 30 days. The present complaint is against alleged non compliance of commissions order.

The complaint was heard on 23.04.2010. The complainant was present but the defendant was absent.

It transpired during the hearing that the outstandings have been refunded. He however continues to be aggrieved about his access to the common toilet. This grievance

cannot be sorted out under the RTI Act. I therefore close the case as the commission's order stands complied.

Order

The complaint is filed.

(Ramanand Tiwari)
State Information Commissioner, Mumbai

Place: Mumbai
Date: 23.04.2010.

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

Complaint No.2010/718/02

**Shri. Sadanand Somane
Vijay Vihar, Opp. Ideal High School,
Tapase Nagar, Thane (W).**

...Complainant

Vs

**Public Information Officer cum Asstt Officer
Municipal Electricity Distribute & Transport Board,
BEST Bhavan, Best Marg, Mumbai – 400 001.**

... Respondent

GROUNDS

This complaint has been filed under section 18 of the Right to Information Act 2005. The complainant had wanted to know the place of working of Shri Chandra Sekhar Surve. The BEST informed him that their record shows that Shri Surve was not working in BEST. The complainant is not happy with this reply and hence the complaint.

The complaint was heard on 19.04.2010. The complainant was present but the defendant was absent.

Case papers show that BEST has given the information. The expectation of the complaint is beyond the RTI Act. I therefore close the case.

Order

The complaint is filed.

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

Place: Mumbai
Date: 23.04.2010.

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

Complaint No.2010/724/02

**Shri. Shivanand Ankolekar
A-8, MIDC Flatted Factory,
LBS Marg, Wagle Estate,
Thane (W) – 400 604.**

...Complainant

Vs

**Public Information Officer cum Executive Engineer
MIDC, Head Quarters,
Udhog Sarathi, Mahakali Caves Rd,
Andheri (E), Mumbai – 400 093.**

... Respondent

GROUNDS

This complaint has been filed under section 18 of the Right to Information Act 2005. The complainant by his application dated 18.02.2009 had sought the following information: -

The Govt. of Maharashtra vide Resolution No.SSI-4071/11530/IND-II dated 12.01.1972 sanctioned the centrally sponsored scheme for helping the educated unemployed and constituted State level committee for implementation. The MIDC is one agent corporation for implementation of scheme. The MIDC constructed flatted type building at Wagle Estate, Thane and allotted the galas as per the directives under the said scheme. However, MIDC issued action notice No.37 (9) HQ of 2008-2009 for re-allotment of gala no.B-4 & B-23. Hence applicants solicit following information in writing with documentary proof.

1. Complete record and proceeding of termination of original allotment of Gala No.B-4 & B-23 with account of properties sized there in.
2. The procedure adopted by MIDC for re-allotment of galas of which original allotment has been terminated and authority of re-allotment.

Not satisfied with responses from the Public Information Officer and First Appellate Authority the complainant filed this complaint of under section 18 of the RTI Act, 2005.

The complaint was heard on 19.04.2010. Complainant and defendants were present.

The complainant has stated that had not been provided with the required information. The defendant submitted that the complainant was asked to pay Rs.8/- and obtain copies of documents. The same has not been done.

After considering the arguments advanced by the parties and going through the file I have come to conclusion that the complainant has been correctly informed. If he is interested in copies of the documents he had sought, he should deposit the required amount and collect the information. The complaint does not make any sense.

Order

The complaint is dismissed.

(Ramanand Tiwari)
State Information Commissioner, Mumbai

Place: Mumbai
Date: 23.04.2010.

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

Complaint No.2010/756/02

**Shri. J. P Sharma
D-203, Veena Nagar,
S.V. Rd, Malad (W),
Mumbai – 400 064.**

...Complainant

Vs

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

... Respondent

GROUNDS

This complaint has been filed under section 18 of the Right to Information Act 2005 in the context of the commission's order dated 31.10.2009 passed in appeal no 2008/3407/02. The facts in brief are as follows: The complainant had sought a copy of the Govt. Resolution or Rule or Order under which flat owners are subject to compulsory registration of their flats in a registered cooperative housing society after payment of stamp duty. The confusion had arisen because of a clarification posted on the web site of the Inspector General of registration which said that it was not necessary to register the document.

Not satisfied with responses from the Public Information Officer and First Appellate Authority the complainant filed appeal under section 19 (3) of the RTI Act, 2005. The commission by its order dated 31.10.2009 directed that information should be furnished to the appellant. The present complaint is against alleged non compliance of commissions order.

The complaint was heard on 22.04.2010. The defendant was present but the complainant did not turn up.

The respondent submitted that the issue has been clarified and the appellant informed accordingly.

After considering the arguments advanced by the parties and going through the file I have come to conclusion that the issue needs to be clarified for the benefit of public at large section 41 of the Maharashtra Cooperative Societies Act talks about ‘Shares’ but the appellant wanted to know about the “agreement”. These are two different documents and the issue here is whether the agreement needs to be registered. The R & FD should examine the issue and clarify for the benefit of the general public.

Order

Complaint is allowed. Govt. to issue clarification and informed the complainant.

(Ramanand Tiwari)
State Information Commissioner, Mumbai

Place: Mumbai
Date: 23.04.2010.

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

Appeal No.2010/4639/02

**Shri. Mukundam Gudimella
Room No.95, Gurukripa CHS Ltd,
Ambedkar Chowk, Pantnagar,
Ghatkpar (E), Mumbai – 400 075.**

... **Appellant**

V/s

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

... **Respondent**

**Public Information Officer cum Asstt Land Manger
(Kurla & Mumbai City)
Office of the Joint Chief Officer,
Mumbai Housing & Area Development Board,
Grihanirman Bhavan, Bandra (E),
Mumbai – 400 051.**

GROUND

This appeal has been filed under section 19(3) of the Right to Information Act, 2005. The appellant by his application dated 12.10.2009 had sought the information relating to the redevelopment of CTS No 190 (part) Village Pantanagar, Ghatkopar, Mumbai. The appellant had asked a copy of the NOC given to Septic Tank Gurukripa CHS and also a copy of the biometric survey report.

Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant filed this second appeal before the commission. The appeal was heard on 22.04.2010. Appellant and respondents were present.

The appellant has contended that he has not been provided with the information he had sought. The respondent submitted that biometric survey was conducted by the developer who has been asked to provide a copy.

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

I therefore pass the following order.

Order

The PIO to provide a copy of the NOC given to the developer. He should obtain a copy of the biometric survey and arrange to furnish to the appellant. This has to be done within 15 days from the date of receipt of this order.

(Ramanand Tiwari)
State Information Commissioner, Mumbai

Place: Mumbai
Date: 22.04.2010.

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

Appeal No.2010/4627/02

**Shri. Mangru R. Gupta
Adarsh Nagar Zopadpatti Hutment No.178,
D.C. Rd, Worli, New Ambika Hotel Doctor Chawl,
Worli, Mumbai – 400 018.**

... Appellant

V/s

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

... Respondent

**Public Information Officer cum Dy Collector / Asstt Registrar
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 filed an appeal before the Slum Rehabilitation Authority for getting his name included in the list of eligible persons. The appellant wanted to know what happened to his appeal.

Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant filed this second appeal before the commission. The appeal was heard on 27.04.2010. Appellant and respondents were present.

The appellant has contended that his name has not yet been included in the list of eligible persons. He also claimed that he has all the relevant proof – Ration Card, his name in the Electoral roll etc.

The respondent's contention is that the appellant had documentary proof but there was no hut during the survey. His name does not figure in the list of persons residing in that zopadpatti. If his name was there, his eligibility could have been considered. The appellant has been made aware of this.

After going through the case papers and considering the arguments I have come to the conclusion that the appellant wants his name to be included in the list. He has all the documentary proof. The commission is not mandated to settle this issue. He has already been informed why his case could not be considered. I am constrained to close the case.

Order

The appeal is disposed off.

(Ramanand Tiwari)
State Information Commissioner, Mumbai

Place: Mumbai
Date: 28.04.2010.

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

Appeal No.2010/4670/02

Shri. S. V. Bhat
201, Bhagtani Enclave,
VIP Factory Rd, LBS Marg,
Bhandup (W), Mumbai – 400 078.

... **Appellant**

V/s

First Appellate Officer,
Executive Engineer / Metropolitan Commissioner
MMRDA, 5th Floor, MMRDA Bldg,
Bandra-Kurla Complex,
Bandra (E), Mumbai – 400 051.

... **Respondent**

Public Information Officer,
Executive Engineer / Metropolitan Commissioner
MMRDA, 5th Floor, MMRDA Bldg,
Bandra-Kurla Complex,
Bandra (E), Mumbai – 400 051.

GROUND

This appeal has been filed under section 19(3) of the Right to Information Act, 2005. The appellant by his application dated 17.06.2008 had sought the following information: -

The Road passing through CTS No.301 & 1021-A of village Bhandup are approved under SRA scheme by Metropolitan Commissioner, MMRDA. This road has become very crucial for us to go to Nahur Railway Station. When are you getting this road constructed and hand over to MCGM for maintenance? The letter CHE/191/dated 13.06.2008 of the Chief Engineer, Municipal Head Office, MCGM.

1. What are the terms of the LOI issued by MMRDA in this regard?
2. Who is the developer constructing your project affected people residential units?
3. Have you communicated to his for construction of this particular DP Road/

4. When the SRA scheme is approved by you, why have you not considered the DP road construction and take it to its logical of handing over to MCGM for maintenance?

Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant filed this second appeal before the commission. The appeal was heard on 27.04.2010. The appellant did not turn up but the respondent was present.

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

Order

The PIO to furnish information within 15 days failing which action under section 20 of the RTI Act, 2005 will be initiated against him.

(Ramanand Tiwari)
State Information Commissioner, Mumbai

Place: Mumbai
Date: 28.04.2010.

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

Appeal No.2010/4660/02

Shri. Jagnarayan M. Kahar
CITU Centre, Bhaktawer Bldg,
Andheri (W), Mumbai – 400 058.

... Appellant

V/s

First Appellate Officer cum Senior Employees Officer,
BEST Bhavan, Kulaba,
Mumbai – 400 001.

... Respondent

Public Information Officer cum Asstt Employees Officer,
BEST Bhavan, Kulaba,
Mumbai – 400 001.

GROUNDS

This appeal has been filed under section 19(3) of the Right to Information Act, 2005. The appellant by his application dated 31.08.2009 had sought information relating to the appointment of the General Manger BEST and domestic & foreign trips undertaken by him.

Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant filed this second appeal before the commission. The appeal was heard on 27.04.2010. The appellant did not turn up but the respondent was present.

After going through the case papers and considering the arguments advanced by parties I have come to the conclusion that information regarding appointment has been furnished but the information regarding foreign trips has been denied on the ground that it was not likely to serve any public purpose. The commission does not agree. Public Servants Official tours are matters of public interest. The information therefore should be furnished.

Order

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

(Ramanand Tiwari)
State Information Commissioner, Mumbai

Place: Mumbai
Date: 28.04.2010.

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

Appeal No.2010/4659/02

Shri. Jagnarayan M. Kahar
CITU Centre, Bhaktawer Bldg,
Andheri (W), Mumbai – 400 058.

... **Appellant**

V/s

First Appellate Officer cum Senior Administrative Officer
Transport Main Office,
Wadala Depot, Wadala, Mumbai – 400 031.

... **Respondent**

Public Information Officer cum Senior Transport Officer,
BEST Bhavan,, Kulaba, Mumbai – 400 001.

GROUND

This appeal has been filed under section 19(3) of the Right to Information Act, 2005. The appellant by his application dated 31.08.2009 had sought copies of resolutions and other documents for purchasing vehicles under MUTP & JNURM schemes.

Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant filed this second appeal before the commission. The appeal was heard on 27.04.2010. The appellant did not turn up but the respondent was present.

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

Order

The appeal is disposed off.

(Ramanand Tiwari)
State Information Commissioner, Mumbai

Place: Mumbai
Date: 28.04.2010.

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

Appeal No.2010/4654/02

**Shri. Kishor K. Ghogare
38, Trupti Sadan Soc.,
90 feet Rd, Kajupada,
Sakinaka, Mumbai – 400 072.**

... Appellant

V/s

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

... Respondent

**Public Information Officer cum Asstt Engineer (B & F)
Municipal Corporation of Greater Mumbai
L Ward, 1st Floor, S.G. Barve Marg, Kurla (W),
Mumbai – 400 070.**

GROUND

This appeal has been filed under section 19(3) of the Right to Information Act, 2005. The appellant by his application dated 29.05.2009 had sought information relating to the no of factories in “L” Ward of MCGM. He had sought information on 10 points.

Not satisfied with responses from the Public Information Officer and the First Appellate Authority, the appellant filed this second appeal before the commission. The appeal was heard on 27.04.2010. Appellant and respondents were present.

The appellant has contended that he has not been furnished the required information. The same should be furnished free of cost as the PIO did not respond in time.

The respondent’s contention is that information has been furnished in time and the question of furnishing the information free of cost did not arise.

After going through the case papers and considering the arguments advanced by parties I have come to the conclusion that information has been furnished. The appellant’s application for information is dated 29.05.2009 and the PIO has replied by his

letter dated 26.06.2009. The appellant also wanted copies of all licences (2187). The same is being rejected as it amounts to roving and finishing enquiry and would cause disproportionate diversion resources of the public authority. I therefore close the case.

Order

The appeal is disposed off.

(Ramanand Tiwari)
State Information Commissioner, Mumbai

Place: Mumbai
Date: 28.04.2010.

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

Appeal No.2010/4655/02

**Shri. Kishor K. Ghogare
38, Trupti Sadan Soc.,
90 feet Rd, Kajupada,
Sakinaka, Mumbai – 400 072.**

... Appellant

V/s

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

... Respondent

**Public Information Officer cum Asstt Engineer (B & F)
Municipal Corporation of Greater Mumbai
L Ward, 1st Floor, S.G. Barve Marg, Kurla (W),
Mumbai – 400 070.**

GROUND

This appeal has been filed under section 19(3) of the Right to Information Act, 2005. The appellant by his application dated 24.03.2009 had sought information relating to unauthorized construction in Sethia Nagar, Kurla (W) and Mahatma Fule Nagar (CTS No.336). He wanted to know whether the construction was legal and if not what action has been taken against them.

Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant filed this second appeal before the commission. The appeal was heard on 27.04.2010. Appellant and respondents were present.

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

The respondent's contention is that building permission is given by the Building proposal department and they are not in a position to furnish the required information.

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

papers show that there is a communication from the DP which says that these lands are partly reserved for primary school and play ground. It is not understood how can construction come up if the plot is reserved for school & play ground. The respondent is therefore directed to find out the legality or otherwise of the construction & take appropriate action and keep the appellant informed.

Order

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

(Ramanand Tiwari)
State Information Commissioner, Mumbai

Place: Mumbai
Date: 28.04.2010.

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

Appeal No.2010/4657/02

**Shri. Rajesh R. Bhojne
Mahananda Nagar, New Mill Rd,
Kulra (W), Mumbai – 400 070.**

... Appellant

V/s

**First Appellate Officer cum Executive Engineer (I)
SRA, 5th Floor, Grihanirman Bhavan,
Bandra (W), Mumbai – 400 051.**

... Respondent

**Public Information Officer,
SRA, 5th Floor, Grihanirman 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 by his application dated 17.11.2009 had sought the following information: -

- A. NOC issued by Civil and Aviation Ministry, Union of India in respect of the above mentioned slum project mentioned under subject matter above.
- B. CC issued in respect of above slum project.
- C. “Partnership deed” submitted by M/s. Gangangiri Enterprises in respect of above Slum Project.
- D. Sanctioned Lay Out of the slum project mentioned under subject matter above.
- E. NOC issued by MHADA for above slum project as prescribed under sub-regulation 2.8 of Appendix-IV of DCR-33(10).

Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant filed this second appeal before the commission. The appeal was heard on 27.04.2010. Appellant and respondents were present.

The appellant has contended that he has not been furnished the required information except a copy of the partnership deed and hard copy of sanctioned layout.

The respondent's contention that the record has been kept in electronic form and a copy has been provided in CD form. The partnership deed has been denied because this was a third party document and the third party has objected to its disclosure.

After going through the case papers and considering the arguments advanced by parties I have come to the conclusion that available information has been furnished. The appellant has not been able to justify why and how the disclosure of the partnership deed will serve a larger public interest. Similarly if the record is kept in electronic form I see no reason to direct the respond to give a hard copy to the appellant. This would unnecessarily divert the resources of the public authority. In view of these observations. I decide to close the case.

Order

The appeal is disposed off.

(Ramanand Tiwari)
State Information Commissioner, Mumbai

Place: Mumbai
Date: 28.04.2010.

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

Appeal No.2010/4658/02

**Shri. Rajesh R. Bhojne
Mahananda Nagar, New Mill Rd,
Kulra (W), Mumbai – 400 070.**

... Appellant

V/s

**First Appellate Officer cum Executive Engineer (I)
SRA, 5th Floor, Grihanirman Bhavan,
Bandra (W), Mumbai – 400 051.**

... Respondent

**Public Information Officer,
SRA, 5th Floor, Grihanirman 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 by his application dated 17.11.2009 had sought the following information: -

- A. Notings / directions mentioned on letter dispatched to office of SRA, copy enclosed herewith as Exhibit-A above.
- B. All correspondences done with the Society, its Architect and developer by the office of SRA on receipt of above letter dated 26.08.2008 marked as Exhibit-A.
- C. Report prepared by Engineering Division of SRA on receipt of above report prepared by Structural Engineer Shri Shyamkarn Patil vide above letter dated 26.08.2008 marked as Exhibit-A.
- D. Decision taken by office of SRA on letter dated 26.08.2008 marked as Exhibit-A above.

Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant filed this second appeal before the commission. The appeal was heard on 27.04.2010. Appellant and respondents were present.

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

The respondent's contention that information has been furnished except a copy of the report the Structural Engineer.

After going through the case papers and considering the arguments advanced by parties I have come to the conclusion that a copy of the report prepared by the Structural Engineer should be given. This is about a public building and the appellant is entitled to know what the report was. I pass the following order.

Order

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

(Ramanand Tiwari)
State Information Commissioner, Mumbai

Place: Mumbai
Date: 28.04.2010.

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

Complaint No.2010/489/02

**Shri. Suresh B. Raheja
63, Bharat Mahal, 5th Floor,
86, Marine Drive, Mumbai – 400 002.**

...Complainant

Vs

**Public Information Officer cum Asstt Registrar
Cooperative Societies, "C" Division, Mumbai,
Malhotra House, 6th Floor,
Opp. GPO, Fort, Mumbai – 400 001.**

... Respondent

GROUNDS

This complaint has been filed under section 18 of the Right to Information Act 2005 in the context of the commission's order dated 27.04.2009 passed in appeal no 2009/2284/02. The facts in brief are as follows: The present complainant had sought copies of Indemnity Bonds, waiting list for car parking, list of persons allotted car parking space & minutes of the Managing Committee Meetings.

