

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

Complaint No.2009/256/02

**Shri. Ratnakar B. Desai
61 Navrang, Pedder Rd,
Mumbai – 400 026.**

... **Complainant**

V/s

**Public Information Officer cum Stamp Collector,
Principal Stamp Officer, Nagarbhavan,
Fort, Mumbai – 400 001.**

... **Respondent**

GROUND

This complaint has been filed under section 18 of the Right to Information Act 2005 in the context of the commission's order dated 27.11.2008 passed in appeal no.2008/1295/02. The facts in brief are as follows: - The complainant had sought information regarding the conveyance deed dated 15.01.1995 in respect of purchase of his flat which was submitted for registration 10.05.1995 and stamp duty of rs.16, 47, 500/- was paid. He was not satisfied with responses from the PIO and the First Appellate Authority and preferred appeal under section 19(3) of the RTI Act 2005. The commission directed the PIO to initiate action and ensure that the document is registered and the complainant informed. The present complaint is against non compliance of commission's order.

The complaint was heard on hearing on 07.08.2009. Complainant and defendants were present.

The defendant at the outset reported that the document has been registered. They were directed to send it by registered post. I therefore pass the following order.

Order

Complaint is disposed off.

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

Place: Mumbai
Date: 07.08.2009.

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

Appeal No.2009/2205/02

**Shri. Naganath Shivpuje
Bhansali S.R.P. CHS,
5/507 Hanuman Rd, Vile Parle (E),
Mumbai – 400 057.**

... Appellant

V/s

**First Appellate Officer cum Asstt Commissioner,
Municipal Corporation, K/West Ward,
Andheri (E), Mumbai – 400 069.**

... Respondent

**Public Information Officer Asstt Engineer,
Water Dept. Municipal Corporation, K/West Ward,
Andheri (E), Mumbai – 400 069.**

GROUNDS

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant had sought information as to how his municipal water bill can be converted from commercial to residential.

Not satisfied with the 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 05.08.2009. The appellant did not turn up but the respondent was present.

The respondent informed the commission that the information has been collected by the appellant. In view of the appellant's absence and the respondent's submission I pass the following order.

Order

The appeal is disposed off.

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

Place: Mumbai
Date: 07.08.2009.

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

Complaint No.2009/220/02

**Shri.Vivek N. Shilwant
171/5654, Kannamwar Nagar,
No.2, Vikroli (E), Mumbai – 400 083.**

... **Complainant**

V/s

**Public Information Officer cum Asstt. Police Commissioner,
South Region Dept. Office Bldg.
Sir J.J. Marg, Nagpada, Mumbai – 400 008.**

... **Respondent**

GROUND

This complaint has been filed under section 18 of the Right to Information Act 2005 in the context of the commission's order dated 31.01.2009 passed in appeal no.2008/1598/02. The facts in brief are as follows: - The complainant had asked for a copy of his service book duty filled in. Not satisfied with responses from the PIO and the First Appellate Authority he had preferred appeal under section 19(3) of the RTI Act, 2005. The commission by its order dated 31.01.2009 directed that information should be furnished within 15 days. The complaint is against non complain of the commission's order.

The complaint was heard on hearing on 07.08.2009. Complainant and defendants were present.

The complainant has stated that the information furnished to him was incomplete. The defendant has submitted that service book has been filled in on the basis of available details. They also stated that deficiencies if any would be made good.

Order

Complaint is disposed off.

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

Place: Mumbai
Date: 07.08.2009.

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

Appeal No.2009/3025/02

**Shri. Arjunlal Chabaria
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 Asstt Commissioner,
Municipal Corporation, K/West Ward,
Paliram Path,
Andheri (E), Mumbai – 400 069.**

... Respondent

**Public Information Officer Senior Inspector of Licence
Municipal Corporation, K/West Ward,
Paliram Path,
Andheri (E), Mumbai – 400 069.**

GROUND

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant had sought information regarding M/s Gulshan Ceramics – Whether they have obtained trade licence under section 394 of the MMC Act and if yes a copy of the licence. The appellant also wanted to know whether they have a projection licence in respect of weather frame and rolling shutter and if yes a copy of the licence.

Not satisfied with the 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 06.08.2009. The appellant did not turn up but the respondent was present.

The respondent brought submission in writing. He has stated that no licence was required for the business and there was no projection. It is therefore directed that the appellant may be sent this information within 15 days free of cost and by registered post.

Order

The appeal is disposed off.

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

Place: Mumbai
Date: 07.08.2009.

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

Complaint No.2009/388/02

**Shri. Seeril Peter D'soza
Good Luck Chawl, Room No.18,
Nea Sai Sankalp Bldg.,
Opp. BMC Colony, Malvani Block No.3,
Malad (E), Mumbai – 400 095.**

... **Complainant**

V/s

**Public Information Officer cum Astt. Engineer
(B & F), P/North Ward Office, 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 13.02.2009 passed in appeal no.2008/1737/02. The facts in brief are as follows: - The complainant had sought information regarding Hotel Sampurna. The complainant had alleged that information was not furnished despite the order passed by the First Appellate Authority. The commission by its order dated 13.02.2009 directed that PIO should furnish the latest position, action taken and being taken. He was also informed that failure might lead to initiation of action under section 20 of the RTI. The complaint is against non compliance of commission's order.

The complaint was heard on hearing on 07.08.2009. The defendant was present but the complainant did not turn up.

After going through the file I have come to the conclusion that commission's direction has not been complied. The PIO prima facie is guilty under section 20 of the RTI Act, 2005. It is therefore proposed to fine him Rs.25, 000/- for non compliance of commission's order. He should send the information free of cost and by registered post. His explanation as to why the order of fining him should not be confirmed should not be confirmed should reach within 4 weeks.

Order

Complaint is allowed.

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

Place: Mumbai
Date: 09.08.2009.

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

Appeal No.2009/3069/02

**Shri. Narendra Krushna Patil
Room No.873, Taluka Vasai,
Dist. Thane 401 301.**

... **Appellant**

V/s

**First Appellate Officer,
Revenue & Forest Dept. (J-4),
Mantralaya, Mumbai – 400 032.**

... **Respondent**

**Public Information Officer cum Under Secretary
Revenue & Forest Dept. (J-4),
Mantralaya, Mumbai – 400 032.**

GROUND

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant had sought information regarding action taken on his application for regularization of hi encroachment on survey no.801, Mauje Aghashi, taluka Vasai, district Thane. The appellant claims that he has encroached the land since 1965 but govt. has not regularized it in his favour despite govt. instructions that encroachment on government land upto 1978 should be regularised.

Not satisfied with the responses form the Public Information Officer and the First Appellate Authority the appellant filed this second appeal before the Commission. The appeal was heard on 12.08.2009. Appellant was present but the respondent was absent.

The appellant has contended that he has been sending applications at all levels but no action has been taken and no information furnished. The respondent was not present. It is however seen from the order of the First Appellate Authority that although his original file was not available the appellant's second application was under govt. consideration.

After going through the case papers it is seen that his original file has not been traced. It is however seen that his another application for regularization of the land was under govt's consideration. It is necessary that the appellant is provided the information he has been asking for. It is therefore directed that he should be informed the latest position with regard to his file. I therefore pass the following order.

Order

The appeal is allowed. Information to be furnished by PIO within 45 days.

(Ramanand Tiwari)
State Information Commissioner, Mumbai

Place: Mumbai
Date: 12.08.2009.

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

Appeal No.2009/3071/02

**Shri. Shakil Khan
3 Haji Kasam Bldg,
Bellasis Rd, Behind Tahoorra Sweets,
Nagpada, Mumbai – 400 008.**

... Appellant

V/s

**First Appellate Officer cum Asstt Commissioner
Municipal Corporation Greater Mumbai,
E/Ward Office, 10, Shaikh Hafizudding Marg,
Byculla, Mumbai – 400 008.**

... Respondent

**Public Information Officer cum Asstt Engineer
Municipal Corporation Greater Mumbai,
E/Ward Office, 10, Shaikh Hafizudding Marg,
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 25.11.2008 had sought information respect of unauthorized gate and compound wall and also construction of Mahavir Building, Versova Street, Off Bellasis Rd, Mumbai.

Not satisfied with the responses form the Public Information Officer and the First Appellate Authority the appellant filed this second appeal before the Commission. The appeal was heard on 12.08.2009. Appellant and respondent were present.

The appellant has contended that he has not been given correct information. He stated that building permission has been wrongly given.

The respondent's contention is that the Iron Gate and compound wall are not in accordance with the approved plan. They have initiated action but injunction has been given by the court of law. As far as unauthorized construction of building is concerned his record showed that the construction has been permitted by MCGM.

After going though the case papers and considering the arguments advanced by parties I have come to the conclusion that information has been furnished. It may be true that the information furnished may not be to his liking but that cannot be helped. The

RTI ensures furnishing of available information. Interpretation of the information or opinion on the information are not expected under the RTI Act. I therefore conclude that information has been furnished.

Order

The appeal is disposed off.

(Ramanand Tiwari)
State Information Commissioner, Mumbai

Place: Mumbai
Date: 12.08.2009.

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

Appeal No.2009/3047/02

**Shri. Ansari Ejaz Ah.md Farooque
S.No.74/4, P.No.63, Ansar Colony,
Malegaon – 423 203.**

... **Appellant**

V/s

**First Appellate Officer,
Minority Development Dept,
First Floor, New Administrative Bldg,
Opp. Mantralaya, Mumbai – 400 032.**

... **Respondent**

**Public Information Officer,
Minority Development Dept,
Nine Floor, New Administrative Bldg,
Opp. 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 09.02.2009 had sought information relating to his complaint made to the Chief Secretary and Secretary, Department of Minorities Development. The appellant wanted to know what action has been taken by them. He was informed by the PIO by his letter dated 09.03.2009 that a report has been called from the Deputy Director of Education. The First Appellate Authority passed his order dated 24.04.2009.

Not satisfied with the 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 12.08.2009. Appellant was present but the respondent was absent.

The appellant has contended that he has not been given the required information. He has also stated that he on his own has been expediting these officers. He cannot be expected to wait indefinitely.

After going through the case papers and considering the arguments advanced by the appellant it is seen that he has only been informed that reports have been called. It is necessary to expedite so that the appellant gets the required information. 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: 12.08.2009.

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

Appeal No.2009/3072/02

**Shri.Kamlaprasad Mishra
Shop No.11A/01, M.U.T.P Rehabilitation Colony,
Opp. Durganagar, J.V. Link Rd, Jogeshwari (E),
Mumbai – 400 060.**

... Appellant

V/s

**First Appellate Officer cum Chief (R & R)
M.U.T.P. 3rd Floor, MMRDA Bldg,
Bandra-Kurla Complex, Bandra (E),
Mumbai – 400 051.**

... Respondent

**Public Information Officer,
M.U.T.P. 3rd 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 19.11.2009 had sought information relating to exclusion of the name from the Base line Socio Economic Survey conducted by NGO SRS. The appellant is aggrieved that his residential porting has not been included making him ineligible for allotment of a tenement.

Not satisfied with the responses form the Public Information Officer and the First Appellate Authority the appellant filed this second appeal before the Commission. The appeal was heard on 12.08.2009. The appellant did not turn up but the respondent was present.

The respondent has stated that it was not possible for him to respond to the query. The resettlement has been done according to the BSES report. They however submitted that there is a grievance redressal mechanism under MUTP and the appellant could take recourse to it.

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

Order

The appeal is disposed off.

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

Place: Mumbai
Date: 12.08.2009.

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

Appeal No.2009/3079/02

**Shri. Arjunlal M. Chabaria
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 Joint Chief Officer
Office of the MHADA
Grihanirman Bhavan, Bandra (E),
Mumbai – 400 051.**

... Respondent

**Public Information Officer cum Land Manager
Office of the MHADA
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 09.03.2008 had sought information relating to his request to take his client's name on record of MHADA as a tenant and occupant of shop no.19 MIRA CHS, Oshiwara which was allotted land by MHADA.

Not satisfied with the 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 13.08.2009. The appellant did not turn up but the respondent was present.

The respondent's contention is that the land was allotted to the Society and certain built up commercial area had to be handed over to the MCGM. It has been stated that MHADA has no record except those relating to grant of land and approval of membership. MHADA has no record relating to sale of shop to the appellant's client. They therefore could not furnish the information.

After going through the case papers and considering the arguments advanced by the respondent, I decide to close the case.

Order

The appeal is dismissed.

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

Place: Mumbai
Date: 13.08.2009.

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

Appeal No.2009/3077/02

**Shri. Ajitkumar Panjabi
Ramjan Bhatar Chawl, Chawl No.263/5,
Dr. Ambedkar Chowk, Takyaward,
Kurla (W), Mumbai – 400 070.**

... Appellant

V/s

**First Appellate Officer cum Asstt Commissioner,
Municipal Corporation, D Ward Office,
2nd Floor, Jobanputra Compound, Grant RD,
Mumbai – 400 007.**

... Respondent

**Public Information Officer cum Asstt Engineer,
Municipal Corporation, D Ward Office,
2nd Floor, Jobanputra Compound, Grant RD,
Mumbai – 400 007.**

GROUNDS

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant had sought information regarding Civil Works undertaken in “D” Ward (Maintenance Department) during 2008-2009. The PIO asked him to deposit Rs.60/- which was done by the appellant on 29.01.2009. The information was not received by the appellant. No order seems to have been passed by the First Appellate Authority on his first appeal.

Not satisfied with the 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 13.08.2009. Appellant and respondents were present.

The appellant has contended that he has been asked to deposit Rs.60/- which he did but the information has not been received by him. The respondent submitted that communication sent to the appellant have been returned back.

After going through the case papers and considering the arguments advanced by parties I have come to the conclusion that information has not been received by the appellant. Since he has already deposited money as directed by the respondent it is

necessary to furnish the information to him. I therefore order that available information should be furnished to him. I therefore pass the following order.

Order

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

(Ramanand Tiwari)
State Information Commissioner, Mumbai

Place: Mumbai
Date: 17.08.2009.

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

Appeal No.2009/2944/02

**Shri. Sayeed Miya Ali Miya Saiyad
Maharashtra Navnirman Transport Sena Patole Niwas,
Gandhinagar, D-Ward, Jogeshwari (E),
Mumbai – 400 060.**

... Appellant

V/s

**First Appellate Officer,
Office of the Rationing Officer,
Rationing Officer No.25/D,
Opp. PWD, Andheri (W), Mumbai – 400 058.**

... Respondent

**Public Information Officer,
Office of the Rationing Officer,
Rationing Officer No.25/D,
Opp. PWD, Andheri (W), Mumbai – 400 058.**

GROUND

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant had sought information regarding the ration card issued in the name of Shri Mohammad Aslam, Khan, its cancellation and further action taken by the rationing officer, Andheri (W), Mumbai.

Not satisfied with the responses form the Public Information Officer and the First Appellate Authority the appellant filed this second appeal before the Commission. The appeal was heard on 17.08.2009. Appellant and respondents were present.

The appellant has contended that he has not been furnished the information. The respondent stated that he has brought the required information. The information was handed over to the appellant during the hearing. The appellant wanted that action should taken against those responsible for delay.

After going though the case papers and considering the arguments advanced by parties I have come to the conclusion that information has not been furnished in time. The PIO to show cause why action under section 20 of the RTI Act should not be initiated against him. His reply to reach the commission within 4 weeks.

Order

The appeal is disposed off.

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

Place: Mumbai
Date: 17.08.2009.

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

Appeal No.2009/3082/02

Shri. Deen Mohammad Qureshi
Opp. BMC School No.2, Shivaji Nagar,
Govandi, Mumbai – 400 043.

... **Appellant**

V/s

First Appellate Officer,
Office of the Joint C.O.
Grihanirman Bhavan,
(Mumbai Board), 3rd Floor,
MHADA Bhavan, Bandra (E),
Mumbai – 400 051.

... **Respondent**

Public Information Officer,
Office of the Joint C.O.
Grihanirman Bhavan,
(Mumbai Board), 3rd Floor,
MHADA 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 12.03.2009 had sought the following information relating to action taken on his application dated 09.02.2009 for inclusion of his name in Annexure II of Golden Plaza Cooperative Housing Society city survey no 11 S G Barve Marg, Nehrunagar, Kurla (W), Mumbai – 400 024.

Not satisfied with the 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 13.08.2009. The appellant did not turn up but the respondent was present.

The respondent has submitted his written statement. It seem from the submission that the appellant's name cannot be included because of inadequacy of required proof. It also seen that reasons for the decision has also been communicated. In view of the appellant's absence and respondent's submission. I decide to close the case.

Order

The appeal is disposed off.

(Ramanand Tiwari)
State Information Commissioner, Mumbai

Place: Mumbai
Date: 13.08.2009.

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

Appeal No.2009/3089/02

**Shri. Bagoriya Premchand Shivnath
Plot No.90, Kherwadi, Bandra (E),
Mumbai – 400 051.**

... **Appellant**

V/s

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

... **Respondent**

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

GROUND

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant had sought information regarding complaints made by him against Shri Prakash Z Chawala for lighting Holi in front of his house and bursting banned crackers beyond 10 PM. The PIO replied by his letter dated 06.05.2009. The First Appellant Authority passed his order dated 15.05.2009.

Not satisfied with the 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 13.08.2009. Appellant and respondents were present.

The appellant has contended that he has not received the information he had wanted. The respondent submitted that preventive action was taken against both respondent and appellant to maintain peace. It has also been submitted that if the appellant had any complaint against Nirmal Nagar Police Station he could have gone to higher authorities.

After going through the case papers and considering the arguments advanced by parties I have come to the conclusion that the issue is not so much of information as of action by the NNPS. The appellant wanted action to be taken, the police has taken action as they deemed fit. The RTI Act does not mandate conflict resolution. There is no way we can direct the police to do what the appellant wanted. Information stands furnished.

Order

The appeal is disposed off.

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

Place: Mumbai
Date: 17.08.2009.

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

Appeal No.2009/2136/02

Shri. Harish Chandu Badekar
304/7, Tejomay CHS, Sector-3,
Charkop, Kandivali (W), Mumbai – 400 067.

... **Appellant**

V/s

**First Appellate Officer cum Dy Secretary &
Joint Chief Election Officer,**
Office of the Chief Election Officer Maharashtra State,
GAD, Mantralaya, Mumbai – 400 032.

... **Respondent**

**Public Information Officer cum Under Secretary &
Dy Chief Election Officer,**
Office of the Chief Election Officer Maharashtra State,
GAD, Mantralaya, Mumbai – 400 032.

GROUNDS

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant had sought information as to why the Election Branch in Mumbai City and suburban district have posts of Awalkarkun where as in other districts these posts are manned by Naibtahsildar.

Not satisfied with the responses form the Public Information Officer and the First Appellate Authority the appellant filed this second appeal before the Commission. The appeal was heard on 05.08.2009. The appellant did not turn up but the respondent was present.

The respondent at the outset submitted that the required information has been furnished. In any case it is not expected to answer questions like why and why not under the RTI Act. In view of the appellant's absence and respondent's submission I decide to close the case.

Order

The appeal is disposed off.

(Ramanand Tiwari)
State Information Commissioner, Mumbai

Place: Mumbai
Date: 05.08.2009.

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

Appeal No.2009/2795/02

Shri. Prabhakar Maruti Kondhalkar
B-1, Muktanand Housing Soc.,
Dhankwadi, Pune – 410 043.

... **Appellant**

V/s

First Appellate Officer cum Joint Secretary
Revenue & Forest Dept, (L-6),
Mantralaya, Mumbai – 400 032.

... **Respondent**

Public Information Officer,
Revenue & Forest Dept, (L-6),
Mantralaya, Mumbai – 400 032.

GROUNDS

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant had sought copies of all documents since the beginning of the case no RTS 3401/Pra.K.295/L-6 – M/s Gangadham Maruti Sarkale and others. The PIO informed him that since it was not clear what information is required, the same could not be furnished. No order seems to have been passed by the First Appellate Authority.

Not satisfied with the responses from the Public Information Officer and the First Appellate Authority the appellant filed this second appeal before the Commission. The appeal was heard on 15.06.2009. The appellant did not turn up but the respondent was present.

