

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

Appeal No.2008/1343/02

**Shri. Yusuf S. Khan**  
**Hazrabai House, 2<sup>nd</sup> Floor,**  
**Block No.7. Irla Soc. Road,**  
**Vile Parle (W), Mumbai – 400 056.**

... **Appellant**

V/s

**First Appellate Officer cum Assist. Commissioner,**  
**Municipal Corporation, K/West Ward Office Build,**  
**2<sup>nd</sup> Floor, Paliram Path, Best Station,**  
**Andheri (W), Mumbai – 400 058.**

... **Respondent**

**Public Information Officer cum Assist. Engineer (Build. & Factory)**  
**Municipal Corporation, K/West Ward Office Build,**  
**2<sup>nd</sup> Floor, Paliram Path, Best Station,**  
**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 whether permission has been given for putting up Glow Sign boards by M/s Aishwaria Bridal Lounge and Aishwaria Design Studio. The appellant was not satisfied with replies furnished by the Public Information Officer and the First Appellate Authority and hence this appeal.

The appeal was heard on 02.12.2008. The appellant did not turn up. The respondent was present. I have gone through the case papers and find that the required information has been furnished by the PIO by his letter dated 04.04.2008. The First Appellate Authority has also decided the appeal on 05.05.2008. I therefore pass the following order.

**Order**

The appeal is disposed off.

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

Place: Mumbai  
Date: 02.12.2008

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

Appeal No.2008/1367/02

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

... **Appellant**

V/s

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

... **Respondent**

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

**GROUND**

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant had asked for attested copies of all tutorial books of FY Bcom (Batch T2) arrested by the Principal (except take tutorial books) allegedly not checked by the appellant as mentioned in the show cause notice dated 20.04.2007. The appeal was heard on 03.12.2008. Appellant and respondent were present. The appellant submitted that he has not been furnished attested copies of documents he had sought. The respondent submitted that these books have been submitted to the Tribunal which is hearing appellants case and therefore information cannot be furnished.

**Order**

The appeal is allowed. The appellant should be provided with the information after the documents are collected from the Tribunal.

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

Place: Mumbai  
Date: 04.12.2008

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

**Appeal No.2008/1366/02**

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

**... Appellant**

**V/s**

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

**... Respondent**

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

**GROUNDS**

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

- i) The complete text of the University Rule (TUR) which permits the secretary of the management to give surprise visit to the lecturer's classroom during his lecture, observe his lesson and reprimand him in front of the students without prior intimation to the lecture and without his permission.
- ii) TUR which allows the president to of the management to pass on order to the secretary to observe a teachers lesson.

The appeal was heard on 03.12.2008. Appellant and respondent were present. The appellant has submitted that he has not been furnished the information. The respondent stated that there is no such rule as sought by the appellant. The appellant stated that information that the rule is non existent will be okay for him.

**Order**

The appeal is allowed. Appellant to be given information within 30 days.

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

Place: Mumbai  
Date: 04.12.2008

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

Appeal No.2008/1365/02

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

... **Appellant**

V/s

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

... **Respondent**

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

**GROUND**

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

- i) The complete text of version of the syllabus referred to by Prof. Mehmood Alam as mentioned in his letter dated 18.09.2006 to you against the applicant.
- ii) The complaint lodged by Prof. Mehmood Alam, against the applicant, during the first term of academic tear 2005 – 2006. (Kindly refer to my letter dated 23.09.2006 (article 5), to you which is included by me in the file of GC Case 1286)

The appeal was heard on 03.12.2008. The appellant has stated that the information sought is very important for his defense against the enquiry against him. The respondent did not have much to say. It is the settled principle of Law that papers which form basis of charges must be given to the person. I therefore direct that the information sought by the appellant should be furnished.

**Order**

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

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

Place: Mumbai  
Date: 03.12.2008

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

**Appeal No.2008/1381/02**

**Prof. Patankar Nisarali Muhammad  
2/204 Aghadi Nagar,  
Andheri East, Mumbai – 400 093.**

**.... Appellant**

**V/s**

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

**.... Respondent**

**Public Information Officer cum Principal  
Maharashtra College, Bellasis Road,  
Mumbai – 400 008.**

**GROUNDS**

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 constantly bad confidential report of the applicant as mentioned in the college letter of 13.02.2006 to the registrar which is ATR of GC case 1032. The appeal was heard on 04.12.2008. Appellant and respondent were present. The appellant has stated that since bad confidential report is one of the charges against him, he would like to have copies of his constantly bad reports as alleged by the college. The respondent has submitted that confidential reports cannot be given to the appellant as they are supposed to be confidential.

I have gone through the case papers and also considered the arguments advanced by the appellant. The preamble to the RTI Act 2005 very clearly says that democracy requires an informed citizenry and transparency of information which are vital to its functioning and also to contain corruption and to hold govt. and their instrumentalities accountable to the governed. It also says that revelation of information in actual practice is likely to conflict with other public interests including efficient operation of govt. and optimum use of limited resources and the preservation of confidentiality of sensitive information. The RTI Act is designed to harmonise those conflicting interests while preserving the paramountcy of democratic ideal. The annual confidential reports have been traditionally confidential. There are circumstances under which it is communicated to the person concerned. It remains confidential otherwise. As far as the appellant's case before the Tribunal is concerned, there have been instances where the courts have called for these reports and evaluated them and passed orders. Finally, giving copies of

appellant's annual confidential reports has no element of public interest, it is purely personal. Under these circumstances I am of the view that no public interest is likely to be served by furnishing copies of appellant's annual confidential reports to him. I pass the following order.

**Order**

The appeals are disposed off.

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

Place: Mumbai  
Date: 05.12.2008.

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

Appeal No.2008/1380/02

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

... **Appellant**

V/s

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

... **Respondent**

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

**GROUND**

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

- i. The complete text of the University Rule (TUR) which exempts Maharashtra College (MHC) from issuing completed duplicate service books of its staff every April end.
- ii. The complete text of TUR which exempts MHC from circulating / issuing the seniority lists staff every April end.
- iii. The complete text of TUR which exempts MHC from issuing the statement of PF account of lists staff every April end.
- iv. The complete text of TUR which exempts MHC from conducting at least two departmental meetings by the respective HoDs.

The appeal was heard on 04.12.2008. Appellant and respondent were present. The information sought is simple. The respondent is directed to furnish the same within 30 days.

**Order**

The appeal is allowed. Appellant should be given the information within 30 days.

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

Place: Mumbai  
Date: 05.12.2008

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

**Appeal No.2008/1379/02**

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

**... Appellant**

**V/s**

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

**... Respondent**

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

**GROUND**

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

- i. The totality of all complaints and evidences submitted to the Principal by Ex-HoD of Maths Department, Prof. Mrs. Saudagar, against the applicant in connection with his behavior, incompleteness and delay in completion of syllabus.
- ii. Record of delay of completion of syllabus for last 22 years of the applicants services at MHC.

The appeal was heard on 04.12.2008. Appellant and respondent were present. The appellant has stated that since complaints filed by Prof. Mrs Saudagar forms a part of the charges levelled against him, he is entitled to have copies of all those complaints. He has also stated that he is accused of not completing the syllabus and relevant documents should be furnished to him. The respondent has stated that most of these documents have been furnished to the appellant during the Department enquiry against him.

After going through the case papers and considering the arguments I am of the view that the information sought must be furnished. The fact that the appellant has been



given copies of these documents earlier in some other proceeding does not in the way of the same being furnished under the RTI Act.

**Order**

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

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

Place: Mumbai  
Date: 05.12.2008

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

Appeal No.2008/1328/02

**Shri. Mahindra Janardhan Chavan**  
**85/2, Chalke Chawl, Radwadi Swadeshi Mill,**  
**Sion, Chunabhatti, Mumbai – 400 022.**

... **Appellant**

V/s

**First Appellate Officer,**  
**Industry, Energy & Labour Department,**  
**Mantralaya, Mumbai – 400 032.**

... **Respondent**

**Public Information Officer,**  
**Industry, Energy & Labour Department,**  
**Mantralaya, Mumbai – 400 032.**

**GROUND**

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant had sought information relating to various officers of the dept. of Industry, Energy & Labour. Not satisfied with the replies from the Public Information Officer and the First Appellate Authority he has come in second appeal before the commission.