Not satisfied with responses from the Public Information Officer and First Appellate Authority the complainant filed appeal under section 19 (3) of the RTI Act, 2005. The commission by its order dated 27.04.2009 directed that information should be furnished within 30 days. The present complaint is against alleged non compliance of commissions order.

The complaint was heard on 27.04.2010. Complainant and defendants were present.

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

however disputes the authenticity of the waiting list and wanted to have a copy of the waiting list register. The defendant agreed to collect from the society and furnish.

Order

Complaint is allowed. Defendant to collect a copy from the society and furnish to the complainant within 30 days from the date of receipt of this order.

(Ramanand Tiwari)
State Information Commissioner, Mumbai

Place: Mumbai
Date: 28.04.2010.

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

Appeal No.2010/3835/02

Shri. Sudham D. Bhalerao
Nishigandha Apt., Flat No.7,
Shitole Nagar, Sangavi, Pune 411 027.

... **Appellant**

V/s

First Appellate Officer cum Director
Directorate of Economic & Statistic,
New Administrative Bldg,
Mumbai Suburban District, 8th Floor,
Govt. Colony, Bnadra (E), Mumbai – 400 051.

... **Respondent**

Public Information Officer,
Directorate of Economic & Statistic,
New Administrative Bldg,
Mumbai Suburban District, 8th Floor,
Govt. Colony, Bnadra (E), Mumbai – 400 051.

GROUND

This appeal has been filed under section 19(3) of the Right to Information Act, 2005. The appellant by his application dated 18.01.2008 had sought information relating to his request for counting his services in the department of Industries for pensionary benefit.

Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant filed this second appeal before the commission. The appeal was heard on 28.04.2010. Appellant and respondents were present.

After going through the case papers and considering the arguments advanced by parties I have come to the conclusion that information has been furnished. The appellant has been informed that his case could not be considered because of lack of supporting evidence either from the Collector of Poona or from the Directorate of Industries. I therefore pass the following order.

Order

The appeal is disposed off.

(Ramanand Tiwari)
State Information Commissioner, Mumbai

Place: Mumbai
Date: 29.04.2010.

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

Appeal No.2010/4456/02

Shri. Abdul Rauf Ajamat Ali Khan
Room No.18/22, Ritasat Chawl,
Sant Sawta Marg, Nariyal Wadi,
Mumbai – 400 010.

... **Appellant**

V/s

First Appellate Officer cum Asstt Commissioner
Municipal Corporation of Greater Mumbai
E Ward, 1st Floor, 10, Shaikh Hafizuddin Marg,
Byculla, Mumbai – 400 008.

... **Respondent**

Public Information Officer,
Municipal Corporation of Greater Mumbai
E Ward, 1st Floor, 10, 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 by his application dated 24.09.2009 had sought information as to how V.L.T. has been converted into slum.

Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant filed this second appeal before the commission. The appeal was heard on 23.04.2010. Appellant and respondents were present.

After going through the case papers and considering the arguments advanced by parties I have come to the conclusion that available information has been furnished. The appellant was shown govt. instruction which says that if there are slums on V.L.T. & the same is taken for redevelopment the V.L.T. gets terminated. It was also brought to the commission's notice that the High Power Committee has been asked to look into the matter. The case is therefore closed.

Order

The appeal is disposed off.

(Ramanand Tiwari)
State Information Commissioner, Mumbai

Place: Mumbai
Date: 28.04.2010.

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

Appeal No.2010/4688/02

**Shri. Suresh Gokhale
1/C/602, Labh-Darshan-1,
Near Subway, Dahisar (E),
Mumbai – 400 068.**

... Appellant

V/s

**First Appellate Officer cum Asstt Commissioner
Municipal Corporation of Greater Mumbai
R/North Ward, Room No. 27,
J.S. Marg, Dahisar (W), Mumbai – 400 068.**

... Respondent

**Public Information Officer cum Asstt Assessor & Collector
Municipal Corporation of Greater Mumbai
R/North Ward, Room No. 28,
J.S. Marg, Below Fly Over Bridge,
Dahisar (W), Mumbai – 400 068.**

GROUND

This appeal has been filed under section 19(3) of the Right to Information Act, 2005. The appellant by his application dated 26.09.2009 had sought information regarding action taken on his complaint against Mr. Naiksahib.

Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant filed this second appeal before the commission. The appeal was heard on 28.04.2010. Appellant and respondents were present.

The appellant has contended that action has not been taken against Mr. Naik and no information has been furnished.

The respondent's contention is that the complaint was enquired into and it was concluded that allegations made were not true.

After going through the case papers and considering the arguments advanced by parties I have come to the conclusion that information has been furnished. The commission is not mandated sit in judgment against the findings.

Order

The appeal is disposed off.

(Ramanand Tiwari)
State Information Commissioner, Mumbai

Place: Mumbai
Date: 29.04.2010.

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

Appeal No.2010/4691/02

**Shri. Shaikh Mushtaque Yusuf
131/A, BEG Mohd. Bldg.,
R.B. Marg, 1st Floor, Room No.31,
Mumbai – 400 009.**

... **Appellant**

V/s

**First Appellate Officer cum Asstt Commissioner
Municipal Corporation of Greater Mumbai
B Ward, 123, Ramchandra Bhat Marg,
Opp. J.J. Hospital, Mumbai – 400 009.**

... **Respondent**

**Public Information Officer cum Asstt Assessor & Collector
Municipal Corporation of Greater Mumbai
B Ward, 123, Ramchandra Bhat Marg,
Opp. J.J. Hospital, Mumbai – 400 009.**

GROUND

This appeal has been filed under section 19(3) of the Right to Information Act, 2005. The appellant inspection of file no B/ATT/10/18/2005-06.

Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant filed this second appeal before the commission. The appeal was heard on 28.04.2010. Appellant and respondents were present.

The appellant has contended that although he has been shown the file he could not come across the document he was looking for.

The respondent's contention is that the file has been shown to the appellant and copies of selected documents have also been given. He was however willing to show the files again.

After going through the case papers and considering the arguments advanced by parties I have come to the conclusion that appellant should be allowed the inspect the

files and copies of the documents selected by him should be given. The PIO to write to him for inspection and keep the documents ready for inspection on the appointed day.

Order

The appeal is disposed off.

(Ramanand Tiwari)
State Information Commissioner, Mumbai

Place: Mumbai
Date: 29.04.2010.

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

Appeal No.2010/4692/02

Shri. Shaikh Mushtaque Yusuf
131/A, BEG Mohd. Bldg.,
R.B. Marg, 1st Floor, Room No.31,
Mumbai – 400 009.

... **Appellant**

V/s

First Appellate Officer cum Superintendent
Land Record, Mumbai City Land Record,
Office of the Collector, Old Custom House,
Fort, Mumbai – 400 001.

... **Respondent**

Public Information Officer cum Asstt Superintendent
Land Record, Mumbai City Land Record,
Office of the Collector, Old Custom House,
Fort, Mumbai – 400 001.

GROUND

This appeal has been filed under section 19(3) of the Right to Information Act, 2005. The appellant had sought copies of deeds 1474/07, & 337/71. He was advised to get in touch with the office of the Sub Registrar. The appellant says that the Sub Registrar does not accept application under RTI. The information therefore remained unfurnished.

Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant filed this second appeal before the commission. The appeal was heard on 28.04.2010. Appellant and respondents were present.

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

Order

The Sub Registrar concerned to furnish necessary information free of cost. He should also explain why action under the RTI should not be taken for not entertaining applications for information. His reply to come within 4 weeks.

(Ramanand Tiwari)
State Information Commissioner, Mumbai

Place: Mumbai
Date: 29.04.2010.

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

Complaint No.2010/468102

**Shri. Arjunlal Chhabria
Bella Vista, Flat No.15,
3rd Floor, Opp. Lake & LIC Office,
S.V. Rd, Bandra (W),
Mumbai – 400 050.**

...Complainant

Vs

**Public Information Officer cum Executive Engineer
Municipal Corporation of Greater Mumbai,
Office of the Dy Ch. Engineer (B P) W.S-1,
1st Floor, R.K. Patkar Marg,
Bandra (W), Mumbai – 400 050.**

... Respondent

GROUND

This complaint has been filed under section 18 of the Right to Information Act 2005. The complainant has pointed out that he was called for hearing on 02.06.2009 by the First Appellate Authority's letter dated 21.04.2009 in respect of his first appeal filed on 18.05.2009.

He has however not attached a copy of the notice dated 21.04.2009 calling him on 02.06.2009. The defendant also could not explain. It is therefore directed that the defendant may clarify to the complainant.

Order

The complaint is filed.

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

Place: Mumbai
Date: 29.04.2010.

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

Complaint No.2010/759/02

**Shrimati. Poonam Patel
17, Vijay Bharat, 4th Floor,
Sahayog Nagar, Four Bungalows,
Andheri (W), Mumbai – 400 053.**

...Complainant

Vs

**Public Information Officer cum Director
Social Welfare Directorate,
Maharashtra State, Pune.**

... Respondent

GROUND

This complaint has been filed under section 18 of the Right to Information Act 2005 in the context of the commission's order dated 20.09.2009 passed in appeal no 2008/841/02. The facts in brief are as follows: The complainant had sought information regarding membership of the Vijay Bharat, Cooperative Housing Society. The Dy. Registrar had stated that the issue was to be decided by the Director, Social Welfare Pune. He was directed by the commission to write to him and request to expedite the matter.

Not satisfied with responses from the Public Information Officer and First Appellate Authority the complainant filed appeal under section 19 (3) of the RTI Act, 2005. The commission by its order dated 20.09.2009 directed that information should be furnished within 15 days. The present complaint is against alleged non compliance of commissions order.

The complaint was heard on 28.04.2010. Complainant and defendants were present.

After considering the arguments advanced by the parties and going through the file I have come to conclusion that commissions order has been complied. The Dy.

Registrar Cooperative Societies had written to the Director, Social Welfare. The Director also has disposed off the matter and a copy of his order was handed over to the complainant during the hearing.

Order

Complaint is filed.

(Ramanand Tiwari)
State Information Commissioner, Mumbai

Place: Mumbai
Date: 29.04.2010.

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

Appeal No.2010/4617/02

**Shri. Kundan Prasad Singh
Purana Aravind, Opp. Ladies College,
Kadam Kua, Dist. Patna, Bihar 800 003.**

... Appellant

V/s

**First Appellate Officer cum Dy Police Commissioner
Zone-3, Byculla, Mumbai – 400 027.**

... Respondent

**Public Information Officer cum Asstt Police Commissioner
Central Division Ward, Bavala Compound,
Byculla, Mumbai – 400 027.**

GROUNDS

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

Please provide me approved copy of the following documents of Vinoba Bhave Nagar Police Station Case No-Cr No.216/2008, us 307, 353, 342, 427, IPC r/w 3, 25, 27, Arm Act r/w 37(1) (a) B.P. Act on 27.10.2008. On 28.10.2008 the further investigation of the case has been instructed to DCB, CID, Unit-5, Case No.DCB, CID, CR-170/08. The independent inquiry is also being conducted by the Chief Secretary, State of Maharashtra, in which 24 year old Rahul Raj was shot dead.

- a. Copy of the FIR (desirable in English or Hindi)
- b. Inquest report (desirable in English or Hindi)
- c. Inquest Panchnama (desirable in English or Hindi)
- d. Doctors Report (desirable in English or Hindi)

- e. List of things recovered from Rahul on Spot and From the Hotel Where he was Staying (desirable in English or Hindi)
- f. Report of Mumbai Police (desirable in English or Hindi)
- g. 61 Statement of eye witnesses (desirable in English or Hindi)
- h. Post Mortem report and Video CD of the Post Mortem
- i. Forensic Report (desirable in English or Hindi)
- j. Ballistic Report (desirable in English or Hindi)
- k. The Panchnama of the bus for gun shots (desirable in English or Hindi)
- l. Site Map prepared and All Photograph of the spot etc (desirable in English or Hindi)
- m. All other documents pertaining of Rahul's death (desirable in English or Hindi)
- n. Injury Report of Victim Manoj Mahendra Bharat (desirable in English or Hindi)

Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant filed this second appeal before the commission. The appeal was heard on 21.04.2010. The appellant did not turn up but the respondent was present.

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

The respondent's contention is that the information was denied because investigation was going on and disclosure of the information sought was likely to affect the investigation.

After going through the case papers and considering the arguments advanced by parties I have come to the conclusion that information has not been furnished. It was also revealed during the hearing that the investigation was over and the case has been closed. I therefore see no reason to deny the information. I therefore pass the following order.

Order

PIO to furnish the information sought free of cost within 15 days from the date of receipt of this order.

(Ramanand Tiwari)
State Information Commissioner, Mumbai

Place: Mumbai
Date: 29.04.2010.

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

Appeal No.2010/4718/02

Shri. Hemant Sawant
1/26, Spring Mills Chawl,
G.D. Ambekar Marg,
Naigaon, Dadar, Mumbai – 400 014.

... Appellant

V/s

First Appellate Officer cum Superintendent of Stamp
Stamp Office, Nagar Bhavan,
Fort, Mumbai – 400 001.

... Respondent

Public Information Officer cum Dy Superintendent of Stamp
Stamp Office, Nagar Bhavan,
Fort, Mumbai – 400 001.

GROUNDS

This appeal has been filed under section 19(3) of the Right to Information Act, 2005. The appellant by his application dated 27.10.2009 had sought a copy of the Enquiry report and also final decision taken in the matter.

Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant filed this second appeal before the commission. The appeal was heard on 29.04.2010. Appellant and respondents were present.

The appellant has contended that no information has been furnished to him.

The respondent's contention is no final decision has been taken and therefore required information could not be furnished.

After going through the case papers and considering the arguments advanced by parties I have come to the conclusion that appellant has been properly informed. It is however requested that the matter should be expedited to mitigate the hardship being caused to the appellant.

Order

The appeal is disposed off.

(Ramanand Tiwari)
State Information Commissioner, Mumbai

Place: Mumbai
Date: 29.04.2010.

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

Appeal No.2010/4714/02

**Shri. Roman John Gonsalves
Vailankanni Villa, Rathodi Village,
Marve Rd, Malad (W),
Mumbai – 400 095.**

... Appellant

V/s

**First Appellate Officer cum Executive Engineer
Municipal Corporation of Greater Mumbai
K/West Ward Office Bldg.,
2nd Floor, Paliram Path,
Andheri (W), Mumbai – 400 058.**

... Respondent

**Public Information Officer cum Asstt Engineer (B & F)
Municipal Corporation of Greater Mumbai
K/West Ward Office Bldg.,
2nd Floor, 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 by his application dated 20.07.2009 had sought the following information: -

True copy of reply by Shri Mark Simon D'Souza & Ors. to your Notice for unauthorized construction of 1st floor on plot bearing CTS No.533/1 of Village Oshiwara (Behram Baug Road). Notice dated 15.06.2009 u/s 351 of MMC act bearing No.KW/BF/351/5407/SEB III/09.

Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant filed this second appeal before the commission. The appeal was heard on 29.04.2010. Appellant and respondents were present.

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

Order

The PIO to furnish the information within 15 days from the date of receipt of this order failing which action under section 20 of the RTI Act will be initiated against him.

(Ramanand Tiwari)
State Information Commissioner, Mumbai

Place: Mumbai
Date: 29.04.2010.

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

Appeal No.2010/4712/02

Shri. S.S. Pal

**16, Sampat Chawl, Krishna Nagar,
Marol Naka, Andheri Kurla Rd,
Andheri (E), Mumbai – 400 059.**

... **Appellant**

V/s

**First Appellate Officer cum Legal Advisor
Slum Rehabilitation Authority
5th Floor, Grihanirman Bhavan,
Bandra, Mumbai – 400 058.**

... **Respondent**

**Public Information Officer cum Asstt Legal Advisor
Slum Rehabilitation Authority
5th Floor, Grihanirman Bhavan,
Bandra, Mumbai – 400 058.**

GROUND

This appeal has been filed under section 19(3) of the Right to Information Act, 2005. The appellant by his application dated 23.03.2009 had sought information regarding action taken on the High Power Committee's order dated 21.02.2009.

Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant filed this second appeal before the commission. The appeal was heard on 29.04.2010. Appellant was present but the respondent was absent.

The appellant has contended that he has not been furnished the required information. Since the respondent was not present it could not be verified. Case papers do not show whether any information has been furnished. I therefore pass the following order.

Order

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

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

Place: Mumbai

Date: 29.04.2010.

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

Appeal No.2010/4711/02

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

... **Appellant**

V/s

**First Appellate Officer cum Legal Advisor
Slum Rehabilitation Authority
5th Floor, Grihanirman Bhavan,
Bandra, Mumbai – 400 058.**

... **Respondent**

**Public Information Officer cum Asstt Legal Advisor
Slum Rehabilitation Authority
5th Floor, Grihanirman Bhavan,
Bandra, Mumbai – 400 058.**

GROUND

This appeal has been filed under section 19(3) of the Right to Information Act, 2005. The appellant by his application dated 03.10.2009 had sought information regarding action taken on the High Power Committee's order dated 21.02.2009.

Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant filed this second appeal before the commission. The appeal was heard on 29.04.2010. Appellant was present but the respondent was absent.

The appellant has contended that he has not been furnished the required information. Since the respondent was not present it could not be verified. Case papers do not show whether any information has been furnished. I therefore pass the following order.

Order

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

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

Place: Mumbai
Date: 29.04.2010.

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

Appeal No.2010/4717/02

Shri. Mahadu K. Gofane
207, Ganeshkrupa Bldg,
SRA Scheme, Sane Guruji Nagar,
Mulund (E), Mumbai – 400 081.

... Appellant

V/s

First Appellate Officer cum Superintendent of Stamp
Stamp Office, Nagar Bhavan,
Fort, Mumbai – 400 001.

... Respondent

Public Information Officer cum Dy Superintendent of Stamp
Stamp Office, Nagar Bhavan,
Fort, Mumbai – 400 001.

GROUNDS

This appeal has been filed under section 19(3) of the Right to Information Act, 2005. The appellant by his application dated 28.10.2009 had sought a copy of the Enquiry report and also final decision taken in the matter.

Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant filed this second appeal before the commission. The appeal was heard on 29.04.2010. Appellant and respondents were present.

The appellant has contended that no information has been furnished to him.