After going through the case papers it is revealed that the PIO has denied information because no specific information has been sought. All documents since the beginning of the case does not make much sense. I would therefore advise the appellant to inspect the file and select the documents he requires. I therefore pass the following order.

Order

The appeal is allowed. Inspection to be allowed and copies of selected documents to be provided.

(Ramanand Tiwari)
State Information Commissioner, Mumbai

Place: Mumbai
Date: 31.08.2009.

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

Appeal No.2009/2954/02

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

... Appellant

V/s

**First Appellate Officer,
Chief Personal Officer,
6th Floor, New Extension Building,
MCGM, HQ, Mumbai – 400 001.**

... Respondent

**Public Information Officer,
Chief Personal Officer,
6th Floor, New Extension Building,
MCGM, HQ, 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 08.08.2008 had sought the following information: -

- a. Please provide inspection of Files of Complaints Received from all sources on Record against the following officials during their posting past and Present till date as a below:
 - a.(i) Shri Thorat : Ex: Assistant Municipal Commissioner
 - a.(ii) Shri Ranjit Dhanke : Assistant Municipal Commissioner K (E) Ward.
 - a.(iii) Shri V.B. Desai – Current AEB & F H (E) Ward
 - a.(iv) Shri Gupta Sr Inspector of Licensing L Ward MCGM.

Not satisfied with the responses form the Public Information Officer and the First Appellate Authority the appellant filed this second appeal before the Commission. The appeal was heard on 17.08.2009. Appellant and respondent were present.

The appellant has contended that he has been given incomplete information. The respondent was blank. I therefore pass the following order.

Order

The Chief Personal Officer shall provide information within 15 days.

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

Place: Mumbai
Date: 17.08.2009.

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

Appeal No.2009/2953/02

**Shri. D.D. Likhar,
B-273/5, Govt. Colony,
Bandra (E), Mumbai – 400 051.**

... Appellant

V/s

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

... Respondent

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

GROUNDS

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant had sought information whether members of the Managing Committee Sundernagar Siddhivinayak Cooperative Housing Society Building no.10, Kalina, Mumbai have furnished bonds as required under section 73 (1AB) of the Maharashtra Cooperative Societies Act, 1960.

Not satisfied with the 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 17.08.2009. Appellant and respondent were absent.

I have gone through the case papers. The PIO has by his order dated 02.12.2009 has informed the appellant that documents can be had from the society. He has refused to comment on appellant's second issues – whether actions taken by the Managing Committee without furnishing the bond are valid. It is very clear that the MCS Act requires the Managing Committee members to furnish bonds to the Society Rule 58 of the Maharashtra Cooperative Societies Rules, 1961 requires that the Chief Executive Officer / Secretary of the Society Shall inform the registrar within 15 days from the formation of the committee.

It is thus clear that the registrar is supposed to be intimated by the society. The information is being held under the control of the registrar. I would therefore direct that the Deputy Registrar should ask the society to furnish copies of the bonds executed by the members of the Society.

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

Place: Mumbai
Date: 21.08.2009.

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

Appeal No.2009/2951/02

**Shri. Abdul Gafur Hunshal
Hotel President,
Maharashtra Nagar,
Bandra (E), Mumbai – 400 051.**

... Appellant

V/s

**First Appellate Officer,
Dy Collector,
Bandra, Grihanirman Bhavan,
Ground Floor, Room No.68,
Bandra (E), Mumbai – 400 051.**

... Respondent

**Public Information Officer,
Dy Collector,
Bandra, Grihanirman Bhavan,
Ground Floor, Room No.68,
Bandra (E), Mumbai – 400 051.**

GROUNDS

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant by his application dated 20.10.2009 had sought the following information relating to Maharashtra nagar / Ambedkar nagar CHS (Proposed), CTS no.629. The appellant wanted the latest position in respect of annexure II where in entries of 172 persons – are being verified.

Not satisfied with the responses form the Public Information Officer and the First Appellate Authority the appellant filed this second appeal before the Commission. The appeal was heard on 17.08.2009. The appellant did not turn up but the respondent was present.

The respondent has brought to my notice that the appellant has been explained the whole situation and he was satisfied. His statement has been enclosed along with respondent's submission. In view of this I decide to close the case.

Order

Appeal is disposed off.

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

Place: Mumbai
Date: 21.08.2009.

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

Appeal No.2009/2956/02

**Shri. Kamalprasad Mishra
Shop No.11A/01, M.U.T.P Rehabilitation Colony,
Opp. Durganagar, J.V. Link Rd, Jogeshwari (E),
Mumbai – 400 060.**

... Appellant

V/s

**First Appellate Officer,
M.U.T.P. 3rd Floor, MMRDA Bldg,
Bandra-Kurla Complex, Bandra (E),
Mumbai – 400 051.**

... Respondent

**Public Information Officer,
M.U.T.P. 3rd Floor, MMRDA Bldg,
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 had sought information relating to excess commercial area to holders of ID card no. 167 A, 175 A, 177 A at the permanent rehabilitation site.

Not satisfied with the 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 17.08.2009. The appellant did not turn up but the respondent was present.

The appellant has contended that excess commercial areas have been allotted to some project affected households. He needs to know how it has been done. Since he has given specific ID No, it is necessary to inform how these people got excess area. I therefore pass the following order.

Order

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

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

Place: Mumbai
Date: 21.08.2009.

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

Appeal No.2009/2957/02

**Shri. Kamlaprasad Mishra
Shop No.11A/01, M.U.T.P Rehabilitation Colony,
Opp. Durganagar, J.V. Link Rd, Jogeshwari (E),
Mumbai – 400 060.**

... Appellant

V/s

**First Appellate Officer,
M.U.T.P. 3rd Floor, MMRDA Bldg,
Bandra-Kurla Complex, Bandra (E),
Mumbai – 400 051.**

... Respondent

**Public Information Officer,
M.U.T.P. 3rd Floor, MMRDA Bldg,
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 had sought the following information: -

“Certified copies of the complete and total Visual documentation records of the dwelling structures of all PAHS pertaining to Durganagar, J.V. Link Rd, Jogeshwari (E), Mumbai – 400 060. Locality affected by J.V. Link Rd strengthening project, a project of MUTP. The visual documentation records prepared by the NGO-SRS and available with the NGO-SRS/MMRDA office or both up to time of given information of RTI Act, 2005.

Visual document action records, as mentioned U/C No. (6) of the MUTP (R Q R) Policy. Please give the exact date/dates i.e. completion dates of aforesaid Visual documentation records prepared by the NGO-SRS.”

Not satisfied with the 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 17.08.2009. The appellant did not turn up but the respondent was present.

The respondent has submitted that this information has already been furnished. It has also been stated by them that they do not possess document which formed the basis of

BSES and they go by the report submitted by the NGO authorized to survey and prepare the report. In view of these submission and appellant's absence, the case is closed.

Order

The appeal is disposed off.

(Ramanand Tiwari)
State Information Commissioner, Mumbai

Place: Mumbai
Date: 21.08.2009.

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

Appeal No.2009/2950/02

**Shri.Anil Narhar Manke
Manisha Build, First Floor,
2 Pherozshah Mehata Rd,
Vile Parle (E), Mumbai – 400 057.**

... Appellant

V/s

**First Appellate Officer cum Asstt. Commissioner
Office of the Asstt Commissioner,
(K/East) K/E Ward, Room No.104, First Floor,
Municipal Corporation Build, Gundawali, Azad Rd,
Andheri (E), Mumbai – 400 069.**

... Respondent

**Public Information Officer cum Asstt Assessor & Collector,
Assessor & Collector Division, K/West Ward,
Gundawali, 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 had sought details of assessment in respect of property K/E ward No.774 street no.22, Pherozshah Mehata Rd, Vile Parle (E), Mumbai. The PIO by his letter dated 26.02.2009 informed the appellant that he should deposit the schedule fee to enable the PIO to furnish the information. The First Appellate Authority has confirmed the PIO's order.

Not satisfied with the 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 17.08.2009. The appellant did not turn up but the respondent was present.

The respondent has submitted that information could not be furnished because the appellant did not deposit the required fee. I therefore conclude that the appellant has been correctly informed. The orders passed by the PIO and the First Appellate Authority do not need intervention from the commission. The orders are confirmed.

Order

The appeal is disposed off.

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

Place: Mumbai
Date: 21.08.2009.

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

Appeal No.2009/3027/02

**Shri. Milind Gaikwad
Sai Darshan CHS,
52/5455, Opp MIG Cricket Club,
Bandra (E), Mumbai – 400 051.**

... Appellant

V/s

**First Appellate Officer,
Chief Fire bridged Officer,
Mumbai Fire bridged Dal,
10, Sheik Hafizuddin Marg,
Byculla, Mumbai – 400 005.**

... Respondent

**Public Information Officer,
Chief Fire bridged Officer,
Mumbai Fire bridged Dal,
10, Sheik Hafizuddin Marg,
Byculla, Mumbai – 400 005.**

GROUND

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant had sought information regarding cases filed against the Fire Brigade Department and pending in different courts of law.

Not satisfied with the 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 06.08.2009. The appellant did not turn up but the respondent was present.

The respondent submitted that the information being huge and scattered, it took sometime to collect and compile. They had furnished, some information by their letter dated 20.03.2003. They submitted that they have brought the balance information to be handed over to the appellant.

After going through the case papers and considering the plea of the respondent I direct that remaining information should be sent to the appellant by registered post and free of cost.

Order

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

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

Place: Mumbai

Date: 07.08.2009.

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

Appeal No.2009/2958/02

**Shri. Kamalprasad Mishra
Shop No.11A/01, M.U.T.P Rehabilitation Colony,
Opp. Durganagar, J.V. Link Rd, Jogeshwari (E),
Mumbai – 400 060.**

... Appellant

V/s

**First Appellate Officer,
M.U.T.P. 3rd Floor, MMRDA Bldg,
Bandra-Kurla Complex, Bandra (E),
Mumbai – 400 051.**

... Respondent

**Public Information Officer,
M.U.T.P. 3rd 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 19.12.2007 had sought the following information: -

Certified copy of the Allotment letter and also I.D. Cards, given to the PAH/PAHS declared "SUCCESSFUL" through F.L.G.R.C./ S.L.G.R.C for Rehabilitation only. PAH/PAHs pertaining to Durganagar, J,V, Link Rd, Jogeshwari (E), Mumbai – 400 060 locality and affected under J.V.L.R. strengthening plan by MUTP.

Not satisfied with the 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 17.08.2009. 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 submitted that the required information has been furnished. It was also stated by him that any additional information required by the appellant will be furnished.

After going through the case papers and considering the arguments advanced by parties I have come to the conclusion that information has been furnished. In view of the appellant's absence and the respondent's submission, I decide to close the case.

Order

The appeal is disposed off.

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

Place: Mumbai
Date: 17.08.2009.

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

Appeal No.2009/3119/02

**Shri. Sachin Gajanan Adkar
A-2/35, Pratiksha Nagar,
Saion, Mumbai – 400 022.**

... **Appellant**

V/s

**First Appellate Officer cum Dy Collector
2nd Floor, D.D. Build, Collector Office,
Mumbai – 400 001.**

... **Respondent**

**Public Information Officer cum Tahsildar,
Ground Floor, Collector Office,
Mumbai – 400 001.**

GROUNDS

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant by his application dated 01.01.2009 had sought following information relating to the issuance of caste certificate by the office of Collector and district Magistrate, Mumbai City. The PIO by his letter 29.01.2009 furnished information to him. The First Appellate Authority by his order dated 05.06.2009 asked the PIO to allow inspection of relevant documents.

Not satisfied with the 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 20.08.2009. Appellant was present but the respondents was absent.

The appellant has contended that he has been issued a caste certificate which is full of spelling mistakes. He therefore wanted to know how many such defective certificates have been issued so far. He also pointed during the hearing that the GR was wrongly quoted. He has stated that his caste has been recognized as Special Backward category by govt. resolution dated 05.10.2006 where as the certificate given to him quotes Govt. resolution dated 13.06.1995

After going though the case papers and considering the arguments advanced by parties I have come to the conclusion that the appeal has been filed to high light certain discrepancies rather than seeking information. It goes without saying that documents

issued to the general public should be accurate and understandable. It is therefore directed that corrected copy of the certificate should be given to the appellant.

Order

The appeal is allowed. Information to be furnished by PIO within 7 days.

(Ramanand Tiwari)
State Information Commissioner, Mumbai

Place: Mumbai
Date: 21.08.2009.

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

Appeal No.2009/2948/02

**Shri. C.P. Singh
04, Classic Power,
Opp. Guru Niwas, Subway Rd No.02,
TPS VI, Santacruz (W), Mumbai – 400 054.**

... Appellant

V/s

**First Appellate Officer,
Municipal Corporation, H/W Ward,
Bnadra (W), Mumbai – 400 050**

... Respondent

**Public Information Officer,
Municipal Corporation, H/W Ward,
Bnadra (W), Mumbai – 400 050**

GROUNDS

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant had sought information regarding SRA scheme approval at FP no 106, TPS VI Santacruz (W), Mumbai. He has sought the following information: -

- a) IAYOUT PLAN under LOI No. SRA/ENG/725HW/ML/LOI dated 21.04.2003 of KHOTWADI, at final plot No.106, T.P.S.VI, Santacruz (W), Mumbai – 400 054.
- b) D.P. Remark of final ploy No. 106, T.P.S.VI, Santacruz (W), Mumbai – 400 054.
- c) The owner of final plot No.106, T.P.S. Santacruz (W), Mumbai – 400 054 is ADVANCE BUILDER and Structure Owners (Emla Malik) is also under PROPERTY CRAD, MCGM can claim of ownership at this property.
- d) N.O.C. executed by landlord to implements of SRA. Please furnish the N.O.C copy.
- e) Furnish the copy of Slum declaration under Gazette or G.R.
- f) How much reservation for Municipal Corporation approved in the said scheme.
- g) The above said property situated in which zone either under the reservation or into green zone.
- h) The copy of the SRA implementation Proposal of builders.

Not satisfied with the 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 17.08.2009. The appellant did not turn up but the respondent was present.

The appellant has contended that he has not been provided the required information. The First Appellate Authority did not hear the appeal. The respondent did not have any credible answer. I therefore direct that the PIO should furnish available information.

Order

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

(Ramanand Tiwari)
State Information Commissioner, Mumbai

Place: Mumbai
Date: 21.08.2009.

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

Appeal No.2009/2945/02

**Madhur Milan CHS Ltd.
14-B Rd, 66-G Rd, South Avenue,
Khar (W), Mumbai – 400 052.s**

... **Appellant**

V/s

**First Appellate Officer,
Dy. Registrar CHS Board,
H Ward, Bandra (W), Mumbai – 400 050.**

... **Respondent**

**Public Information Officer,
Dy. Registrar CHS Board,
H Ward, Bandra (W), Mumbai – 400 050.**

GROUND

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant by his application dated 14.11.2009 had sought a certified true copy of the Bye laws of the applicant Society. The PIO by his letter dated 22.12.2008 advised the applicant to get in touch with the society. There is nothing on record to show that the First Appellate Authority has passed any order.

Not satisfied with the responses form the Public Information Officer and the First Appellate Authority the appellant filed this second appeal before the Commission. The appeal was fixed for hearing on 17.08.2009. Appellant and respondent were absent.

I have gone through the case papers. The PIO's action is not correct. He has referred the appellant to the society not remembering that society itself was the appellant. The Maharashtra Cooperative Societies Rules 1961 clearly says that the Bye laws of the society has to be approved and registered by the registrar and the same will be the bye laws of the society. It means that the registering and approving authority should be having a copy of the bye laws. Since society itself is an applicant in this case, the information must be furnished. The PIO to arrange to furnish a copy of the Bye laws of the society as approved.

Order

The appeal is allowed. Information to be furnished by PIO within 7 days.

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

Place: Mumbai
Date: 24.08.2009.

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

Appeal No.2009/3001/02

**Shri. Bhagyavan Ananda Pawar
2/8, Old Baithi Chawl, Haffkin Colony,
Parel, Mumbai – 400 012.**

... **Appellant**

V/s

**First Appellate Officer cum Director
Haffkin Board, Acharya Donde Marg,
Parel, Mumbai – 400 012.**

... **Respondent**

**Public Information Officer,
Haffkin Board, Acharya Donde Marg,
Parel, Mumbai – 400 012.**

GROUND

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant has sought information regarding class III & class IV posts sanctioned, seniority list of class III & class IV employees and no of people promoted as Laboratory attendant, Laboratory asstt and junior technical assistant and related matters.

Not satisfied with the responses form the Public Information Officer and the First Appellate Authority the appellant filed this second appeal before the Commission. The appeal was heard on 05.08.2009. Appellant was present but the respondent was absent.

The appellant has contended that he has not been given the required information. He has however been advised to visit the office and see the records.

After going through the case papers I have come to the conclusion that information has to be furnished. It is not up to the respondent to advise what the appellant should do. I therefore pass the following order.

Order

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

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

Place: Mumbai
Date: 07.08.2009.

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

Appeal No.2009/3001/02

**Shri. Bhagyavan Ananda Pawar
2/8, Old Baithi Chawl, Haffkin Colony,
Parel, Mumbai – 400 012.**

... **Appellant**

V/s

**First Appellate Officer cum Director
Haffkin Board, Acharya Donde Marg,
Parel, Mumbai – 400 012.**

... **Respondent**

**Public Information Officer,
Haffkin Board, Acharya Donde Marg,
Parel, Mumbai – 400 012.**

GROUND

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant has sought information regarding class III & class IV posts sanctioned seniority list of class III & class IV employees and no of people promoted as Laboratory attendant, Laboratory asstt and junior technical assistant related matters.

Not satisfied with the responses form the Public Information Officer and the First Appellate Authority the appellant filed this second appeal before the Commission. The appeal was heard on 05.08.2009. Appellant was present but the respondent was absent.

The appellant has contended that he has not been given the required information. He has however been advised to visit the office and see the records.

After going through the case papers I have come to the conclusion that information has to be furnished. It is not up to the respondent to advise what the appellant should do. I therefore pass the following order.

Order

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

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

Place: Mumbai
Date: 07.08.2009.

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

Appeal No.2009/3040/02

**Shri. Ekanath Rane & Other
19, Mission Compound,
August Kranti Marg,
Room No.7, Nana Chowk,
Mumbai – 400 007.**

... Appellant

V/s

**First Appellate Officer,
Wilson College,
Choupaty, Mumbai – 400 007.**

... Respondent

**Public Information Officer,
Wilson College,
Choupaty, Mumbai – 400 007.**

GROUNDS

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant by his application dated 10.12.2007 has sought information in respect of deduction of house rent from the salaries of the appellant and others. The appellant has stated that since quarters have not been provided by the Principal of the College, House rent cannot be deducted from their salaries. The appellant also wanted to know where this money was being deposited.

Not satisfied with the responses form the Public Information Officer and the First Appellate Authority, the appellant filed this second appeal before the Commission. The appeal was heard on 24.08.2009. Appellant and respondents were present.

The appellant has contended that he has been given incomplete and misleading information. The respondent has contended that they have furnished the available information.

After going through the case papers and considering the arguments advanced by parties I have come to the conclusion that the matter is beyond the RTI Act. The appellant is staying in the premises of Wilson College. The Management is deducting house rent from them. The appellant's contention is that the college has not provided

them the accommodation and therefore cannot deduct rent. They also want the college to prove that they have been allotted quarters by the college. So the dispute is regarding Payment House rent allowances. The RTI Act is not mandated to settle disputes I decide to close the case.

Order

The appeal is disposed off.

(Ramanand Tiwari)
State Information Commissioner, Mumbai

Place: Mumbai
Date: 25.08.2009.