The appeal was heard on 01.12.2008. The appellant was present. Respondents were also present. Respondents have argued that since the information relates to various offices under the department, it is taking time. It is desirable to ask different officers to furnish information directly to the appellant. It will take a lot of time and resources to collect compile and furnish the required information I therefore pass the following order.

**Order**

The appeal is allowed. Different offices be directed to furnish required information free of cost to the appellant. This should be done within 30 days.

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

Place: Mumbai  
Date: 05.12.2008

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

Appeal No.2008/1308/02

**Shri. Shashikant Ramchandra Patil**  
**Munci Chawl 45 K F, Room No.3,**  
**Lalbaug Machhi Market,**  
**Shri Ganesh Nagar, Mumbai – 400 012.**

... **Appellant**

V/s

**First Appellate Officer cum Assist. Commissioner,**  
**Municipal Corporation, F/North Ward Office,**  
**Mumbai – 400 012.**

... **Respondent**

**Public Information Officer cum Administrative Officer,**  
**(Property), Municipal Corporation, F/North Ward Office,**  
**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 regarding property tax notice sent to Shri.Maruti Narayan Jadhav, his reply to the notice and related issues. The Public Information Officer did not furnish the information and the appellant filed the first appeal. The First Appellate Authority by his order dated 19.03.2008 directed the PIO to furnish the information. Since the appellant did not receive the information he has preferred this second appeal before the commission.

The appeal was heard on 26.11.2008. The appellant was present. The respondent did not turn up. After going through the case papers and considering the arguments advanced by the appellant I have come to the conclusion that the Public Information Officers has failed in his duties and the information has not been furnished. I therefore pass the following order.

**Order**

The appeal is allowed. The PIO must furnish the required information within 15 days. The PIO to show cause why action under 20 of RTI Act should not be initiated. His reply to reach within 15 days.

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

Place: Mumbai  
Date: 12.12.2008

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

Appeal No.2008/1276/02

**Shri. Santosh Bhaskar Hire**  
**K.N. Shri CHS. Ltd.**  
**Building No. 96/2733,**  
**Kannamwar Nagar No.2,**  
**Vikroli (E), Mumbai – 400 083.**

... **Appellant**

V/s

**First Appellate Officer cum Joint Chief Officer,**  
**Desk No.404, 3<sup>rd</sup> Floor, Ghrihanirman Bhavan,**  
**Bandra, Mumbai – 400 0051.**

... **Respondent**

**Public Information Officer cum Assist. Land Manager,**  
**Desk No.404, 3<sup>rd</sup> Floor, Ghrihanirman Bhavan,**  
**Bandra, Mumbai – 400 0051.**

**GROUND**

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant had sought information and documents relating to allotment of land to Mahatma Phule stalls Association, list of allottees and related information. Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant has preferred this second appeal.

The appeal was heard on 24.11.2008. The appellant was present. The respondent did not turn up. After going through the case papers I have come to the conclusion that the required information has not been furnished despite the First Appellate Authority order. I therefore pass the following order.

**Order**

The appeal is allowed. The PIO must furnish the required information within 15 days. The PIO to show cause why action under 20 of RTI Act should not be initiated. His reply to reach within 15 days.

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

Place: Mumbai  
Date: 12.12.2008

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

**Appeal No.2008/1279/02**

**Smt. Neela Shrikant Paralkar  
Plot No.3, D/3 Mahalaxmi Kripa,  
Co-op.Hsg Soc, Gorai No.1,  
Borivali (W), Mumbai – 400 091.**

... **Appellant**

V/s

**First Appellate Officer cum Assist. Commissioner,  
Municipal Corporation, R/Central Ward Office,  
Mahapalika Market Building, 2<sup>nd</sup> Floor,  
S.V. Road, Borivali (W), Mumbai – 400 092.**

... **Respondent**

**Public Information Officer cum Assist. Engineer,  
(Municipal Corporation, R/Central Ward Office,  
Mahapalika Market Building, 2<sup>nd</sup> Floor,  
S.V. Road, Borivali (W), Mumbai – 400 092.**

**GROUND**

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant had sought information regarding status of her representation dated 22.11.2006 regarding regularization of 6 ft x 6ft wooden stall erected at open plot reserved for Municipal Market. The appellant was not satisfied with the responses received from the Public Information Officer or the First Appellate Authority and hence this appeal.

The appeal was heard on 24.11.2008. Appellant and respondent were present. The main contention of the appellant is that she wants the stall to be regularized. The authorities have replied that it was still pending. Case papers show that there have been a lot of litigations. The respondent during the hearing has made clear that the stall being on road cannot be regularized. There noting which the Right to Information Act can do.

**Order**

The appeal is disposed off.

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

Place: Mumbai  
Date: 12.12.2008

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

**Appeal No.2008/1396/02**

**Shri. Johnny Soares  
Soares Building, 3<sup>rd</sup> Floor,  
Flat No. 8, Natwar Nagar 5,  
Next to Ashok Thakur Compound,  
Jogeshari (E), Mumbai – 400 060.**

**... Appellant**

**V/s**

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

**... Respondent**

**Public Information Officer cum Assist. Engineer (Build. & Factories)  
Municipal Corporation, K/East Ward,  
Azad Road, Gundavali, Andheri (E),  
Mumbai – 400 069.**

**GROUNDS**

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant had sought information regarding action taken on his complaints against the resident of flat No.3, first floor of his society. According to the appellant the resident has carried out alteration / modification in his flat and the appellant wanted to know whether such alteration / modification were permissible, whether permission has been obtained and if not what action has been taken. The appellant is not happy with responses from the Public Information Officer and the First Appellate Authority and hence this second appeal before the commissions.

The appeal was heard on 08.11.2008. The appellant did not turn up. The assist. Engineer (Building & Factories) K (East) was present. I have gone through the case papers. It is very clear that the appellant wants information on his complaint regarding alteration / modification. It should not be difficult to reply whether permission has not been sought / granted. I therefore pass the following order.

**Order**

The appeal is allowed. The PIO to inform the appellant whether the alteration / modification in flat no three has been carried after obtaining permission or not and if not be should initiate action and inform the appellant accordingly.

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

Place: Mumbai  
Date: 12.12.2008

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

Appeal No.2008/1427/02

**Shri. Safiulha Havaladar Khan**  
116, New Dhobighat Rajak Soc,  
Captain Prakash Pethe Marg,  
Kulaba, Mumbai – 400 005.

... **Appellant**

V/s

**First Appellate Officer cum Assist. Commissioner,**  
**Municipal Corporation, A Ward Office,**  
**34 E Shahid Bhagatsing Marg, fort, Mumbai – 400 001.**

... **Respondent**

**Public Information Officer cum Assist. Engineer (Build. & Factories)**  
**Municipal Corporation, A Ward Office,**  
**34 E Shahid Bhagatsing Marg, fort, Mumbai – 400 001.**

**GROUND**

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant had requested for a copy of the complaint lodged against him under section 52, 43 of the MRTP Act. The appellant was not satisfied with responses from the Public Authority or the First Appellate Authority. Hence this second appeal.

The appeal was heard on 15.12.2008. The appellant did not turn up. The respondent was present. He has submitted that the required information has already been furnished. There is nothing which remains to be done. The case is close.

**Order**

The appeal is disposed off.

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

Place: Mumbai  
Date: 15.12.2008

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

Appeal No.2008/784/02

Smt. Poonam Pravin Patel  
17, Vijay Bharat, 4<sup>th</sup> Floor,  
Sahayog Nagar, Four Bungalows,  
Andheri (W), Mumbai – 400 053.

... Appellant

V/s

First Appellate Officer cum Dy. Registrar  
Cooperative Housing Societies, K West (3) Division,  
Grihanirman Bhavan, Ground Floor,  
Bandra (E), Mumbai – 400 051.