The respondent's contention is no final decision has been taken and therefore required information could not be furnished.

After going through the case papers and considering the arguments advanced by parties I have come to the conclusion that appellant has been properly informed. It is however requested that the matter should be expedited to mitigate the hardship being caused to the appellant.

Order

The appeal is disposed off.

(Ramanand Tiwari)
State Information Commissioner, Mumbai

Place: Mumbai
Date: 29.04.2010.

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

Appeal No.2010/4716/02

Shri. Subhash Patil
Kashinath Patil House,
House No.334, Aksar Talepakhadi Rd,
Borivali (W), Mumbai – 400 092.

... **Appellant**

V/s

First Appellate Officer cum Superintendent of Stamp
Stamp Office, Nagar Bhavan,
Fort, Mumbai – 400 001.

... **Respondent**

Public Information Officer cum Dy Superintendent of Stamp
Stamp Office, Nagar Bhavan,
Fort, Mumbai – 400 001.

GROUND

This appeal has been filed under section 19(3) of the Right to Information Act, 2005. The appellant by his application dated 27.10.2009 had sought a copy of the Enquiry report and also final decision taken in the matter.

Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant filed this second appeal before the commission. The appeal was heard on 29.04.2010. Appellant and respondents were present.

The appellant has contended that no information has been furnished to him.

The respondent's contention is no final decision has been taken and therefore required information could not be furnished.

After going through the case papers and considering the arguments advanced by parties I have come to the conclusion that appellant has been properly informed. It is however requested that the matter should be expedited to mitigate the hardship being caused to the appellant.

Order

The appeal is disposed off.

(Ramanand Tiwari)
State Information Commissioner, Mumbai

Place: Mumbai
Date: 29.04.2010.

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

Appeal No.2010/4715/02

Shri. Ramdas Potle
New Bavan Chawl, Room No.74,
Veer Tanaji Malusare Marg,
Kala Chowki, Mumbai – 400 033.

... Appellant

V/s

First Appellate Officer cum Superintendent of Stamp
Stamp Office, Nagar Bhavan,
Fort, Mumbai – 400 001.

... Respondent

Public Information Officer cum Dy Superintendent of Stamp
Stamp Office, Nagar Bhavan,
Fort, Mumbai – 400 001.

GROUNDS

This appeal has been filed under section 19(3) of the Right to Information Act, 2005. The appellant by his application dated 28.10.2009 had sought a copy of the Enquiry report and also final decision taken in the matter.

Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant filed this second appeal before the commission. The appeal was heard on 29.04.2010. Appellant and respondents were present.

The appellant has contended that no information has been furnished to him.

The respondent's contention is no final decision has been taken and therefore required information could not be furnished.

After going through the case papers and considering the arguments advanced by parties I have come to the conclusion that appellant has been properly informed. It is however requested that the matter should be expedited to mitigate the hardship being caused to the appellant.

Order

The appeal is disposed off.

(Ramanand Tiwari)
State Information Commissioner, Mumbai

Place: Mumbai
Date: 29.04.2010.

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

Appeal No.2010/3443/02

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

... Appellant

V/s

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

... Respondent

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

GROUND

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

- a. Information regarding Security Deposit collected from Gadiwan Hospital in respect of the permission for monsoon weather shed at Pratik CHS Ltd, Mamlatdarwadi Main Rd, Malad (W) granted fro the year 2007.
- b. Information regarding Security Deposit collected from Gadiwan Hospital in respect of the permission for monsoon weather shed Pratik CHS Ltd, Mamlatdarwadi Main Rd, Malad (W) granted fro the year 2008.
- c. Information regarding the amount charged to Gadiwan Hospital for demolition of monsoon weather shed on 04.12.2008 & in month of Jan 2009 and date of charges recovered from M/s Gadiwan Hospital.

Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant filed this second appeal before the commission. The appeal was fixed for hearing on 26.04.2010. Appellant and respondents were absent.

After going through the case papers I pass the following order.

Order

PIO to furnish information within 15 days from the date of receipt of this order.

(Ramanand Tiwari)
State Information Commissioner, Mumbai

Place: Mumbai
Date: 29.04.2010.

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

Appeal No.2010/4707/02

Shri.Vidyachal D. Singh
D.R-4/703, MMRDA Bldg,
Shivaji Nagar, Ram Mandir Rd,
Oshiwara, Goregaon (W),
Mumbai – 400 014.

... **Appellant**

V/s

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

... **Respondent**

Public Information Officer cum Dy Collector
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 whether his application was sent to the Grievance Redressal Committee or not.

Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant filed this second appeal before the commission. The appeal was heard on 29.04.2010. Appellant and respondents were present.

After going through the case papers and considering the arguments advanced by parties I have come to the conclusion that the appellant should be informed whether his application was sent to the Grievance Committee or not.

Order

Appeal is disposed off.

(Ramanand Tiwari)
State Information Commissioner, Mumbai

Place: Mumbai
Date: 29.04.2010.

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

Appeal No.2010/4704/02

**Shri.Dilip Vaidya
17/B, 2nd Floor, Tilak Dham,
Cama Rd, Andheri (W),
Mumbai – 400 058.**

... Appellant

V/s

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

... Respondent

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

GROUNDS

This appeal has been filed under section 19(3) of the Right to Information Act, 2005. The appellant by his application dated 26.06.2009 had sought the following information: -

- a) Is Bombay Police Act 1951 repelled?
- b) Is section 33 of the said act repelled?
- c) Violation of section 33 (3) (U) is a cognizable offence under section 79 of Bombay Police Act and punishable under section 131 (A) of Bombay Police Act. As such under which provision of law after conduction “Panchnama” the concerned Police Officer has not initiated any legal action for last 3 months?
- d) Are women offenders’ immune to any legal action and therefore no action has been taken against them till today?
- e) Compounding of offence is the function of judiciary. As such is there any amendment in the provision of law that investigating agencies / police authorities have been authorized to compound the offence?

- f) Does the woman Police Officer have the prerogative under any new provision of law to compound the offence according to their own whims and fancies and pardon the offender without consent of the complainant?

Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant filed this second appeal before the commission. The appeal was heard on 29.04.2010. Appellant and respondents were present.

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

The respondent's contention is that available information has been furnished.

After going through the case papers and considering the arguments advanced by parties I have come to the conclusion that the appellant has been properly informed. The most crucial point raised by the appellant was that violation of section 33 (u) is a cognizable offence under section 131 (A) of the Bombay Police Act but the police has not initiated any action. The respondent's reply is that section 151 empowers them not to forward the case to the court and the police after warning the wrongdoer can dispose of the same. The action taken by the police has been informed. The case is closed.

Order

Appeal is disposed off.

(Ramanand Tiwari)
State Information Commissioner, Mumbai

Place: Mumbai
Date: 29.04.2010.

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

Appeal No.2010/4710/02

**Shri. Ranjankumar Raju Amin
301, B-2, Shri Saraswati CHS Ltd,
M.J. Acharya Marg, Chembur,
Mumbai – 400 071.**

... Appellant

V/s

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

... Respondent

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

GROUND

This appeal has been filed under section 19(3) of the Right to Information Act, 2005. The appellant by his application dated 07.05.2009 had sought information relating to Shri Saraswati Cooperative Housing Society Ltd, N.G. Acharya Marg, Chembur, Mumbai. The PIO and the First Appellate Authority advised him to get in touch with the society as the information was likely to be with the society.

Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant filed this second appeal before the commission. The appeal was heard on 29.04.2010. Appellant and respondents were present.

After going through the case papers and considering the arguments advanced by parties I have come to the conclusion that the appellant has been properly informed. The commission has been of the view that whatever information is available with the District Deputy Registrar or should have been available should be furnished the information seeker. The appellant in this case has also sought a copy of Balance sheet / Audit report.

It is therefore ordered that the PIO should arrange to get the latest balance sheet / audited accounts and furnish to the appellant within 30 days from the date of receipt of this order.

Order

Appeal is disposed off.

(Ramanand Tiwari)
State Information Commissioner, Mumbai

Place: Mumbai
Date: 29.04.2010.

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

Appeal No.2010/4708/02

**Shri. Prakash G. Navathe
204, Rajbaug, Daluchand CHS Ltd.,
271, Sir Bhalchandra Marg, Matunga,
Mumbai – 400 019.**

... **Appellant**

V/s

**First Appellate Officer cum Dy Chief Engineer (B P)
Municipal Corporation of Greater Mumbai,
E Ward Office, 3rd Floor, Byculla,
Mumbai – 400 008.**

... **Respondent**

**Public Information Officer cum Executive Engineer (B P)
Municipal Corporation of Greater Mumbai,
E Ward Office, 3rd Floor, Byculla,
Mumbai – 400 008.**

GROUNDS

This appeal has been filed under section 19(3) of the Right to Information Act, 2005. The appellant by his application dated 21.10.2009 had sought information relating to Rajbag Cooperative Housing Society, Matunga, Mumbai.

Whether Commence Certificates given during 2001-2003 were legal or otherwise in view of the fact that the building has not been constructed in accordance with the plan approved on 29.04.2002.

Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant filed this second appeal before the commission. The appeal was heard on 29.04.2010. Appellant and respondents were present.

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

The respondent's contention is that the work was carried out as per the completion plan submitted by the architect at the time of submission of Building

Completion Certificate. The BCC was accepted as the work carried out was as per completion plan and requisite conditions of approval were complied with.

After going through the case papers and considering the arguments advanced by the parties I have come to conclusion that available information has been furnished. The commission is not mandated to enquire into the validity or otherwise of the BCC and it only to ensures that the available information is furnished. The same has been done in this case and therefore decide to close the case.

Order

The appeal is disposed off.

(Ramanand Tiwari)
State Information Commissioner, Mumbai

Place: Mumbai
Date: 29.04.2010.

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

Appeal No.2010/4700/02

**Shri. Dattatraya V. Rangnekar
1/1 Chaitnya Nagar, Vakola Bridge,
Santacruz (E), Mumbai – 400 055.**

... Appellant

V/s

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

... Respondent

**Public Information Officer cum Administrative Officer
Mumbai Housing & Area Development Authority
Grihanirman Bhavan,
Bandra (E), Mumbai – 400 051.**

GROUNDS

This appeal has been filed under section 19(3) of the Right to Information Act, 2005. The appellant by his application dated 30.01.2009 had wanted to know under what rule the departmental enquiry against him could continue eve after retirement and punishment awarded.

Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant filed this second appeal before the commission. The appeal was heard on 29.04.2010. Appellant and respondents were present.

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

The respondent in his written submission states that action has been taken in accordance with the provisions of the Maharashtra Civil Service Discipline and Appeal Rules 1979. He has elaborated and quoted the rules relied upon.

After going through the case papers and considering the arguments advanced by the parties I have come to conclusion that information has been furnished. The commission can not arbitrate on the legality or otherwise of the action taken. The RTI Act, 2005 ensures furnishing of available information and the same has been done in this case. The case is therefore closed.

Order

The appeal is disposed off.

(Ramanand Tiwari)
State Information Commissioner, Mumbai

Place: Mumbai
Date: 29.04.2010.

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

Appeal No.2010/4699/02

**Shri. U.C. Sanklecha
Poornima CHS Ltd,
Flat No.51, 5th Floor,
Colaba Causeway,
Mumbai – 400 005.**

... Appellant

V/s

**First Appellate Officer cum Dy Chief Engineer (B.P.) City
Municipal Corporation of Greater Mumbai,
E Ward Office, 3rd Floor, Byculla,
Mumbai – 400 008.**

... Respondent

**Public Information Officer cum Executive Engineer (B.P.) City
Municipal Corporation of Greater Mumbai,
E Ward Office, 3rd Floor, Byculla,
Mumbai – 400 008.**

GROUNDS

This appeal has been filed under section 19(3) of the Right to Information Act, 2005. The appellant by his application dated 24.08.2009 had sought a certified copy of the building plan for Poornima building, 79, Shaheed Bhagat Singh Rd, Colaba, Mumbai.

Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant filed this second appeal before the commission. The appeal was heard on 29.04.2010. Appellant and respondents were present.

The appellant has contended that he has not been furnished the required information. The respondent submitted that the survey sheet does not bear the ER no (file no). In the absence of the file no it was not possible for them to locate the file in view of the fact that the building is very old (prior to 1956).

After going through the case papers and considering the arguments advanced by the parties I have come to conclusion that the appellant has been correctly informed. The

survey sheet normally bears the file no but strangely enough the file no is not available in this case. The appellant is a member of the society. Members may not have details of the building plan. It is possible that the society may have the details because the society is the custodian of all record. I would therefore advise the respondent to try to get details from the society and help the appellant.

Order

The appeal is allowed.

(Ramanand Tiwari)
State Information Commissioner, Mumbai

Place: Mumbai
Date: 29.04.2010.

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

Appeal No.2010/4695/02

**Shri. Loksen Sokilal Sen
D.P. Mewawala,
42, Masjid Bunder Rd,
Mumbai – 400 003.**

... Appellant

V/s

**First Appellate Officer cum Executive Engineer
F/South Ward, Municipal Corporation,
Room No.32, 2nd Floor,
Dr. B.A. Rd, Parel, Mumbai – 400 012.**

... Respondent

**Public Information Officer cum Asstt Engineer
F/South Ward, Municipal Corporation,
Room No.32, 2nd Floor,
Dr. B.A. Rd, Parel, Mumbai – 400 012.**

GROUND

This appeal has been filed under section 19(3) of the Right to Information Act, 2005. The appellant by his application dated 14.12.2009 had sought the following information: -

On what basic Alternate Accommodation given to Mr.Munilala Sadhulal Rawat at Govandi at the time of Shifting of Zapada from Rajiv Gandhi Nagar, Zakaria Bunder Rd, Cotton Green, Mumbai – 400 033 as Munilala Sadhulal Rawat was not in possession & present at the time of survey taken out by BMC in July, 2000 & notice was not issued on his name under section 314 of BMC Act in year 2007.

Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant filed this second appeal before the commission. The appeal was heard on 29.04.2010. Appellant and respondents were present.

After going through the case papers and considering the arguments advanced by the parties I have come to conclusion that this is a dispute regarding eligibility for

allotment of alternative accommodation. The appellant claims to have brought the property and has relevant documentary proof. This according to me can be sorted out by persons in charge of making the list. I would therefore direct that Deputy Municipal Commissioner, Zone II should look into the matter and inform the appellant.

Order

The appeal is disposed off.

(Ramanand Tiwari)
State Information Commissioner, Mumbai

Place: Mumbai
Date: 29.04.2010.

Copy forward WC to the DMC, Zone II, "F" South, Dr. B.A. Road, Parel, Mumbai for necessary action.

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

Complaint No.2010/762/2

**Shri. Arjunlal Chhabria
Bella Vista, Flat No.15,
3rd Floor, Opp. Lake & LIC Office,
S.V. Rd, Bandra (W),
Mumbai – 400 050.**

...Complainant

Vs

**Public Information Officer cum Asstt Engineer (Water)
Municipal Corporation of Greater Mumbai,
L Ward, S.G. Barve Marg,
Kurla (W), Mumbai – 400 070.**

... Respondent

GROUND

This complaint has been filed under section 18 of the Right to Information Act 2005 in the context of the commission's order dated 31.01.2010 passed in appeal no 2010/3576/02. The facts in brief are as follows: - The complainant had sought information relating to the complaint of his client Shri Afak A. Mandaviya

Not satisfied with responses from the Public Information Officer and First Appellate Authority the complainant filed appeal under section 19 (3) of the RTI Act, 2005. The commission by its order dated 31.01.2010 directed that information should be furnished within 15 days. The present complaint is against alleged non compliance of commissions order.

The complaint was heard on 30.04.2010. Complainant and defendants were present.

The complainant has stated that he has not been given the information he had sought.

The defendant's contention was that the complainant has been informed that connection was diverted to 12" because of low pressure in 6".

After considering the arguments advanced by parties and going through the file I have come to the conclusion that information has been furnished and commission's order complied. The complaint therefore filed.

Order

The complaint is filed.

(Ramanand Tiwari)
State Information Commissioner, Mumbai

Place: Mumbai
Date: 30.04.2010.

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

Appeal No.2010/4724/02

Shri. Mod. Yusuf Faruq Khan
Shop No.13, Baba Faruqdin Shah General Stores,
Near Police Station, Amrut Nagar,
Mumbra, Thane.

... **Appellant**

V/s

First Appellate Officer cum Dy Divisional Officer
Mumbai Suburban District Office,
Administrative Bldg, 9th Floor,
Bandra (E), Mumbai – 400 051.

... **Respondent**

Public Information Officer cum Nayab Tahsildar
Office of the Tahsildar – Kurla (Mulund),
Topiwala College Bldg, 1st Floor,
Sarojini Naidu Rd, Mulund (W),
Mumbai – 400 080.

GROUND

This appeal has been filed under section 19(3) of the Right to Information Act, 2005. The appellant by his application dated 26.11.2009 had sought the information relating to caste certificate no SR/168/1996 dated 09.02.96.

Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant filed this second appeal before the commission. The appeal was heard on 30.04.2010. The appellant did not turn up but the respondent was present.

The appellant has informed telephonically that he would not be in a position attend the hearing and the case should be adjourned to a future date. The requested is not being admitted because the respondent has already produced acknowledge of his receipt of the desired information. The case therefore closed.

Order

The appeal is disposed off.

(Ramanand Tiwari)
State Information Commissioner, Mumbai

Place: Mumbai
Date: 30.04.2010.

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

Appeal No.2010/4723/02

**Shri. Mod. Yusuf Faruq Khan
Shop No.13, Baba Faruqdin Shah General Stores,
Near Police Station, Amrut Nagar,
Mumbra, Thane.**

... Appellant

V/s

**First Appellate Officer cum Asstt Commissioner
Municipal Corporation of Greater Mumbai
M Ward Bldg, Chembur, Mumbai – 400 071.**

... Respondent

**Public Information Officer cum Senior Inspector
Municipal Corporation of Greater Mumbai
M Ward Bldg, Chembur, Mumbai – 400 071.**

GROUNDS

This appeal has been filed under section 19(3) of the Right to Information Act, 2005. The appellant by his application dated 04.01.2010 had sought the information regarding documents relating to the Caste Certificate of Shri Hansraj Bodhram. It seems that the MCGM had sought report from the tahsildar, Kurla. The appellant wanted to know whether papers have been received.

Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant filed this second appeal before the commission. The appeal was heard on 30.04.2010. The appellant did not turn up but the respondent was present.

The appellant however has informed telephonically that he would not be in a position to attend the hearing and the case should be adjourned to a future date. The

request is rejected because tahsildar, Kurla who appeared in another appeal filed by the appellant submitted that his report has been sent to MCGM. It should be possible for the MCGM to attend to the case.