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

Appeal No.2009/3046/02

**Shri. Kamalprasad Mishra
Shop No.11A/01, M.U.T.P Rehabilitation Colony,
Opp. Durganagar, J.V. Link Rd, Jogeshwari (E),
Mumbai – 400 060.**

... Appellant

V/s

**First Appellate Officer cum Chief (R & R)
M.U.T.P. 3rd Floor, MMRDA Bldg,
Bandra-Kurla Complex, Bandra (E),
Mumbai – 400 051.**

... Respondent

**Public Information Officer,
M.U.T.P. 3rd 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 had sought information relating the “cut off” date as mentioned u/c No. 6 of the MUTP (R& R) policy in respect of PAHs affected by MUTP related to JVLR strengthening plan of MUTP and related issues.

Not satisfied with the responses from the Public Information Officer and the First Appellate Authority the appellant filed this second appeal before the Commission. The appeal was heard on 24.08.2009. Appellant and respondents were present.

The appellant has contended that he has not been provided with the required information. The respondent has submitted that certified copy of the list of eligible PAPs was sent to the appellant by letter dated 18.07.2009. Remaining information was furnished during the hearing.

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

Order

The appeal is disposed off.

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

Place: Mumbai
Date: 25.08.2009.

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

Complaint No.2009/390/02

**Shri.Ramchandra Mahadev Khot
Arpita CHS Ltd, 245/9603, Second Floor,
Kannamwar Nagar, Vikroli (E),
Mumbai – 400 083.**

... **Complainant**

V/s

**Public Information Officer cum Estate Manager-3,
Mumbai Grihanirman & 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 01.12.2008 passed in appeal no.2008/1327/02. The facts in brief are as follows: - The complainant by his letter dated 03.01.2008 had sought information regarding service charges levied by Mumbai Housing and Area Development Board. He was not satisfied with responses from the Public Information Office and the First Appellate Authority and preferred appeal under section 19(3) of the RTI Act. The commission by its order dated 01.12.2008 directed that the Estate Manager III will provide break up of the service charges within 30 days. The present complaint is against non compliance of commission's order.

The complaint was heard on hearing on 07.08.2009. Complainant and defendants were present.

The complainant has stated that although some information has been provided, the Board had not clarified which services were rendered and which ones were not provided. He has therefore cleared the dues for services being provided and withheld payment in respect of services not being provided.

The defendant's contention was that these charges are being levied for a long time. Verification of services not being provided has not been done. The break up of service charges has been provided. He also stated that the dispute was likely to sorted out soon.

After considering the arguments advanced by parties and going through the file I have come to the conclusion that commissions order stands complied. I therefore pass the following order.

Order

Complaint is disposed off.

(Ramanand Tiwari)
State Information Commissioner, Mumbai

Place: Mumbai
Date: 07.08.2009.

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

Complaint No.2009/386/02

**Shri.Ram R. Samudre
Central Rly. Colony,
MS/MA/111/9-10,
Behind R.P.F. Barracks,
Matunga, Mumbai – 400 019.**

... **Complainant**

V/s

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

... **Respondent**

GROUND

This complaint has been filed under section 18 of the Right to Information Act 2005 in the context of the commission's order dated 30.09.2008 passed in appeal no.2008/786/02. The facts in brief are as follows: - The complainant has asked for attendance record of employees of the Planning Department. He had asked computerized information in CD form. Not satisfied with responses from the PIO and the First Appellate Authority, he filed second appeal under section 19(3) of the RTI Act, 2005. The commission directed that information should be furnished within 15 days. The complaint is against non compliance of commission's order.

The complaint was heard on hearing on 07.08.2009. The defendant was present but the complainant did not turn up.

The respondent stated that in accordance with the commission's direction the PIO by his letter dated 22.10.2008 informed the complainant that he should deposit Rs.50/- and collect the information. The information could not be furnished because the defendant did not deposit money.

After going through the file I have come to the conclusion that the commission's order stands complied. I therefore pass the following order.

Order

Complaint is dismissed.

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

Place: Mumbai
Date: 07.08.2009.

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

Appeal No.2009/3029/02

**Shri. Ashok K. Kuvadia
Plot-47/6, Vikas,
Garodia Nagar Ghatkopar (E),
Mumbai – 400 077.**

... Appellant

V/s

**First Appellate Officer cum Dy Chief Engineer (BP-ES)
Municipal Corporation (BP-ES)
Peppermill Compound, L.B.S Marg,
Surya Nagar, Vikhroli (W), Mumbai – 400 083.**

... Respondent

**Public Information Officer cum Executive Engineer
Municipal Corporation (BP-ES)
Peppermill Compound, L.B.S Marg,
Surya Nagar, Vikhroli (W), 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 17.11.2008 had sought information in respect of the redevelopment of Ghatkopar Vikas Cooperative Society Ltd. Garodia Nagar, Ghatkopar (E), Mumbai.

Not satisfied with the 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 06.08.2009. Appellant and respondents were present.

The appellant has contended that the redevelopment has been sanctioned on the basis of forged documents. The documents in dispute is the letter dated 4th April, 2003 signed by 10 members approving the offer of M/s Ajay N Patel for redevelopment by repairing the society building and utilizing TDR as per law. The appellant has disputed the authenticity of this documents and has also made a complaint to the police.

The respondent submitted that copies of relevant documents have been furnished. They do not verify the authenticity of the documents but action would be initiated if they are found wrong.

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. Since the appellant has already lodged a police complaint there is nothing for the PIO to do. I pass the following order.

Order

The appeal is disposed off.

(Ramanand Tiwari)
State Information Commissioner, Mumbai

Place: Mumbai
Date: 26.08.2009.

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

Appeal No.2009/3030/02

Shri. Datatray Harishchandra Patil
104, E Wing, Bhim CHS,
N.L. Complex, Anandanagar Rd,
Dahisar (E), Mumbai – 400 068.

... **Appellant**

V/s

First Appellate Officer cum Dy Secretary
Social Justice & Special Assistance Department,
Mantralaya, Mumbai – 400 032.

... **Respondent**

Public Information Officer,
Social Justice & Special Assistance 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 20.11.2008 had sought information relating to govt. instruction in regard to issuance of certificate for non creamy layer. He had wanted to know whether basic salary or the gross salary has to be taken into account.

Not satisfied with the 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 06.08.2009. Appellant and respondents were present.

The appellant has contended that he has not received satisfactory reply.

The respondent's has stated that the appellant has been informed that as per the existing govt. instruction gross salary has to be taken into account for calculating the income.

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

Order

The appeal is disposed off.

(Ramanand Tiwari)
State Information Commissioner, Mumbai

Place: Mumbai
Date: 07.08.2009.

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

Appeal No.2009/3031/02

**Shrimati. Nanda P. Redekar
B-276/1 Govt. Colony,
Bandra (E), Mumbai – 400 051.**

... Appellant

V/s

**First Appellate Officer cum Dy Chief Engineer
Mumbai Housing & Area Development Board,
Bandra Division, Second Floor, Grihanirman Bhavan,
Bnadra (E), Mumbai – 400 051.**

... Respondent

**Public Information Officer cum Executive Engineer
Mumbai Housing & Area Development Board,
Bandra Division, Second Floor, Grihanirman Bhavan,
Bnadra (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 25.08.2008 had sought information relating to the recommendations made by Hon Shri Sunil Tatakare and Hon Shri Nawab Mallick for regularizing her stall which she has been running for about 15 years.

Not satisfied with the responses form the Public Information Officer and the First Appellate Authority the appellant filed this second appeal before the Commission. The appeal was heard on 06.08.2009. Appellant and respondents were present.

The appellant has contended that she has not been furnished the information she had requested. She has also been denied copy of the order regularizing a similar case.

The respondent's contention is that the stall has since been removed and the appellant has gone to the court of law. The matter is sub judice

After going though the case papers and considering the arguments advanced by parties I have come to the conclusion that a copy of the order / letter regularizing a similar case should be given to the appellant.

Order

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

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

Place: Mumbai
Date: 26.08.2009.

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

Complaint No.2009/322/02

**Smt. Nasima Zulkernain Merchant
14/3, Jubilee Mansion, Navroji Hill Rd No.1,
Mumbai – 400 009.**

... **Complainant**

V/s

**Public Information Officer cum Administrative Officer
(Estate Dept.) Municipal Corporation,
Shri Chhatrapati Shivaji Market Bldg, Second Floor,
Palton Rd, 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 13.02.2009 passed in appeal no.2008/1897/02. The facts in brief are as follows: - The complainant had sought information regarding transfer of Plot No.60-61, Sandhurst Rd (E) in her name. The complainant had stated that although BMC legal department had Okayed the proposal the estate department had done nothing. The commission ordered that the Estate Department should finalize the matter and inform the appellant within 30 days. The present complaint is against non compliance of this order.

The complaint was heard on hearing on 25.08.2009. Complainant and defendants were present.

The complainant has stated that he has not been furnished the required information. The defendant submitted that it has been decided to effect the transfer and the file has been sent to the Joint Commissioner, BMC. They also pointed out that there are irregularities in the building they will have to be regularized wherever possible. The complainant pointed out that she has not been communicated the details of irregularities and the amount to be deposited by the complainant. The defendant agreed to do the same.

After considering the arguments advanced by parties and going through the file I have come to the conclusion that PIO should furnish the details of irregularities and break up of amount to be paid by the complainant. This should be done within 15 days.

Order

Complaint is allowed.

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

Place: Mumbai

Date: 25.08.2009.

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

Appeal No.2009/3113/02

**Shri. C.J. Kumar
B/1 Ganga Apartments,
Near RCF Colony,
Bhandup (E), Mumbai – 400 042.**

... Appellant

V/s

**First Appellate Officer cum Dy Chief Engineer (BP-ES)
Municipal Corporation (BP-ES)
Peppermill Compound, L.B.S Marg,
Surya Nagar, Vikhroli (W), Mumbai – 400 083.**

... Respondent

**Public Information Officer cum Executive Engineer
Municipal Corporation (BP-ES)
Peppermill Compound, L.B.S Marg,
Surya Nagar, Vikhroli (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 02.04.2009 had sought a copy of the occupation certificate for 'B' wing of the building known as Ganga Apartment on plot of land bearing SN11/4, CTS No.685. He had also wanted a copy of the IOD conditions dated 13.10.88 as mentioned in CC dated 24.03.90.

Not satisfied with the 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 20.08.2009. Appellant was present but the respondent was absent. The respondent however has sent his written submission.

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. The submission made by the respondent reveals that occupation certificate has not been given because of non compliance of IOD conditions. I however see that no information has been furnished on appellant's point no 2 & 4. It is therefore directed that the same should be furnished.

Order

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

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

Place: Mumbai
Date: 25.08.2009.

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

Complaint No.2009/152/02

**Shri.Valerian Diago,
Mahim Mansion.
A Block. 51/52,
M.M.C. Rd, Mahim (W),
Mumbai – 400 016.**

... **Complainant**

V/s

**Public Information Officer cum Asstt Engineer
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 in the context of the commission's order dated 08.09.2008 passed in appeal no.2008/670/02. The facts in brief are as follows: - The complainant had sought information whether commencement certificate for the 10th to the 14th Floor was issued to the developer of building No.4 Caribbean Sagar, at Gilbert Hill, Ward K/W, Andheri (W), Mumbai. The commission directed that information should be furnished within 30 days. The present complaint is against non compliance of the commission's order.

The complaint was heard on 25.08.2009. Complainant and defendants were present.

The complainant has stated that he has not been given the information he had requested. He has stated that no reasons have been given as to why commencement certificate was not issued during the period Feb, 2006 to Feb, 2008. He also wanted officers to be penalized and compensation to be paid. The defendant has submitted that the complainant has been shown the file and relevant information has been furnished. He has stated that the file does not reveal reason for delay.

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

complainant wants reasons for delay and the same was not available on record. The RTI ensures copies of available information. It is not proper for the commission to ask the PIO to go through the file, identify the reasons and communicate to the complainant. In any case the complainant has himself seen the file and copies of selected documents have been furnished. There is no attempt to deny or delay the information and therefore the complainant's request for fine and compensation cannot be accepted. I therefore decide to close the case.

Order

Complaint is filed.

(Ramanand Tiwari)
State Information Commissioner, Mumbai

Place: Mumbai
Date: 25.08.2009.

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

Complaint No.2009/284/02

**Smt. Padma Y. Jawale
Ground Floor,
Time Field Corporation Build,
VTS.No.756, 756-1 to 23,
Plot No.23 B/2, Subhash Rd,
Vile Parle (E), Mumbai – 400 057.**

... **Complainant**

V/s

**Public Information Officer cum Jt Registrar
Cooperative Society, Mumbai Division Mumbai,
Malhotra House, 6th Floor, Opp. GPO,
Fort, Mumbai – 400 001.**

... **Respondent**

GROUND

This complaint has been filed under section 18 of the Right to Information Act 2005 in the context of the commission's order dated 15.11.2008 passed in complaint no.2008/75/02. The facts in brief are as follows: - The complainant had filed an appeal under section 19(3) of the RTI Act, 2005. The commission by its order dated 01.07.2008 directed the opponent to allow inspection of the relevant documents. The complaint is that the commission's order has not been complied.

The complaint was heard on hearing on 25.08.2009. Complainant and defendants were present.

The complainant has stated that she has not been furnished the documents she had asked for. The defendant submitted that the documents wanted by the complainant was not on record. He has submitted his contentions in the form of an affidavit. The complainant however did not seem satisfied.

After considering the arguments advanced by parties and going through the file I have come to the conclusion that commission's order has been complied. The defendant has submitted a copy of the affidavit. A copy of the same was handed over to the complainant. Existing documentary information alone can be furnished and non existent information cannot be furnished. The case is therefore closed.

Order

Complaint is filed.

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

Place: Mumbai
Date: 26.08.2009.

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

Complaint No.2009/115/02

**Smt. Padma Y. Jawale
Ground Floor,
Time Field Corporation Build,
VTS.No.756, 756-1 to 23,
Plot No.23 B/2, Subhash Rd,
Vile Parle (E), Mumbai – 400 057.**

... **Complainant**

V/s

**Public Information Officer cum Divisional Jt Registrar
Cooperative Society, Mumbai Division Mumbai,
Malhotra House, 6th Floor, Opp. GPO,
Fort, Mumbai – 400 001.**

... **Respondent**

GROUND

This complaint has been filed under section 18 of the Right to Information Act 2005 in the context of the commission's order dated 01.07.2008 passed in appeal no.2008/298/02. The complainant had filed a complaint against the same order and it was numbered 2008/75/02. The same was disposed off on 15.11.2008. Another complaint no. 282/02 on the same issue has been disposed off by commission's order dated 26.08.2009. This complaint therefore does not merit consideration and is dismissed.

Order

The complaint is dismissed.

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

Place: Mumbai
Date: 26.08.2009.

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

Complaint No.2009/391/02

**Shri. Ansari Ejaz Ah. Md. Farooque
S.No. 74/4, P.No.63, Ansar Colony, Old Agara Rd,
Near Maharashtra Sizing, Malegaon – 423 203.**

... **Complainant**

V/s

**Public Information Officer cum Under Secretary
School Education & Sports 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 06.06.2009 passed in appeal no.2008/2709/02. The facts in brief are as follows: - The complainant had sought a copy of the minutes of the meeting presided over by the Hon Minister of state for Education. The commission had directed that information should be furnished to the complainant free of cost. The present complaint is against non compliance of commission's order.

The complaint was heard on hearing on 07.08.2009. Complainant and defendants were present.

The complainant has stated that he has not been given the information he had sought. The defendant stated that there was no meeting on 15.10.2008 and therefore a copy of the minutes could not be given. The complainant kept on insisting that there was a meeting on 15.10.2008. I therefore looked into the file and was surprised to see that not only the meeting was held but the file had a copy of the minutes. It simply means the PIO is casual and callous. I therefore pass the following order.

Order

Information to be given in 7 days. The PIO to show cause why action should not be taken against her for giving false information. Her reply to come within 4 weeks.

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

Place: Mumbai
Date: 26.08.2009.

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

Appeal No.2009/3021/02

**Shri. Chandrakant Vishram Band,
4/A-14 Bhudargad Taluka Griha Nirman Santra Maryadit,
Near RTO, 4-Bunglows, Andheri (W),
Mumbai – 400 053.**

... Appellant

V/s

**First Appellate Officer cum Nivasi Dy Collector
Office of the Mumbai Suburban District,
Administrative Build, 10th Floor,
Govt. Colony, Bandra (E), Mumbai – 400 051.**

... Respondent

**Public Information Officer cum Additional Collector
Office of the Mumbai Suburban District,
Administrative Build, 10th Floor,
Govt. Colony, Bandra (E), Mumbai – 400 051.**

GROUND

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant had sought the information regarding his application for approval of membership of Bhudargad Taluka Grih Nirman Sanstha Maryadit, Near RTO, 4 Bunglow, Andheri (W), Mumbai.

Not satisfied with the responses form the Public Information Officer and the First Appellate Authority the appellant filed this second appeal before the Commission. The appeal was heard on 06.08.2009. Appellant and respondents were present.

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

The respondent's submitted that they have been informed by the society that since the appellant already owns a flat in the society his membership for another flat cannot be approved. The respondent therefore did not approve his membership.

After going though the case papers and considering the arguments advanced by parties I have come to the conclusion that it is not enough to inform the appellant during the hearing of the appeal. The PIO is therefore directed to inform him what action has been taken on appellant's application.

Order

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

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

Place: Mumbai
Date: 06.08.2009.

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

Appeal No.2009/3024/02

**Shri. Umakant Subhash Adaki
Flat No.440, Room No.19,
Dattkrupa CHS, Sector-4, Charkop,
Kandivali (W), Mumbai – 400 067.**

... Appellant

V/s

**First Appellate Officer cum Dy Registrar
Cooperative Santha, Western Suburban,
Mumbai Board, MHADA Compound,
Bandra (E), Mumbai.**

... Respondent

**Public Information Officer,
Dy Registrar Cooperative Santha, Western Suburban,
Mumbai Board, MHADA Compound,
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 05.10.2008 had sought information whether his society can object to withdrawal of money from his provident fund for repairing his external walls.

Not satisfied with the 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 06.08.2009. Appellant and respondents were present.

The appellant has contended that he has not been given the information he had asked for. The PIO has informed him that the society has refused to give no objection because the appellant has already mortgaged his tenement and raised loan.

After going through the case papers and considering the arguments advanced by parties I have come to the conclusion that the information sought must be given. The appellant has rightly pointed out that he has sought no objection for withdrawal of non refundable deposit. This is not loan but his own money. The Society's understanding of nonrefundable loan is wrong. This is not a loan in the real sense of the term. The PIO is directed to obtain no objection 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: 06.08.2009.

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

**Appeal No.2009/1609/02
Appeal No.2009/3000/02**

**Shri. Dinesh Raghunath Shirke
132, Ahmad Selar Compound,
B.J. Devrukhakar Rd, Naigaon,
Dadar, Mumbai – 400 014.**

... **Appellant**

V/s

**First Appellate Officer cum Record Officer,
BEST Bhavan, Kulaba, Mumbai – 400 001.**

... **Respondent**

**Public Information Officer,
BEST Bhavan, Kulaba, Mumbai – 400 001.**

GROUNDS

These appeals have been filed under section 19(3) of the Right to Information Act 2005. The appellant had sought information whether deduction made from his salary for the months of June, July and August, 2007 were deposited in C.K.P. Bank. The appellant had taken loan and the amount represents monthly EMI from him.

Not satisfied with the responses from the Public Information Officer and the First Appellate Authority the appellant filed this second appeal before the Commission. These appeals were heard on 05.08.2009. The appellant did not turn up but the respondents were present.

The respondent has submitted that information has been furnished to the appellant. He has submitted a copy for commission's record. It is clear that the amounts have been deposited but not in time. The commission however cannot go into this aspect. In view of the respondent's submission and appellant's absence I decide to close the cases.

Order

The appeals are disposed off.

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

Place: Mumbai
Date: 26.08.2009.