... Respondent

Public Information Officer cum District Dy. Registrar  
Cooperative Housing Societies, K West (3) Division,  
Grihanirman Bhavan, Ground Floor,  
Bandra (E), Mumbai – 400 051.

**GROUND**

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant had requested for a copy of the list of members of Vijay Bharat Cooperative Housing Society Ltd., Sahyog Nagar, 4 Bungalows, Andheri (W), Mumbai. He has been informed that the list was approved by the Director Social Welfare and was not available with the Public Information Officer. It seems that the appellant is not being formally admitted as a member of the society although he has all the relevant documents. The name is finally approved by the Director Social Welfare Pune.

The appeal was heard on 24.12.2008. The commission had invited the Hon Secretary of the Society to find out whether there was any way out. He however did not turn up. Since the information sought is not available with the PIO, there is little which the commission can do to help the appellant. I am constrained to close the case.

**Order**

The appeal is disposed off.

Sd-

(Ramanand Tiwari)  
State Information Commissioner, Mumbai

Copy forwarded with compliments to the Director Social Welfare, Govt. of  
Maharashtra.



It is understood that the appellant is in touch with him for obtaining a copy of the list of members approved by him. I see no difficulty in furnishing a copy of the approved list to the appellant. He is therefore requested a furnish a copy of the list to the appellant and inform the commission accordingly.

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

Place: Mumbai  
Date: 12.12.2008

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

**Appeal No.2008/1428/02**

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

**... Appellant**

**V/s**

**First Appellate Officer cum Dy. Controller of Rationing,  
E Parimandal, Chanchan Smruti, 1<sup>st</sup> Floor,  
G.D.Ambedkar Marg, Wadala, Mumbai – 400 032.**

**... Respondent**

**Public Information Officer cum Rationing Officer  
E Parimandal, Chanchan Smruti, 1<sup>st</sup> Floor,  
G.D.Ambedkar Marg, Wadala, Mumbai – 400 032.**

**GROUND**

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant had sought details of Ration Card No 455150 issued by Rationing Office No. 33 E Chembur, Mumbai. The Public Information Officer had concluded that since the information relates to a third party and the third party has objected, the information cannot be furnished. The First Appellate Authority under his order dated 27.03.2008 ordered that the PIO should furnish the information to the appellant. The appellant has still not got information hence this appeal.

The appeal was heard on 15.12.2008. The appellant was present. The respondent did not turn up. After going through the case papers I am of the view that the First Appellate Authority's orders needs no modification.

**Order**

The Public Information Officer to furnish information within 15 days as directed by the First Appellate Authority. The PIO should also show cause why action should not be initiated under section 20 of the MRTP Act. His explanation to reach in 15 days.

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

Place: Mumbai  
Date: 15.12.2008

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

**Appeal No.2008/1330/02**

**Shri. Ramesh Babaji Shingan  
Ramesh Electrical and Mechanical Works  
Industrial Estate, Store No. 3,  
1<sup>st</sup> Floor, Sun Mill Compound, Parel,  
Mumbai – 400 013.**

**... Appellant**

**V/s**

**First Appellate Officer cum Executive Engineer  
Electric Division, PWB, Administrative Building,  
3<sup>rd</sup> Floor, Ramkrushan Chemburkar Marg,  
Chembur (E), Mumbai – 400 071.**

**... Respondent**

**Public Information Officer,  
Electric Division, PWB, Administrative Building,  
3<sup>rd</sup> Floor, Ramkrushan Chemburkar Marg,  
Chembur (E), Mumbai – 400 071.**

**GROUNDS**

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant by his application dated 11.02.2008 had sought information relating to Tender Notice No 11 of 2007 – 2008 issued by the Executive Engineer, central Mumbai Electrical Division, PWD, Mumbai. The Public Information Officer by his letter dated 03.03.2008 informed the appellant that since the Tender Notice No 11 of 2007 – 2008 has been cancelled, the question of furnish information does not arise. The appellant was not satisfied and he filed the first appeal under section 19 (1) of the RTI Act. The First Appellate Authority by his order dated 03.05.2008 informed the appellant that the information was ready and he should deposit Rs62/- to obtain the same. The appellant has filed the second appeal before the commission.

The appeal was heard on 01.12.2008. The appellant was present. The respondent's submission in writing dated 15.07.2008 reveals that the required information has been furnished. The appellant has also submitted that the PIO should be penalized under section 20 of the RTI Act.

I have gone through the case papers and also considered the argument advanced by the appellant. Case papers show that there has been no delay on the part of the PIO or

the First Appellate Authority as far as their responses are concerned. It is, however, seen that their replies did not satisfy the appellant. Satisfaction in many cases is subjective. When the First Appellate Authority wrote to the appellant to deposit Rs.62/- for 16 pages the appellant wrote back saying that information will run into 100 – 150. It would have been better if he had sought inspection and decided for himself how many pages of information is required by him. It is not clear whether the information sent to the appellant is free of cost or he paid for it.

In the light of the above discussion I have come to the conclusion that this is not a fit case for taking up under section 20 of the RTI Act. As far as information is concerned the same has been furnished. I therefore pass the following order.

**Order**

The appeal is disposed off.

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

Place: Mumbai  
Date: 12.12.2008

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

**Appeal No.2008/1429/02**

**Shri. Divakar R. Kotian & Other  
Shop No.4/10, Mahd. Jan Munir Chawl,  
Saiwadi, Rajarshi Shahu Maharaj Marg,  
Andheri (E), Mumbai – 400 069.**

... **Appellant**

**V/s**

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

... **Respondent**

**Public Information Officer cum  
Executive Engineer,  
MMRDA, Bandra – Kurla Complex,  
Bandra (E), Mumbai – 400 051.**

**GROUNDS**

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant by his application dated 25.01.2008 had sought the following information: -

- i) Names of Officials of Engineering Dept appointed for Demolition Squad on 14.01.2008 for demolition at 4/10, Mohd. Jan Munir chawl, Rajarshi Shahu Maharaj Marg, Teli Galli, Andheri (E), Mumbai – 400 069.
- ii) Timing of their Official Duties on 14.01.2008
- iii) Copy of Application made by MMRDA for police protection for demolition at above said address on 14.01.2008.

He was not satisfied with responses from the Public Information officer and the First Appellate Authority and hence this second appeal.

The appeal was heard on 15.12.2008. The appellant was present. The respondents did not turn up. The appellant has submitted that he has received information on 2 points and no information has been provided so far as pointed No 3 is concerned. He has also objected to getting information which he did not want. After

going through the case papers and considering the argument I have come to the conclusion that the information on point No 3 should be furnished.

**Order**

The appeal is allowed. Respondent to furnish information on point No 3 within 15 days.

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

Place: Mumbai  
Date: 15.12.2008

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

**Appeal No.2008/1430/02**

**Dr. Alankar L. Khanvilkar  
Kannamwar Nagar, 197/7748,  
Vikroli (E), Mumbai – 400 083.**

**... Appellant**

**V/s**

**First Appellate Officer cum  
Joint Chief Officer, Mumbai (Desk No.404)  
Ghrihanirman Bhavan, Bandra (E),  
Mumbai – 400 051.**

**... Respondent**

**Public Information Officer cum  
Assist. Land Manager, Kurla (Desk No.407)  
Ghrihanirman Bhavan, Bandra (E),  
Mumbai – 400 051.**

**GROUNDS**

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant had sought information regarding distribution of open plots at Kannamwar Nagar and Tagore Nagar by MHADA. Not satisfied with the responses received from the Public Information Officer and the First Appellate Authority, the appellant has come in second appeal before the commission.

The appeal was heard on 15.12.2008. The appellant could not make it. The respondent was present. He has submitted a copy of his letter dated 23.10.2008 furnishing required information to the appellant. Since the appellant is not present it is not possible to find out whether the information is satisfactory or otherwise. I therefore decide to close the case.

**Order**

The appeal is disposed off.