Order

PIO is directed to furnish the information within 10 days from the date of receipt of this order.

(Ramanand Tiwari)
State Information Commissioner, Mumbai

Place: Mumbai
Date: 30.04.2010.

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

Appeal No.2010/4651/02

**Shrimati. Ratnprabha Mohan Chaudhari
A-18, Laxmisagar Soc, Near Mathurabhavan,
Nandivali Rd, Dombivali (W), Thane – 421 201.**

... **Appellant**

V/s

**First Appellate Officer cum Dy Secretary (214)
Food, Civil Supplies & Consumer Protection Department,
Mantralaya, Mumbai – 400 032.**

... **Respondent**

**Public Information Officer cum Under Secretary (216)
Food, Civil Supplies & Consumer Protection Department
Mantralaya, Mumbai – 400 032.**

GROUND

This appeal has been filed under section 19(3) of the Right to Information Act, 2005. The appellant by his application dated 31.12.2009 had sought a copy of her Medical examination report. She had undergone the medical examination in 1998 and the report is said to have been sent to the department. The appellant needs it for getting it entered into her service book.

Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant filed this second appeal before the commission. The appeal was heard on 23.04.2010. Appellant and respondents were present.

The appellant contended that she has not been given the information she required.

The respondent's contention is that the information was not available in the department and hence could not be furnished.

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

is not available. The appellant with the help of the respondent has to find the way out. I am of the view that the commission can do nothing. I therefore decide to close the case.

Order

The appeal is disposed off.

(Ramanand Tiwari)
State Information Commissioner, Mumbai

Place: Mumbai
Date: 30.04.2010.

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

Complaint No.2010/498/2

**Shri. Arun Gavekar
25 A/202, Suyog, Bimbisarnagar,
Goregaon (E), Mumbai – 400 065.**

...Complainant

Vs

**Public Information Officer cum Estate Manager-4
Mumbai Housing & Area Development Board,
Grihanirman Bhavan, Bandra (E),
Mumbai – 400 051.**

... Respondent

GROUND

This complaint has been filed under section 18 of the Right to Information Act 2005 in the context of the commission's order dated 20.09.2008 passed in appeal no 2008/843/02. The facts in brief are as follows: - The complainant had sought information relating to refund of service charges to the appellant on the ground that MHADA continued to recover despite the fact that the building was already handed over to the society.

Not satisfied with responses from the Public Information Officer and First Appellate Authority the complainant filed appeal under section 19 (3) of the RTI Act, 2005. The commission by its order dated 20.09.2008 directed that information should be furnished within 30 days. The present complaint is against alleged non compliance of commissions order.

The complaint was heard on 27.04.2010. The complainant was present but the defendant was absent.

After hearing the complainant going through the file I have come to the conclusion that the commission's order has not been complied. I therefore pass the following order.

Order

The PIO to show cause why he should be penalized under section 20 of the RTI Act, 2005 for not supplying the information as directed by the commission. His reply to reach the commission in 4 weeks.

(Ramanand Tiwari)
State Information Commissioner, Mumbai

Place: Mumbai
Date: 30.04.2010.

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

Complaint No.2010/690/2

**Shri. Nikil Ghandhi
185-A, Shri Shivam CHS,
S.V. Rd, Vile-Parle (W),
Mumbai – 400 056.**

...Complainant

Vs

**Public Information Officer cum Dy Registrar
K/West Ward, Room No.69 A, MHADA Bldg,
Bandra (E), Mumbai – 400 051.**

... Respondent

GROUND

This complaint has been filed under section 18 of the Right to Information Act 2005. The complainant has stated that he was not allowed inspection of the complaint register.

The complaint was heard on 17.04.2010. Complainant and defendants were present.

It was agreed that the defendant will facilitate inspection of the complaint register and also furnish a copy of the cooperative commission's instruction in this regard.

The inspection to take place on 28.04.2010 at 4 PM.

Order

The complaint is filed.

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

Place: Mumbai
Date: 30.04.2010.

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

Complaint No.2010/560/2

**Shri. Maufid Khan
Room No 9, Dedia Niwas,
Rafi Ahmed Kidwai Rd,
Wadala, Mumbai – 400 031.**

...Complainant

Vs

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

... Respondent

GROUNDS

This complaint has been filed under section 18 of the Right to Information Act 2005 in the context of the commission's order dated 31.10.2009 passed in appeal no 2008/3497/02. The facts in brief are as follows: - The complainant had sought information regarding shifting of persons who were affected by widening / improvement of Zakaria Bunder Road, Sewri Cross Road, Rafi Ahmed Kidwai Road. He wanted names and addresses of the persons shifted.

Not satisfied with responses from the Public Information Officer and First Appellate Authority the complainant filed appeal under section 19 (3) of the RTI Act, 2005. The commission by its order dated 31.10.2009 directed that information should be furnished within 7 days. The present complaint is against alleged non compliance of commissions order.

The complaint was heard on 23.04.2010. Complainant and defendants were present.

After considering the arguments advanced by parties and going through the file I have come to the conclusion that MMRDA has transferred this application to the MCGM.

Flats were made available by the MMRDA but the actual shifting and handing over of flats were done by the MCGM. The commission's order has been complied.

Order

The complaint is filed.

(Ramanand Tiwari)
State Information Commissioner, Mumbai

Place: Mumbai
Date: 30.04.2010.

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

Complaint No.2010/767/2

**Shrimati. Pallavi K Shah
601, Bhimsen CHS,
Vishal Nagar, Mith Chowki,
Marvey Rd, Malad (W),
Mumbai – 400 064.**

...Complainant

Vs

**Public Information Officer cum Divisional Joint Registrar
Co-op Society, Malhotra House,
6th Floor, Opp. GPO, Fort, Mumbai – 400 001.**

... Respondent

GROUNDS

This complaint has been filed under section 18 of the Right to Information Act 2005 in the context of the commission's order dated 08.08.2008 passed in appeal no 2008/590/02. The facts in brief are as follows: - The complainant had sought copies of statements of accounts, minutes of annual general body meetings, names of committee members and details of funds lent / borrowed / received from to the defunct Barkha Bahar Cooperative Credit Society.

Not satisfied with responses from the Public Information Officer and First Appellate Authority the complainant filed appeal under section 19 (3) of the RTI Act, 2005. The commission by its order dated 08.08.2008 directed that information should be furnished within 30 days. The present complaint is against alleged non compliance of commissions order.

The complaint was heard on 30.04.2010. Complainant and defendants were present.

The complainant has stated that she has not been furnished the required information.

The defendant's contention was that whatever information has been received from the society has been furnished to the complainant.

After considering the arguments advanced by parties and going through the file it is revealed that the information furnished relates to the 'Credit Society' where as the complainant was interested in information relating to the Housing Society. Both societies bear the same name and the distinguishing feature is 'Credit' and 'Housing'. I therefore pass the following order.

Order

The complaint is allowed. The defend to collect information from the Housing Society and furnish to the complain with 30 days.

(Ramanand Tiwari)
State Information Commissioner, Mumbai

Place: Mumbai
Date: 30.04.2010.

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

Complaint No.2010/768/2

**Shri. Prakash Sheth
1103-Sulsa Apt.,
254-Ridge Rd,
Mumbai – 400 006.**

...Complainant

Vs

**Public Information Officer cum Secretary
Bar Council of Maharashtra & Goa,
Mumbai High Court, Mumbai.**

... Respondent

GROUND

This complaint has been filed under section 18 of the Right to Information Act 2005 in the context of the commission's order dated 15.02.2010 passed in complaint no 2010/527/02. The facts in brief are as follows: - The complainant had asked for inspection of the Advocates Roll Register which was denied. The commission ordered that this should be done within 15 days. It was not complied. The defendant has been harping on the point that they were under the impression that the RTI Act, 2005 was not applicable to them although the commission in so many cases has clarified that they are very much under the purview of the Act. It is clear that the Bar Council has been casual. Prima facie they are guilty of denying the information and not complying with the commission's order. I therefore pass the following order.

Order

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

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

Place: Mumbai
Date: 30.04.2010.

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

Complaint No.2010/769/2

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

...Complainant

Vs

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

... Respondent

GROUND

This complaint has been filed under section 18 of the Right to Information Act 2005 in the context of the commission's order dated 14.09.2009 passed in appeal no 2009/3201/02. The facts in brief are as follows: - The complainant had sought information regarding complaint filed against him by Mr. Anthony Sebastian with Chembur and Deonar Police Stations.

Not satisfied with responses from the Public Information Officer and First Appellate Authority the complainant filed appeal under section 19 (3) of the RTI Act, 2005. The commission by its order dated 14.09.2009 directed that information should be furnished within 30 days. The present complaint is against alleged non compliance of commissions order.

The complaint was heard on 30.04.2010. The complainant was present but the defendant was absent.

The complainant has stated that he has received the information and does not want to proceed with the complaint. I therefore pass the following order.

Order

The complaint is filed.

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

Place: Mumbai
Date: 30.04.2010.

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

Complaint No.2010/770/2

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

...Complainant

Vs

**Public Information Officer cum Executive Engineer
Ghatkoper Division, Mumbai Board,
Kalanagar, Bandra (E), Mumbai – 400 051.**

... Respondent

GROUNDS

This complaint has been filed under section 18 of the Right to Information Act 2005 in the context of the commission's order dated 16.11.2009 passed in appeal no 2009/3736/02. The facts in brief are as follows: - The complainant had sought information regarding action taken on his complaint against Mr. Anthony Sebastian and his wife Helan who are alleged to have encroached upon about 2500 sqft of land.

Not satisfied with responses from the Public Information Officer and First Appellate Authority the complainant filed appeal under section 19 (3) of the RTI Act, 2005. The commission by its order dated 16.11.2009 directed that information should be furnished after giving final notice to the parties. The present complaint is against alleged non compliance of commissions order.

The complaint was heard on 30.04.2010. The complainant was present but the defendant was absent.

The complainant has stated that no information has been furnished. Since the defendant was not present it could not be verified. Case papers however do not show that information has been furnished. I therefore pass the following order.

Order

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

(Ramanand Tiwari)
State Information Commissioner, Mumbai

Place: Mumbai
Date: 30.04.2010.

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

Complaint No.2010/760/2

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

...Complainant

Vs

**Public Information Officer cum Land Officer
Grihanirman Bhavan, (Andheri Divi),
Mhada Bldg, Bandra (E), Mumbai – 400 051.**

... Respondent

GROUNDS

This complaint has been filed under section 18 of the Right to Information Act 2005 in the context of the commission's order dated 31.07.2009 passed in appeal no 2008/2929/02. The facts in brief are as follows: - The complainant had sought information relating to commercial tenements in Shitala Devi CHS, Lokmanya Nagar CHS and Shivnagar CHS. The appellant had given a list of 85 commercial structure and wanted copies of documents attached to each of them.

Not satisfied with responses from the Public Information Officer and First Appellate Authority the complainant filed appeal under section 19 (3) of the RTI Act, 2005. The commission by its order dated 31.07.2009 directed that information should be furnished within 30 days. The present complaint is against alleged non compliance of commissions order.

The complaint was heard on 30.04.2010. The defendant was present but the complainant did not turn up.

It has been submitted by the defendant that the information has been furnished. In view of the appellant absence and the respondent's submission, I decide to close the case.

Order

The complaint is filed.

(Ramanand Tiwari)
State Information Commissioner, Mumbai

Place: Mumbai
Date: 30.04.2010.

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

Appeal No.2010/4642/02

Shri. Sudin Pradhan
Nalanda CHS Soc.,
Bldg No.34/1236,
Shubhashnagar,
Chembur, Mumbai – 400 071.

... **Appellant**

V/s

First Appellate Officer cum Dy Education Officer (Zone 5)
Municipal Corporation of Greater Mumbai,
M Ward Office, 3rd Floor, Chembur, Mumbai – 400 071.

... **Respondent**

Public Information Officer cum Administrative Officer
Municipal Corporation of Greater Mumbai,
M Ward Office, 3rd Floor, Chembur, Mumbai – 400 071.

GROUNDS

This appeal has been filed under section 19(3) of the Right to Information Act, 2005. The appellant by his application dated 25.08.2009 had sought information regarding No Objection to demolish the Municipal School in Subhasnagar, building no.20.

Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant filed this second appeal before the commission. The appeal was heard on 22.04.2010. Appellant and respondents were present.

After going through the case papers and considering the arguments advanced by the parties I have come to conclusion that available information has been furnished. Answers to hypothetical questions have not been provided but that is not expected under the RTI Act. The case is therefore closed.

Order

The appeal is disposed off.

(Ramanand Tiwari)
State Information Commissioner, Mumbai

Place: Mumbai
Date: 22.04.2010.

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

Appeal No.2010/4649/02

Shrimati. Ratnprabha Mohan Chaudhari
A-18, Laxmisagar Soc, Near Mathurabhavan,
Nandivali Rd, Dombivali (W), Thane – 421 201.

... Appellant

V/s

First Appellate Officer cum Dy Secretary (214)
Food, Civil Supplies & Consumer Protection Department,
Mantralaya, Mumbai – 400 032.

... Respondent

Public Information Officer cum Under Secretary (216)
Food, Civil Supplies & Consumer Protection Department
Mantralaya, Mumbai – 400 032.

GROUND

This appeal has been filed under section 19(3) of the Right to Information Act, 2005. The appellant by his application dated 31.12.2009 had sought a certified copy of the Caste Validation Certificate.

Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant filed this second appeal before the commission. The appeal was heard on 23.04.2010. Appellant and respondents were present.

The appellant contended that she has not been provided with the required information.

The respondent's contention is that the Certificate is not available on their record and hence a copy could not be furnished.

After going through the case papers and considering the arguments advanced by the parties I have come to conclusion that the department should obtain a copy of the Certificate from the committee at Nashik and furnish to the appellant.

Order

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

(Ramanand Tiwari)
State Information Commissioner, Mumbai

Place: Mumbai
Date: 30.04.2010.

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

Appeal No.2010/4650/02

**Shrimati. Ratnprabha Mohan Chaudhari
A-18, Laxmisagar Soc, Near Mathurabhavan,
Nandivali Rd, Dombivali (W), Thane – 421 201.**

... **Appellant**

V/s

**First Appellate Officer cum Dy Secretary (214)
Food, Civil Supplies & Consumer Protection Department,
Mantralaya, Mumbai – 400 032.**

... **Respondent**

**Public Information Officer cum Under Secretary (216)
Food, Civil Supplies & Consumer Protection Department
Mantralaya, Mumbai – 400 032.**

GROUND

This appeal has been filed under section 19(3) of the Right to Information Act, 2005. The appellant by his application dated 31.12.2009 had sought information relating to the termination of her probation. The appellant has stated that she has completed 11 years of service but is still on probation and this has deprived her of all resultant service benefits.

Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant filed this second appeal before the commission. The appeal was heard on 23.04.2010. Appellant and respondents were present.

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

The respondent's contention is that the appellant's probation could not be terminated because of pending departmental enquiry against her. It was stated by them that the enquiry has since been completed and necessary action will be taken soon.

After going through the case papers and considering the arguments advanced by the parties I have come to conclusion that the appellant should be informed what action

has been taken for termination of her probation in view of the fact that the departmental enquiry has been completed.

Order

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

(Ramanand Tiwari)
State Information Commissioner, Mumbai

Place: Mumbai
Date: 30.04.2010.

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

Appeal No.2010/4672/02

**Shri. Abdul Khan
BIT Block No.8, Flat No.3,
I.R. Rd, Mumbai – 400 003.**

... Appellant

V/s

**First Appellate Officer,
Law & Judiciary Department,
Mantralaya, Mumbai – 400 032.**

... Respondent

**Public Information Officer cum Desk Officer (15)
Law & Judiciary Department,
Mantralaya, Mumbai – 400 032.**

GROUND

This appeal has been filed under section 19(3) of the Right to Information Act, 2005. The appellant by his application dated 07.12.2009 had sought information relating to the appeal before the Hon'ble Minister for Revenue, Maharashtra State under no Minister / Revenue / Gen / Appeal / 306 / 06 dated 13.03.2006 against the order dated 01.02.2006 of the Dy Charity Commissioner in application No Dy CC/14 of 2005 under section 51 of the Bombay Public Trusts Act, 1950. He wanted copies of final decision and action paper and also inspection of documents.

Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant filed this second appeal before the commission. The appeal was heard on 30.04.2010. Appellant was present but the respondent came late.

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

The respondent's contention is they have already informed him there was no appeal pending with the department. It has also been clarified that the appellant does not need permission to file a civil suit in the civil court.

After going through the case papers and considering the arguments advanced by the parties I have come to conclusion that information has been furnished. The appellant however did not seem satisfied and I therefore direct that suitable reply should be furnished to him within 15 days from the date of receipt of this order.

Order

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

(Ramanand Tiwari)
State Information Commissioner, Mumbai

Place: Mumbai
Date: 30.04.2010.

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

Appeal No.2010/4522/02

**Shri. Jayant R Katira
194, SS-III, Sector 2,
Vashi, Navi Mumbai – 400 703.**

... Appellant

V/s

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

... Respondent

**Public Information Officer,
Engineering Desk, 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 by his application dated 22.09.2009 had sought the following information: -

Certified copy of appointment, resignation and appointment of new technical person (Architect & Structural Engineer). For proposal SR scheme on plot bearing CTS no.181 (pt) of Dharavi Division, 90 Rd, Dharavi, Mumbai, for Balajinagar Kamraj Co-op HSG Soc., Ltd.

Developer M/s Sai Pushpa Construction.

File No.SRA/ENG/255/GN/ML/LOI & SRA/ENG/851/GN/ML/AP

Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant filed this second appeal before the commission. The appeal was fixed for hearing on 06.04.2010. Appellant and respondent were absent.

After going through the case papers it is seen that no information has been furnished. I therefore pass the following order.

Order

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

(Ramanand Tiwari)
State Information Commissioner, Mumbai

Place: Mumbai
Date: 30.04.2010.

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

Appeal No.2010/4671/02

**Shri. Khan Moh. Ismaile
BIT Block No.8, Flat No.3,
I.R. Rd, Mumbai – 400 003.**

... Appellant

V/s

**First Appellate Officer,
Law & Judiciary Department,
Mantralaya, Mumbai – 400 032.**

... Respondent

**Public Information Officer cum Desk Officer (15)
Law & Judiciary Department,
Mantralaya, Mumbai – 400 032.**

GROUND

This appeal has been filed under section 19(3) of the Right to Information Act, 2005. The appellant by his application dated 07.12.2009 had sought information relating to the appeal before the Hon'ble Minister for Revenue, Maharashtra State under no Minister / Revenue / Gen / Appeal / 306 / 06 dated 13.03.2006 against the order dated 01.02.2006 of the Dy Charity Commissioner in application No Dy CC/14 of 2005 under section 51 of the Bombay Public Trusts Act, 1950. He wanted copies of final decision and action paper and also inspection of documents.

Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant filed this second appeal before the commission. The appeal was heard on 30.04.2010. Appellant was present but the respondent came late.

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

The respondent's contention is they have already informed him there was no appeal pending with the department. It has also been clarified that the appellant does not need permission to file a civil suit in the civil court.

After going through the case papers and considering the arguments advanced by the parties I have come to conclusion that although Law and Judiciary has responded, the Revenue and Forest department has maintained silence. The appeal against the order of the Dy. Charity Commissioner was filed with the MOS Revenue as the Maharashtra Revenue Tribunal was not in existence. The Revenue department has to inform the appellant what action has been taken. I therefore pass the following order.

Order

The Dy Secretary concerned to inform the appellant what action has been taken on his appeal within 15 days from the date of receipt of this order.

(Ramanand Tiwari)
State Information Commissioner, Mumbai

Place: Mumbai
Date: 30.04.2010.

Copy WC to Dy Secretary, Revenue and Forest to furnish the required information as directed.

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

Appeal No.2010/4727/02

Shri. Rajesh H. Marchant
71/4, Gandhi Nagar, Near Marbal Art,
Worli, Mumbai – 400 018.

... Appellant

V/s

First Appellate Officer cum Asstt Commissioner
Municipal Corporation of Greater Mumbai
G/North Ward Office,
Room No.312, 3rd Floor, Dadar (W)
Mumbai – 400 028.

... Respondent

Public Information Officer cum Administrative Officer
Municipal Corporation of Greater Mumbai
G/North Ward Office,
Room No.312, 3rd Floor, Dadar (W)
Mumbai – 400 028.

GROUNDS

This appeal has been filed under section 19(3) of the Right to Information Act, 2005. The appellant by his application dated 28.11.2009 had sought a copy of the list of VLTs terminated in case no 575 scheme no 56, Dharavi Road, Mumbai.

Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant filed this second appeal before the commission. The appeal was heard on 30.04.2010. Appellant and respondents were present.

After going through the case papers and considering the arguments advanced by the parties I have come to conclusion that the appellant has been furnished the required information by the AO, Estate under his letter dated 06.12.2009. I therefore pass the following order.

Order

The appeal is disposed off.

(Ramanand Tiwari)
State Information Commissioner, Mumbai

Place: Mumbai
Date: 30.04.2010.

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

Appeal No.2010/4725/02

**Shrimati. Hema K. Shirke
Sagardeep Bldg., 2nd Floor,
Flat No.1, 54 Ridge Rd,
Teen Batti, Malwar Hill,
Mumbai – 400 006.**

... Appellant

V/s

**First Appellate Officer cum Asstt Commissioner
Municipal Corporation of Greater Mumbai
D Ward Office, Jobanputra Compound,
Nana Chowk, Grant Road (W),
Mumbai – 400 007.**

... Respondent

**Public Information Officer cum Senior Inspector
Municipal Corporation of Greater Mumbai
D Ward Office, Jobanputra Compound,
Nana Chowk, Grant Road (W),
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 20.06.2009 had sought copies of Form 'B' in favour of Jai Santoshi Mata Pan Bhandar, Garden Gair Cuting Saloon, New Rashmi Stores 47/49, Ridge Rd, Teen Batti, Malwar Hill, Mumbai.

Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant filed this second appeal before the commission. The appeal was heard on 30.04.2010. Appellant and respondents were present.

The appellant has contended that although the information was sought for 10 years, she has been given a copy of the 'B' form only for 2009. The respondent's submission is that 'B' forms for remaining years were not readily available and hence could not be furnished.

After going through the case papers and considering the arguments advanced by the parties I have come to conclusion that information has been partially furnished. It is not enough to say that they are not available. They will have to be traced and copies furnished to the appellant. I therefore pass the following order.

Order

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

(Ramanand Tiwari)
State Information Commissioner, Mumbai

Place: Mumbai
Date: 30.04.2010.

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

Appeal No.2010/4725/02

**Shrimati. Hema K. Shirke
Sagardeep Bldg., 2nd Floor,
Flat No.1, 54 Ridge Rd,
Teen Batti, Malwar Hill,
Mumbai – 400 006.**

... Appellant

V/s

**First Appellate Officer cum Asstt Commissioner
Municipal Corporation of Greater Mumbai
D Ward Office, Jobanputra Compound,
Nana Chowk, Grant Road (W),
Mumbai – 400 007.**

... Respondent

**Public Information Officer cum Senior Inspector
Municipal Corporation of Greater Mumbai
D Ward Office, Jobanputra Compound,
Nana Chowk, Grant Road (W),
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 20.06.2009 had sought copies of Form 'B' in favour of Jai Santoshi Mata Pan Bhandar, Garden Hair Cutting Saloon, New Rashmi Stores 47/49, Ridge Rd, Teen Batti, Malwar Hill, Mumbai.

Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant filed this second appeal before the commission. The appeal was heard on 30.04.2010. Appellant and respondents were present.

The appellant has contended that although the information was sought for 10 years, she has been given a copy of the 'B' form only for 2009. The respondent's submission is that 'B' forms for remaining years were not reading available and hence could not be furnished.

After going through the case papers and considering the arguments advanced by the parties I have come to conclusion that information has been partially furnished. It is not enough to say that they are not available. They will have to be traced and copies furnished to the appellant. I therefore pass the following order.

Order

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

(Ramanand Tiwari)
State Information Commissioner, Mumbai

Place: Mumbai
Date: 30.04.2010.

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

Appeal No.2010/4701/02

**Shri. Vijay Chauhan
2A, Sun & Sea Pat.,
Near Royal Lane, Juhutara Rd,
Santacruz (W), Mumbai – 400 049.**

... Appellant

V/s

**First Appellate Officer cum Additional Commissioner of Police
Anticorruption Deptt, Municipal Division Office,
Madhu Industrial Estate, 1st Floor,
Worli, Mumbai – 400 013.**

... Respondent

**Public Information Officer cum Additional Dy Commissioner of Police
Anticorruption Deptt, Municipal Division Office,
Madhu Industrial Estate, 1st Floor,
Worli, Mumbai – 400 013.**

GROUNDS

This appeal has been filed under section 19(3) of the Right to Information Act, 2005. The appellant by his application dated 14.10.2009 had sought the following information: -

- a) The total number of discreet enquiry conducted by ACB between 2006/2009, also with the Inquiry number, starting date, concluding date, name of officer conduction the enquiry.
- b) From the above, kindly inform the total number of discreet enquiry that has been converted to open enquiry.
- c) From the above, furnish details of open enquiry resulting in FIR, kindly provide the date of FIR.

1. Kindly inform under which norm of ACB, the complaint which comes under the jurisdiction of PCA, 1988 is forwarded to Commissioner of Police, Kindly forward a copy of all norms.

2. Kindly inform about the provisions for punishment / penalty etc. if the enquiry is not completed / concluded within the stipulated time as per ACB's Citizens Charter. Kindly furnish a copy of all such norms.
3. Kindly provide detailed information on measures taken to implement section 4 of RTI Act, how far has the section 4 of the RTI Act implemented by the ACB.

Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant filed this second appeal before the commission. The appeal was heard on 29.04.2010. Appellant and respondents were present.

The appellant has contended that relevant information was not provided, nor inspection of closed files 226 given by ACB, earlier too they had denied inspection of closed files pertaining to his complaint. The information sought for was purely in public interest hence denial under section 8(J) was not justified.

The respondent's contention is that information sought has been provided. Inspection of closed files has been denied denial under section 8(1)(g) of the RTI Act. They have also contentended that the information pertains to third party and no public interest was involved in disclosure.

I have gone through the case papers and also considered the arguments advanced by parties. The respondent in his written submission has summarized the information furnished to him. Details of cases, names of enquiry officer and dates of conclusion has also been communicated. Inspection of closed files however has been denied. Section 8(1) (g) of the RTI Act. The section reads as follows: -

8(1) (g) Notwithstanding anything contained in this Act, there shall be no obligation to give any citizen “Information, the disclosure of which would endanger the life or physical safety of any person or identify the source of information or assistance given in confidence for law enforcement or security purposes”.

It is well known that discreet enquiry is supposed to be discreet. It is not supposed to be known in to the person, against who enquiry was being conducted. Witnesses night have deposed in confidence and it may not be in public interest to disclose the source of information. The appellant also has not been able to establish how it is in public interest to allow him the inspection except that ‘he is married to the cause of eradicating corruption and wanted to use RTI to fight against corruption’. Expression of desire to fight corruption is not enough. The inspection has been rightly denied under section 8(1) (g) of the RTI Act. I therefore pass the following order.

Order

The appeal is disposed off.

(Ramanand Tiwari)
State Information Commissioner, Mumbai

Place: Mumbai
Date: 30.04.2010.

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

Appeal No.2010/4523/02

**Shri. Jayant R Katira
194, SS-III, Sector 2,
Vashi, Navi Mumbai – 400 703.**

... Appellant

V/s

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

... Respondent

**Public Information Officer,
Engineering Desk, 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 by his application dated 22.09.2009 had sought the following information: -

Certified copy of appointment, resignation and appointment of new technical person (Architect & Structural Engineer). For proposal SR scheme on plot bearing CTS no.181 (pt) of Dharavi Division, 90 Rd, Dharavi, Mumbai, for Balajinagar Kamraj Co-op HSG Soc., Ltd.

Developer M/s Sai Pushpa Construction.

File No.SRA/ENG/670/GN/ML/LOI & SRA/ENG/946/GN/ML/AP

Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant filed this second appeal before the commission. The appeal was fixed for hearing on 06.04.2010. Appellant and respondent were absent.

After going through the case papers it is seen that no information has been furnished. I therefore pass the following order.

Order

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

(Ramanand Tiwari)
State Information Commissioner, Mumbai

Place: Mumbai
Date: 30.04.2010.

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

Appeal No.2010/4524/02

**Shri. Jayant R Katira
194, SS-III, Sector 2,
Vashi, Navi Mumbai – 400 703.**

... Appellant

V/s

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

... Respondent

**Public Information Officer,
Engineering Desk, 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 by his application dated 22.09.2009 had sought the following information: -

Certified copy of appointment, resignation and appointment of new technical person (Architect & Structural Engineer). For proposal SR scheme on plot bearing CTS no.181 (pt) of Dharavi Division, 90 Rd, Dharavi, Mumbai, for Balajinagar Kamraj Co-op HSG Soc., Ltd.

Developer M/s Sai Pushpa Construction.

File No.SRA/ENG/244/GN/ML/LOI & SRA/ENG/567/GN/ML/AP

Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant filed this second appeal before the commission. The appeal was fixed for hearing on 06.04.2010. Appellant and respondent were absent.

After going through the case papers it is seen that no information has been furnished. I therefore pass the following order.

Order

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

(Ramanand Tiwari)
State Information Commissioner, Mumbai

Place: Mumbai
Date: 30.04.2010.

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

Appeal No.2010/4525/02

**Shri. Jayant R Katira
194, SS-III, Sector 2,
Vashi, Navi Mumbai – 400 703.**

... Appellant

V/s

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

... Respondent

**Public Information Officer,
Engineering Desk, 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 by his application dated 22.09.2009 had sought the following information: -

Certified copy of appointment, resignation and appointment of new technical person (Architect & Structural Engineer). For proposal SR scheme on plot bearing CTS no.181 (pt) of Dharavi Division, 90 Rd, Dharavi, Mumbai, for Balajinagar Kamraj Co-op HSG Soc., Ltd.

Developer M/s Sai Pushpa Construction.

File No.SRA/ENG/637/GN/ML/LOI & SRA/ENG/1691/GN/ML/AP

Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant filed this second appeal before the commission. The appeal was fixed for hearing on 06.04.2010. Appellant and respondent were absent.

After going through the case papers it is seen that no information has been furnished. I therefore pass the following order.

Order

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

(Ramanand Tiwari)
State Information Commissioner, Mumbai

Place: Mumbai
Date: 30.04.2010.

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

Appeal No.2010/4730/02

Shri. Narendra B. Sawant
11/345, Sahakar Nagar-3,
Chembur, Mumbai – 400 071.

... Appellant

V/s

First Appellate Officer cum Dy Registrar
Registrar, Cooperative Board,
Housing & Area Development Board,
2nd Floor, Room No.369,
Grihanirman Bhavan,
Bandra (E), Mumbai – 400 051.

... Respondent

Public Information Officer cum Cooperative Officer
Registrar, Cooperative Board,
Housing & Area Development Board,
2nd Floor, Room No.369,
Grihanirman Bhavan,
Bandra (E), Mumbai – 400 051.

GROUND

This appeal has been filed under section 19(3) of the Right to Information Act, 2005. The appellant by his application dated 16.12.2009 had sought copies of documents which formed the basis of the Dy Registrar's order directing the society to admit Sai Trust as a member.

Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant filed this second appeal before the commission. The appeal was heard on 30.04.2010. Appellant and respondent were absent.

After going through the case papers and considering the arguments advanced by parties I have come to the conclusion that documents required by the appellant should be furnished. I therefore passed following order.

Order

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

(Ramanand Tiwari)
State Information Commissioner, Mumbai

Place: Mumbai
Date: 30.04.2010.

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

Appeal No.2010/4705/02

**Shri. Jitendra Kadam
104/3564, Neharunagar,
Kurla (E), Mumbai – 400 070.**

... Appellant

V/s

**First Appellate Officer cum Dy Police Commissioner
Zone-09, Hill Rd, Bandra (W),
Mumbai – 400 050.**

... Respondent

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

GROUND

This appeal has been filed under section 19(3) of the Right to Information Act, 2005. The appellant by his application dated 17.09.2009 had sought copies of relevant document relating the Departmental Enquiry against him.

Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant filed this second appeal before the commission. The appeal was heard on 29.04.2010. Appellant and respondent were absent.

After going through the case papers and considering the arguments advanced by parties I have come to the conclusion that the information has been partially furnished. The commission is not in agreement with the view that copies of Rezonama cannot be given under section 8(1) (J) of the RTI Act. There is nothing confidential about the Rozanama. The appellant is entitled to get copies. I therefore pass the following order.

Order

Copies of Rozanama as demanded should be furnished within 3 weeks from the date of receipt of this order.

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

Place: Mumbai
Date: 30.04.2010.

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

Appeal No.2010/4709/02

**Shri. Abasaheb A. Kavale
2/1, Officer Colony,
D.B. Marg Police Thane,
Mumbai – 400 007.**

... Appellant

V/s

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

... Respondent

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

GROUND

This appeal has been filed under section 19(3) of the Right to Information Act, 2005. The appellant by his application dated 12.11.2009 had sought copies of the documents enclosed with the applications for arms licence filed by Shri Joshi, PI & Shri Bhinde. The information has been denied under section 8(1) (g) of the RTI Act.

Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant filed this second appeal before the commission. The appeal was heard on 29.04.2010. Appellant and respondent were absent.

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

The respondent's contention is that the information sought is personal and does not have any content of larger public interest. The information has therefore been denied.

After going through the case papers and considering the arguments advanced by parties I have come to the conclusion has been rightly denied. Personal details unless warranted by the larger public interest is not to be given. It is not clear how copies of

applications & enclosures of Shri Joshi & Shir Bhide will serve lager public interest. I therefore confirm the order.

Order

The appeal is disposed off.

(Ramanand Tiwari)
State Information Commissioner, Mumbai

Place: Mumbai
Date: 30.04.2010.

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

Appeal No.2010/4726/02

Shri. Bhagwan S. Sawant
531/18, Krushna CHS.,
Sector-5, Charkop,
Kandivali (W), Mumbai – 400 067.

... **Appellant**

V/s

First Appellate Officer cum Chief Employees Officer
General Administrative Dept.
Municipal Corporation, Main Bldg,
6th Floor, Mahapalika Marg, Mumbai – 400 001.

... **Respondent**

Public Information Officer cum Administrative Officer
General Administrative Dept.
Municipal Corporation, Main Bldg,
6th Floor, Mahapalika Marg, Mumbai – 400 001.

GROUND

This appeal has been filed under section 19(3) of the Right to Information Act, 2005. The appellant by his application dated 02.12.2009 had sought copies of his answersheet for the Head Clerks examination conducted by MCGM.

Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant filed this second appeal before the commission. The appeal was heard on 30.04.2010. Appellant and respondent were absent.

After going through the case papers and considering the arguments advanced by parties I have come to the conclusion that information has been rightly denied. The Central Information Commission in appeal no CPB/A-2 CIC/2006 dated 06.02.2006 has concluded that disclosure of information such cases will not be in larger public interest. The case therefore closed.

Order

The appeal is disposed off.

(Ramanand Tiwari)
State Information Commissioner, Mumbai

Place: Mumbai
Date: 30.04.2010.

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

Complaint No.2010/676/2

**Adv. Shoeb Khan,
B-302, Shivangan, Malvani,
Malad (W), Mumbai – 400 095.**

...Complainant

Vs

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

... Respondent

GROUND

This complaint has been filed under section 18 of the Right to Information Act 2005 in the context of the commission's order dated 12.05.2009 passed in appeal no 2009/2465/02.

Not satisfied with responses from the Public Information Officer and First Appellate Authority the complainant filed appeal under section 19 (3) of the RTI Act, 2005. The commission by its order dated 12.05.2009 directed that information should be furnished within 15 days. The present complaint is against alleged non compliance of commissions order.

The complaint was heard on 26.04.2010. The complainant was present but the defendant was absent.

The complainant has stated that he has not been furnished the information and the commission's order has not been complied. Since the defendant was not present, it could not be verified. Case papers reveal that no information has been furnished. I therefore pass the following order.

Order

The PIO to show cause why action under section 20 of the RTI Act should not be taken against him for not furnished the information as directed. His reply to come within 4 weeks.

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

Place: Mumbai
Date: 30.04.2010.

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

Complaint No.2010/761/2

**Shri. Anil P. Kedare
Samyak Vichar Sangh,
Ramabai Ambedkar Nagar,
Ghatkopar (E), Mumbai – 400 075.**

...Complainant

Vs

**Public Information Officer cum Asstt Engineer
Municipal Corporation of Greater Mumbai
N Ward, 2nd Floor, Jawahar Rd,
Ghatkopar (E), Mumbai – 400 077.**

... Respondent

GROUNDS

This complaint has been filed under section 18 of the Right to Information Act 2005 in the context of the commission's order dated 30.01.2010 passed in appeal no 2010/3461/02. The facts in brief are as follows: The complainant had sought information regarding money spent in ward no 126 from councillor's fund during 2007-2008 and 2008-2009.