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

Complaint No.2009/346/02

**Shri. Vinod J. Desai,
1/2, Kamna Soc.,
S.K.Bole Marg, Dadar,
Mumbai – 400 028.**

... Complainant

V/s

**Public Information Officer,
Supdt. of Licences Shivajee Market Build,
4th Floor, Near Manish Market, MRA Rd,
Mumbai – 400 001.**

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

... 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 31.10.2008 passed in appeal no.2008/1127/02. The facts in brief are as follows: - The complainant had sought information regarding dumping of mobile barricades and traffic watch tower by the traffic police in Shivajee Park Dadar and also location of the watch tower before it was brought to Shivajee Park, Whether MCGM had permitted display of advertisement and whether it was proposed to initiate action to recover the lost revenue. The commission directed that the defendants should find out the practice / regulation regarding display of advertisement on items made available by corporates and inform the complainant. The complaint is against alleged non compliance of commission's order.

The complaint was heard on 26.08.2009. The defendant was present but the complainant did not turn up.

The defendant has submitted that a set of regulations relating to display of advertisement has been furnished to the complainant in the light of commission's order. He has produced acknowledgement for the same.

After considering the arguments advanced by the defendant and going through the file I have come to the conclusion that commission's order stands complied. The case is closed.

Order

The complaint is filed.

(Ramanand Tiwari)
State Information Commissioner, Mumbai

Place: Mumbai
Date: 26.08.2009.

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

Appeal No.2009/3019/02

**Shri. Vinod Dattatray Mengale,
Bhawanimata CHS, B/7, 525, 5th Floor,
Alphiston Rd Station, Near Deepak Theater,
N.M. Joshi Marg, Mumbai – 400 013.**

... Appellant

V/s

**First Appellate Officer cum Dy Inspector General Police,
Maharashtra State Police Head Quarter,
Shahid Bhagat Singh Marg, Kulaba,
Mumbai – 400 001.**

... Respondent

**Public Information Officer cum Dy Assistant,
Maharashtra State Police Head Quarter,
Shahid Bhagat Singh Marg, Kulaba,
Mumbai – 400 001.**

GROUND

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant had sought a copy the letter written by the DIG Administrative Office of the DG Police, Maharashtra. The information has been denied under section 8 as it did not have any relationship to any public interest or activity.

Not satisfied with the 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 06.08.2009. Appellant was present but the respondent was absent.

After going through the case papers I have come to the conclusion that the information should be furnished. This is not covered under exemptions in section 8 of the RTI Act. The RTI Act is designed to bring as much transparency and accountability as possible. The commission is of the view that it will serve a larger public interest

Order

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

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

Place: Mumbai
Date: 26.08.2009.

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

Appeal No.2009/3018/02

**Shri. Shoheb Khan
B-302, Shiv Aangan CHS Ltd.,
Malvani-2 Malad (W), Mumbai – 400 095.**

... **Appellant**

V/s

**First Appellate Officer cum Dy Chief Engineer (B.P)
Municipal Corporation, P ward,
Babasaheb Ambedkar Market Build,
Kandivali (W), Mumbai – 400 067.**

... **Respondent**

**Public Information Officer cum Executive Engineer (B.P)
Municipal Corporation, P ward,
Babasaheb Ambedkar Market Build,
Kandivali (W), Mumbai – 400 067.**

GROUND

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant had sought information relating to Malwani Sonali CHS, Malwani Ashiyana CHS and Malvani Ramdev CHS. The PIO by his letter dated 04.12.2008 informed him that the appellant could inspect files and ask for copies of selected documents. The First Appellant Authority by his order dated 30.01.2009 directed to inform him about action taken pursuant to the notice dated 08.09.2008.

Not satisfied with the 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 06.08.2009. Appellant and respondents were present.

The appellant has contented that he has not been given information as directed by the First Appellate Authority. The respondent had no credible answer.

After going through the case papers and considering the arguments advanced by parties I have come to the conclusion that information has not been furnished. The PIO is directed to inform the appellant what action has been taken pursuant to the notice dated 08.09.2008.

Order

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

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

Place: Mumbai
Date: 26.08.2009.

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

Appeal No.2009/3026/02

**Shri. Pratap Mahadev Indulkar
2, Parvati Nivas, Opp. Hanuman RD,
Post Office, Vile Parle (E),
Mumbai – 400 057.**

... Appellant

V/s

**First Appellate Officer cum Asstt Commissioner
Municipal Corporation, K/East, Azad Rd,
Room No.104, 1st Floor, Andheri (E),
Mumbai – 400 069.**

... Respondent

**Public Information Officer cum Asstt Assessor & Collector
Municipal Corporation, K/East, Azad Rd,
Room No.104, 1st Floor, 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 11.02.2009 had sought information relating to the base value fixed for his property which was to be put to auction for non payment of property tax. He has been informed that the information being confidential could not be disclosed.

Not satisfied with the responses form the Public Information Officer and the First Appellate Authority the appellant filed this second appeal before the Commission. The appeal was heard on 06.08.2009. Appellant and respondents were present.

The appellant has contented that he has not been furnished the information he had asked for. The respondent has made detailed written submission. It has been submitted by them that according to the Bombay Municipal Corporation, Assessment and Collection Department's regulation for sale of immovable property (Regulation 7) the reserved bidding shall not be divulged to any person either before or after the sale.

After going though the case papers and considering the arguments advanced by parties I have come to the conclusion that the information must be furnished. The concept of confidentiality has under gone drastic change of after the Right to Information

Act has come into force. The only exemptions have been mentioned in section 8 and 9 of the Act. It is very clear that the present case does not fit into any of the exempted category. Moreover section 22 of the RTI Act clearly says that the provisions of this Act shall have effect notwithstanding anything inconsistent therewith contained in the official secrets Act 1923 and any other law for the time being enforce of in any instrument having effect by virtue of any law other than this Act. In my view the provision contained in the BMC Assessment and collection Deptt Regulation for sale of property Regulation (7) is not logical. The reserved price guides bidder and tells them that they cannot quote less than that. There is no point in keeping it confidential. 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: 26.08.2009.

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

Appeal No.2009/3134/02

**Shri. Md Yar Khan
201, Sai Darshan, 2nd Floor,
MHADA Layout, Malvani,
Malad (W), Mumbai – 400 092.**

... Appellant

V/s

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

... Respondent

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

GROUND

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant had sought the information regarding unauthorized construction by Shri Satish Kadam and Anju Khan at survey no. 88, Hissa no.6, Kharodi, Malvani, Malad (W), Mumbai.

Not satisfied with the 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 27.08.2009. The appellant did not turn up but the respondent was present.

The respondent submitted that structures have been demolished and the appellant informed. It has also been brought to my notice that the appellant had sought information from Malvani police station whether police help was sought and the PIO relied in the affirmative. In view of the submissions made by the defendant and in the absence of the appellant, I conclude that information has been furnished.

Order

The appeal is disposed off.

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

Place: Mumbai
Date: 27.08.2009.

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

Appeal No.2009/3133/02

**Smt. Malini Johri
Principal,
Shri Chinai College of Commerce and Economics,
Andheri (E), Mumbai – 400 069.**

... Appellant

V/s

**First Appellate Officer,
Office of the Joint Director,
Higher Education, Mumbai Region,
3, Malipalika Marg, Mumbai – 400 001.**

... Respondent

**Public Information Officer cum Joint Director
Office of the Joint Director,
Higher Education, Mumbai Region,
3, Malipalika 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 12.01.2009 had sought the following information relating to issuance of NOC and pay fixation of Principal of the Colleges then run by the Laxmi Education Society viz Shri. Chinai College of Commerce of Economics and LU & MV College.

1. Though the posts of Principals of both Colleges are isolated posts reason for discrimination shown in the NOC. Whereas the NOC for the Principal of M.V. & L.U. College had no remarks why remark appears in the NOC for the Principal of the Shri Chinai College of Commerce of Economics.
2. Please furnish a copy of शासन पत्र उच्च व तंत्र शिक्षण विभाग क्र. संकीर्ण-२००१/१०६/०१-० विशी-४, दि.०२.०७.२००१, as well as a copy of Joint Director's letter dated 03.05.2001 referred therein.
3. Why the Pension Papers in respect of Dr. (Mrs.) Johri refused to be accepted in the office of the Joint Director Education on 23.06.2008.
4. Has the Jt. Director, Higher Education initiated any action against Shri Khan, Senior Auditor, for committing the forgery in respect of Service Book Dr. (Mrs.) M.Johri on 23.06.2008, if not, why not?
5. Why no reply is not forthcoming for to the letter Dr. (Mrs.) M. Johri's letter no. Pri/1006 dated 04.08.2008 in spite of recent ruling of High Court, Mumbai that pension cases should not be delayed.

Not satisfied with the 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 27.08.2009. Appellant was present but the respondent was absent.

The appellant has contended that she has not received the information she had sought. Since respondents were not absent, it could not be verified. I therefore pass the following order.

Order

Information to be furnished on points (b) to (f) of the application dated 12.01.2009 failing which action under section 20 of the RTI Act will be initiated.

(Ramanand Tiwari)
State Information Commissioner, Mumbai

Place: Mumbai
Date: 27.08.2009.

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

Appeal No.2009/3127/02

**Shri. Sayyad Amir
Lokhandwala Residency,
Build No.1, Gala No.2,
Gandhi Nagar, Worli,
Mumbai – 400 018.**

... **Appellant**

V/s

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

... **Respondent**

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

GROUND

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant had sought cancellation of Mrs Sayyad Razia Begum in respect of Zopadi no M-2-23, Santosh Nagar, Dindoshi, 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 27.08.2009. Appellant and respondents were present.

The appellant has contended that the photopass has been wrongly issued and must be cancelled. He also alleged that the transfer of zopadi in the name of Mr. Sayyad Razia Begum has been wrongly done and must be cancelled.

After going through the case papers and considering the arguments advanced by parties I have come to the conclusion that the appellant has not sought any information but wants action to be taken. It was also revealed that he has obtained copies of documents which formed the basis of transfer and also issuance of Photopass. The RTI Act stops there. He has to approach the appropriate authority for getting his grievance sorted out. In the light of the above I am constrained to close the case. I therefore pass the following order.

Order

The appeal is disposed off.

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

Place: Mumbai
Date: 27.08.2009.

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

Complaint No.2009/33/02

**Shri.Ganesh Bhumyya Battu,
529/16, Subhash Nagar, New Mil Rd,
Kurla (W), Mumbai – 400 070.**

... **Complainant**

V/s

**Public Information Officer cum Asstt. Police Commissioner
East Regional Division,
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 23.05.2008 passed in appeal no.2008/114/02. The facts in brief are as follows: - The complainant had asked for a copy of the complaint against him on the basis of which his statement was recorded and a report was sent to higher authority. The report was sent to higher authority. The appeal was allowed and it was ordered that information should be given within 30 days. The present complaint is against alleged non compliance of commission's order.

The complaint was heard on 25.08.2009. Complainant and defendant were present.

The complainant has stated that he has not been given the information. The defendant has submitted that a copy of the statement recorded has been furnished. The complaint was not available on record and therefore could not be furnished.

After considering the arguments advanced by parties and going through the file it is revealed that the appellant's main contention is to have a copy of the complaint made against him. The defendant says that it was not available on record. It is also seen from the case papers that there is a statement from Shri Prakar Rajaram Shinde who recorded the statement of the complainant. He states that the complaint was shown to the complainant and only after that his statement was recorded. The complaint application however was not on record under these circumstances defendant's plea will have to be accepted. I therefore close the case.

Order

The complaint is filed.

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

Place: Mumbai
Date: 26.08.2009.

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

Appeal No.2009/1765/02

**Shri.Bimalkumar H. Doshi
B-702, Raj Manor, Opp. Navy Colony,
Malad (W), Mumbai – 400 064.**

... **Appellant**

V/s

**First Appellate Officer,
Dy Registrar Cooperative Societies,
P Ward, Malhotra House, 6th Floor,
Opp. GPO, Fort, Mumbai – 400 001.**

... **Respondent**

**Public Information Officer,
Dy Registrar Cooperative Societies,
P Ward, Malhotra House, 6th Floor,
Opp. GPO, Fort, Mumbai – 400 001.**

GROUNDS

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant had sought information regarding action taken on his complaint dated 01.02.2008 against the mismanagement and illegalities of Managing Committee of Raj Manor Cooperative Housing Society Ltd., Malad (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 16.03.2009. The appellant was present but the respondent was absent.

The appellant has stated that he has not been furnished the information. The respondent was absent so it could not be verified. I therefore pass the following order.

Order

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

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

Place: Mumbai
Date: 28.08.2009.

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

Appeal No.2009/1962/02

**Shri. Jalindar Tatoba Jagtap
Gomewadi, Ta. Atapadi,
Dist. Sangli 415 306.**

... **Appellant**

V/s

**First Appellate Officer cum Dy Secretary
Industries, Energy and Labour Department (L-5)
Mantralya, Mumbai – 400 032.**

... **Respondent**

**Public Information Officer cum Desk Officer
Industries, Energy and Labour Department (L-5)
Mantralya, Mumbai – 400 032.**

GROUND

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant had sought information regarding action taken in the light of Govt. affidavit in Public Interest Litigation No.4306/4 and Hon. High Court's decision in this regards. The PIO by his letter dated 26.08.2008 informed the appellant that the file was under process at govt's level. The First Appellate Authority does not seem to have passed any order.

Not satisfied with responses from the PIO and the First Appellate Authority the appellant filed the present appeal. The appeal was heard on 27.04.2009. Appellate and respondent were present.

The appellant has stated that he has not received the information he had wanted. The respondent response was the same has been done as informed by the PIO. Since considerable time has passed I order that latest progress should be communicated to the appellant. I therefore pass the following order.

Order

Appeal is allowed. Information to be furnished within 30 days.

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

Place: Mumbai
Date: 28.08.2009.

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

Appeal No.2009/2230/02

**Shri. Vihar S. Durve
573/1, 'Pavan Vihar',
J.M. Rd, Near Sai Pump,
Pune – 411 004.**

... Appellant

V/s

**First Appellate Officer,
Hon High Court,
Fort, Mumbai.**

... Respondent

**Public Information Officer,
Hon High Court,
Fort, Mumbai.**

GROUNDS

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant by his application dated 27.12.2006 had sought copies of documents of substance filed by Pune Municipal Corporations (PMC) lawyer Shri.R.G. Ketkar from papers book page no.260 to 308, copy the undertaking of adv. Shir.R.G. Ketkar, copy of relevant portion of notice board information in first appeal no 13 of 2004, daily progress made on his application, names and designation of persons who were supposed to take action on his application.

Not satisfied with responses from the PIO and the First Appellate Authority the appellant has filed this appeal. The appeal was heard on 23.06.2009. Appellate and respondent were present.

The appellant is not satisfied with the information given by the PIO. He has requested that PIO should be directed to furnish documents from page 260 to 308 from the papers book submitted by appellant. The respondents have made submission in writing. It has been contended by them that available information has been furnished. The appellant has been offered inspection of records as per the rules framed by the Hon High Court.

I have gone through the case papers and also considered arguments advanced by parties. It seems that the PIO informed the appellant that the information sought by him was with respect to the case pending in the court and therefore it should be obtained from the court or office as per the rules in force. Rule 19 of the Bombay High Court Right to Information Rules, 2006 reads as follows: - The information / co[pies / inspection with respect to the cases pending in court shall be obtained from the court as per Bombay High Court Rules and orders in force for the time being.

The Asstt Registrar Certified Copy Branch in his communication dated 14.05.2009 has furnished pointwise information to the PIO High Court Bombay. A copy of the same should be given / sent to the appellant free of cost

Order

Appeal is disposed off.

(Ramanand Tiwari)
State Information Commissioner, Mumbai

Place: Mumbai
Date: 28.08.2009.

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

Appeal No.2009/3045/02

**Shri.Kamlaprasad Mishra
Shop No.11A/01, M.U.T.P Rehabilitation Colony,
Opp. Durganagar, J.V. Link Rd, Jogeshwari (E),
Mumbai – 400 060.**

... Appellant

V/s

**First Appellate Officer cum Chief (R & R)
M.U.T.P. 3rd Floor, MMRDA Bldg,
Bandra-Kurla Complex, Bandra (E),
Mumbai – 400 051.**

... Respondent

**Public Information Officer,
M.U.T.P. 3rd 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 12.11.2009 had sought certified copies of GR/Act/orders/Rules/Regulations made by govt. of Maharashtra /MMRDA/SRA which formed the basis of preparation of Baseline Socio-Economic Survey.

The appeal was heard on 28.08.2009. Appellate and respondent were present.

After hearing the parties I have come to the conclusion that methodology for Baseline Socio Economic Survey should be furnished to the appellant.

Order

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

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

Place: Mumbai
Date: 28.08.2009.

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

Appeal No.2009/3074/02

**Shri. Nandkishor Vitthal Thorat
Devi Link Housing Society,
E-8, Link Rd, Chinchwad,
Pune – 400 033.**

... Appellant

V/s

**First Appellate Officer cum Asstt Labour Commissioner
Office of the Labour Commissioner,
Taddev Rd, Commerce Center, Mumbai – 400 034.**

... Respondent

**Public Information Officer cum Govt. Laour Officer,
Office of the Labour Commissioner,
Taddev Rd, Commerce Center, Mumbai – 400 034.**

GROUNDS

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant had sought information contained in his application dated 16.10.2008.

The appeal was heard on 12.08.2009. The appellate was present but the respondent was absent.

The appellant has stated that he has been furnished information but not in time. It is therefore directed that the PIO should show cause why action under section 20 of the RTI Act should not be initiated against him. His reply to come within 4 weeks.

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

Place: Mumbai
Date: 28.08.2009.

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

Complaint No.2009/160/02

**Shri. Jagannath H. Sharma
Chandrikabai H. Sharma
Chawl Room No.1 & 2,
Khar Jawhar Nagar, Saibaba Rd,
Khar (E), Mumbai – 400 051.**

... **Complainant**

V/s

**Public Information Officer cum Asstt Engineer
Municipal Corporation, H/E Ward,
Prabhat Colony, 1st Floor, Santacruz (E),
Mumbai – 400 055.**

... **Respondent**

GROUNDS

This complaint has been filed under section 18 of the Right to Information Act 2005 in the context of the commission's orders passed in appeal no.651/02, 652/02, 653/02 and 655/02. The complainant had filed appeals under section 19(3) of the Right to Information Act, 2005. His main contention was that his request to take action against irregularities done by occupants of his private property.

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 directed that information should be furnished.

The present complaint is against alleged non compliance of commissions order.

The complaint was heard on 24.07.2009. Complainant and defendants were present.

The complainant has stated that the commission's orders have not been complied. The defendant's contention is that these are photopass holders and therefore protected. The issue of cancelling their photopass is pending with the Deputy Collector. It will not be possible to initiate action unless photopasses are cancelled.

After considering the arguments advanced by parties and going through the file I have come to the conclusion that defendant's contention is correct. Holders of photopass are protected and unless their photopasses are cancelled it may not be desirable to

demolish their structures. The complainant may expedite the process of cancellation of photopasser. I am therefore constrained to close the case.

Order

The case is filed.

(Ramanand Tiwari)
State Information Commissioner, Mumbai

Place: Mumbai
Date: 28.08.2009.

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

Complaint No.2009/406/02

**Shri.Sgivsharan Mankar
Majestic Amdar Niwas,
SBS Rd Opp Regal Theater,
Kulaba, Mumbai – 400 039.**

... Complainant

V/s

**Public Information Officer cum Executive Engineer
Public Work Dept. Board, Mumbai,
Elakha City Division, Mumbai.**

... Respondent

GROUNDS

This complaint has been filed under section 18 of the Right to Information Act 2005 in the context of the commission's order dated 12.03.2008 passed in appeal no.2008/2030/02. The facts in brief are as follows: - The complainant had sought information regarding 444 temporary employees working in the M.L.A. Hostel. He was not satisfied with responses from the Public Information Officer and First Appellate Authority and preferred appeal before the commission. The commission by its order dated 12.03.2008 allowed the appeal and directed that information should be furnished immediately. The present complaint is against non compliance of commission's order.

The complaint was heard on 26.08.2009. The defendant was present but the complainant did not turn up. The defendant has submitted that the information was ready and the complainant was asked to collect it. He however did not turn up. Since the complainant was absent it could not be verified. I therefore pass the following order.

Order

The Information should be sent to the appellant within 7 days.