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

Place: Mumbai  
Date: 15.12.2008

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

**Appeal No.2008/1431/02**

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

... **Appellant**

**V/s**

**First Appellate Officer cum Secretary,  
SRA, 5<sup>th</sup> Floor, Ghrihanirman Bhavan,  
Bandra (E), Mumbai – 400 051.**

... **Respondent**

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

**GROUND**

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant had requested for a copy of the communication received from the Chairman / Secretary and Developer, Omdutta SRA Cooperative Housing Society in response to SRA's dated 13.03.2008 regarding allotment of flat No.705. Not satisfied with the responses received from the PIO and the First Appellate Authority. The appellant has come in second appeal.

The appeal was heard on 15.12.2008. The appellant was present respondent was absent.

The request is very simple still un replied. I therefore order that the information should be furnished within 15 days.

**Order**

The appeal is allowed. The Public Information Officer to furnish required information within 15 days failing which action under section 20 of the RTI Act will be initiated against the PIO.

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

Place: Mumbai  
Date: 15.12.2008



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

**Appeal No.2008/1434/02**

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

**... Appellant**

**V/s**

**First Appellate Officer cum Dy. Controller of Rationing,  
E Parimandal, Chanchan Smruti, 1<sup>st</sup> Floor,  
G.D.Ambedkar Marg, Wadala, Mumbai – 400 031.**

**... Respondent**

**Public Information Officer cum Rationing Officer  
33 E New Administrative Building, Ground Floor,  
Chembur, Mumbai – 400 071.**

**GROUNDS**

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant had sought details of Ration Card No. 799685 issued by the Rationing Office No.33 E, Chembur. The Public Information Officer did not furnish the information and the appellant filed the first appeal under section 19(1) of the RTI Act 2005. The First Appellate Authority by his order dated 27.03.2008 directed that the required information should be furnished. The information has not been furnished and hence this second appeal before the commission.

The appeal was heard on 15.12.2008. The appellant was present but respondents did not turn up. After going through the case papers, I come to the conclusion that the information required must be furnished I pass the following order.

**Order**

The appeal is allowed. The Public Information Officer to furnish information as directed by the First Appellate Authority. The information should be furnished within 15 days failing which action under section 20 of the RTI Act will be initiated against the PIO.

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

Place: Mumbai  
Date: 15.12.2008

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

**Appeal No.2008/1445/02**

**Shri. Ashok Dewan  
3/315, Park View, Yari Road,  
Andheri (W), Mumbai – 400 061.**

**... Appellant**

**V/s**

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

**... Respondent**

**Public Information Officer,  
Housing 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 letter dated 03.04.2008 had sought information regarding action taken on his various complaints. Not satisfied with responses from the Public Information Officer and the First Appellate Authority, the appellant has come in second appeal before the commission.

The appeal was fixed for hearing on 16.12.2008. The appellant by his letter dated 12.12.2008 has informed the commission that he is withdrawing the appeal.

**Order**

The application granted

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

Place: Mumbai  
Date: 16.12.2008

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

**Appeal No.2008/1443/02**

**Appeal No.2008/1444/02**

**Shri. George Albuquerque  
6/32 B.I.T. Chawl, Agripada,  
Mumbai – 400 011.**

**... Appellant**

**V/s**

**First Appellate Officer cum Dy. Engineer  
(Building proposal)  
Municipal Corporation,  
E ward Office Building,  
Byculla, Mumbai – 400 008.**

**... Respondent**

**Public Information Officer cum Executive Engineer,  
(Building proposal)  
Municipal Corporation,  
E ward Office Building,  
Byculla, Mumbai – 400 008.**

**GROUND**

These appeals have been filed under section 19(3) of the Right to Information Act 2005. The appellant had sought copies of building permission granted to redevelopment of BIT Chawl No 13, 14, 15, & 16 and also certified copy of the commencement certificate issued to the builder. Not satisfied with responses from the Public Information Officer and the First Appellate Authority, he has come in second appeal before the commission.

These appeals were heard on 16.12.2008. Appellant and respondents were present. The appellant has stated that he has been offered inspection of documents but he is not interested in inspection. The respondents have stated that the idea behind offering inspection was to ensure that the appellant could choose whatever documents were required by him. In view of this I pass this following order.

**Order**

The appeals are allowed. Public Information Officer to furnish the required information within 15 days.

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

Place: Mumbai  
Date: 16.12.2008

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

**Appeal No.2008/1409/02**

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

**... Appellant**

**V/s**

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

**... Respondent**

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

**GROUNDS**

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant had sought copies all documents showing that satisfactory / unsatisfactory appraisal reports were notified to the appellant during the last 22 years of his service to the college. The appeal was heard on 10.12.2008. The appellant was present. The respondent had sought adjournment. Since the issue is very simple, the request to adjourn is not considered favorably. The appellant has submitted that his unsatisfactory performance is one of the charges against him; he is entitled to know whether those remarks were communicated to him. It is well known that adverse remarks have to be communicated and if not communicated, they are not taken as adverse.

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

**Order**

The appeals are allowed. Appellants to be provided proof of communication of adverse remarks against him. This should be done in 30 days.

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

Place: Mumbai  
Date: 16.12.2008

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

Appeal No.2008/1401/02

**Shri. M.S.N. Pilai**  
**B/9, Daswani Co-op. Hosing Society Ltd,**  
**Opp. St. Louis Convent School,**  
**Four Bungalows, Andheri (W),**  
**Mumbai – 400 053.**

... **Appellant**

V/s

**First Appellate Officer cum District Dy. Registrar,**  
**District Dy. Registrar Cooperative Board (3),**  
**Western Suburban, Grihanirman Bhavan, Ground Floor,**  
**Desk No.69, Bandra (E), Mumbai - 400 051.**

... **Respondent**

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

**GROUNDS**

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant had sought inspection of documents relating to out going bills issued to Members of Daswani Cooperative Housing Society 4 Bungalows, Andheri (W), Mumbai. The Public Information Officer informed the appellant that this information was available at society's level and the appellant should get in touch with society. The appellant was not satisfied and preferred the first appeal. The First Appellate Authority by his order dated 05.06.2008 directed that these documents required by the appellant be made available to him. Since the appellant did not get the information he has come in second appeal before the commission.

The appeal was heard on 10.12.2008. Appellant and respondent were present. The appellant has sought very simple information. It is also important to note that the information seeker is a member of the Managing Committee. So if the information is denied to a member of the Managing Committee, what happens to an ordinary member. I am of the view that the Dy. Registrar has to find out a way to ensure that the appellant gets the inspection he has sought.

**Order**

The appeals are allowed. The Dy. Registrar to ensure that records are made available to the appellant. This should be done within 30 days.

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

Place: Mumbai  
Date: 15.12.2008

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

**Appeal No.2008/1447/02**

**Smt. Sheela Kishor Ambre  
3, Jawale Bhat Wadi  
Gokhale Road, Dadar,  
Mumbai – 400 028.**

**... Appellant**

**V/s**

**First Appellate Officer cum Assist. Commissioner  
Municipal Corporation, G/North Ward Office,  
Harishchandra Yevele Marg, Dadar (W),  
Mumbai – 4000 28.**

**... Respondent**

**Public Information Officer cum Assist. Engineer  
(Town Planning), Municipal Corporation,  
G/North Ward Office, Harishchandra Yevele Marg,  
Dadar (W), Mumbai – 4000 28.**

**GROUNDS**

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant had asked for copies of the documents which formed the basis of inclusion of Laxmibai Pobbetty's name at Ser No. 74 and also location of her structure on the survey plan. The Public Information Officer by his letter 30.06.2008 informed the appellant that the information sought was not available with them. The First Appellate Authority by his order dated 08.07.2008 instructed that the information sought by the appellant and copies of documents relating to Smt. Laxmibai may be given to the appellant. Hence this second appeal before the commission.

The appeal was heard on 16.12.2008. The appellant was present. Respondents were absent. After going through the case papers and considering the arguments advanced by the appellant, I have come to the conclusion that the PIO will have to give this information. Annexure II has been prepared by the MCGM and survey also must have been done by them. The basis on which Mrs Laxmibai's name has been included in annexure II can be known only to the agency which has prepared it. It is therefore

directed that the PIO should furnish the information required by the appellant. The PIO may requisition help of any officer if through necessary.