Not satisfied with responses from the Public Information Officer and First Appellate Authority the complainant filed appeal under section 19 (3) of the RTI Act, 2005. The commission by its order dated 30.01.2010 directed that information should be furnished within 30 days. The present complaint is against alleged non compliance of commissions order.

The complaint was heard on 30.04.2010. The complainant was present but the defendant was absent.

The complainant has stated that he has been furnished some information but he was not satisfied. The break up of expenses – councillors fund & normal fund has not

been given. Since the defendant was not present, it could not be verified. I therefore pass the following order.

Order

The PIO to show cause why action under section 20 of the RTI Act 2005 should not be taken against him not furnishing full information. His reply to reach the commission within 4 weeks from the date of receipt of this order.

(Ramanand Tiwari)
State Information Commissioner, Mumbai

Place: Mumbai
Date: 30.04.2010.

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

Appeal No.2010/4732/02

Shri. Narendra B. Sawant
11/345, Sahakar Nagar-3,
Chembur, Mumbai – 400 071.

... Appellant

V/s

First Appellate Officer cum Dy Registrar
Registrar, Cooperative Board,
Housing & Area Development Board,
2nd Floor, Room No.369,
Grihanirman Bhavan,
Bandra (E), Mumbai – 400 051.

... Respondent

Public Information Officer cum Cooperative Officer
Registrar, Cooperative Board,
Housing & Area Development Board,
2nd Floor, Room No.369,
Grihanirman Bhavan,
Bandra (E), Mumbai – 400 051.

GROUND

This appeal has been filed under section 19(3) of the Right to Information Act, 2005. The appellant by his application dated 05.11.2009 had sought copies of documents which formed the basis of the Dy Registrar's order directing the society to admit Sai Trust as a member.

Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant filed this second appeal before the commission. The appeal was heard on 30.04.2010. Appellant and respondent were absent.

After going through the case papers and considering the arguments advanced by parties I have come to the conclusion that documents required by the appellant should be furnished. I therefore passed following order.

Order

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

(Ramanand Tiwari)
State Information Commissioner, Mumbai

Place: Mumbai
Date: 30.04.2010.

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

Appeal No.2010/4729/02

Shri. Narendra B. Sawant
11/345, Sahakar Nagar-3,
Chembur, Mumbai – 400 071.

... Appellant

V/s

First Appellate Officer cum Dy Registrar
Registrar, Cooperative Board,
Housing & Area Development Board,
2nd Floor, Room No.369,
Grihanirman Bhavan,
Bandra (E), Mumbai – 400 051.

... Respondent

Public Information Officer cum Cooperative Officer
Registrar, Cooperative Board,
Housing & Area Development Board,
2nd Floor, Room No.369,
Grihanirman Bhavan,
Bandra (E), Mumbai – 400 051.

GROUND

This appeal has been filed under section 19(3) of the Right to Information Act, 2005. The appellant by his application dated 16.12.2009 had sought copies of documents which formed the basis of the Dy Registrar's order directing the society to admit Sai Trust as a member.

Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant filed this second appeal before the commission. The appeal was heard on 30.04.2010. Appellant and respondent were absent.

After going through the case papers and considering the arguments advanced by parties I have come to the conclusion that documents required by the appellant should be furnished. I therefore passed following order.

Order

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

(Ramanand Tiwari)
State Information Commissioner, Mumbai

Place: Mumbai
Date: 30.04.2010.

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

Complaint No.2010/764/2

**Shri. Sanjay G. Dhuwali
4/305, Rachana, Navi Chikhalwadi,
N.B. Marg, Grant Road (W),
Mumbai – 400 007.**

...Complainant

Vs

**Public Information Officer cum Dy Chief Officer / Estate Manager
Mumbai Bldg Repair & Reconstruction Board,
Grihanirman Bhavan, Kala Nagar,
Bandra (E), Mumbai – 400 051.**

... Respondent

GROUNDS

This complaint has been filed under section 18 of the Right to Information Act 2005 in the context of the commission's order dated 19.09.2009 passed in appeal no 2009/3251/02. The facts in brief are as follows: The complainant had sought information regarding allotment of tenements to persons from the master list (2005-2007) copies of vacation notices details of tenements allotted.

Not satisfied with responses from the Public Information Officer and First Appellate Authority the complainant filed appeal under section 19 (3) of the RTI Act, 2005. The commission by its order dated 19.09.2009 directed that information should be furnished within 15 days. The present complaint is against alleged non compliance of commissions order.

The complaint was fixed for hearing on 30.04.2010. The complainant and defendant were absent.

After going through the file I have come to the conclusion that commission's order has not been fully complied. I therefore pass the following order.

Order

The PIO to show cause why action under section 20 of the RTI Act 2005 should not be taken against him not furnishing the information as directed.

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

Place: Mumbai
Date: 30.04.2010.

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

Complaint No.2010/739/02

**Shri. Navin Pande
17, Swati Mahindra Nagar,
Malad (E), Mumbai – 400 097.**

...Complainant

Vs

**Public Information Officer,
Municipal Corporation of Greater Mumbai,
P-North Ward, Malad, Mumbai.**

... Respondent

GROUNDS

This complaint has been filed under section 18 of the Right to Information Act 2005. The complainant wanted copies of the minutes of the ward committee meetings “P” North, Malad. He was advised to apply under the Right to Information Act, 2005. The complainant is of the view that he need not apply and this information has to be kept ready for anyone who wanted.

The complaint was heard on 21.04.2010. Complainant and defendant were present.

The complainant has stated that he has been asked to apply under the Right to Information Act. He felt that the information should be readily available and there was no need to apply.

The defendant’s contention was that the information was available with them and they are willing to furnish if the complainant applies under the RTI Act.

After considering the arguments advanced by parties and going through the file I have come to the conclusion that the complainant has been properly informed. It is true that some information are required to be displayed as per section 4 of the RTI Act, 2005. Minutes of the ward committee cannot fall in this category. The spirit of the Act is that it

should be available so that it is furnished in time. The minutes cannot be displayed on the Notice Board.

It is not possible to agree with the complainant's interpretation. The defendant has advised him to apply and copies will be provided. I therefore pass the following order.

Order

The complaint is dismissed.

(Ramanand Tiwari)
State Information Commissioner, Mumbai

Place: Mumbai
Date: 30.04.2010.

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

Appeal No.2010/4497/02

**Shri. Sudhir S. Vishavkarma
Mutka Shetty Niwas,
Patel Wadi, Veera Desai Marg,
Jogeshwari (W), Mumbai – 400 102.**

... Appellant

V/s

**First Appellate Officer,
Zone (G), Kandivali (W),
Mumbai – 400 067.**

... Respondent

**Public Information Officer cum Dy Controller
Zone (G), Kandivali (W),
Mumbai – 400 067.**

GROUNDS

This appeal has been filed under section 19(3) of the Right to Information Act, 2005. The appellant by his application dated 06.07.2009 had sought information relating to the no. of forms signed and ration cards issued by Mr. Jagtap, Rationing Officer, Goregaon (W), Mumbai.

Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant filed this second appeal before the commission. The appeal was heard on 05.04.2010. Appellant and respondents were present.

The information was handed over during the hearing. The appellant wanted to inspect documents. The respondent agreed but only after the work of verification of ration cards is over.

Order

The appeal is allowed. Inspection to be given after the work of verification of cards is over.

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

Place: Mumbai
Date: 30.04.2010.

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

Appeal No.2010/4641/02

**Shri. Sudin Pradhan
Nalanda CHS Soc.,
Bldg No.34/1236,
Shubhashnagar,
Chembur, Mumbai – 400 071.**

... Appellant

V/s

**First Appellate Officer cum Division Executive Engineer
Municipal Corporation of Greater Mumbai,
M/West Ward Office, M /West Office Bldg.,
Chembur, Mumbai – 400 071.**

... Respondent

**Public Information Officer cum Asstt Engineer
Municipal Corporation of Greater Mumbai,
M/West Ward Office, M /West Office Bldg.,
Chembur, Mumbai – 400 071.**

GROUNDS

This appeal has been filed under section 19(3) of the Right to Information Act, 2005. The appellant by his application dated 02.09.2009 had sought information relating to CTS 833, Subhas Nagar, Chembur, Mumbai. He had sought information on 11 points. The PIO by his letter dated 05.10.2009 and the First Appellate Authority by his order dated 12.11.2009 have disposed off the case.

Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant filed this second appeal before the commission. The appeal was heard on 22.04.2010. Appellant and respondents were present.

The appellant has contended that he has not been given complete information.

The respondent's contention is that the information pertained to so many department and appellant's application / copies have been sent to respective departments.

After going through the case papers and considering the arguments advanced by the parties I have come to conclusion that full information has not been furnished. It was agreed during the hearing that information on point no 5 should be furnished to the appellant free of cost.

Order

The appeal is allowed. Information on point no 5 to be furnished by PIO within 15 days free of cost.

(Ramanand Tiwari)
State Information Commissioner, Mumbai

Place: Mumbai
Date: 30.04.2010.

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

Appeal No.2010/4643/02

**Shri. Sudin Pradhan
Nalanda CHS Soc.,
Bldg No.34/1236,
Shubhashnagar,
Chembur, Mumbai – 400 071.**

... Appellant

V/s

**First Appellate Officer cum Dy Chief Engineer (B P)
Office of the Western Suburban,
Paper Mill Compound, LBS Marg,
Vikroli (W), Mumbai – 400 083.**

... Respondent

**Public Information Officer cum Executive Engineer
Western Suburban-1,
Office of the Western Suburban,
Paper Mill Compound, LBS Marg,
Vikroli (W), Mumbai – 400 083.**

GROUND

This appeal has been filed under section 19(3) of the Right to Information Act, 2005. The appellant by his application dated 19.10.2009 had sought information relating to dangerous & dilapidated buildings in MHADA Colony, Subhasnagar, Chembur, Mumbai. He has complained that the buildings which were not dilapidated were given IOD and wanted to know the reasons.

Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant filed this second appeal before the commission. The appeal was heard on 22.04.2010. Appellant and respondents were present.

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

The respondent's contention is that information pertained to MHADA and the application has been transferred to MHADA. It was also stated that in case the appellant sought information in respect of specific building the same can be provided.

After going through the case papers and considering the arguments advanced by the parties I have come to conclusion that the appellant has been properly informed. He should get in touch with MHADA as advised.

Order

The appeal is disposed off.

(Ramanand Tiwari)
State Information Commissioner, Mumbai

Place: Mumbai
Date: 30.04.2010.

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

Appeal No.2010/688/02

**Shri. Sayajirao M. Khamkar
90/2518, Kannamwar Nagar-2,
Vikroli (E), Mumbai – 400 083.**

... Appellant

V/s

**First Appellate Officer,
Mumbai District Central Co-op Bank Ltd.,
Kannamwar Nagar-2,
Vikroli (E), Mumbai – 400 083.**

... Respondent

**Public Information Officer,
Mumbai District Central Co-op Bank Ltd.,
Kannamwar Nagar-2,
Vikroli (E), Mumbai – 400 083.**

GROUNDS

This appeal has been filed under section 19(3) of the Right to Information Act, 2005. The appellant by his application dated 26.12.2008 had sought information relating to the account of Kannamwar Nagar, Nagrik Kriti Samiti with the Mumbai District Central Cooperative Bank, Vikroli (E), Mumbai.

Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant filed this second appeal before the commission. The appeal was heard on 17.04.2010. Appellant and respondents were present.

Since the RTI Act does not cover the District Central Cooperative Bank, the information has been rightly denied. The case is therefore closed.

Order

The appeal is disposed off.

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

Place: Mumbai
Date: 30.04.2010.

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

Appeal No.2010/4636/02

**Shri. Ranjit Kumar Roy
Bhatia Niwas, 1st Floor,
Block No. 17-18, 363, J.S.S. Rd,
Thakurdwar, Mumbai – 400 002.**

... Appellant

V/s

**First Appellate Officer cum Superintendent
(Survey & Land Records),
Office of the Collector & Dist Magistrate,
Old Custom House, Fort, Mumbai – 400 001.**

... Respondent

**Public Information Officer cum Asstt Superintendent
(Survey & Land Records),
Office of the Collector & Dist Magistrate,
Old Custom House, Fort, Mumbai – 400 001.**

GROUND

This appeal has been filed under section 19(3) of the Right to Information Act, 2005. The appellant by his application dated 30.10.2009 had sought information relating to Cadastral Survey No.398, Tardeo Division, situated at Tardeo Rd, Mumbai. The appellant had sought information on 6 points for the period January, 1930 to October, 2009.

Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant filed this second appeal before the commission. The appeal was heard on 22.04.2010. Appellant and respondents were present.

The appellant has contended that he has not been furnished full information.

The respondent's contention is that information available on record has been furnished.

After going through the case papers and considering the arguments advanced by the parties I have come to conclusion that available information has been furnished. The PIO by his letter dated 17.11.2009 has attempted to deal with each and every point and explained that the information has been sought for about 80 years. Under these circumstances I have to conclude that available 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: 30.04.2010.

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

Complaint No.2010/727/02

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

...Complainant

Vs

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

... Respondent

GROUNDS

This complaint has been filed under section 18 of the Right to Information Act 2005 in the context of the commission's order dated 14.09.2009 passed in appeal no 2009/3199/02. The facts in brief are as follows: - The complainant had sought information relating to the merit list of FY Bcom for the academic year 2008-2009. He had also wanted information about 1/c Principal – extension appointment etc.

Not satisfied with responses from the Public Information Officer and First Appellate Authority the complainant filed appeal under section 19 (3) of the RTI Act, 2005. The commission by its order dated 14.09.2009 directed that information should be furnished within 30 days. The present complaint is against alleged non compliance of commissions order.

The complaint was heard on 20.04.2010. Complainant and defendant were present.

The complainant has stated that he has not been furnished the information. It was explained on behalf of the University that the college has been directed to do needful.

Since the college authorities were not present, it could not be verified. Case papers do not show that information has been furnished. I therefore pass the following order.

Order

The Principal, Rajasthani Seva Sengh's College of Commerce & Arts to show cause why action should not be taken under section 20 of the RTI Act for not furnishing the information as directed. The reply should be sent within 4 weeks from the date of receipt of this order.

(Ramanand Tiwari)
State Information Commissioner, Mumbai

Place: Mumbai
Date: 30.04.2010.

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

Appeal No.2010/4466/02

**Shri. Anand S. Pargaonkar
Mahatma Phule Nagar,
IIT Market, Room No.1145,
Pawai, Mumbai – 400 076.**

... **Appellant**

V/s

**First Appellate Officer cum Executive Engineer
Municipal Corporation of Greater Mumbai
K/West Ward Office, Azad Rd, Andheri (E),
Mumbai – 400 069.**

... **Respondent**

**Public Information Officer cum Asstt Engineer (B & F)
Municipal Corporation of Greater Mumbai
K/West Ward Office, Azad Rd, 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 12.06.2009 had sought copies of notices under section 351 of the MMC Act from 1-1-1 to 12.06.2009.

Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant filed this second appeal before the commission. The appeal was heard on 07.04.2010. Appellant and respondents were present.

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

Order

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

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

Place: Mumbai
Date: 30.04.2010.

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

Appeal No.2010/4696/02

Shri. Bharat P. Shah
B/205, Borivali Jai Govardhan Apt.,
L.T. Rd, Borivali (W),
Mumbai – 400 092.

... **Appellant**

V/s

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

... **Respondent**

Public Information Officer cum Dy Registrar
Coo-op Board, R Division, Mumbai,
316, MMRDA, A-1 Bldg.,
Wadala Truck Terminal, Near RTO,
Wadala (E), Mumbai – 400 037.

GROUND

This appeal has been filed under section 19(3) of the Right to Information Act, 2005. The appellant by his application dated 22.06.2009 had sought the following information: -

1. Duly certified copy inspection report prepared under instruction from you office.
Letter dated 02.01.2009.
2. Duly certified copy of documents all documents such as minutes books general body & committee.
3. Audited balancesheets & Accounts.
4. Nomination Registers.
5. I & J Register from 1986 onwards of Borivali jai Govardhan CHS Ltd.
Registration No.T/NA BOM (W-R) hsg (TC)/1975 of 1986.

Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant filed this second appeal before the commission. The appeal was heard on 29.04.2010. Appellant and respondents were present.

After going through the case papers and considering the arguments advanced by the parties I have come to conclusion that the PIO should furnish a copy of the Enquiry report against the society, Balancesheet, Audited report covering letter along with copies of M 20 Bonds.

Order

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

(Ramanand Tiwari)
State Information Commissioner, Mumbai

Place: Mumbai
Date: 30.04.2010.

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

Appeal No.2010/4548/02

Shri. G.R. Dalmia
C-15, Krishnalaya, 4th Floor,
Sion Duncan Rd,
Near Chunabhatti Bus Depot,
Mumbai – 400 022.

... **Appellant**

V/s

First Appellate Officer,
Directorate,
Medical Education & Research, Mumbai,
Dental College & Hospital Bldg.,
Sent Gorge Hospital Compound,
Mumbai – 400 001.

... **Respondent**

Public Information Officer,
Directorate,
Medical Education & Research, Mumbai,
Dental College & Hospital Bldg.,
Sent Gorge Hospital Compound,
Mumbai – 400 001.

GROUNDS

This appeal has been filed under section 19(3) of the Right to Information Act, 2005. The appellant sought inspection of specifications of tendered products by Govt. Dental College and Hospital, Mumbai. The appellant is aggrieved because he was refused inspection.

Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant filed this second appeal before the commission. The appeal was heard on 08.04.2010. Appellant and respondents were present.

The appellant has contended that he was not allowed inspection which according to him was necessary before purchasing the tender form.

The respondent's contention is that the tender form does contain detailed specifications of equipments. There was no procedure to allow inspection of specifications before the tender form is purchased.

After going through the case papers and considering the arguments advanced by the parties I have come to conclusion that the request does not fall under the definition of information. The appellant's advise that it should be available on Govt. Website is worth considering and the respondent should consider and excemine the desirability and feasibility of the same. The issue however remains that no information was sought and no information has been denied. Existing procedures required people to buy the tender form and have all the details they want. The case will have to be closed.

Order

The appeal is disposed off.

(Ramanand Tiwari)
State Information Commissioner, Mumbai

Place: Mumbai
Date: 30.04.2010.