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

Place: Mumbai
Date: 28.08.2009.

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

Appeal No.2009/3108/02

**Shri. Mukesh M. Magdani
66, Triveni, A/7, 3rd Floor,
Between Birla Public School & Shwetal Baug,
Walkeshwar Rd, Mumbai – 400 006.**

... Appellant

V/s

**First Appellate Officer,
Municipal Corporation & Greater Mumbai
(Water Supply Dept.), Annexure Bldg, 5th Floor,
Mahapalika Marg, Mumbai – 400 001.**

... Respondent

**Public Information Officer,
Municipal Corporation & Greater Mumbai
(Water Supply Dept.), Annexure Bldg, 5th 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 wanted to know what action has been taken to restore his water supply which was closed by the Chairman of Walkeshwar Triveni Cooperative Housing Society Ltd 66, walkeshwar Rd, Mumbai.

Not satisfied with responses from the PIO and the First Appellate Authority the complainant filed appeal under section 19(3) of the RTI Act, 2005. The appeal was heard on 20.08.2009. The appellant and respondent were present.

I have gone through the file. It is seen that the Assistant Engineer water works by his letter dated 01.01.2009 has informed that on inspection of the society during water supply time, it was observed that the society was getting normal water supply into the suction tank.

He has also informed that it was the society responsibility to provide equitable water supply. In view of this I conclude that the required information has been furnished. I therefore close the case.

Order

Appeal is disposed off.

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

Place: Mumbai
Date: 28.08.2009.

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

Appeal No.2009/3110/02

**Shri. Prasad K. Shirsat
14, Chintamani, Survey No.43/3,
Wawrenagar, Behind Janaknagari,
Kamthawada, Nasik – 422 008.**

... Appellant

V/s

**First Appellate Officer,
Narayan Meghaji Lokhande
Maharashtra Shram Vidnyan Board,
Dadabhai Chamar Baugwala Marg,
Parel, Mumbai – 400 012.**

... Respondent

**Public Information Officer,
Narayan Meghaji Lokhande
Maharashtra Shram Vidnyan Board,
Dadabhai Chamar Baugwala Marg,
Parel, Mumbai – 400 012.**

GROUND

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant had sought information contained in his application dated 02.12.2008. The PIO by his letter dated 30.12.2008 furnished the required information. The appellant was not satisfied and he preferred the first appeal. The first appellate authority by his order dated 27.02.2009 confirmed the PIO's order. Not satisfied with this reply also the appellant has filed this second appeal before the commission. The appeal was fixed for hearing on 20.08.2009. Neither the appellant nor the respondent was present.

After going through the file I have come to the conclusion that information has been furnished. The PIO has given pointwise information. The First Appellate Authority has rightly confirmed the order. The RTI ensures finishing of available information. It is not expected that the PIO should interpret the information and give his own opinion. Available information in this case has been furnished. I therefore pass the following order.

Order

Appeal is dismissed.

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

Place: Mumbai
Date: 28.08.2009.

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

Appeal No.2009/2322/02

**Shri. Dilip M. Mainkar
14/5 Monalisa CHS, Amrut Complex,
Yashodham Dindoshi,
Goregaon (E), Mumbai – 400 063.**

... Appellant

V/s

**First Appellate Officer cum Asstt Commissioner
Municipal Corporation, P/North Ward,
Mithanagar, Mahapalika School Bldg,
Goregaon (E), Mumbai – 400 062.**

... Respondent

**Public Information Officer,
Municipal Corporation, P/North Ward,
Mithanagar, Mahapalika School Bldg,
Goregaon (E), Mumbai – 400 062.**

GROUNDS

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant by his application dated 21.09.2009 had complained against the unauthorized renovation by one of the members of Monalisa CHS, Amritvan Complex Yashodham, Dindoshi, Mumbai. The appellant was not satisfied with responses from the PIO and the First Appellate Authority and hence this appeal.

The appeal was heard on 05.08.2009. The appellant and respondent were absent.

After going through the filed I have come to the conclusion that information has not been furnished. The language used by the PIO is not appropriate. He is therefore directed let the appellant know what action has been taken on his complaint. He should organize a fresh inspection and furnish latest information.

Order

Appeal is allowed. Information to be furnished within 30 days.

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

Place: Mumbai
Date: 28.08.2009.

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

Appeal No.2009/3039/02

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

... **Appellant**

V/s

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

... **Respondent**

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

GROUNDS

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant had wanted to know the full form of R.K. Pathak in MHADA's record. Not satisfied with responses from the PIO and the First Appellate Authority, he has preferred this appeal. The appeal was heard on 24.08.2009. He had also filed few appeals on the same issue where inspection of record and furnishing of selected documents was ordered.

After going through the file I have come to the conclusion that the appellant should be allowed to inspect records and copies of selected documents should be given.

Order

Appeal is allowed. Inspection of relevant record to be facilitated within 30 days.

(Ramanand Tiwari)
State Information Commissioner, Mumbai

Place: Mumbai
Date: 28.08.2009.

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

Appeal No.2009/3122/02

Shri. Mahendra Chavan
85/2, Chalke Chawl, Tadwadi Swadeshi Mill,
Sion, Chunabhatti, Mumbai – 400 022.

... **Appellant**

V/s

First Appellate Officer cum Dy Secretary
Maharashtra Vidhan Mandal Sachivalaya,
Vidhan Bhavan, Vidhan Bhvan Marg,
Mumbai – 400 032.

... **Respondent**

Public Information Officer,
Maharashtra Vidhan Mandal Sachivalaya,
Vidhan Bhavan, Vidhan Bhvan Marg,
Mumbai – 400 032.

GROUNDS

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant had sought information contained in his application dated 18.02.2009. Not satisfied with responses from the PIO and the First Appellate Authority he has preferred this appeal. The appeal was heard on 27.08.2009. Appellant and respondent were present. The appellant has contended that he has not been given full information. The respondent submitted that he has furnished whatever information was available

After considering the argument advanced by parties and going through the filed I have come to the conclusion that information prepared under section 4 of the RTI Act should be sent to the appellant by registered post and free of cost.

Order

Appeal is allowed. Information to be furnished within 30 days.

(Ramanand Tiwari)
State Information Commissioner, Mumbai

Place: Mumbai
Date: 28.08.2009.

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

Appeal No.2009/2985/02

**Shri. Vijay Rathod
Room No.36/37,
Govt. College Child Colony,
C-Rd, Churchgate, Mumbai – 400 020.**

... Appellant

V/s

**First Appellate Officer cum Joint Director
Office of the Jt Director, Higher Education Deptt.
3 Mahapalika Marg, Mumbai – 400 001.**

... Respondent

**Public Information Officer,
Office of the Jt Director, Higher Education Deptt.
3 Mahapalika Marg, Mumbai – 400 001.**

GROUND

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant had sought information regarding promotion of employees and documents relating to that. He had also asked copies of caste validity certificate of certain employees which have been denied because of objection raised by them. Not satisfied with responses from the PIO and the First Appellate Authority the appellant has filed this appeal.

The appeal was heard on 03.08.2009. Complainant and defendants were present. The appellant stated he has not been given the required information. He has also pointed out that his seniority has been counted from the date of joining rather than according to the merit list prepared after the interview. The respondent has submitted that copies of caste validity certificate could not be given because the concerned persons have objected to that. The merit list was not available and therefore could not be furnished. Whatever information was available has been furnished.

After considering the argument advanced by parties and going through the file I have come to the conclusion that copies of caste validity certificate should be given to the appellant. Objections have not been supported by any reason. Reserved seats must go to the person belonging to that category. Production of caste validity certificate is very

necessary. It may be personal and it has larger public interest Disclosure would bring transparency I therefore direct that copies of the validity certificate should be furnished to the appellant.

Order

Appeal is partially allowed. Information to be furnished within 15 days.

(Ramanand Tiwari)
State Information Commissioner, Mumbai

Place: Mumbai
Date: 28.08.2009.

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

Appeal No.2009/3150/02

Shri. Arjunlal Chabaria
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 Engineer
Bldg Proposal (Western Suburban)
Municipal Corporation, 15th Floor,
R.K. Patkar Marg, Bandra (W)
Mumbai – 400 050.

... **Respondent**

Public Information Officer cum Executive Engineer,
Bldg Proposal (Western Suburban), II Ward,
Municipal Corporation, 15th Floor,
R.K. Patkar Marg, Bandra (W)
Mumbai – 400 050.

GROUND

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant had sought copies of the approved plan of the office of Dy Supdt of Markets WS, Bhabha Hospital Building, R.K. Patkar Marg, Bandra (W), Mumbai.

Not satisfied with the 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 31.08.2009. The appellant did not turn up but the respondent was present.

It has been contended by respondents that available information has been furnished. The PIO by his letter dated 17.04.2009 and the First Appellate Authority by his order dated 16.05.2009 have furnished the available information. In view of the appellant's absence and respondent's submission I decided to close the case.

Order

The appeal is disposed off.

(Ramanand Tiwari)
State Information Commissioner, Mumbai

Place: Mumbai

Date: 31.08.2009.

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

Appeal No.2009/3149/02

**Shri. Arjunlal Chabaria
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 Executive Engineer/ Asstt Commissioner
Municipal Corporation, P/North Ward,
Mithanagar, Municipal, Mithanagar,
Goregaon (W), Mumbai.**

... Respondent

**Public Information Officer cum Asstt Engineer (Maintenance)
Municipal Corporation, P/North Ward,
Mithanagar, Municipal, Mithanagar,
Goregaon (W), Mumbai.**

GROUNDS

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant had sought a copy of the application submitted by Shri Gurmeet Singh for cutting a full grown live Mango tree bearing no 119 apposite his room no 11/89 at Unnat Nagar, Akshay CHS. Village Pahadi, Goregaon (W), Mumbai.

Not satisfied with replies from the Public Information Officer and the First Appellate Authority the appellant filed this second appeal before the Commission. The appeal was heard on 31.08.2009. The appellant did not turn up but the respondent was present.

The respondent has submitted that the appellant's representative Shri Jafar has collected the information. In view of the respondent's submission and appellant absence. I decide to close the case.

Order

The appeal is disposed off.

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

Place: Mumbai
Date: 31.08.2009.

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

Appeal No.2009/3099/02

**Shri. Omprakash Waloriya
Shri Ravidas Kamgar Union Adhyksha,
6/41, Thakkar Bappa Colony,
Chembur, Mumbai – 400 071.**

... **Appellant**

V/s

**First Appellate Officer cum Senior Worker Officer,
Municipal Corporation, Transport Board,
BEST Bhavan, Post Box No.192,
Mumbai – 400 001.**

... **Respondent**

**Public Information Officer cum Worker Officer,
Municipal Corporation, Transport Board,
BEST Bhavan, Post Box No.192,
Mumbai – 400 001.**

GROUNDS

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant had sought information regarding appointment of Mrs Sangita Rajendra Kharat on compassionate ground.

Not satisfied the reply from the Public Information Officer and the First Appellate Authority the appellant filed this second appeal before the Commission. The appeal was heard on 31.08.2009. The appellant did not turn up but the respondent was present.

The respondent has submitted that the information has been denied because it was personal.

After going through the case papers and considering the arguments advanced by parties I have come to the conclusion that information should be furnished. Appointment on compassionate ground is a part of govt. policy and a citizen is entitled to know whether it is implemented by BEST. It does serve a larger public interest and would facilitate transparency and accountability. 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: 31.08.2009.

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

**Appeal No.2009/3103/02
Appeal No.2009/3104/02**

**Shri.Ashish P. Pitale,
Hanuman Rd,
Vile Parle (E), Mumbai – 400 057.**

... Appellant

V/s

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

... Respondent

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

GROUNDS

These appeals have been filed under section 19(3) of the Right to Information Act 2005. The appellant had sought information regarding illegal structural changes made by Mr Ghate in his flat at Pitale House, Hanuman Rd, Vile Parle (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 31.08.2009. Appellant and respondents were present.

The appellant has contended that he has not been furnished the required information. The respondent submitted that there are disputes between the appellant (the tenant). The appellant is trying to settle scurries through the RTI Act.

After going through the case papers and considering the arguments advanced by parties I have come to the conclusion that information has to be furnished. The fact there the appeal under RTI has arisen because of disputes between the appellant and Shri Ghate has no relevance as far as the RTI Act is concerned. The appellant has to be given factory information – either permission has been given or not given or not required. The PIO should verify facts and record and furnish necessary information 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: 31.08.2009.

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

Appeal No.2009/3105/02

**Shri.Ashish P. Pitale,
Hanuman Rd,
Vile Parle (E), Mumbai – 400 057.**

... **Appellant**

V/s

**First Appellate Officer cum Asstt. Commissioner (B & F)
Municipal Corporation, K/East Ward,
Andheri (E), Mumbai.**

... **Respondent**

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

GROUNDS

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant had sought information regarding illegal structural changes carried out by Mr. M.M. Vasaikar in his flat at Pitale House, Hanuman RD, Vile Parle (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 31.08.2009. Appellant and respondents were present.

The appellant has contended that no information has been furnished / no action taken against Shri Vasaikar. The respondent has submitted that the appellant has been informed that no action has been initiated by them against Shri Vasaikar.

After going through the case papers and considering the arguments advanced by parties I have come to the conclusion that information furnished is not complete. The appellant has a copy of the approved plan and he feels that the flat is no longer according to the approved plan. In the face of the approved plan and allegation of altering this plan without permission, it is not enough to say that no action has been initiated. The RTI Act

will become redundant if such answers are accepted as 'information'. I therefore direct that the PIO should find out whether the existing structure is according to the approved plan or otherwise. He should inform the appellant accordingly.

Order

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

(Ramanand Tiwari)
State Information Commissioner, Mumbai

Place: Mumbai
Date: 31.08.2009.

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

Appeal No.2009/3147/02

**Shri. Dinesh L. Singh
Plat No. 81/E,
Kandivali Cooperative Industrial Estate,
Charkop, Kandivali (E), Mumbai – 400 067.**

... Appellant

V/s

**First Appellate Officer cum Dy Collector,
Collector Office, Mumbai Suburban,
7th Floor, Administrative Building,
Bandra (E), Mumbai – 400 051.**

... Respondent

**Public Information Officer cum Additional Collector,
Collector Office, Mumbai Suburban,
7th Floor, Administrative Building,
Bandra (E), Mumbai – 400 051.**

GROUND

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant had sought information regarding inclusion of certain names in annexure II in respect of Shri. Krishna CHS, Kandivali (W), Mumbai.

Not satisfied with replies from the Public Information Officer and the First Appellate Authority the appellant filed this second appeal before the Commission. The appeal was heard on 31.08.2009. The appellant did not turn up but the respondent was present.

The respondent has submitted a copy of the letter from the appellant that he is withdrawing his complaint. In view of his absence and the respondent's submission, the appeal file is closed.

Order

Appeal is disposed off.

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

Place: Mumbai
Date: 31.08.2009.

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

Appeal No.2009/3125/02

Shri. Arjunlal Chabaria
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 Commissioner,
Municipal Corporation, K/West Ward Office,
Andheri (W), Mumbai – 400 058.

... **Respondent**

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

GROUND

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant by his application dated 15.04.2009 has sought information relating to the canteen /eating house situated in the basement / car parking area of K/West Municipal Ward office. He had wanted a copy of the NOC, agreement, NOC from fire brigade, notice inviting tenders, police licence and the amount of fine levied for unauthorisedly running the canteen.

Not satisfied with responses form the Public Information Officer and the First Appellate Authority the appellant filed this second appeal before the Commission. The appeal was heard on 27.08.2009. The appellant did not turn up but the respondent was present.

After going through the case papers I have come to the conclusion that available information should be furnished I therefore pass the following order.

Order

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

(Ramanand Tiwari)
State Information Commissioner, Mumbai

Place: Mumbai
Date: 31.08.2009.

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

Appeal No.2009/3126/02

Shri. Arjunlal Chabaria
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 Office
MHADA, Grihanirman Bhavan,
Bandra (E), Mumbai – 400 051.

... **Respondent**

Public Information Officer cum Asstt Engineer
MHADA, 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 sought information regarding development room no.7/53 A-7/53, Unnat Nagar, Akshya CHS, Village Pahadi, 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 fixed for hearing on 27.08.2009. Appellant and respondent were absent.

I have gone through the file and have come to the conclusion that information should be furnished. I therefore pass the following order.

Order

The appeal is allowed. Available information should be furnished within 30 days.

(Ramanand Tiwari)
State Information Commissioner, Mumbai

Place: Mumbai
Date: 31.08.2009.

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

Appeal No.2009/3101/02

**Shri. Mangalprasad Chaubey
10/96, MHB Colony,
Pragati Co-op HSGS Society,
Mahavir Nagar, Kandivali (W),
Mumbai – 400 068.**

... **Appellant**

V/s

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

... **Respondent**

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

GROUND

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant had the information regarding transfer of plot no 10/96 at MHB Colony, Mahavir Nagar, Kandivali (W) which he paid the full amount by TR No 120111 dated 01.02.1988 to Mrs Rekha H. Kumar without his knowledge.

Not satisfied with responses form the Public Information Officer and the First Appellate Authority the appellant filed this second appeal before the Commission. The appeal was heard on 31.08.2009. The appellant did not turn up but the respondent was present.

The respondent has submitted that the transfer has been affected on the basis of power of attorney by the appellant. It is not enough. He must be furnished copies of documents which formed the basis of transfer. I therefore pass the following

Order

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

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

Place: Mumbai
Date: 31.08.2009.

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

Appeal No.2009/3100/02

**Shri. Mohd Badruddin
Shibli National Inter College,
Azamgarh, UP 276 001.**

... **Appellant**

V/s

**First Appellate Officer cum Dy Police Commission
Office of the Zone-9, Bandra (W), Mumbai.**

... **Respondent**

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

GROUND

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant had sought information regarding complaint filed with police station, Khar, Mumbai. The complaint was filed against the Principal of Shibli National Inter College, Azamgarh, UP. 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 31.08.2009. Appellant and respondent were present.

The appellant has contended he has not received the information. The respondent has submitted documentary proof to say that information has been furnished.

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

Order

The appeal is disposed off.

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

Place: Mumbai
Date: 31.08.2009.

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

Appeal No.2009/3146/02

Shri. Ravindra D. Hingwala
Flat No.704, 7th Floor,
Gayatri Dham, 77, M.G.Rd,
Ghatkopar, Mumbai – 400 077.

... **Appellant**

V/s

First Appellate Officer cum Jt. Charity Commissioner
Charity Commissioner Bhavan,
Dr. Annie Besant Rd, Worli, Mumbai.

... **Respondent**

Public Information Officer cum Dy Charity Commissioner
Charity Commissioner Bhavan,
Dr. Annie Besant Rd, Worli, Mumbai.

GROUND

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant had sought information in respect of complaint filed to the Charity Commissioner against trustees of Bai Kabibai and Hansraj Morarjee Charitable Trust for illegal transfer of 4 structures with land and FSI to Satellite Builders without permission.

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 31.08.2009. Appellant was present but the respondent was absent.

The appellant has contended that he has been given misleading information. The respondent was absent and therefore it could not be verified. It is however clear from the file that the information sought by the appellant has not been furnished. I therefore pass the following order.

Order

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

(Ramanand Tiwari)
State Information Commissioner, Mumbai

Place: Mumbai
Date: 31.08.2009.

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

Appeal No.2009/3098/02

**Shri. Jagannath Sharma
Chandrikabai H. Sharma
Chawl Room No. 1& 2,
Khar Jawhare Nagar,
Saibaba Rd, Khar (E),
Mumbai – 400 051.**

... Appellant

V/s

**First Appellate Officer cum Asstt Commissioner,
Municipal Corporation, H/E Ward, 1st Floor,
Prabhat Colony, Santacruz (E), Mumbai – 400 055.**

... Respondent

**Public Information Officer,
Municipal Corporation, H/E Ward, 1st Floor,
Prabhat Colony, Santacruz (E), Mumbai – 400 055.**

GROUND

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant had sought information regarding action on his complaint of unauthorized construction without permission from Mumbai Municipal Corporation.