**Order**

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

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

Place: Mumbai  
Date: 16.12.2008

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

Appeal No.2008/1453/02

**Shri Sireel Pair D'soza**  
**Good luck Chawl, Room No. 18,**  
**Near Sai Sankalp Building,**  
**Opp. BMC Colony, Malvani Block No.3,**  
**Malad (W), Mumbai – 400 095.**

... **Appellant**

V/s

**First Appellate Officer cum Assist. Commissioner**  
**Municipal Corporation, P/North Ward,**  
**Liberty Garden, Malad (W), Mumbai – 400 095.**

... **Respondent**

**Public Information Officer cum Assist. Engineer**  
**Municipal Corporation, P/North Ward,**  
**Liberty Garden, Malad (W), Mumbai – 400 095.**

**GROUND**

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant by his application dated 24.03.2008 had sought information regarding an unauthorized structure raised by one Mr.Javed near Sai Sankalp Building Gate No. 3, Malvani. He did not receive any reply from the Public Information Officer or the First Appellate Authority and hence this appeal.

The appeal was fixed for hearing on 16.12.2008. Neither the appellant nor respondents turned up. I have gone through the case papers and come to the conclusion that the information sought by the appellant must be furnished. The information sought is simple and straight forward. I am surprised as how neither the PIO nor the First Appellate Authority has cared to respond. I therefore pass the following order.

**Order**

The appeal is allowed. PIO to furnish information within 15 days. He should also show cause why he should not be penalized under section 20 of the RTI Act.

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

Place: Mumbai  
Date: 16.12.2008



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

Appeal No.2008/1410/02

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

... Appellant

V/s

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

... Respondent

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

**GROUND**

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

- i) Joint Director of Higher Education Mumbai Region, Letter dated 24.05.2007  
to Maharashtra College Ref No. Jt Dir HeE/Mum-Divsn/Salary/2007/1523.
- ii) List of teaching and non teaching staff annexed to the letter dated 30.05.2007  
Ref. No. Mah Dr Col/Sal a/c OP/2008/2007 addressed by Principal to the  
Manager Bank of Maharashtra Mum. 08

The appeal was heard on 10.12.2008. The appellant was present. The respondent  
has sought adjournment but the same is not granted because the issue involved and  
information sought is very simple. As is obvious, the appellant has sought copies of  
letter from joint Director and list of teaching and non teaching staff annexed to the  
Principal's letter. I therefore pass the following order.

**Order**

The appeal is allowed. The Public Information officer to furnish the information  
within 30 days.

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

Place: Mumbai  
Date: 15.12.2008

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

Appeal No.2008/1408/02

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

... Appellant

V/s

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

... Respondent

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

**GROUND**

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

- i) List of extra lectures conducted by applicant on Sunday and holidays after the  
Principal issued the prohibitory order to engagement of extra lectures on  
Sundays and holidays.
- ii) Copy/s of letter/s by Principal containing order to the applicant to asses the  
answer book of FYBCom Stats paper.

The appeal was heard on 10.12.2008. The appellant was present. The respondent  
had requested for adjournment but since the matter is simple his request is not being  
considered. After going through the case papers and considering the arguments advanced  
by the party, I have come to the conclusion that the information must be furnished.

**Order**

The appeal is allowed. The Public Information officer to furnish the information  
within 15 days.

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

Place: Mumbai  
Date: 15.12.2008

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

**Appeal No.2008/1411/02**

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

... **Appellant**

V/s

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

... **Respondent**

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

**GROUND**

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

- i) Letter dated 29.12.89 Ref. No CON COL/9218 of 1989 to the Principal of Maharashtra College from Bombay University (Complete letter with university Authority signature at the end of it)

The appeal was heard on 10.12.2008. The appellant was present. The respondent had requested for adjournment but since the matter is simple his request is not being considered. After going through the case papers and considering the arguments advanced by the party, I have come to the conclusion that the information must be furnished.

**Order**

The appeal is allowed. The Public Information officer to furnish the information within 15 days.

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

Place: Mumbai  
Date: 15.12.2008

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

**Appeal No.2008/1023/02**

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

... **Appellant**

V/s

**First Appellate Officer cum Assist. Commissioner  
Municipal Corporation, P/South Ward, Mithanagar,  
Goregaon (W), Mumbai – 400 062.**

... **Respondent**

**Public Information Officer cum Assist. Engineer  
Municipal Corporation, P/South Ward, Mithanagar,  
Goregaon (W), Mumbai – 400 062.**

**GROUNDS**

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant had asked for copies of Detection Registrar, Demolition Registrar, Panchanama, Photographs and reasons for not demolishing certain structures etc. Not satisfied with responses from the Public Information Officer and the First Appellate Authority, he has filed this second appeal before the commission.

The case was heard on 17.12.2008. The appellant did not turn up. The respondent was present. I have gone through the case papers and also considered the argument advanced by the respondent. It is true that the information sought lacks clarity. Any attempt to furnish the required information will involve avoidable expenditure public money and resources. I would therefore advise the appellant to be more specific or seek inspection of specific document and copies of selected ones. In the light of the above discussion I come to the conclusion that the case needs to be closed. The appellant has a choice of seeking inspection of specific documents and apply for copies of the selected ones.

**Order**

The appeal is disposed off.

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

Place: Mumbai  
Date: 18.12.2008

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

Appeal No.2008/1471/02

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

... Appellant

V/s

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

... Respondent

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

**GROUND**

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant had sought information whether it was obligatory for members of the managing committee to execute a bond holding themselves individually and collectively responsible for their action in relation to the affairs of the society and if yes, who is responsible for enforcing this provision. The appeal was heard on 18.12.2008. Appellant and respondents were present. The PIO has pointed out that since the information has been sought in the question form, it does not come in the definition of information. I am of the view that what information is required by the appellant is well known to both appellant and respondent. We have to go by the spirit of the RTI. I am of the view that the information should be furnished to the appellant.

**Order**

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

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

Place: Mumbai  
Date: 19.12.2008

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

**Appeal No.2008/1470/02**

**Shri. Ashok Dewan  
3/315, "Park View"  
Yari Road, Andheri (W),  
Mumbai – 400 061.**

**... Appellant**

**V/s**

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

**... Respondent**

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

**GROUNDS**

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

- 1) When two posts of Judge's are Vacant since many years in Slum Tribunal and Tribunal means Bench of 3 Judge's and only one Judge had passed the order in Court of Slum Tribunal. All these orders which were passed by Mr. Mankudale in Slum Tribunal is legal or illegal. Please furnish me reply as for the same.
- 2) Chief Minister, Principal Secretary of Housing Department and High Court knows all these facts regarding only one Judge passed the orders in Slum Tribunal in last 7 years.
- 3) When were others post of two Judge's filled in Slum Tribunal.
- 4) When Mr. Mankudale's 2 years period was over on 17<sup>th</sup> Feb, 2002 as per Notification Dated 17<sup>th</sup> Feb, 2000 after that why Notification not required. As the post of President & Judge of Slum Tribunal.
- 5) Mr. S.M. Reddy has been appointed for 3 ports. It is legal or illegal and C.M. and Principal Secretary knows all these facts about 3 posts. Furnish me copy of Notification of Judge of Rent Act

The PIO says that he has given the relevant information although the information given do not from part of case papers. The First Appellate Authority does not seem to have passed any order. Hence this second appeal.

The appeal was heard on 18.12.2008. Appellant and respondents were present. It is not enough to say that information has been furnished to the appellant. A copy of the information would have helped the commission make up its own mind whether the required information has been furnished or not. In the light of the above discussion and also in view of the public importants of the information sought I pass the following order.

**Order**

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

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

Place: Mumbai  
Date: 18.12.2008

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

Appeal No.2008/1468/02

**Shri. Ravikiransaheb Deshamukh**  
2/E-104, Powai Bihar Complex,  
Aadishankaracharya Marg, Powai,  
Mumbai – 400 076.

... **Appellant**

V/s

**First Appellate Officer,**  
Cooperation Commissioner & Registrar,  
Cooperative Board, Maharashtra State,  
Central Building, Pune – 1.