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

Appeal No.2010/4706/02

**Shri. Vijay Mohan Nile
K-6, 704, Hari Om Soc.,
MMRDA Colony,
Kanjurmarg (W),
Mumbai – 400 078.**

... **Appellant**

V/s

**First Appellate Officer cum Dy Commissioner
(Special Engineering),
Municipal Corporation of Greater Mumbai,
BMC Head Office, 3rd Floor,
Mumbai – 400 001.**

... **Respondent**

**Public Information Officer cum Office Superintendent,
Dy Water Engineer, Administrative Bldg.,
2nd Floor, Khindipada, Mulund (W),
Mumbai – 400 082.**

GROUNDS

This appeal has been filed under section 19(3) of the Right to Information Act, 2005. The appellant by his application dated 04.11.2009 had sought names of persons who applied as heirs for the job in place of late Shri Arun M. Nile.

Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant filed this second appeal before the commission. The appeal was heard on 29.04.2010. Appellant and respondents were present.

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

Order

The appeal is disposed off.

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

Place: Mumbai
Date: 30.04.2010.

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

Appeal No.2010/4703/02

**Shri. Chandu T Pahuja
C/603, Atlanta CHS Ltd.,
Evershinenagar, Malad Marve Link Rd,
Valnai Village, Malad (W),
Mumbai – 400 064.**

... Appellant

V/s

**First Appellate Officer,
Dist Dy Registrar of Co-op Societies,
MHADA Bldg. Room No.69, Ground Floor,
Kalanagar, Bandra (E), Mumbai – 400 051.**

... Respondent

**Public Information Officer,
Dy Registrar of Co-op Societies,
“P” Ward, 315, A-1 Bldg, Wadala RTO,
Near Wadala Truck Terminal,
Wadala (E), Mumbai – 400 037.**

GROUND

This appeal has been filed under section 19(3) of the Right to Information Act, 2005. The appellant by his application dated 24.08.2009 had sought copies of the tenders which he had invited as an officer bearer of the society and which have been handed over the administrator after the society was superceded.

Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant filed this second appeal before the commission. The appeal was heard on 29.04.2010. Appellant and respondents were present.

The appellant has contended that he has not been furnished the required information on the ground that the same was available at society's level.

The respondent's contention is that since the information is not on their record, he has been advised to get in touch with the society.

After going through the case papers and considering the arguments advanced by the parties I have come to conclusion that appellant has to be allowed the inspection of the documents. He suspects that higher rates have been accepted despite the fact that tenders at lower rates were available. Transparency demands that he should inspect the document and satisfy himself. Since the society is with the administrator, it is not difficult to facilitate inspection of documents. I therefore pass the following documents.

Order

The appeal is allowed. Dy Registrar to issue directions to the administrator to facilitate inspection of documents as desired by the appellant. This should be done within 15 days from the date of receipt of this order.

(Ramanand Tiwari)
State Information Commissioner, Mumbai

Place: Mumbai
Date: 30.04.2010.

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

Appeal No.2010/4721/02

**Shrimati. Pratima P. Bodas
13, Phadkewadi, 1st Floor,
Vittalbhai Patel Rd, Opp. Sikkanagar,
Girgaon, Mumbai – 400 004.**

... Appellant

V/s

**First Appellate Officer cum Addl Chief Judge
Court of Small Causes,
Lokmanya Tilak Rd,
Dhobi Talav, Mumbai – 400 002.**

... Respondent

**Public Information Officer cum Registrar
Court of Small Causes,
Lokmanya Tilak Rd,
Dhobi Talav, Mumbai – 400 002.**

GROUNDS

This appeal has been filed under section 19(3) of the Right to Information Act, 2005. The appellant by his application dated 23.06.2009 had sought information 9 points contained in her application. The PIO rejected her application on the ground that it was not in accordance with the prescribed procedure. The First Appellate Authority however allowed the appeal and by his order dated 06.11.2009 directed that information should be furnished within 30 days. The appellant has not received the information. Hence this appeal.

The appeal was heard on 30.04.2010. Appellant was present but the respondent was absent.

The appellant has submitted her say in writing. The seem and substance is that she has not been give the information despite the order of the First Appellate Authority.

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

it has not been furnished in time it should be given free of cost as provided in the Right to Information Act. The PIO also needs to explain why action under section 20 of the RTI Act should not be initiated for not furnishing the information. His reply to reach the commission within 4 weeks from the date of receipt of this order.

Order

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

(Ramanand Tiwari)
State Information Commissioner, Mumbai

Place: Mumbai
Date: 30.04.2010.

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

Appeal No.2010/4553/02

**Shri. Sanjay M. Pangam
Hashu Niwas, 402 B Wing,
4th Floor, 28 x 25 Rd,
Bandra (W), Mumbai – 400 050.**

... Appellant

V/s

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

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

... Respondent

GROUNDS

This appeal has been filed under section 19(3) of the Right to Information Act, 2005. The appellant by his application dated 30.10.2009 had sought information regarding his complaints to initiate action under sections 146 and 147 E of the Maharashtra Cooperative Societies Act, 1960.

Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant filed this second appeal before the commission. The appeal was heard on 08.04.2010. Appellant and respondents were present.

The appellant was not happy with the response received by him. The respondent has submitted that available information has been furnished and inspection facilitated. The Dt Registrar had no powers to initiate action under sections 146 and 147 of the MCS Act and appellant has been advised to get in touch with the Joint Registrar.

After going through the case papers and considering the arguments advanced by the parties I have come to conclusion that available information has been furnished. The appellant's complaints under section 146 and 147 of the MCS Act, 1960 to be sent to the Joint Registrar of Cooperative Societies for necessary action.

Order

The appeal is partially allowed. Complaints to be sent to the Joint Registrar within 15 days from the date of receipt of this order.

(Ramanand Tiwari)
State Information Commissioner, Mumbai

Place: Mumbai
Date: 30.04.2010.

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

Appeal No.2010/4519/02

Shri. Vijay Nagarkar
380/B, Shankarsheth House,
Ground Floor, Jagannath Shankarseth Rd,
Mumbai – 400 002.

... **Appellant**

V/s

First Appellate Officer cum Asstt Commissioner (Estate)
Municipal Corporation of Greater Mumbai
Phalton Rd, Mumbai – 400 001.

Public Information Officer cum Administrative Officer
Municipal Corporation of Greater Mumbai
C-Ward, Shrikant Palekar Marg, Chandanwadi,
Mumbai – 400 002.

... **Respondent**

GROUND

This appeal has been filed under section 19(3) of the Right to Information Act, 2005. The appellant by his application dated 22.07.2009 had sought alternative accommodation for his family members. It has been claimed that the families are staying in an area admeasuring 1500 sqft and 4 families have independent ration cards and gas connection.

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

Case papers reveal that this is basically a request to be considered by the MCGM. There also seems to be some dispute regarding the area claimed by the appellant and the area shown in the MCGM's record. In any case there is nothing which can be done under the RTI Act. The Act ensures furnishing of available information and the same has been done. The case is therefore closed.

Order

The appeal is disposed off.

(Ramanand Tiwari)
State Information Commissioner, Mumbai

Place: Mumbai
Date: 30.04.2010.

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

Appeal No.2010/4447/02

Shri. Sanjay M. Pangam
Hashu Niwas, 402 B Wing,
4th Floor, 28 x 25 Rd,
Bandra (W), Mumbai – 400 050.

... **Appellant**

V/s

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

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

... **Respondent**

GROUND

This appeal has been filed under section 19(3) of the Right to Information Act, 2005. The appellant by his application dated 25.09.2009 had sought information regarding action taken on his complaint lodged with the Dy Registrar Cooperative Societies, H/West about offences under section 146 of the MCS Act, 1960.

Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant filed this second appeal before the commission. The appeal was fixed for hearing on 23.04.2010. Appellant and respondents were absent.

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

Order

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

(Ramanand Tiwari)
State Information Commissioner, Mumbai

Place: Mumbai
Date: 30.04.2010.

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

**Appeal No.2010/4463/02
Appeal No.2010/4464/02**

**Shri. Ulhas Trimbake
Post Box No.18212,
Mhada Bungalow No.9,
Mhada Colony, Mulund (E),
Mumbai – 400 081.**

... Appellant

V/s

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

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

... Respondent

GROUND

These appeals have been filed under section 19(3) of the Right to Information Act, 2005. The appellant by his application dated 16.07.2009 had sought information relating to the wall constructed along the boundary of MHADA Bungalow No.8, Mobile telephone tower on the building and why the name of the owner of Bungalow no. 9 has not been interred in the property card.

Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant filed this second appeal before the commission. The appeal was fixed for hearing on 07.04.2010. Appellant and respondents were present.

The appellant has contended that he was not satisfied with the response from the PIO and the First Appellate Authority.

The respondent's contention is that Bungalow has been constructed with the permission of the MCGM and the Board has no information about the wall along the boundary of Bungalow no.8. It has also been stated that MHADA has not taken any policy decision regarding grant of NOC for telephone tower. It has also submitted that no NOC has been given for erecting the tower. The respondent has given a set of papers which reveals that the land has been resumed by Govt. of Maharashtra and their name entered in the property card. This explains why the appellant's name has not been entered into the property card.

After going through the case papers and submissions made by parties I have come to the conclusion that available information has been furnished. The issue of resumption of land by Govt. of Maharashtra is being taken up separately.

Order

The appeals are disposed off.

(Ramanand Tiwari)
State Information Commissioner, Mumbai

Place: Mumbai
Date: 30.04.2010.

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

Appeal No.2010/4629/02

Shri. Mangesh S. Avale
Sarvseva Samiti Hall,
Opp Bldg No 17,
Thane (E).

... **Appellant**

V/s

First Appellate Officer cum Dy Secretary
School Education & Sport Deptt.,
4th Floor, Mantralaya, Mumbai – 400 032.

Public Information Officer cum Desk Officer
School Education & Sport Deptt.,
4th Floor, Mantralaya, Mumbai – 400 032.

... **Respondent**

GROUND

This appeal has been filed under section 19(3) of the Right to Information Act, 2005. The appellant by his application dated 29.09.2009 had sought information relating to Shri Nagar Vidya Mandir Shrinagar, Thane.

Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant filed this second appeal before the commission. The appeal was fixed for hearing on 22.04.2010.

The appellant did not turn up. The respondent has requested for adjournment. Case papers however reveal that the case is pending in the High Court. The appellant in his II appeal wanted to know who has filed the writ in the High Court and what is it about. I therefore pass the following order.

Order

The appeal is allowed. Information regarding the pending writ petition to be furnished by PIO within 30 days.

(Ramanand Tiwari)
State Information Commissioner, Mumbai

Place: Mumbai
Date: 30.04.2010.

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

Appeal No.2010/4635/02

**Shri. Ali Moh. Mundiya
Room No.33 B, 4th Floor,
Memanwada CHS, 59/61,
Memanwada Rd, Mumbai – 400 003.**

... Appellant

V/s

**First Appellate Officer cum Dy Charity Commissioner
Office of the Charity Commissioner
Dharmaday Ayukta Bhavan, A. B. Rd,
Worli, Mumbai – 400 018.**

**Public Information Officer,
Office of the Charity Commissioner
Dharmaday Ayukta Bhavan, A. B. Rd,
Worli, Mumbai – 400 018.**

... Respondent

GROUNDS

This appeal has been filed under section 19(3) of the Right to Information Act, 2005. The appellant by his application dated 14.10.2009 had sought the following information: -

1. Copy of the Registration Certificate issued in respect of “The Press Club” Mumbai under the a) Societies Registration Act, 1860 and b) Bombay Public Trusts Act, 1950.
2. Association Articles of Association Constitution / Bye-laws of the Trust “The Press Club, Mumbai filed from the year 1972 till date of application.
3. Whether the annual accounts of the said trust are filled in your office regularly and the copies of such accounts. Since 1972 till the date of the application.

Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant filed this second appeal before the commission. The appeal was heard on 22.04.2010. Appellant and respondents were present.

The appellant has contended that he has not been furnished the required information. It has been submitted by respondents that information on point no II has been furnished. Information on point no. 1 cannot be furnished as per provisions of the Societies Registration Act, 1860. As far as point no III is concerned the society was not registered under the Bombay Trust Act and therefore information was not furnished.

After going through the case papers and considering the arguments advanced by the parties I have come to conclusion that information on point no 1 has been wrongly denied. Information can be denied if it is covered under section 8 or 9 of the RTI Act. Moreover section 22 of the Act gives it overriding effect. I therefore conclude that information on point no. 1 will have to be given. The First Appellant's order to that extent is set aside. I pass the following order.

Order

The appeal is partially allowed. Information on point no 1 to be furnished by PIO within 30 days from the date of receipt of this order.

(Ramanand Tiwari)
State Information Commissioner, Mumbai

Place: Mumbai
Date: 30.04.2010.

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

Appeal No.2010/4662/02

Shri. Prashant J. Bidavai
Hari Om Apt., 1st Floor,
Room No.8, Shaninagar,
Badlapur (W), Dist. Thane.

... **Appellant**

V/s

First Appellate Officer cum Dy Police Commissioner
Zone 12, Shailendra Nagar, Dahisar (E),
Mumbai – 400 068.

Public Information Officer cum Asstt Police Commissioner
North Control Desk, Thakur Village,
Kandivali (E), Mumbai – 400 101.

... **Respondent**

GROUND

This appeal has been filed under section 19(3) of the Right to Information Act, 2005. The appellant by his application dated 04.11.2009 had sought information relating to FIR No.33/03, Aare Police Station in respect of Vehicle No. MH-04-L-1755.

Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant filed this second appeal before the commission. The appeal was fixed for hearing on 27.04.2010. Appellant and respondent were absent.

Case papers reveal that information has been furnished by the Senior Police Inspector, Aare Police Station, Mumbai by his letter dated 22.01.2010. The case is therefore closed.

Order

The appeal is disposed off.

(Ramanand Tiwari)
State Information Commissioner, Mumbai

Place: Mumbai
Date: 30.04.2010.

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

Appeal No.2010/4514/02

**Shri. Pradeep Ambadas Ingole
Regal View, 102, Shri Sahayak Elight,
Behind Garden Hotel, Thana Naka,
Panvel (W) 410 206.**

... **Appellant**

V/s

**First Appellate Officer,
Maharashtra State Vocation Training Examination Board,
Shasakiy Tantra Niketan Bldg., K Division,
Bandra (E), Mumbai.**

... **Respondent**

**Public Information Officer,
Maharashtra State Vocation Training Examination Board,
Shasakiy Tantra Niketan Bldg., K Division,
Bandra (E), Mumbai.**

GROUNDS

This appeal has been filed under section 19(3) of the Right to Information Act, 2005. The appellant by his application dated 22.09.2009 had sought information relating to the permissions granted by the Maharashtra State Vocational Training Examination Board for running 'Beauty Parlours'. The information has been sought for the period Jan, 1999- Sept, 2009.

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

The appellant has contended that he has been furnished incomplete information. He has given 3 proforma and wanted information according to his prescription. He has also alleged that the information furnished is late by 164 days. It has been submitted by the respondent that District Vocational Training Education Officers were asked to furnish the required information. Copies of the information furnished have been received from

some of them others have asked him to deposit the requisite amount so that information could be furnished. The respondent has submitted copies of relevant correspondence.

After going through the case papers and considering the submissions made by the parties I have come to conclusion that appellant has been correctly informed. It is not expected that the respondent will collect, compile and furnish the information. Action taken by the respondent is in order. I pass the following order.

Order

The appeal is disposed off.

(Ramanand Tiwari)
State Information Commissioner, Mumbai

Place: Mumbai
Date: 30.04.2010.

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

Appeal No.2010/4666/02

**Shri. Sameer Solomen Lalzare
Bldg. No.12 & Room No.6,
Devnar Municipal Colony,
Govandi, Mumbai – 400 043.**

... **Appellant**

V/s

**First Appellate Officer cum Executive Engineer
Municipal Corporation of Greater Mumbai,
M-East Ward, Shardashau Acharya Marg,
Chembur, Mumbai – 400 071.**

... **Respondent**

**Public Information Officer cum Asstt Engineer (B & F)
Municipal Corporation of Greater Mumbai,
M-East Ward, Shardashau Acharya Marg,
Chembur, Mumbai – 400 071.**

GROUND

This appeal has been filed under section 19(3) of the Right to Information Act, 2005. The appellant by his application dated 10.12.2009 had sought information regarding permission under section 390 and 479 of the Mumbai. Municipal Corporation Act to establish and to work a factory in M-East Ward.

Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant filed this second appeal before the commission. The appeal was fixed for hearing on 27.04.2010. Appellant and respondent were absent.

The appellant has informed the commission that he has received the information and was not interested in pursuing the matter. The request is granted.

Order

The appeal is disposed off.

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

Place: Mumbai
Date: 30.04.2010.

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

Appeal No.2010/4638/02

**Shri. Vinayak Shete
2nd Floor, Express Towers,
Nariman Point, Mumbai – 400 021.**

... Appellant

V/s

**First Appellate Officer,
Office of the Sub – Registrar
Old Custom House,
Shahid Bhagat Singh Marg,
Mumbai – 400 023.**

... Respondent

**Public Information Officer cum Joint District Registrar – 2.
Office of the Sub – Registrar
Old Custom House,
Shahid Bhagat Singh Marg,
Mumbai – 400 023.**

GROUND

This appeal has been filed under section 19(3) of the Right to Information Act, 2005. The appellant by his application dated 26.10.2009 had sought a certified copy of the deed of adoption registered on 18.01.1990 at Sr No PBBE 169 in the office of the sub registrar, Mumbai and indexed on 02.02.1990.

Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant filed this second appeal before the commission. The appeal was heard on 22.04.2010. Appellant and respondents were present.

The appellant has contended that he has not been furnished the required information. In his written submission he has demanded that action should be taken against the PIO not furnishing the information. He has pointed out that if the information was not available with him he should have transferred the application under section 6(3) of the RTI Act, 2005.

The respondent submitted that the document has been sent to Pune for photocopying. He has already written to them. They have received the information in form of CDs. It has therefore not been possible for them to furnish the information.

After going through the case papers and considering the arguments advanced by the parties I have come to conclusion that information has not been furnished. It is however not possible to agree with the appellant that action needs to be taken against the PIO. The document was not available with him and therefore a certified copy was not provided. Appellant has been kept informed of all developments in this regard. I see no reason to believe that there has been an attempt to deny the information I therefore reject his request to take penal action against the PIO.

As submitted by the respondent's they have received the CDs and modalities are being worked out to retrieve the relevant information for the appellant. I therefore pass the following order.

Order

The appeal is allowed. Information to be furnished by PIO within 30 days from the date receipt of this order.