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 31.08.2009. Appellant and respondents were present.

The appellant has contended that no action has been taken and no information furnished. The respondent submitted that the person alleged to have indulged in unauthorized construction has a photopass and therefore protected. According to the respondent no action can be taken unless the photopass is cancelled.

After going through the case papers and considering the arguments advanced by parties I have come to the conclusion that the respondent's response is vague and casual.

It is well known that first floor is not allowed in slums. However the structure up 14 feet

is allowed. It is up to the pass holder to prove that his structure is not beyond the allowed height. The respondent can not sit tight saying that nothing can be done unless the photopass is cancelled. I therefore direct that appellant's complaint should be enquired into and information given to him. I therefore pass the following order.

Order

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

(Ramanand Tiwari)
State Information Commissioner, Mumbai

Place: Mumbai
Date: 31.08.2009.

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

Appeal No.2009/3141/02

**Shri. Mirza Abul Hasan
Mumbai, Adult, Indian Inhabitant,
Residing at B/408, Sagar Apt.
Fr. Peter Pereira Rd, Sonapur Lane,
LBS Marg, Behind City Hospital,
Kurla (W), Mumbai – 400 070.**

... **Appellant**

V/s

**First Appellate Officer cum Add. Collector
9th Floor, Administrative Bldg, Near Chetna College,
Bandra (E), Mumbai – 400 051.**

... **Respondent**

**Public Information Officer cum Tahsildar Kurla,
Topiwala College Bldg, 1st Floor,
Sarojni Naidu Marg, Mulund (W), Mumbai.**

GROUND

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

Details of cable connections declared and provided to customers by M/s National Cable of Mr Shafique Rehman Butt having his office at 93/27 Kapadiya Building, Balaji Mandir Lane, Kurla (W), Mumbai.

Not satisfied with replies from the Public Information Officer and the First Appellate Authority the appellant filed this second appeal before the Commission. The appeal was heard on 31.08.2009. Appellant and respondents were present.

The appellant has contended that he has not been furnished the required information. The respondent promised that information will be furnished in 7 days. I therefore pass the following order.

Order

The appeal is allowed. Information to be furnished in 7 days.

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

Place: Mumbai
Date: 31.08.2009.

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

Appeal No.2009/3097/02

**Shri. Nipun Mathakar
B-5, Jivadani Krupa Chawl,
Ramchandra Jadhavwadi, Vijay Nagar,
Nala Sopara (E), Thane – 401 208.**

... **Appellant**

V/s

**First Appellate Officer cum Administrative Officer
Maharashtra State Road Development Board Ltd,
Priyadarshanipark, Mumbai – 400 036.**

... **Respondent**

**Public Information Officer,
Maharashtra State Road Development Board Ltd,
Priyadarshanipark, Mumbai – 400 036.**

GROUND

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

Not satisfied the reply from the Public Information Officer and the First Appellate Authority the appellant filed this second appeal before the Commission. The appeal was heard on 31.08.2009. Appellant and respondents were present.

The appellant has contended that he is not satisfied with information furnished to him. The respondent submitted that they furnished the available information to the best of their knowledge and understanding of the appellant's application. It was finally agreed that the respondent will furnished details of cases filed by / against MSRDC up to the date of application. Since this information will have to be collected from all the offices of MSRDC in Maharashtra, it is not possible to prescribe a time frame.

Order

The appeal is allowed.

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

Place: Mumbai
Date: 31.08.2009.

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

Appeal No.2009/3140/02

**Shri. Sanjay M. Pangam
Hashu Niwas, 402, B-Wing,
4th Floor, 28th X 25th Rd,
Bandra (W), Mumbai – 400 050.**

... Appellant

V/s

**First Appellate Officer cum Dy Registrar
Office of the Cooperative Societies,
H/West Ward, Sahakar Bazar,
4th Floor, Bandra (W), Mumbai – 400 050.**

... Respondent

**Public Information Officer,
Office of the Cooperative Societies,
H/West Ward, Sahakar Bazar,
4th Floor, Bandra (W), Mumbai – 400 050.**

GROUND

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant by his application dated 04.03.2009 had sought the following information relating to Hashu Niwas CHS. proceedings before the by Registrar H/West Ward, Bandra (W) under section 101 of the Maharashtra Cooperative Societies Act 1960 against 13 members. The applicant wanted inspection of file no 28/2007 to 40/2007.

Not satisfied with responses form the Public Information Officer and the First Appellate Authority the appellant filed this second appeal before the Commission. The appeal was heard on 31.08.2009. Appellant was present but the respondent was absent.

After going though the case papers and considering the arguments advanced by the appellant I have come to the conclusion that inspection as demanded must be given. I therefore pass the following order.

Order

The appeal is allowed. Inspection to be facilitated within 30 days.

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

Place: Mumbai
Date: 31.08.2009.

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

Appeal No.2009/3095/02

**Shri. Gangaram Gajanan Sawant
Adv. Anjali R. Awasthi, Adjacent to PWD Office,
Opp. Sewree Fast Track Court, Zakaria Buder Rd,
Sewree, Mumbai – 400 015.**

... Appellant

V/s

**First Appellate Officer,
Engineer Ward,
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 18.08.2008 had sought the following information: - A copy of the certificate of Architect submitted by Mr Jatin Shah with SRA recognizing him as an architect.

Not satisfied with responses form the Public Information Officer and the First Appellate Authority the appellant filed this second appeal before the Commission. The appeal was heard on 31.08.2009. Appellant and respondent were present.

The appellant has contended that he has not been furnished the information he had sought. The respondent submitted that it is not necessary that only architect should submit the plan. He showed relevant regulation in the DCR. The appellant was however not satisfied.

After going though the case papers and considering the arguments advanced by parties I have come to the conclusion that the respondents should furnish details of documents submitted by Shri Jatin Shah which qualify him to submit the plan for SRA for approval.

Order

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

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

Place: Mumbai
Date: 31.08.2009.

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

Appeal No.2009/3092/02

Shri. Pramod Vithal Salgaonkar
Sardar Balwantsingh Dhodi Marg,
Mazgaon, Mumbai – 400 010.

... **Appellant**

V/s

First Appellate Officer cum Asstt Commission (Asset)
2nd Floor, Shri Chtrapati Shivaji Market,
Faltan Rd, Mumbai – 400 010.

... **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 had sought the following information: -

Certified copy of the Minutes of the Meeting held in the chamber of the Honorable Municipal Commissioner on 3rd March, 2009 at 3.30 P.M. to discuss regarding the redevelopment of municipal property commonly know as “Sethana Compound” bearing C.S. No.1/367 of Mazgaon, Division, situated at Junction of Balwantsingh Dhodi Marg, and Shivdas Chapsy Marg, “E” Ward, Mumbai – 400 010.

Not satisfied the reply from the Public Information Officer and the First Appellate Authority the appellant filed this second appeal before the Commission. The appeal was heard on 31.08.2009. Appellant was present but the respondent was absent.

The appellant has contended that he has not been furnished the required information. The same should be furnished within 30 days failing which action under section 20 of the RTI Act will be initiated.

Order

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

(Ramanand Tiwari)
State Information Commissioner, Mumbai

Place: Mumbai
Date: 31.08.2009.

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

Appeal No.2009/3096/02

**Shri. Nipun Mathakar
B-5, Jivadani Krupa Chawl,
Ramchandra Jadhavwadi, Vijay Nagar,
Nala Sopara (E), Thane – 401 208.**

... **Appellant**

V/s

**First Appellate Officer,
Planning Department,
6th Floor, Mantralaya,
Mumbai – 400 032.**

... **Respondent**

**Public Information Officer,
Planning Department,
6th Floor, Mantralaya,
Mumbai – 400 032.**

GROUNDS

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

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 31.08.2009. Appellant and respondents were present.

The appellant has contended that he has not been given the information he had sought. The respondents submitted that they furnished the information to the extent they understood the application. Finally it was agreed by both parties that the appellant will inspect relevant papers and copies of selected documents should be provided. It was agreed that the appellant will carry out inspection on 07.09.2009 between 3-4 P.M.

Order

The appeal is allowed. Inspection to be facilitated on 07.09.2009 between 3-4 PM.

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

Place: Mumbai
Date: 31.08.2009.

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

Appeal No.2009/3138/02

**Shri. Dinesh Mahadev Tarkar
Bhivrabai Bosle Chawl,
Chawl No.3, Room No.16,
Balgovinddas Rd, Dadar,
Mumbai – 400 028.**

... **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 had sought information on points contained in his application dated 09.03.2009.

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 31.08.2009. The appellant did not turn up but the respondent was present.

The respondent has contended that information has been furnished. Since appellant was not present it could not be verified.

After going through the case papers and considering the arguments advanced by parties I have come to the conclusion that information relating to transit accommodation with validity period should be 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: 31.08.2009.

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

Appeal No.2009/3091/02

**Shri. Mainbahadur Singh
4, Bagdad Manthon, 77 Jail Rd (E),
Dongari, Mumbai – 400 009.**

... **Appellant**

V/s

**First Appellate Officer cum Executive Engineer
Municipal Corporation, C/Ward,
Chandanwadi, Marin Lines, Mumbai – 400 004.**

... **Respondent**

**Public Information Officer cum Asstt Engineer (B & F)
Municipal Corporation, C/Ward,
Chandanwadi, Marin Lines, Mumbai – 400 004.**

GROUND

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

Copies of applications made under Right to Information Act, 2005 by Shri Moin Akhtar Quereshi, Shri Vimal Bharati, Shri S.R. Yadav and Shri. Vijay Tripathi. The PIO rejected the request because it was not specific. The First Appellate Authority ordered inspection of document.

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 31.08.2009. The appellant did not turn up but the respondent was present.

The respondent's contention is that since no specific information is sought, the application has been rejected.

After going through the case papers and considering the arguments advanced by parties I have come to the conclusion that order passed by the First Appellate Authority is correct. Since no specific information has been sought, it is better if the appellant sees for himself what is of interest to him and ask for copies. I therefore pass the following order.

Order

The appeal is allowed. Inspection to be allowed within 30 days.

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

Place: Mumbai
Date: 31.08.2009.

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

Complaint No.2009/380/02

**Shri. Deepak Shelar,
202Vhurchgate Chamber,
5 New Marine Lines,
Mumbai – 400 020.**

... Complainant

V/s

**Public Information Officer,
Public Trust Registration Officer,
Bombay Division Mumbai.**

... Respondent

GROUND

This complaint has been filed under section 18 of the Right to Information Act 2005 in the context of the commission's order dated 04.07.2008 passed in appeal no.2008/450/02. The facts in brief are as follows: - The complainant had wanted to know whether Akhil Maharashtra Apang Vikas Mahasangh had submitted accounts to the office of the charity commissioner and if yes a copy of the same to be given to him. The PIO informed him that no accounts for 1995-96 seem to have been sent but reminder was being sent from the account section.

Not satisfied with responses from the Public Information Officer and First Appellant Authority the complainant filed appeal under section 19(3) of the RTI Act, 2005. The commission by its order dated 04.07.2008 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 26.08.2009. The complainant was present but the defendant was absent.

The complainant has stated that no information has been furnished despite commission's order. Since the defendant was not present it could not be verified.

After considering the arguments advanced by parties and going through the file I have come to the conclusion that the PIO informed the complainant that no accounts have been submitted to the office of the charity commissioner. It was however promised that

the Accounts section would send a reminder and action would be initiated. I would therefore like to give one more chance to the defendant. He should inform the complainant the latest position within 15 days.

Order

Complaint is allowed.

(Ramanand Tiwari)
State Information Commissioner, Mumbai

Place: Mumbai
Date: 31.08.2009.

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

Appeal No.2009/3041/02

**Shri. Nishant Subhash Ghadge
21 Gokul, Dr. Pednekar Bldg,
S.M. Marg, Kurla (W), Mumbai – 400 070.**

... Appellant

V/s

**First Appellate Officer cum Tahsildar
Office of the Tahsildar,
Kurla-Mulund Eastern Suburban,
Mumbai Suburban District,
Mulund (W), Mumbai – 400 080.**

... Respondent

**Public Information Officer cum Joint Entertainment Tax Officer
Western Suburban,
Mumbai Suburban District,
Mulund (W), Mumbai – 400 080.**

GROUND

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant had sought information regarding mini Video theaters in kurla – their no, entertainment duty recovered, permissions given and related matters.

Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant filed this second appeal before the Commission. The appeal was heard on 28.08.2009. The appellant did not turn up but the respondent was present.

The respondent has submitted that information has been furnished. He has given a copy of the correspondence for commission's record. He has also explained that there has been delay in furnishing the information because the staff was busy in Lok Sabha Election.

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

Order

The appeal is disposed off.

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

Place: Mumbai
Date: 31.08.2009.

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

Complaint No.2009/145/02

**Shri. Ernest Fernandes,
401-Kotecha Apt. CHS. Ltd,
1st Domnic Colony, Orlem,
Malad (W), Mumbai – 400 064.**

... Complainant

V/s

**Public Information Officer cum Dy Chief Engineer,
(Building Proposal), West Ward,
P & R 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 06.06.2008 passed in complaint no.2008/13939/02. The facts in brief are as follows: - The complainant had asked for plan, IOD, CC and OC of Kotecha Apartment's Cooperative Housing Society. The PIO informed him that information would be furnished after inspection of file and payment of requisite fees.

Not satisfied with responses from the Public Information Officer and First Appellant Authority the complainant filed appeal under section 19(3) of the RTI Act, 2005. The commission by its order dated 06.06.2008 directed that information should be furnished within 30 days.

The Present Complaint is against alleged non compliance of commissions order.

The complaint was fixed for hearing on 25.08.2009. The complainant and defendant were absent.

After going through the file it is seen that the appellate had asked for copies the plan IOD, CC etc. The PIO without finding out the availability of those documents wrote to the appellant on 03.11.2006 informing him to pay requisite fee. The PIO his reply dated 24.11.2009 in response to commission's order states that the file was not available. This shows that the approach has been casual. This is also provespring facie violation of

the RTI Act, 2005. It is therefore proposed to fine the PIO Rs.25, 000/-. He is given 3 months time to locate the file and furnish required information. If he does not do, the fine will be confirmed and recovery order issued.

Order

The complaint is disposed off.

(Ramanand Tiwari)
State Information Commissioner, Mumbai

Place: Mumbai
Date: 31.08.2009.

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

Appeal No.2009/3032/02

**Shri. Kailash Parekh,
22/A, Kailash Apartment,
Opp. Mhatre Park,
M.G.Rd, Dahanukarwadi,
Kandivali (W), Mumbai – 400 067.**

... Appellant

V/s

**First Appellate Officer cum Additional Collector,
7th Floor, Administrative Bldg,
Bandra (E), Mumbai – 400 051.**

... Respondent

**Public Information Officer cum Chief Engineer,
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 sought information regarding SRA project known as Shri Krishna Niwas, Sahakari Gruh Nirman Sanstha, CTS No. 150, 150/1to 57 part, Village Malad taluka Borivali. Henu Kalani Cross Rd no.3, KAndivili (W), Mumbai. He has asked for a copy of Annexure II and other documents.

Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant filed this second appeal before the Commission. The appeal was fixed for hearing on 24.08.2009. Appellant and respondent were present.

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

Order

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

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

Place: Mumbai
Date: 31.08.2009.

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

Appeal No.2009/2994/02

**Shri. Pradeepkumar Yashvant Bhukre
MPSC Office, Bank of India Building,
3rd Floor, M.Gandhi Marg, Fort,
Mumbai – 400 001.**

... Appellant

V/s

**First Appellate Officer cum Dy Secretary
General Administrative Department, 14 A,
Mantralaya, Mumbai – 400 032.**

... Respondent

**Public Information Officer cum Under Secretary
General Administrative Department, 14 A,
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 18.10.2008 had sought information regarding Mantralaya Asstt Examination (Main) 1995 and documents, notes relating appointments there after.

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 03.08.2009. Appellant and respondents were present.

The appellant has contended that he has not been furnished the information he had requested. The information furnished was incomplete doubtful, uncertified and misleading.

The respondent's contention is that whatever information was available has been furnished. It has also been pointed out by him that the appellant did not prefer the second appeal and has come directly in second appeal.

After going though the case papers and considering the arguments advanced by parties it is seen that a lot of information has been furnished. The PIO by his letter dated 23.03.2009 has furnished point wise information. There has been a lot of correspondence between the appellant and the respondent. It is also not correct to say that the appellant

did not prefer appeal under section 19(1) of the RTI Act. Case papers reveal that the appellant did file the first appeal and the GAD has acknowledged it. The appeal is dated 19.11.2008. It is however not clear whether the First Appellate Authority passed any order or not. I therefore come to the conclusion that the First Appellate Authority has not discharged his responsibility cast on him under the RTI Act. It would also offer an opportunity to the appellant to plead his case see relevant documents and obtain required information. I therefore pass the following order.

Order

The appeal is remanded to the First Appellate Authority to hear the appeal and pass reasoned order. It should be done within 45 days. The appellant is free to approach the commission if he is not satisfied.

(Ramanand Tiwari)
State Information Commissioner, Mumbai

Place: Mumbai
Date: 31.08.2009.

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

Appeal No.2009/3128/02

**Shri. Harishchandra Govind Gholap
Shivai CHS, Sector No.7,
Charkop, Kandivali (W), Mumbai – 400 067.**

... Appellant

V/s

**First Appellate Officer cum Additional Police Commissioner,
Anticorruption Ward, Municipal Corporation,
Madhu Industrial Estate, 1st Floor, Worli,
Mumbai – 400 013.**

... Respondent

**Public Information Officer cum Additional Police Dy Commissioner
Anticorruption Ward, Municipal Corporation,
Madhu Industrial Estate, 1st Floor, Worli,
Mumbai – 400 013.**

GROUND

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant by his application dated 16.01.2009 had sought information regarding bank accounts, lockers and related matters in respect constable Mr. Suresh D. Abnabe, Kumari Anandi Bhagat and his wife Smt Kala.

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 27.08.2009. The appellant did not turn up but the respondent was present.

The respondents have contended that the appellant has been informed that the information sought is a third party information and since the third party has objected to its disclosure, the same has been denied. Since the appellant was absent it could not be verified.

After going through the case papers it is seen that the information has been denied because the third party has objected to its disclosure. The RTI Act is very clear and states that information can be disclosed in such cases if it is likely to serve larger public interest. There is nothing on record to show that disclosure of this personal

information would in anyway serve larger public interest. I therefore confirm the orders passed by the PIO and the First Appellate Authority.

Order

The appeal is disposed off.

(Ramanand Tiwari)
State Information Commissioner, Mumbai

Place: Mumbai
Date: 31.08.2009.

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

Appeal No.2009/3131/02

Shri. Purshottam Budhrani
2nd Bhandus Court, 1st Pasta Lane,
Colaba, Mumbai – 400 005.

... **Appellant**

V/s

First Appellate Officer cum Asstt Commissioner
Municipal Corporation, 76, Shrikant Palekar Marg,
“C” Ward, Chandanwadi, Marine Lines,
Mumbai – 400 032.

... **Respondent**

Public Information Officer cum Medical Officer (Health)
Municipal Corporation, 76, Shrikant Palekar Marg,
“C” Ward, Chandanwadi, Marine Lines,
Mumbai – 400 032.

GROUNDS

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant had sought information as to how a licence has been issued Shri Nandkumar Dadasaheb Thorat for M/s Colombo Fast food when rent receipt is in the name of M/s Colombo Hair Cutting Saloon.

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 27.08.2009. Appellant was present but the respondent was absent.

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

Order

The appeal is allowed. Information to be furnished within 30 days. The PIO is also directed to show cause why he should not be fined @ 250/- per day for not furnishing this information despite having agreed in front of the First Appellate Authority. His reply to reach commission within 4 weeks.

(Ramanand Tiwari)
State Information Commissioner, Mumbai

Place: Mumbai

Date: 31.08.2009.