... **Respondent**

**Public Information Officer,**  
Cooperation Commissioner & Registrar,  
Cooperative Board, Maharashtra State,  
Central Building, Pune – 1.

**GROUND**

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant had sought copies of documents relating to extension in service granted to Mr. Anandrao Vithoba and related correspondence. The Public Information Officer did not furnish the information. The First Appellate Authority by his order dated 19.04.2008 directed the PIO to furnish the information. The appellant did not get the information and hence this appeal.

The appeal was fixed for hearing on 18.12.2008. Neither the appellant nor the respondent's were present. I am however of the view that case papers are enough to decide the case. It is very clear that PIO not only did not furnish the information but also sabotaged the direction issued by the First Appellate Authority. This shows complete disregard to the RTI Act and callous approach of the Public Information Officer. I pass the following order.

**Order**

The Public Information Officer to furnish information within 7 days. He should also show cause why he should not be penalized @ Rs.250/- per day under section 20 of the RTI Act for delaying / not furnish the information. His reply to reach within 15 days.

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

Place: Mumbai  
Date: 18.12.2008



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

Appeal No.2008/1472/02

**Shri. Nikhil Jayantilal Gandhi**  
**185 A-Shri Shivam Coop. H Soc. Ltd,**  
**Flat A-7, 3<sup>rd</sup> Floor, S.V. Road,**  
**Vile Parle (W), Mumbai – 400 058.**

... **Appellant**

V/s

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

... **Respondent**

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

**GROUND**

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The Public Information Officer by his letter dated 31.03.2008 has furnished the information which did not satisfy the appellant and who has filed this second appeal before the commission. The appeal was heard on 18.12.2008. Appellant and respondent were present. It seems that the appellant's main grievances are against the administrator who did not handle issues the way appellant would have liked it to be so.

The appellant wants to know what action has been taken against the administrator. The Maharashtra Cooperative Societies Act, 1960 has elaborate provisions for such contingencies. The PIO should take it up under the MCS Act, 1960 and do the needful.

**Order**

The appeal is disposed off.

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

Place: Mumbai  
Date: 18.12.2008

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

Appeal No.2008/1406/02

**Shri. Dr. Rajan Shobha Laxman Khanvilkar**  
Kannamwarnagar, 197/7748, 4<sup>th</sup> Floor,  
Vikroli (E), Mumbai – 400 083.

... Appellant

V/s

**First Appellate Officer cum Estate Manager 3,**  
MHADA, Grihanirman Bhavan, 1<sup>st</sup> Floor,  
Bandra (E), Mumbai – 400 051.

... Respondent

**Public Information Officer cum Estate Manager 3**  
Kurla, Mumbai Board, Grihanirman Bhavan,  
Bandra (E), Mumbai – 400 051.

**GROUND**

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant by his application dated 04.03.2007 had sought information regarding building no 246, 247, 248 and 249. Kannamwarnagar, Vikroli, Mumbai. Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellate has preferred this second appeal before the commission. The appeal was heard on 10.12.2008. Appellant and respondent were present. The Estate Manager 3 in his written submission has informed the commission that these building were allotted to Videsh Sanchar Nigam in 1975. The Nigam has been paying all taxes and levies and has also sought permission for redevelopment. In view of this I pass the following order.

**Order**

The Estate Manager to furnish the required information free of cost within seven days.

The appeal's accordingly disposed off.

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

Place: Mumbai  
Date: 18.12.2008

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

Appeal No.2008/1474/02

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

... **Appellant**

V/s

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

... **Respondent**

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

**GROUND**

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant had sought information regarding allotment of a tenement in the World Bank Project to Mehejabibegum Shabbir Ahmed. Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant has come in the second appeal. The case was fixed for hearing on 22.12.2008. The appellant has sought adjournment but the matter is simple and respondent has already given his say in writing, I proceed to decide the case. The respondent in his elaborate submission brought to my notice that the required information has already been furnished. I would however direct that the respondent should send a copy of his submission to commission free of cost to the appellant.

**Order**

The PIO to send a copy of his submission to the commission free of cost to the appellant. The appeal is disposed off.

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

Place: Mumbai  
Date: 13.12.2008

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

**Appeal No.2008/1052/02**

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

... **Appellant**

V/s

**First Appellate Officer,  
Mumbai University,  
Mumbai – 400 098.**

... **Respondent**

**Public Information Officer,  
Mumbai University,  
Mumbai – 400 098.**

**GROUNDS**

This appeal has been filed under section 19 (3) of the Right to Information Act 2005. The appellant has requested for copies of rules requiring the Principal to sign the mark sheet of first year and second year students and related information. The Public Information Officer by his letter dated 19.09.2008 furnished relevant information to the appellant. The appellant however is not satisfied and preferred the first appeal under section 19(1) of the RTI Act. There is nothing on record to show that the First Appellate Authority has passed any order. Hence this second appeal.

The appeal was heard on 23.12.2008. The appellant was present. The respondents were absent. It is clear from the case papers that the First Appellate Authority has failed to discharge his responsibility under section 19 (1) of the RTI Act. The appellant has thus been deprived of one opportunity of getting relief. I therefore remand this case to the First Appellate Authority who would decide as per law and inform the appellant.

**Order**

The appeal is remanded to the First Appellate Authority who will decide within 45 days and will inform the appellant as well as the commission.

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

Place: Mumbai  
Date: 14.12.2008

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

Appeal No.2008/1052/02

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

... **Appellant**

V/s

**First Appellate Officer,**  
Mumbai University,  
Mumbai – 400 098.

... **Respondent**

**Public Information Officer,**  
Mumbai University,  
Mumbai – 400 098.

**GROUND**

This appeal has been filed under section 19 (3) of the Right to Information Act 2005. The requested copies of rules requiring the Principal to sign the mark sheet of first year and second year students and related information. The Public Information Officer by his letter dated 19.09.2008 furnished relevant information to the appellant. The appellant however is not satisfied and preferred the first appeal under section 19(1) of the RTI Act. There is nothing on record to show that the First Appellate Authority has passed any order. Hence this second appeal.

The appeal was heard on 23.12.2008. The appellant was present. The respondents were absent. It is clear from the case papers that the First Appellate Authority has failed to discharge his responsibility under section 19 (1) of the RTI Act. The appellant has thus been deprived of one opportunity of getting relief. I therefore remind this case to the First Appellate Authority who would decide as per law and inform the appellate.

**Order**

The appeal is remanded to the First Appellate Authority who will decide within 45 days and will inform the appellant as well as the commission.

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

Place: Mumbai  
Date: 14.12.2008

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

Appeal No.2008/1074/02

**Shri. Kunal Sangoi**  
**150 Juhu Galli,**  
**Near Farukiya Masjid,**  
**Andheri (W), Mumbai – 400 058.**

... **Appellant**

V/s

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

... **Respondent**

**Public Information Officer cum Assist Engineer**  
**Municipal Corporation, P/North Office,**  
**Liberty Garden, Malad (W), Mumbai – 400 064.**  
**Mumbai University,**  
**Mumbai – 400 098.**

**GROUND**

This appeal has been filed under section 19 (3) of the Right to Information Act 2005. The appellant has sought information regarding some unauthorized construction at Marve Road, Malad (W), Mumbai by one Mr. Ramesh Bhandari .

He is not satisfied with responses from the Public Information Officer and the First Appellate Authority and hence this second appeal.

The appeal was fixed for hearing on 23.12.2008. The appellate did not turn up. The respondent was present. Case papers reveal that no serious attempt has been made to furnish the information. It is expected that the MCGM would not allow unauthorized construction but when someone brings it to their notice and they have still not moved is a sad commentary. The appellant must be furnished the information. I would direct that the latest action taken report should be communicated to the appellant.

**Order**

The appeal is allowed. The PIO to furnish the required information as directed by the First Appellate Authority in his order dated 20.09.2007. He should also furnish what action has been taken against the unauthorized construction.