(Ramanand Tiwari)
State Information Commissioner, Mumbai

Place: Mumbai
Date: 30.04.2010.

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

Appeal No.2010/4631/02

**Shri. Pandurang B Benake
804/B, Rageshri Tower,
Near Pratap Cinema,
Kolbad, Thane (W).**

... Appellant

V/s

**First Appellate Officer cum Dy Executive Engineer
Ilakha City Division, W.D. Deptt.,
Vikas Vibhag Bldg, 3rd Floor,
Old Custom House,
Shahid Bhagat Singh Marg,
Mumbai – 400 023.**

... Respondent

**Public Information Officer cum Dy Divisional Engineer
West (W.D.) Division, Malbar Hill, Mumbai – 400 006.**

GROUNDS

This appeal has been filed under section 19(3) of the Right to Information Act, 2005. The appellant by his application dated 12.10.2009 had sought copies of the measurement books (totaling 8) delivery challans etc.

Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant filed this second appeal before the commission. The appeal was heard on 22.04.2010. Appellant and respondents were present.

The appellant has contended that he has not been furnished the required information despite the fact that he deposited the requisite amount as directed.

The respondent's contention is that these books were not readily available and therefore copies could not be given.

After going through the case papers and considering the arguments advanced by the parties I have come to conclusion that information has not been furnished. The respondent's approach has been casual. There is no reason not to furnish the information

if the appellant has been asked to deposit the requisite fee and he has done the same. The commission takes a serious note of this and passes the following order.

Order

The appeal is allowed. Information to be furnished by PIO within 7 days. PIO to explain why action under section 20 of the RTI Act 2005 should not be taken against him for not furnishing the information. His reply to reach the commission within 4 weeks.

(Ramanand Tiwari)
State Information Commissioner, Mumbai

Place: Mumbai
Date: 30.04.2010.

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

Appeal No.2010/4722/02

**Shri. Vishwanath S. Chaudhari
A1-10, Ashoka, Flat No.602,
Yashodham, Film City Rd,
Goregaon (E), Mumbai – 400 063.**

... Appellant

V/s

**First Appellate Officer cum Dy Police Commissioner
Zone 12, Shailendra Nagar,
Dahisar (E), Mumbai – 400 068.**

... Respondent

**Public Information Officer cum Asst. Police Commissioner
North Control Room, Thakur Village,
Kandivali (E), Mumbai – 400 101.**

GROUND

This appeal has been filed under section 19(3) of the Right to Information Act, 2005. The appellant by his application dated 27.08.2009 had sought information regarding action taken on his complaint dated 17.08.2009 against functions to be held at Shri Krishna Vatika Devasthan, Gokuldam, Goregaon (E), Mumbai. The appellant had alleged that the function was being organized to glorify the banned system of “Sati” and it should be prevented.

Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant filed this second appeal before the commission. The appeal was heard on 30.04.2010. Appellant and respondents were present.

The appellant has contended that no action was taken by the police and they have wrongly concluded that there was no violation of any law.

The respondent’s contention is that their enquiry had revealed that nothing objectionable had happened and there was no question of taking any action.

After going through the case papers and considering the arguments advanced by the parties I have come to conclusion that this is basically a complaint against the police

for not taking action as desired by the appellant. The commission is not mandated to look into the complaints against the police for not doing what the appellant them to do. The information available and the action taken has been reported. I am constrained to close the case.

Order

The appeal is disposed off.

(Ramanand Tiwari)
State Information Commissioner, Mumbai

Place: Mumbai
Date: 30.04.2010.

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

Appeal No.2010/4675/02

**Shri. Mehmood Shaikh
Room No.7, Dost Mohd. Chawl,
Nityanand Nagar, Ghatkopar (W),
Mumbai – 400 086**

... Appellant

V/s

**First Appellate Officer cum Special Executive Engineer
Municipal Corporation of Greater Mumbai
K/West Ward, Palirampath, S.V. Rd,
Andheri (W), Mumbai – 400 058.**

... Respondent

**Public Information Officer cum Asst. Engineer
Municipal Corporation of Greater Mumbai
K/West Ward, Palirampath, S.V. Rd,
Andheri (W), Mumbai – 400 058.**

GROUND

This appeal has been filed under section 19(3) of the Right to Information Act, 2005. The appellant by his application dated 11.11.2009 had sought information relating to the no of work orders from 01.04.2008 to 31.07.2009 and how much money was spent councillorwise. The PIO by his letter dated 17.11.2009 asked him to deposit money @ Rs.2/- per copy without mentioning the total no. of pages & total amount payable. The FAA has virtually confirmed the PIO's order.

Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant filed this second appeal before the commission. The appeal was fixed for hearing on 28.04.2010. Appellant and respondent were absent.

Case papers reveal that the PIO's approach has been casual. Asking the appellant to deposit money @ Rs.2/- without mentioning the no. of pages and total amount to be

paid virtually amounts to denial of information. The First Appellate Authority has not done better. I therefore pass the following order.

Order

The PIO to furnish information free of cost within 15 days from the date of receipt of this order. He should also show cause why action should not be taken against him for denial of information to the appellant. His explanation to reach the commission within 4 weeks from the date of receipt of this order.

(Ramanand Tiwari)
State Information Commissioner, Mumbai

Place: Mumbai
Date: 30.04.2010.

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

Complaint No.2010/685/02

**Shri. Mehmood Shaikh
Room No.7, Dost Mohd. Chawl,
Nityanand Nagar, Ghatkopar (W),
Mumbai – 400 086.**

...Complainant

Vs

**Public Information Officer,
Asstt Controller Legal Metrological Dist. IV,
Civil Food Supply Bldg., Near Gandhi Hospital,
3rd Floor, Gen. Nagesh Marg,
Parel (E), Mumbai – 400 012.**

... Respondent

GROUND

This complaint has been filed under section 18 of the Right to Information Act 2005. The complainant has alleged that information has not been furnished despite the fact that he deposited the requisite amount.

The complaint was heard on 17.04.2010. The defendant was present but the complainant did not turn up. It has been submitted by him that the information stands furnished. In view of the appellant's absence and the respondent's submission I decide to close the case.

Order

The complaint is filed.

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

Place: Mumbai
Date: 30.04.2010.

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

Complaint No.2010/752/02

**Shrimati. Kalpana Shaha
Obhan Niwas, N. S. Rd,
Near Navbharat School,
Room No.7, 8,
Mulund (W), Mumbai – 400 080.**

...Complainant

Vs

**Public Information Officer cum Senior Inspector
T Ward, Lala Devidyal Marg,
Mulund (W), Mumbai – 4000 080.**

... Respondent

GROUNDS

This complaint has been filed under section 18 of the Right to Information Act 2005. The complaint has been made against the order passed by the Chief Information Commissioner, Maharashtra in appeal no. 2009/4366/02 dated 29.05.2009. The same being not admissible is being filed.

Order

The complaint is filed.

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

Place: Mumbai
Date: 30.04.2010.

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

Appeal No.2010/521/02

Shri. B. Narayan
Room No.302, Bldg No-1,
Baisikal Nagar, Navghar Rd,
Bhayander (E), Thane 401 105.

... **Appellant**

V/s

First Appellate Officer cum Education Inspector
Ismail Yusuf College Compound,
Jogeshwari (E), Mumbai

... **Respondent**

Public Information Officer cum Education Superintendent
Ismail Yusuf College Compound,
Jogeshwari (E), Mumbai

GROUND

This appeal has been filed under section 19(3) of the Right to Information Act, 2005. The appellant by his application had sought information regarding no. of schools where divisions have been sanctioned, their medium and no of divisions for the academic years 2005-2006, 2006-2007 and 2007-2008.

Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant filed this second appeal before the commission. The appeal was fixed for hearing on 26.04.2010. Appellant and respondent were absent.

After going through the case papers it is seen that information has not been furnished. I therefore pass the following order.

Order

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

(Ramanand Tiwari)
State Information Commissioner, Mumbai

Place: Mumbai
Date: 30.04.2010.

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

Complaint No.2010/771/02

**Shri. J.N Sandanshiv
1/1 Zakia Manjil, Anand Nagar,
Near Saj Cinema, S.P.S. Marg,
Bhandup (W), Mumbai – 400 078.**

...Complainant

Vs

**Public Information Officer,
People's Education Society
Siddarth College of Economics & Commerce,
Dr. D.N. Rd, Hutatma Chowk,
Fort, Mumbai – 400 023.**

... Respondent

GROUNDS

This complaint has been filed under section 18 of the Right to Information Act 2005 in the context of the commission's order dated 18.07.2009 passed in appeal no 2009/2084/02. The facts in brief are as follows: - The complainant had sought a copy of the school leaving certificate of the Principal, Siddarth College of Commerce & Economics and copies of Muster roll of non-teaching staff.

Not satisfied with responses from the Public Information Officer and First Appellate Authority the complainant filed appeal under section 19 (3) of the RTI Act, 2005. The commission by its order dated 18.07.2009 directed that information should be furnished within 15 days. The present complaint is against alleged non compliance of commissions order.

The complaint was heard on 30.04.2010. Complainant and defendants were present.

The complainant has stated that he has not been furnished the required information. The defendant submitted that information has been furnished. In his written submission he has stated that information has been furnished on all the points except one

copies of caste validity certificate has not been furnished because they are not on record. Employees have been asked to furnish the same and they can be supplied only on receipt from them.

After considering the arguments advanced by parties and going through the file I have come to the conclusion that the commission's order has been complied. The RTI Act ensures furnishing of available information. The information not in existence cannot be furnished. I therefore decide to close the case.

Order

The complaint is filed.

(Ramanand Tiwari)
State Information Commissioner, Mumbai

Place: Mumbai
Date: 30.04.2010.

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

Complaint No.2010/742/02

**Shri. Subroto Ghosal
'Neerh', Jai Bhavani Mata Rd,
Matarwada, Maboli,
Andheri (W), Mumbai – 400 058.**

...Complainant

Vs

**Public Information Officer cum Asstt Engineer (B & F)
Municipal Corporation of Greater Mumbai,
K/West Ward, 2nd Floor, Palirampath,
S.V. Rd, Andheri (W), Mumbai – 400 058.**

... Respondent

GROUND

This complaint has been filed under section 18 of the Right to Information Act 2005. The complainant has brought to the commission's notice that information sought has not been provided. He had brought to the notice of authorities that some unauthorized construction on the 30 feet road leading to his Bengalow and wanted to know what action has been taken.

The complaint was heard on 21.04.2010. Complainant and defendants were present.

The complainant has stated that he has not received the required information.

The defendant's contention was that the case was old and no information was available.

After considering the arguments advanced by parties and going through the file I have come to the conclusion that information has to be furnished. A citizen complains that there are unauthorized construction on a public road and the PIO says no records are available old records may not be available but nothing prevents him from finding out

whether the structure are authorized or otherwise. If need arises he should get in touch with the Building proposal department. The information needs to be furnished.

Order

The complaint is allowed. Information to be furnished within 45 days.

(Ramanand Tiwari)
State Information Commissioner, Mumbai

Place: Mumbai
Date: 30.04.2010.

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

Complaint No.2010/705/02

**Shri. Jagannath Sharma
Chandrikabai H. Sharma Chawl,
Room No.1 & 2, Khar Jawahar Nagar,
Saibaba Rd, Khar (E), Mumbai – 400 051.**

...Complainant

Vs

**Public Information Officer,
SRA, Office of the MHADA,
5th Floor, Grihanirman Bhavan,
Bhandra (E), Mumbai – 400 051.**

... Respondent

GROUND

This complaint has been filed under section 18 of the Right to Information Act 2005 in the context of the commission's order dated 31.03.2009 passed in appeal no 2009/2020/02. The facts in brief are as follows: The complainant had wanted to know whether SRA can sanction any project on private land without owners consent.

Not satisfied with responses from the Public Information Officer and First Appellate Authority the complainant filed appeal under section 19 (3) of the RTI Act, 2005. The commission by its order dated 31.03.2009 directed that the First Appellate Authority should decide the case within 45 days. The First Appellate Authority has rejected his request for information saying it does not fit unto the definition. Hence this complaint.

The complaint was heard on 16.04.2010. The complainant was present but the defendant was absent.

The complainant has stated that he has not been furnished the required information.

The defendant's contention was that this did not fit into the definition of information hence his appeal was rejected.

After considering the arguments advanced by parties and going through the file I have come to the conclusion that information has to be given. The commission does not agree with the interpretation of section 2 made by the First Appellate Authority. It is true that the information sought has to be in the form of a document. It is not at all relevant how the applicant has sought the information. Many PIO's reject saying that the information has been sought in question form. There is nothing wrong if the information is available on record. I am sure there are instructions whether the SRA project can be taken with or without the consent of the landlord. The complainant needs to be informed.

Order

The complaint is allowed. Information to be furnished within 15 days from the date of receipt of this order failing which action under section 20 of the RTI Act will be initiated.

(Ramanand Tiwari)
State Information Commissioner, Mumbai

Place: Mumbai
Date: 30.04.2010.

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

Appeal No.2010/4616/02

Shri. Haresh & Ju. Sunita N. Garibdasani
Proprietor of M/s Sunita Electricals,
Room No.113, 1st Floor,
Dhobi Talao Trinity CHS Ltd.,
261, S.S. Gaikawad Marg, Dhobi Talao,
Mumbai – 400 002.

... **Appellant**

V/s

First Appellate Officer,
Sale Tax Commission,
Worli Division, 10th Floor,
E Wing, New Bldg., Sale Tax Bhavan,
Mazgaon, Mumbai – 400 010.

... **Respondent**

Public Information Officer,
Sale Tax Commission,
Worli Division, 10th Floor,
E Wing, New Bldg., Sale Tax Bhavan,
Mazgaon, Mumbai – 400 010.

GROUND

This appeal has been filed under section 19(3) of the Right to Information Act, 2005. The appellant had sought copies of PAN card rent receipt submitted by them.

Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant filed this second appeal before the commission. The appeal was heard on 27.04.2010. The appellant did not turn up but the respondent was present.

In their detailed submission in writing they have stated that the appellants are registered as owners of Sunita Electricals. The registration originally stood in the name of their father which was transferred in the name their mother after her demise. The registration currently has been transferred in the appellants name because of their mothers death. They have shown inability to facilitate inspection because old records have been destroyed as per govt. inspection. They have also explained the reasons for not

furnishing copies of the PAN card and rent receipts. I am of the view that available information has been furnished. In view of the respondent's submission and appellant's absence I decide to close the case.

Order

The appeal is disposed off.

(Ramanand Tiwari)
State Information Commissioner, Mumbai

Place: Mumbai
Date: 30.04.2010.

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

Appeal No.2010/4502/02

**Shrimati. Martha Sebastian
199, Bhavani Shankar Rd,
Dadar, Mumbai – 400 028.**

... **Appellant**

V/s

**First Appellate Officer,
Office of the Chief Officer (D.P.)
Municipal Corporation of Greater Mumbai,
Mahapalika Marg, Mumbai – 400 001.**

... **Respondent**

**Public Information Officer,
Office of the Chief Officer (D.P.)
Municipal Corporation of Greater Mumbai,
Mahapalika Marg, Mumbai – 400 001.**

GROUNDS

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

1. A search was done collectors office on 02.02.2009 of property bearing C.S. No.1309 of Lower Parel Division and while conducting the search there was an entry in column 17 which reads as follows.

The land was finally noticed U/s 6 of the LA Act 1994 for Municipal Housing but subsequently was withdrawn from a/c vide 167414-4 dated 30.01.1964 SB/LAW/414

2. Please issue me a certified copy of the notification mentioned in point (1) under the particulars of information.

Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant filed this second appeal before the commission. The appeal was heard on 05.04.2010. The appellant did not turn up but the respondent was present.

Case papers reveal that the First Appellate Authority in his order dated 12.08.2009 has informed the appellant that a copy of the notification under section 6 of the Land Acquisition Act should be available with the Special Land Acquisition Officer No-7 and has also given his address. It has also been informed that the CS No 1309 of Lower Parel Division has been converted into TPS IV Mahim in the city survey record. Under these circumstances I conclude that the appellant has been rightly informed. I therefore pass the following order.

Order

The appeal is disposed off.

(Ramanand Tiwari)
State Information Commissioner, Mumbai

Place: Mumbai
Date: 30.04.2010.

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

Complaint No.2010/665/02

**Shri. Ernest Fernandes
401-Kotecha Apt. CHS. Ltd.,
1st Domic Colony, Orlem,
Malad (W), Mumbai – 400 064.**

...Complainant

Vs

**Public Information Officer cum Dy Chief Engineer (B P)
West Ward, PQR Ward, Municipal Corporation,
Kandivali (W), Mumbai – 400 067.**

... Respondent

GROUND

This complaint has been filed under section 18 of the Right to Information Act 2005 in the context of the commission's order dated 31.08.2009 passed in appeal no 2009/145/02. The facts in brief are as follows: The present complainant had for copies of the plan, I.O.D. and CC of Kotecha Apartments Cooperative Housing Society.

Not satisfied with responses from the Public Information Officer and First Appellate Authority the complainant filed appeal under section 19 (3) of the RTI Act, 2005. The commission by its order dated 31.08.2009 directed that information should be furnished within 3 months. The present complaint is against alleged non compliance of commissions order.

The complaint was fixed for hearing on 07.04.2010. The complainant and defendant were absent.

Case papers disclose that the appellant had applied for information by his application dated 09.10.2006. Since he did not get the information he filed second appeal and the commission passed its order dated 06.06.2008 directing to furnish the information within 30 days. This was not complied. The appellant filed complaint under section 18 of the RTI Act 2005. The commission in its order dated 31.08.2009 directed that

information should be furnished after locating the file. The defendant was asked to explain why he should not be imposed a fine of Rs.25, 000/- for not furnishing the information. It is also revealed from the case papers that the Executive Engineer BP (Western Division) by his letter dated 24.06.2009 informed the commission that the file was not available. This is despite the fact that the appellant was informed by the Dy Chief Engineer BP (W.D.) by his letter dated 03.11.2006 to inspect the file and collect information after depositing the requisite fee. This simply means that the letter dated 03.11.2006 was written without verifying the existence or otherwise of the file. The file is now reported missing. Under these circumstances my conclusion is that the case has been handled casually and information has been denied without any reason. I therefore pass the following order.

Order

The complaint is allowed. The officers who informed the appellant by his letter dated 03.11.2006 without verifying the existence of the file is fined Rs.5, 000/- (Five thousand only) under section 20 of the RTI Act 2005 for giving in correct information. This should be recovered from his salary in five equal instalment beginning July, 2010.

(Ramanand Tiwari)
State Information Commissioner, Mumbai

Place: Mumbai
Date: 30.04.2010.