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

Appeal No.2009/3135/02

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

... **Appellant**

V/s

**First Appellate Officer cum Asstt Municipal Commissioner,
Municipal Corporation, R/South Ward Office,
M.G.Rd, Kandivali (W), Mumbai – 400 067.**

... **Respondent**

**Public Information Officer,
Municipal Corporation, R/South Ward Office,
M.G.Rd, Kandivali (W), Mumbai – 400 067.**

GROUND

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant by his application dated 19.12.2008 had sought the information relating to misuse of compulsory open space by hotels in south 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 27.08.2009. Appellant and respondent were absent.

It is seen that the PIO by his letter dated 17.01.2009 informed the appellant to collect the information. The First Appellate Authority by his order dated 27.02.2009 to supply the information where no fee is required to be paid and the rest of the information could be made available to the appellant on payment of requisite charge. A copy of the has been sent to the appellant under these circumstances I confirm the order of the First Appellate Authority and 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: 31.08.2009.

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

Appeal No.2009/3102/02

**Shri. Hardevsingh B. Kohali
Amrut Bhavan, 65 D.V.P. Rd,
Plat 7, Santacruz (W), Mumbai – 400 054.**

... **Appellant**

V/s

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

... **Respondent**

**Public Information Officer cum Asstt Engineer (B & F)
Municipal Corporation, H/West Ward,
Sent Martin Rd, Bandra (W), Mumbai – 400 050.**

GROUND

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant had sought information on points contained in his on line complaint and letters dated 19.12.2007, 13.02.2008 and 11.11.2008 under the Right to Information Act. The PIO by his letter dated 29.01.2009 and the First Appellate Authority by his order dated 13.03.2009 have disposed off his 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 29.08.2009. The appellant did not turn up but the respondent was present.

It is seen from the case papers that the PIO has given a casual and sketchy reply by his letter dated 29.01.2009. A citizen makes 3 complaints over a period of one year and the PIO says no action has been taken. This does not reflect accountability which the RTI Act is supposed to promote. 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: 31.08.2009.

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

Appeal No.2009/3121/02

Shri. Mukesh Ahuja
542, Bldg.5, Oshiwara Panchwati CHS Ltd,
Link Rd, Oshiwara Jogeshwari,
Mumbai – 400 102.

... **Appellant**

V/s

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

... **Respondent**

Public Information Officer cum Secretary
Oshiwara Panchvati CHS, Jogeshwari (W),
Mumbai – 400 102.

GROUND

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant had sought information on points contained in his application dated 02.12.2008.

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 27.08.2009. Appellant and respondent were present.

After going through the case papers I have come to the conclusion that the order passed by the First Appellate Authority is just and fair. I confirm the order.

Order

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

(Ramanand Tiwari)
State Information Commissioner, Mumbai

Place: Mumbai
Date: 31.08.2009.

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

Complaint No.2009/275/02

**Shri. Raju Dudam
3A/610, Kum Kum CHS Ltd,
Pratiksha Nagar, Sion (E),
Mumbai – 400 022.**

... **Complainant**

V/s

**Public Information Officer cum Estate Manager
B/MB, Mumbai Housing & Area Development Board,
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 31.10.2008 passed in appeal no.2008/1143/02. The facts in brief are as follows: - The complainant had sought information regarding allotment of flats (small income group) at Pratiksha Nagar, Sion, Mumbai.

Not satisfied with responses from the Public Information Officer and First Appellant Authority the complainant filed appeal under section 19(3) of the RTI Act, 2005. The commission by its order dated 31.10.2008 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 25.08.2009. The complainant and defendant were absent.

The complainant has stated that the defendant has not complied with commission's order. He was directed to Estate Manager Transit accommodation instead of transferring his application under section 6(3) of the RTI Act. The defendant was not present so it could not be verified. I therefore pass the following order.

Order

The complaint is allowed. The complainant's expectation is fair and supported by provisions of law. The defendant is prime facie guilty of violation of the RTI Act. He should show cause why he should not be find @ Rs.250 per day.

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

Place: Mumbai

Date: 31.08.2009.

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

Complaint No.2009/137/02

**Shri. Dattatraya Haribhau Joshi
B/4-5, Santoor CHS Ltd, 1st Floor,
34, M.G. Rd, Vile Parle (E),
Mumbai – 400 057.**

... **Complainant**

V/s

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

... **Respondent**

GROUND

This complaint has been filed under section 18 of the Right to Information Act 2005 in the context of the commission's order dated 30.04.2009 passed in appeal no.2008/11351/02. The facts in brief are as follows: - The complainant by his letters dated 27.08.2004 and 28.02.2005 had requested to order an inspection of the Santoor CHS Ltd 34 M.G.Rd, Vile Parle (E) and if some action has been initiated, he requested for information.

Not satisfied with responses from the Public Information Officer and First Appellant Authority the complainant filed appeal under section 19(3) of the RTI Act, 2005. The commission by its order dated 30.04.2009 directed that information should be furnished within one month.

The Present Complaint is against alleged non compliance of commissions order.

The complaint was heard on 25.08.2009. The complainant and defendant were absent.

The defendant however has given his say dated 25.06.2009. The appellant's written statement dated 25.06.2009 is also on record.

After considering the arguments advanced by parties in their submissions and going through the file I have come to the conclusion that commission's directions have been complied. It is natural that the complainant is not satisfied. The defendant

informed him that the Managing Committee did not furnish the required bonds. Replies to his other queries have also been furnished. The commission cannot pass judgment whether the action taken was right or wrong. I therefore close the case.

Order

The complaint is filed.

(Ramanand Tiwari)
State Information Commissioner, Mumbai

Place: Mumbai
Date: 31.08.2009.

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

Appeal No.2009/3042/02

Shri. Avinash Pandurang Bhatkar
Mahatma Jyotiba Phule Marg,
18/62, New BDD Chawl, Naigaon,
Mumbai – 400 014.

... **Appellant**

V/s

First Appellate Officer cum Dy Police Commissioner (1)
Office of the Police Commissioner,
Mumbai Main Office, Mumbai – 400 014.

... **Respondent**

Public Information Officer cum Asstt Police Commissioner (1)
Office of the Police Commissioner,
Mumbai Main Office, Mumbai – 400 014.

GROUND

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant had sought information relating to his demotion and related matters. The PIO by his letter dated 18.03.2009 furnished the required information. The First Appellate Authority passed his order dated 12.05.2009.

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 24.08.2009. Appellant was present but the respondent was absent.

The appellant has contended that the information furnished was misleading and wrong. He has made his written submission disputes the factual information furnished to him. Since the respondent was not present, it is directed that he should obtain a copy of appellant's submission dated 24.08.2009 and furnish fresh information if required. 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: 31.08.2009.

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

Complaint No.2009/269/02

**Shri. Vincent Joseph Fernandes
26, Chuim Village,
Khar (W), Mumbai – 400 052.**

... **Complainant**

V/s

**Public Information Officer cum Asstt Engineer (B&F)
Municipal Corporation (MCGM), H/West Ward,
Bandra, Mumbai – 400 050.**

... **Respondent**

GROUND

This complaint has been filed under section 18 of the Right to Information Act 2005 in the context of the commission's order dated 31.01.2009 passed in appeal no.2008/1716/02. The facts in brief are as follows: - The complainant had sought information regarding unauthorized construction on plot no. D979, Chuim Village, Khar, Mumbai.

Not satisfied with responses from the Public Information Officer and First Appellant Authority the complainant filed appeal under section 19(3) of the RTI Act, 2005. The commission by its order dated 31.01.2009 directed that inspection should be allowed and copies of selected documents given.

The Present complaint is against alleged non compliance of commissions order.

The complaint was heard on 26.08.2009. Complaint and defendant were present.

The complainant has stated that he was given inspection and has obtained copies of some documents but he did not get the information he had wanted. The defendant has submitted that available documents have been shown.

After considering the arguments advanced by parties and going through the file I have come to the conclusion that commissions order has been complied. It is possible that the complainant did not get the document's he was looking for. The RTI Act ensures copies of available information. I therefore pass the following order.

Order

The complaint is closed.

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

Place: Mumbai
Date: 31.08.2009.

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

Appeal No.2009/3109/02

**Shri. Sayra Bano Anwar Sheikh & Other
Room No.92, Mari Amma Nagar,
Dr. A.B. Marg, Worli, Mumbai – 400 018.**

... Appellant

V/s

**First Appellate Officer cum Asstt Commissioner,
Municipal Corporation, N.M. Joshi,
G/North, Parel, Mumbai – 400 013.**

... Respondent

**Public Information Officer cum Colony Officer,
Municipal Corporation, N.M. Joshi,
G/North, Parel, Mumbai – 400 013.**

GROUND

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant had sought information on action taken on his application dated 21.02.2009. She had requested that her name should be included in the of eligible parsons for allotment of a tenement under the govt's scheme.

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 20.08.2009. Appellant was present but the respondent was absent.

The appellant has stated that no information has been furnished to her. Since respondent was not present, it could not be verified. I therefore pass the following order.

Order

The appeal is allowed. Information / action taken on appellants application dated 21.02.2009 should be communicated to her within 30 days.

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

Place: Mumbai
Date: 31.08.2009.

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

Appeal No.2009/3016/02

**Secretary,
Chunilal Nagar,
Cooperative Housing Society Ltd,
Veena Tower, Ground Floor,
Opp. Colaba Post Office, Mumbai – 400 005.**

... Appellant

V/s

**First Appellate Officer cum Asstt Commissioner,
Municipal Corporation, N.M. Joshi,
G/North, Parel, Mumbai – 400 013.**

... Respondent

**Public Information Officer cum Colony Officer,
Municipal Corporation, N.M. Joshi,
G/North, Parel, 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 13.05.2009 has sought to challenge the order dated 16.03.2009 directing the Dy. Registrar, Cooperative Societies, 'A' Ward Mumbai to issue direction under section 79(1) of the Maharashtra Cooperative Societies Act, 1960. Shri S.L. Ahuja had asked for copies of the Indemnity Bonds furnished by the Managing Committee of Chunilal Nagar Cooperative Housing Society Ltd, Veena Tower, Ground Floor, Opposite Colaba Post Office, Mumbai. The District Deputy Registrar, Cooperative Societies, Mumbai (1) City directed the Deputy Registrar ward 'A' to direct the above society under section 79(1) and procure the information (Copies of Indemnity Bonds) and furnish Shri S.L. Ahuja. The appellant has already challenged this order before the Joint Registrar of Cooperative Societies. The appellant has filed appeal under section 19(3) requesting to set aside the order passed by the District Registrar.

The appeal was heard on 04.08.2009. The issues are very clear and their arguments have been along their respective stands. The first point to be decided is whether the society can be accepted as an appellant. The original applicant is Mr S.L.

Ahuja. The case went up to the first appeal and the First Appellate Authority's order has

been challenged by the society. The society was nowhere a party to the proceedings and according to me can not come in appeal under section 19(3) of the RTI Act. It is not covered under section 18 of the RTI Act also because it does not fit anywhere in section 18(1) a to f. The society here is not seeking information but has approached against an order of disclosure. The appeal is not entertainable. Incidentally the RTI Act has defined right to information. According to section 2(J) of the RTI Act “right to information means the right to information accessible under this Act which is held by or under the control of any public authority.....” The information sought in this case is definitely held under the control of the District Deputy Registrar. Additionally, Rule 58 of the Maharashtra Cooperative Societies Rules 1961 makes it obligatory on the part of the Chief Executive Officer / Secretary to inform the registrar within 15 days from the formation of the committee. The District Deputy Registrar is well within his rights to issue directions to secure information and provide to the seeker. Moreover the RTI Act has an overriding effect on any other Act. In the light of the above discussion I pass the following order.

Order

The appeal is dismissed.

(Ramanand Tiwari)
State Information Commissioner, Mumbai

Place: Mumbai
Date: 31.08.2009.

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

Appeal No.2009/3129/02

**Shri. Pradeepkumar Mishr
Pooja Clinic, Powder Bunder,
Dargah Lane, Darukhana,
Mazgaon, Mumbai – 400 010.**

... Appellant

V/s

**First Appellate Officer cum Dy Commissioner (Special)
Municipal Corporation, Bhabha Hospital Bldg,
1st Floor, Bandra (W), Mumbai – 400 050.**

... Respondent

**Public Information Officer cum DMC (Special)
Municipal Corporation, Bhabha Hospital Bldg,
1st Floor, Bandra (W), Mumbai – 400 050.**

GROUNDS

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

The appellant by his application dated 12.03.2009 had wanted to know the action taken on his complaints. The PIO (Estate Manager) F/North by his letter dated 02.08.2008 informed him that records showed that no action has been taken. The same PIO by his letter dated 13.04.2009 informed that the matter was Sub Judice. The First Appellate Authority confirmed the PIO's order dated 13.04.2009.

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 fixed for hearing on 27.08.2009. Appellant and respondent were absent.

I have gone through the case papers. It is not clear whether the required information has been furnished. The letter dated 02.08.2008 says Smt Sushri Nanda Dhondiram Ubale has not done any unauthorized construction and no action seemed to have been taken while the letter dated 13.04.2009 says that the matter was sub judice.

The appellant alleged unauthorized construction by his application dated 12.03.2008. The reply dated 02.08.2008 says she had done no unauthorized construction where as on 13.04.2009 it became sub judice. The picture is not clear. I therefore pass the following order.

Order

The appeal is allowed. Latest position with reference to the appellant's complaint – should be communicated to him within 30 days otherwise action under section 20 of the RTI Act will be initiated.

(Ramanand Tiwari)
State Information Commissioner, Mumbai

Place: Mumbai
Date: 31.08.2009.

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

Appeal No.2009/3148/02

**Shri. Nivruti Pandurang Thukrul
Predeep Gopal Vaishpayan,
8, Saikunj, Ramchandra Lane,
Malad (W), Mumbai – 400 064.**

... **Appellant**

V/s

**First Appellate Officer,
Municipal Corporation, J/South Ward,
N.M. Joshi Marg, Mumbai – 400 013.**

... **Respondent**

**Public Information Officer cum Asstt Engineer
Municipal Corporation, J/South Ward,
N.M. Joshi Marg, Mumbai – 400 013.**

GROUND

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant had sought information regarding allotment of tenements at Shastri Nagar, Senapati Bapat Marg, Mumbai and documents on which these allotments have been made. The PIO by his letter dated 06.04.2009 informed him that the information was available and can be had on payment of Rs.2/- per page. He filed an appeal but no order seems to have been passed.

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 31.08.2009. Appellant was present but the respondent was absent.

I have gone through the case papers and come to the conclusion that information has not been furnished. The PIO has not informed the appellant how many pages are there and what is the total amount to be paid. His approach is casual. I therefore pass the following order.

Order

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

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

Place: Mumbai
Date: 31.08.2009.

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

Appeal No.2009/3106/02

**Shri. Nishant Subhash Ghadge
21, 'Gokul', Dr Pednekar Bldg,
Sarveshwer Mandir Marg,
Kurla (W), Mumbai – 400 070.**

... Appellant

V/s

**First Appellate Officer cum Dy Chief Engineer
(Bldg Proposal), Municipal Corporation,
Papers Mill Compound, L.B Shashtri Marg,
Vikroli (W), Mumbai – 400 083.**

... Respondent

**Public Information Officer cum Executive Engineer
(Bldg Proposal), Municipal Corporation,
Papers Mill Compound, L.B Shashtri 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 had sought information regarding construction of new buildings after demolition of Bungalows on Plot No.620 and CTS No.951 near Moreshwer Patankar Rd, 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 20.08.2009. Appellant and respondents were present.

The respondent at the outset pointed out that the information was not very specific and it is better if the appellant inspected documents and copies of selected documents could be furnished. The appellant agreed. I therefore pass the following order.

Order

Inspection to be allowed and copies of selected documents to be furnished.

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

Place: Mumbai
Date: 31.08.2009.

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

Complaint No.2009/367/02

**Shri. Rajendra Vasant Mhatre
4-A Samrat Sadan, Mavji Rathod Rd,
Nurbaug, Dongari, Mumbai – 400 009.**

... **Complainant**

V/s

**Public Information Officer cum Executive Engineer
Municipal Corporation, B Ward, 121,
Ramchandra Batta Marg, Opp. J.J. Hospital,
Mumbai – 400 009.**

... **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 19.02.2009 passed in appeal no.2008/1798/02. The facts in brief are as follows: - The complainant had sought information regarding illegal construction of mezaning floor & storage of sand, bricks in front of Shop No.1, B Ward in front of J.J. Hospital, Samrat Sadan Mavaji Rathod Rd, Dongari, Mumbai.

Not satisfied with responses from the Public Information Officer and First Appellant Authority the complainant filed appeal under section 19(3) of the RTI Act, 2005. The commission by its order dated 19.02.2009 directed that information should be furnished after joint inspection.

The Present complaint is against alleged non compliance of commissions order.

The complaint was heard on 21.08.2009. The complainant was present but the defendant was absent.

The complainant has stated that although he was communicated the date of joint inspection but nobody from the MCGM turned up. Since the respondent remained absent it could not be verified. I therefore pass the following order.

Order

After considering the arguments advanced by parties and going through the file I have come to the conclusion that commissions order has not been complied. The PIO should show cause why penalty under the RTI @ Rs.250/- per day should not be imposed on him. His reply to reach the commission within 4 weeks.

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

Place: Mumbai

Date: 31.08.2009.

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

Complaint No.2009/291/02

**Ms. Nalini Dawada
1, Jyostna Prakash, 1st Floor,
Opp. Syndicate Bank,
Near Rail Station,
Goregaon (E), Mumbai – 400 063.**

... **Complainant**

V/s

**Public Information Officer cum Architect,
Architect Department, MHADA, Bandra (W),
Mumbai – 400 050.**

... **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 17.02.2009 passed in appeal no.2008/1912/02. The facts in brief are as follows: -

- 1) Approval of selected managing committee of the members of society from Registrar as per Maharashtra Co-Op Society Act 1960, clause no.73. (3)
- 2) The letter submitted to Registrar and Indemnity Bond as per from M-20 signed by all members of society regarding selection of Managing Committee as per Maharashtra Co-Op Society Act 1960, clause no.73 (1) (an) and 1961 Act clause no.58 (a)
- 3) City Survey Plan & P.R. Cards certified by S.L.S. if available.
- 4) Certificate of amalgamation of two societies, obtained from deputy registrar, MHADA.

Not satisfied with responses from the Public Information Officer and First Appellant Authority the complainant filed appeal under section 19(3) of the RTI Act, 2005. The commission by its order dated 17.12.2009 directed that information should be furnished within 15 days.

The Present complaint is against alleged non compliance of commissions order.

The complaint was fixed for hearing on 26.08.2009. The complaint and defendant were absent.

After going through the file I have come to the conclusion that commission's order has not been complied. It is therefore ordered that the PIO should show cause why action under section 20 of the RTI should be initiated against him for non compliance of commissions order. His reply to come within 4 weeks.

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

Place: Mumbai
Date: 31.08.2009.

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

Complaint No.2009/286/02

**Shri. Selwyn Henriques
Mary Knoll Apt. Ploy No.34
Flat No.3, Lourdes Colony,
Orlem Malad, Mumbai – 400 064.**

... **Complainant**

V/s

**Public Information Officer cum Dy Registrar
Co.op. Housing Societies,
A-1 Bldg, Near RTO Office, Truck Terminus,
Wadala (E), Mumbai – 400 037.**

... **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 13.02.2009 passed in appeal no.2009/1452/02. The facts in brief are as follows: -

The complainant by his application dated 14.07.2008 had sought copies the indemnity bonds (31.03.2004 to 31.03.2007) Audited Account, vouchers, resolutions passed by the society etc.

Not satisfied with responses from the Public Information Officer and First Appellant Authority the complainant filed appeal under section 19(3) of the RTI Act, 2005. The commission by its order dated 31.02.2009 directed that information should be furnished within 15 days.

The Present complaint is against alleged non compliance of commissions order.

The complaint was fixed for hearing on 25.06.2009. The complainant was present but the defendant was absent.

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

After considering the arguments advanced by the complainant and going through the file I have come to the conclusion that commission's order has not been complied. It is directed that the PIO should show cause why action under section 20 of the RTI Act 2005 should not be taken against him and he should not be fined Rs.25, 000/- His reply to come within 4 weeks.