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

Place: Mumbai  
Date: 23.12.2008

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

**Appeal No.2008/767/02**

**Shri. Sandesh Chandrakant Wairkar  
26/5, Shanti Nagar, Sane Guruji Road,  
Sat Rastta, Jecub Circle, Mumbai – 400 011.**

**... Appellant**

**V/s**

**First Appellate Officer cum Joint Chief Officer  
Mumbai Building Repair & Redevelopment Board,  
Grihanirman Bhavan, Bandra, Mumbai – 400 051.**

**... Respondent**

**Public Information Officer cum Dy. Chief Officer  
Mumbai Building Repair & Redevelopment Board,  
Grihanirman Bhavan, Bandra, 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 as to the places where residents of Rangari Chawl and Bori Chawl have been shifted. Not satisfied with responses from the PIO and the First Appellate Authority, the appellant has come in second appeal before the commission. The appeal was heard on 23.12.2008. The appellant did not turn up. The respondent was present. He has submitted that the information is ready and can be collected by the appellant I pass the following order.

**Order**

The appeal is allowed. The PIO to send the information by post free of cost to the appellant within 15 days.

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

Place: Mumbai  
Date: 23.12.2008

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

**Appeal No.2008/1050/02  
Appeal No.2008/1049/02  
Appeal No.2008/1048/02  
Appeal No.2008/1047/02  
Appeal No.2008/1046/02**

**Shri. Prof. Patankar Nisarali Muhammad  
2/204 Aghadi Nagar,  
Andheri East, Mumbai – 400 093.**

**.... Appellant**

**V/s**

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

**.... Respondent**

**Public Information Officer cum Principal  
Maharashtra College, Bellasis Road,  
Mumbai – 400 008.**

**GROUNDS**

These appeals have been filed under section 19 (3) of the Right to Information Act 2005. The appellant had sought copies of his confidential reports for the following years

- 1) 2000 – 2001 (Appeal No. 1050)
- 2) 2001 – 2002 (Appeal No. 1049)
- 3) 2002 – 2003 (Appeal No. 1048)
- 4) 2003 – 2004 (Appeal No. 1047)
- 5) 2004 – 2005 (Appeal No. 1046)

The appellant has stated that the college has not implemented the Right to Information Act 2005. That is the reason he has not approached the PIO or the first appellate authority. He has also brought to the Commission's notice govt's clarification dated 26-3-2007 which says that since the college receives govt. grants, the Right to Information Act is applicable to the college.

These appeals were heard on 23.12.2008. Appellant and respondent were present. The appellant has stated that he needs copies of his annual confidential reports which have been denied to him.



I have gone through the case papers and also considered the arguments advanced by the appellant. The preamble to the RTI Act 2005 very clearly says that democracy requires an informed citizenry and transparency of information which are vital to its functioning and also to contain corruption and to hold govt. and their instrumentalities accountable to the governed. It also says that revelation of information in actual practice is likely to conflict with other public interests including efficient operation of govt. and optimum use of limited resources and the preservation of confidentiality of sensitive information. The RTI Act is designed to harmonise those conflicting interests while preserving the paramountcy of democratic ideal. The annual confidential reports have been traditionally confidential. There are circumstances under which it is communicated to the person concerned. It remains confidential otherwise. Finally, giving copies of appellant's annual confidential reports has no element of public interest, it is purely personal. Under these circumstances I am of the view that no public interest is likely to be served by furnishing copies of appellant's annual confidential reports to him. Since the content of all his appeals is the same, they have been clubbed together and disposed off. I pass the following order.

**Order**

The appeals are disposed off.

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

Place: Mumbai  
Date: 23.12.2008.

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

Appeal No.2008/1088/02

**Shri. Bharat Ganpat Meher**  
A-25, 4<sup>th</sup> Floor, "Kinara",  
Mahim Causeway, Mahim  
Mumbai – 400 016.

... **Appellant**

V/s

**First Appellate Officer cum Registrar,**  
CHS, Mumbai Grihanirman Bhavan,  
Bandra (W), Mumbai – 400 051.

... **Respondent**

**Public Information Officer,**  
CHS, Mumbai Grihanirman Bhavan,  
Bandra (W), Mumbai – 400 051.

**Public Information Officer cum Chairman/Secretary**  
Machchimar Nagar, Mahim Koli, CHS Ltd.  
Mahim Causeway, Mahim, Mumbai – 400 016.

**GROUND**

This appeal has been filed under section 19 (3) of the Right to Information Act 2005. The appellant has sought membership of the Machchimar Nagar Mahim Koli CHS Ltd, Mahim Causeway Road, Mumbai. He has approached various Courts for getting relief and in that process has knocked the door of the Information Commission. The appeal was heard toady. The respondent has brought to my notice that this case has already been decided by the Chief Information Commissioner. They have enclosed a copy of his order dated 27.10.2008. If the appeal has already been decided, there can be no second appeal on the same issue. The appeal is disallowed.

**Order**

The appeal is dismissed.

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

Place: Mumbai  
Date: 26.12.2008

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

Appeal No.2008/1485/02

**Shri. Sheth Gangadas Vijbhukhandas & Mulji  
Nandlal Raligious & Charitable Trust,  
12 Babulnath Road, Gangadas Wadi,  
Mumbai – 400 007.**

... **Appellant**

V/s

**First Appellate Officer cum Assist Commissioner  
Municipal Corporation, D Ward Office,  
Jobanputra Awar, Nana Chowk,  
Grant Road (W), Mumbai – 400 070.**

... **Respondent**

**Public Information Officer,  
Municipal Corporation, D Ward Office,  
Jobanputra Awar, Nana Chowk,  
Grant Road (W), Mumbai – 400 070.**

**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 Brijwasi Sweets and Dave Farsan Mart on 10, Babulnath Road, Mumbai. Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant has come in second appeal before the commission. The appeal was heard on 22.12.2008. Appellant and respondent were present. It appears from the file that a copy of the licence issued to M/s Dave Farsan Mart has been provided to the appellant. No information seems to have been provided regarding Brijwasi Sweet. The PIO should furnish the information. There has been a lot of shuffling of papers from one office to another office. I therefore pass the following order.

**Order**

Medical Officer Health 'D' Ward to furnish information relating to Brijwari Sweets to the appellant within 15 days.

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

Place: Mumbai  
Date: 26.12.2008

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

Appeal No.2008/1479/02

**Shri. Paras Uttamchad Jain**  
**5, Kalyani Bangala,**  
**Behind Nasik Wajan Kata,**  
**Indira Nagar, Nasik – 422 009.**

... **Appellant**

V/s

**First Appellate Officer,**  
**Public Trust Registration Office,**  
**Charity Commissioner Building,**  
**2<sup>nd</sup> Floor, 83, Dr. Anie Besant Road,**  
**Worli, Mumbai – 400 018.**

... **Respondent**

**Public Information Officer,**  
**Public Trust Registration Office,**  
**Charity Commissioner Building,**  
**2<sup>nd</sup> Floor, 83, Dr. Anie Besant Road,**  
**Worli, Mumbai – 400 018.**

**GROUND**

This appeal has been filed under section 19 (3) of the Right to Information Act 2005. The appellant had sought break up pf Rs.1, 48, 661/- shown in the profit and loss account of the trust no E 4562 (BOM) 31.03.2004. The Public Information Officer informed him that what he has asked for does not constitute information under the Right to Information Act 2005. The appellant preferred the first appeal but the same could not be decided by the First Appellate Authority. Hence this second appeal. The appeal was heard on 22.12.2008. Appellant and respondent were present. It is clear that the First Appellate Authority has not discharged his responsibilities cast under the RTI Act and the appellant has been deprived of an opportunity of getting the desired information. I would therefore like to remind this appeal to the First Appellate Authority. I pass the following order.

**Order**

The appeal is remanded to the First Appellate Authority for decision according to law. He should decide the appeal within 45 days. The appellant is free to approach the commission if not satisfied with the First Appellate Authority's decision

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

Place: Mumbai  
Date: 26.12.2008

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

**Appeal No.2008/1483/02**

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

**... Appellant**

**V/s**

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

**... Respondent**

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

**GROUNDS**

This appeal has been filed under section 19 (3) of the Right to Information Act 2005. The appellant had sought information regarding unauthorized construction of kitchen and bathroom in flat no 204, 2<sup>nd</sup> floor, White House CHS Fairdeal Road, Jogeshwari (W), Mumbai. Not satisfied with responses from the Public Information Officer and the First Appellate Authority, the appellant has preferred this second appeal. The appeal was heard on 22.12.2008. The appellant could not make it. The respondent was present. I have gone through the case papers and come to the conclusion that the required information has been furnished and unauthorized structure has been demolished. The appeal needs to be closed.