Order

Complaint is allowed.

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

Place: Mumbai
Date: 31.08.2009.

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

Complaint No.2009/285/02

**Shri. Josef I. Jogdand
Bldg No.76-A/602, Tilak Nagar,
Shivam CHS Soc. Ltd,
Tilak Nagar No.1, Chembur,
Mumbai – 400 089.**

... **Complainant**

V/s

**Public Information Officer cum Dy Registrar
Cooperative Board, 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 03.07.2008 passed in appeal no.2009/406/02. The facts in brief are as follows: -

The complainant had sought information regarding redevelopment of building no 76, Tilak Nagar, Cooperative Housing Society, Mumbai.

Not satisfied with responses from the Public Information Officer and First Appellant Authority the complainant filed appeal under section 19(3) of the RTI Act, 2005. The commission by its order dated 03.07.2008 directed that information should be furnished within 30 days.

The Present complaint is against alleged non compliance of commissions order.

The complaint was heard on 25.06.2009. The complainant was present but the defendant was absent.

After considering the arguments advanced by complainant and going through the file I have come to the conclusion that commission's order has not been complied. It is therefore ordered that the PIO should show cause why should not be fined @ of Rs.250/- per day according to section 20 of the RTI Act. His reply to reach commission within 4 weeks.

Order

Complaint is allowed.

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

Place: Mumbai
Date: 31.08.2009.

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

Complaint No.2009/402/02

**Shri. Ashokkumar Maruti Shinde
Surya-Kiran CHS, 'A' Division, 2nd Floor,
Room No.201, Akurli Rd, Kandivali (E),
Mumbai – 400 101.**

... **Complainant**

V/s

**Public Information Officer cum Executive Engineer
Public Works Department,
Mumbai Development Division,
3rd Floor, Mumbai – 400 023.**

... **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 09.03.2009 passed in appeal no.2009/2014/02. The facts in brief are as follows: -

The complainant had sought information on 8 points contained in his application dated 12.05.2008.

Not satisfied with responses from the Public Information Officer and First Appellant Authority the complainant filed appeal under section 19(3) of the RTI Act, 2005. The commission by its order dated 09.03.2009 directed that information should be furnished within 30 days.

The Present complaint is against alleged non compliance of commissions order. The complaint was heard on 21.08.2009. The complainant was present but the defendant was absent.

The complainant has stated that he has not been furnished the required information. Since the respondent was not present, it could not be verified. It is prima face held that commission's order has not been complied.

After considering the arguments advanced complainant going through the file I have come to the conclusion that commission's order prima facie has not been complied. It is therefore directed that the defendant should show cause why he should not be fined @ of Rs.25/- per day for violating the provisions of the RTI Act by not the commission's order. Hi reply to reach the commission in 4 weeks.

Order

Complaint is allowed.

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

Place: Mumbai
Date: 31.08.2009.

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

Appeal No.2009/389 A/02

Smt. Anandi Ramchandra
Bldg 29/A-22, Takshila (2nd Floor),
Mahakali Caves Rd, Andheri (E),
Mumbai – 400 093.

... Appellant

V/s

First Appellate Officer cum Asstt Commissioner
Municipal Corporation,
K/West Ward, Azad Rd,
Gundvali, Andheri (E),
Mumbai – 400 069.

Public Information Officer,
Municipal Corporation,
K/West Ward, Azad Rd,
Gundvali, Andheri (E),
Mumbai – 400 069.

... Respondent

GROUNDS

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant has come in appeal against non compliance of the First Appellate Authority order dated 31.03.2009.

The appeal was fixed for hearing on 07.08.2009. Appellant and respondent were present.

After going through the case papers it is seen that the order passed by the First Appellate Authority has not been complied. I therefore pass the following order.

Order

The appeal is allowed. The order of the First Appellate Authority is confirmed. The PIO to comply with the order within 30 days.

(Ramanand Tiwari)
State Information Commissioner, Mumbai

Place: Mumbai
Date: 31.08.2009.

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

Complaint No.2009/403/02

**Shri. Ashokkumar Maruti Shinde
Surya-Kiran CHS, 'A' Division, 2nd Floor,
Room No.201, Akurli Rd, Kandivali (E),
Mumbai – 400 101.**

... **Complainant**

V/s

**Public Information Officer cum Executive Engineer
Public Works Department,
Mumbai Development Division,
3rd Floor, Mumbai – 400 023.**

... **Respondent**

GROUNDS

This complaint has been filed under section 18 of the Right to Information Act 2005 in the context of the commission's order dated 12.03.2009 passed in appeal no.2009/2057/02. The facts in brief are as follows: -

The complainant had sought information on 10 points relating to repairs, special repairs, copies of bills no. of computers being used, expenses on the Jeep etc.

Not satisfied with responses from the Public Information Officer and First Appellant Authority the complainant filed appeal under section 19(3) of the RTI Act, 2005. The commission by its order dated 12.03.2009 directed that information should be furnished within 30 days.

The Present complaint is against alleged non compliance of the commission's order.

The complaint was heard on 21.08.2009. The complainant was present but the defendant was absent.

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

It is prima facie proved that there has been violation of the RTI Act and non compliance of commission's order. It is therefore directed that defendant should show cause why he should not be fined @ RS.250/- per day under section 20 of the RTI Act, 2005. His rely to reach the commission in 4 weeks.

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

Place: Mumbai
Date: 31.08.2009.

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

Complaint No.2009/383/02

**Shri. Satyabhash Yashvant Salgaonkar,
J-42, Vrushali Shilp CHS,
Shimpoli, Chikuwadi, Borivali (W),
Mumbai – 400 092.**

... **Complainant**

V/s

**Public Information Officer cum Dy Sub Registrar
R Ward Cooperative Societies Bldg,
1 A Room No.316, Wadala Truck Terminus,
Near RTO, Wadala (E), Mumbai – 400 037.**

... **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 09.03.2009 passed in appeal no.2009/1908/02. The facts in brief are as follows: -

The appellant has sought information whether Mr. Ravindra M. Sawant who was not a member of the Society could become the president of the Administrative committee of Vrushali CHS and whether elections were held as per rules.

Not satisfied with responses from the Public Information Officer and First Appellant Authority the complainant filed appeal under section 19(3) of the RTI Act, 2005. The commission by its order dated 09.03.2009 directed that information should be furnished within 30 days.

The Present complaint is against alleged non compliance of commissions order.

The complaint was heard on 25.08.2009. The defendant was present but the complainant did not turn up.

The defendant has submitted that information has been furnished as directed. It is however seen that the complainant has been informed that the committee was appointed under section 77 of the Maharashtra Cooperative Societies Act and the complainant could go to the joint registrar if the decision was not acceptable. This is no information. The defendant should furnish information in the light of provisions contained in section 77 or

bring to his notice the contents of section 77 under which the president and the administrative committee was appointed. As far as the second point is concerned – whether the relations were held, no information can be furnished because the PIO is not required to his opinion. I therefore pass the following order.

Order

Complaint is partially. Information as directed should be furnished within 30 days.

(Ramanand Tiwari)
State Information Commissioner, Mumbai

Place: Mumbai
Date: 31.08.2009.

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

Complaint No.2009/326/02

**Shri. Manik Damodar Gaitonday
D-1, Adijanta Soc,
Rood No.27, Saion (E),
Mumbai – 400 022.**

... **Complainant**

V/s

**Public Information 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 11.02.2009 passed in appeal no.2009/1720/02. The facts in brief are as follows: -

The appellant had sought information regarding transfer of flat no 201, Rajgir Sadan, Sion, Mumbai. The complainant had sought copies of documents which formed the basis of allotment.

Not satisfied with responses from the Public Information Officer and First Appellant Authority the complainant filed appeal under section 19(3) of the RTI Act, 2005. The commission by its order dated 11.02.2009 directed that information should be furnished within 15 days.

The Present complaint is against alleged non compliance of commissions order.

The complaint was heard on 02.07.2009. The complainant was present but the defendant did not turn up.

The defendant has stated that he has not been furnished the information.

After going through the file I have come to the conclusion that commission' order has not been complied. The complainant needs to be furnished copies of documents which formed the basis of allotment in favour of Mr. Dattanand Gaitonday. I therefore

order that PIO should show cause why he should not fined @ Rs.250/- per day under section 20 of the RTI Act. His reply to reach within 4 weeks.

(Ramanand Tiwari)
State Information Commissioner, Mumbai

Place: Mumbai
Date: 31.08.2009.

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

Complaint No.2009/335/02

**Shri. Anant Gopal Manchekar
Jariwala Samuh, Bldg No.2/509,
Sindhusagar, Dr. D.B. Marg,
Lamington Rd, Mumbai – 400 008.**

... **Complainant**

V/s

**Public Information Officer cum Dy Registrar
Cooperative Board, 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 in the context of the commission's order dated 31.01.2009 passed in appeal no.2009/1668/02. The facts in brief are as follows: -

The complainant had sought copies of recovery order, notice and other related documents. The complainant says that charges are not to be collected by the society in view of the communication issued on 27.11.1992 by the Rajiv Gandhi Zopadpatti Sudhar and Niwara Prkalp. The society, however, has resorted to coercive measures, issued notice and recovery order.

Not satisfied with responses from the Public Information Officer and First Appellant Authority the complainant filed appeal under section 19(3) of the RTI Act, 2005. The commission by its order dated 31.01.2009 directed that information should be furnished within 15 days.

The Present complaint is against alleged non compliance of commissions order.

The complaint was heard on 06.07.2009. The complainant was present but the defendant was absent.

The complainant has stated that the required information has not been furnished. Since the appellant was not there it could not be verified.

After going through the file it is seen that most of the information is on record. Copies of notices are there. A copy of the recovery certificate dated 31.01.1998 is on record. I am of the view that what the appellant is seeking is not information but arbitration. The commission cannot decide whether the notice given by the society or the recovery certificate is proper / legal or otherwise. The RTI Act ensures furnishing of available information is not mandated to interpret. I therefore close the case.

Order

The complaint is filed.

(Ramanand Tiwari)
State Information Commissioner, Mumbai

Place: Mumbai
Date: 31.08.2009.

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

Complaint No.2009/150/02

**Shri. Hyginus Sylvester D'Lima,
"Herwish", 69-A, Gauthan Lane No.1,
Andheri (W), Mumbai – 400 058.**

... **Complainant**

V/s

**Public Information Officer cum Asstt Engineer (B & F)
Municipal Corporation, K/West Ward, Palirampath,
Andheri, Mumbai – 400 058.**

... **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 17.04.2008 passed in appeal no.2009/351/02. The facts in brief are as follows: -

The complainant had sought information relating to Burhani Manzil. Halima Manzil, Chohan Manzil and Kasam Chohan Building by his application dated 07.12.2006.

Not satisfied with responses from the Public Information Officer and First Appellant Authority the complainant filed appeal under section 19(3) of the RTI Act, 2005. The commission by its order dated 17.04.2008 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 21.08.2008. The defendant was present but the complainant did not turn up.

The defendant's contention was that available information has been furnished. It has been stated that since information to be collected it has taken some time. He has regretted for the delay.

After considering the arguments advanced by parties and going through the file it I have come to the conclusion commission's order stands complied. I therefore pass the following order.

Order

The complaint is filed.

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

Place: Mumbai
Date: 31.08.2009.

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

Appeal No.2009/3112/02

**Shri. Kirti Soni
Kirti Arts, 20 Nrrlkanth Parab Chawl,
Poddarwadi, Shahaji Raje Marg,
Koldongri, Vile Parle (E), Mumbai – 400 57.**

... Appellant

V/s

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

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

... Respondent

GROUNDS

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant had sought information regarding Peddarwadi Cooperative Housing Society, Peddarwadi, Vile Parle (E), Mumbai.

Not satisfied with responses from the Public information Office and the First Appellate Authority the appellant has filed this second appeal before the commission. The appeal was fixed for hearing on 28.08.2009. Appellant and respondent were absent.

The appellant has contended that he has not been given proper reply, information has been delayed and hidden and he has been furnished unsuitable reply. Since the respondent was not present it could not be verified.

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

Order

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

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

Place: Mumbai
Date: 31.08.2009.

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

Appeal No.2009/3118/02

Shri. Sunil Gopal More
3/19, Old Municipal Chawl,
Second Hasnabad Lane, Khar (W),
Mumbai – 400 052.

... **Appellant**

V/s

First Appellate Officer cum Asstt Commissioner
Municipal Corporation, H/West Ward,
Sent Martin Rd, Behind Bandra Police Station,
Bandra (W), Mumbai – 400 050.

Public Information Officer Asstt Engineer
Municipal Corporation, H/West Ward,
Sent Martin Rd, Behind Bandra Police Station,
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 had sought information on points contained in his application dated 16.03.2009.

Not satisfied with responses from the Public information Office and the First Appellate Authority the appellant has filed this second appeal before the commission. The appeal was fixed for hearing on 20.08.2009. Appellant and respondent were absent.

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

Order

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

(Ramanand Tiwari)
State Information Commissioner, Mumbai

Place: Mumbai
Date: 31.08.2009.

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

Appeal No.2009/2952/02

**Shri. Vijay Jayantilal Shah
9, Kateshwer Darshan-35,
Bhagat Singh Rd, Vile Parle (W),
Mumbai – 400 056.**

... Appellant

V/s

**First Appellate Officer,
Dy Registrar, Cooperative Housing Board,
K/West Ward, Grihanirman Bhavan,
Room No.69 A, Bandra (E), Mumbai – 400 051.**

**Public Information Officer,
Dy Registrar, Cooperative Housing Board,
K/West Ward, Grihanirman Bhavan,
Room No.69 A, Bandra (E), Mumbai – 400 051.**

... Respondent

GROUNDS

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant had sought information regarding his complaints against the mismanagement in Kateshwer Darshan CHS Ltd, 35, Bhagat Singh Rd, Vile Parle (W).

Not satisfied with responses from the Public information Office and the First Appellate Authority the appellant has filed this second appeal before the commission. The appeal was heard on 17.08.2009. Appellant was present but the respondent was absent.

The appellant has contended that his complaint has not been enquired into and no information has been furnished. Since the respondent was not present it could not be verified. The papers submitted by the appellant do not reveal any response from the PIO or the First Appellate Authority.

After going through the case papers I have come to the conclusion that information should be furnished. Action taken on appellant's complaints should be communicated to him.

Order

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

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

Place: Mumbai
Date: 31.08.2009.

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

Complaint No.2009/172/02

**Mr. Shubhash M. Gandhi
15/16, Bhupen Chambers,
Ground Floor, 9, Dalal Street,
Fort, Mumbai – 400 001.**

... **Complainant**

V/s

**Public Information Officer cum Asstt. Commissioner of Police,
South Region, Byculla,
Mumbai – 400 008.**

... **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 24.06.2008 passed in appeal no.2009/278/02. The complainant had sought the following information: -

- 1) Whether to erect a Ganpati Mandap, the Owners N.O.C. is required or not?
- 2) Whether to erect any structure like scaffolding / temporary shed / construction screen / ramp on a private property owners N.O.C. is required or not?
- 3) A construction screen with scaffolding and a ramp along with a Kutcha shed is constructed on the above mentioned 40' Wide Road. Whether permission for the same has been given.
- 4) A Ganpti Mandap is constructed on the above mentioned 40' Wide Road. Whether permission for the same has been given.
- 5) It in above mentioned case/s, no permission is given, Have you taken any action? Please give me details.
- 6) You are requested to give inspection forthwith of the files and papers pertaining to above, matters.

Not satisfied with responses from the Public Information Officer and First Appellant Authority the complainant filed appeal under section 19(3) of the RTI Act, 2005. The commission by its order dated 24.06.2008 directed that inspection should be allowed and copies of selected documents given.

The Present complaint is against alleged non compliance of commissions order.

The complaint was heard on 26.08.2009. The defendant was present but the complainant did not turn up. The complainant however has given his written submission dated 29.06.2009.

The complainant has stated that he was given inspection but not shown the original documents. He was given photocopies of xeroxed records available with the police. He has also alleged that he has been given incomplete and misleading information.

The defendant's contention was that the complainant has been shown all available papers and copies have also given to him.

After considering the arguments advanced by parties and going through the file I have come to the conclusion that commission's order has been complied. The complainant has not clearly mentioned how the information furnished was misleading. A xeroxed copy in itself is neither incomplete nor misleading. I have perused his submission which contains copies of documents furnished to him. It is possible that he did not come across the information he was looking for but the RTI Act ensures furnishing of available information only. In view of the above I pass the following order.

Order

The complaint is disposed off.

(Ramanand Tiwari)
State Information Commissioner, Mumbai

Place: Mumbai
Date: 31.08.2009.

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

Appeal No.2009/2295/02

**Adv. C.P. Singh
02, Classic Power Residency,
Opp. Guru Niwas, Subway Rd No.02,
TPS VI, Santa Cruz (W), Mumbai – 400 054.**

... Appellant

V/s

**First Appellate Officer cum Police Superintendent
Thane Ruler,**

**Public Information Officer cum Dy Police Officer
Vasai Sub Division Office,
Thane Ruler.**

... Respondent

GROUNDS

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant by his application dated 05.09.2008 had sought the following information: -

- a) C.R. No. II-03/2008 registered under section 13 of MOFA 1963 dated 16.01.2008 against the M/s Pooja Land Developer and it is not clarified that this firm is proprietorship or partnership. If it is partnership please furnish me i) name and numbers of partners, ii) Deed of Partnership, iii) how many partners are arrested under the above said C.R.
- b) Please furnish the certificate copy of the statement of 1) Mr. Tapan Ghosh, Mr. Lalta Prasad Singh, 3) Mr. Prakash Patekar, 4) Mr. Prem Chand Singh, 5) Mr. Mahesh B. Sharma, 6) Mr. Bansidhar Sharma, 7) Mr.Mallya Bhattacharya, 8) Mr.Sauiddin Ali, 9) Mr.Fakir Singh, 10) Mr.Raghunath D. Shivalkar, 11) Mr.Santosh Kasekar, 12) Mr.Rajesh Singh and other statement which recorded by Nalasopara Police Station under complaints of C.P.S. consultants & Advocates on behalf of M/s Laxmi Chayya C.H.S. Ltd.
- c) Please furnish the certificate copy of ICICI bank (for flat No.304 & 401) and NKGSB Co-op. Bank report (for flat No.204.)
- d) The complaint was given by C.P.S. Consultant & Advocate on behalf of M/s Laxmi Chayya C.H.S. Ltd and statement was recorded by the Nalasopara Police Station but why they have not recorded statement of Mr.Bimal P. Ghosh, Sumita B. Ghosh. Mr Vinay Suresh Singh who has taken Loan from two Bankers with two registration of flat.
- e) The written complaint was given by me and requested into letters under RTI 2005 for reply but none reply was given by Nalasopara Police Station. Either it is

necessary to apply into format of RTI 2005 to get the report/reply of complaints/letters/notices.

- f) Certified copy of outward No.135/7001/07 dated 31.10.2007 issued by Nalasopara Police Station.

The SDPO, Vasai Sub Division by his letter dated 07.09.2008 furnished pointwise information. The appellant was not satisfied and preferred the first appeal. The First Appellate Authority passed his order 19.11.2008.

Not satisfied with responses from the Public information Office and the First Appellate Authority the appellant has filed this second appeal before the commission. The appeal was heard on 05.08.2009. Appellant and respondents were present.

The appellant has contended that did not receive the information he had asked for. The respondent has submitted that available information has been furnished.

After going through the case papers and considering the arguments advanced by parties I have come to the conclusion that available information has been furnished. The appellant has sought information which is beyond the purview of the RTI Act – he wanted to know whether M/s Pooja Developers was a partnership firm or a proprietary. The Police cannot pass judgment. Available documents in respect of the firm has to be furnished. Similarly the appellant wanted statements of persons whose statement should have been recorded but has not been recorded. The RTI Act ensures furnishing of existing information without interpretation or opinion. In the light of the above I conclude that information has been furnished.

Order

The appeal is disposed off.

(Ramanand Tiwari)
State Information Commissioner, Mumbai

Place: Mumbai
Date: 31.08.2009.