**Order**

The appeal is disposed off.

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

Place: Mumbai  
Date: 22.12.2008

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

Appeal No.2008/1484/02

**Shri. Mahindra Janardhan Chavan**  
85/2, Chalke Chawl, Radwadi Swadeshi Mill,  
Sion, Chunabhatti, Mumbai – 400 022.

... Appellant

V/s

**First Appellate Officer,**  
**State Election Commission,**  
**New Administrative Building,**  
**Opp. Mantralaya, Madam Cama Road,**  
**Mumbai – 400 032.**

... Respondent

**Public Information Officer,**  
**State Election Commission,**  
**New Administrative Building,**  
**Opp. Mantralaya, Madam Cama Road,**  
**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 relating to the State Election Commission, Maharashtra. Not satisfied with responses from the Public Information Officer and the First Appellate Authority, he has preferred the second appeal before the commission.

The appeal was heard on 22.12.2008. Appellant and respondent were present. The appellant has submitted that he has not been provided complete information. The respondent stated that they have furnished all the required information. They have also stated that the only points which were not clearly understood have remained to be replied. 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. The PIO's letter dated 11.06.2008 is defiled and exhaustive. The First Appellate Authority also has disposed the appeal off. The PIO however has made an open offer to provide whatever information is required by the appellant. I therefore decide to close the case.

**Order**

The appeal is disposed off.

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

Place: Mumbai  
Date: 26.12.2008

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

Appeal No.2008/1424/02

**Shri. Mahindra Janardhan Chavan**  
85/2, Chalke Chawl, Radwadi Swadeshi Mill,  
Sion, Chunabhatti, Mumbai – 400 022.

... **Appellant**

V/s

**First Appellate Officer,**  
Revenue and Forest Department,  
Mantralaya, Madam Cama Road,  
Mumbai – 400 032.

... **Respondent**

**Public Information Officer cum Desk Officer,**  
Revenue and Forest Department,  
Mantralaya, Madam Cama Road,  
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 organization, functions and duties of Ministry of Revenue Department. 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 11.12.2008. The appellant was present respondent was also present. Their main difficulty has been their inability to comprehend what the appellant wants to know. They have however furnished some information and have expressed their willingness to furnish the balance information as soon as the appellant gets in touch with them. In view of the above discussion I have come to the conclusion that the available information has been furnished. The fact that respondents have volunteered to furnish information on specific issues goes to prove that there is no intention to deny the information. I therefore close the case.

**Order**

The appeal is disposed off.

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

Place: Mumbai  
Date: 29.12.2008

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

Appeal No.2008/606/02

**Shri. Mahindra Janardhan Chavan**  
85/2, Chalke Chawl, Radwadi Swadeshi Mill,  
Sion, Chunabhatti, Mumbai – 400 022.

... **Appellant**

V/s

**First Appellate Officer,**  
Mumbai Agriculture Produce Market Committee,  
Central Building, 3<sup>rd</sup> Floor, Vashi,  
Navi Mumbai – 400 703.

... **Respondent**

**Public Information Officer,**  
Mumbai Agriculture Produce Market Committee,  
Central Building, 3<sup>rd</sup> Floor, Vashi,  
Navi Mumbai – 400 703.

**GROUND**

This appeal has been filed under section 19 (3) of the Right to Information Act 2005. The appellant had sought information regarding recruitment to class III and class IV in the Agriculture Produce Market Committee, Mumbai. He had sought copies of advertisement and also names of officials who were appointed for implementing and complying with the principles enshrined in article 16 of the Indian constitution. Not satisfied with the responses from the Public Information Officer or the First Appellate Authority the appellant has come in second appeal before the commission.

The appeal was heard on 17.12.2008. The appellant and the respondents were present. The respondent in the past have pleaded that they did not understand the nature of the information sought. Such complaints have been received by other departments also. They have expressed their inability to respond because they did not understand what the appellant wanted to know. Under these circumstances I can only advise the appellant to be more specific and focussed so that respondents can furnish the information. I decide to close the case.

**Order**

The appeal is disposed off.

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

Place: Mumbai  
Date: 29.12.2008



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

**Appeal No.2008/1507/02**

**Shri. Milind Sharad Mulay  
284/12, Bandekar Sadan,  
N.C. Kelkar Road,  
Dadar, Mumbai – 400 028.**

**... Appellant**

**V/s**

**First Appellate Officer cum Chief Engineer  
Municipal Corporation, Chhatrapati Shivaji Building,  
4<sup>th</sup> Floor, Ramabai Ambedkar Road,  
Mumbai – 400 001.**

**... Respondent**

**Public Information Officer,  
Municipal Corporation, Chhatrapati Shivaji Building,  
4<sup>th</sup> Floor, Ramabai Ambedkar Road,  
Mumbai – 400 001.**

**GROUND**

This appeal has been filed under section 19 (3) of the Right to Information Act 2005. The appellant had sought consolidated information of the status of leave encashment dues to retired employees of the solid waste Management Department of the MCGM, Mumbai. Not satisfied with responses from the Public Information Officer and the First Appellate Authority, the appellant has come in second appeal before the commission.

The appeal was heard on 30.12.2008. The appellant was present. Respondents were also present. The appellant has stated that he was in receipt of the letter dated 24.12.2008. He has brought to the commission's notice that there has been abnormal delay. He has also stated that the First Appellate Authority never heard the appeal although his order gives an impression that hearing of the appeal did take place. The respondents on the other hand have pleaded that the delay has been caused because of the nature of the information sought. The process involved collection of data from all branches and the same has taken time. They have stated there was no willful delay.

I have gone through the case papers and considered the arguments advanced by parties. It is clear that the information has been furnished although late. There is noting

on record to show that the delay has been deliberate. I see no mischief behind the act delay. I therefore conclude that the Public Information Officer does not deserve to be fined. I am however of the view that time schedule must be respected. I therefore caution those involved in this case to ensure that the information must be furnished in time. As far as appellant's second contention that the appeal was never heard although the First Appellate Authority has tried to give an impression that the appeal was formally heard. The central point for me to decide is whether the procedure adopted has led to miscarriage of justice My answer is no. The information sought was simple but huge. It has finally been collected, compiled and sent to the appellant. There has been no violation of the RTI Act. I therefore conclude that the information stands furnished and noting more needs to be done. I have the option of remanding the appeal back to the First Appellate Authority. This may satisfy the appellant and make me feel that I have forced the First Appellate Authority to do something which he has failed to do. I am not interested in either of the approaches. It will serve no purpose. I therefore decided to close the case.

**Order**

The appeal is disposed off.

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

Place: Mumbai  
Date: 30.12.2008

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

Appeal No.2008/1438/02

**Shri. Maganlal Namdev Patil**  
**82, Shastri Nagar, Opp. Municipal Colony,**  
**Near Ramanand Bus Stop, Harivithal Road,**  
**Jalgaon.**

... **Appellant**

V/s

**First Appellate Officer cum Manager,**  
**The Maharashtra State Cooperative**  
**Cotton Grower's Marketing Federation Ltd.**  
**Khetan Bhavan, 6<sup>th</sup> Floor, 198 Jamshetji Tata Road,**  
**Churchgate, Mumbai – 400 015.**

... **Respondent**

**Public Information Officer cum Technical Officer**  
**The Maharashtra State Cooperative**  
**Cotton Grower's Marketing Federation Ltd.**  
**Khetan Bhavan, 6<sup>th</sup> Floor, 198 Jamshetji Tata Road,**  
**Churchgate, Mumbai – 400 015.**

**GROUND**

This appeal has been filed under section 19 (3) of the Right to Information Act 2005. The appellant had asked for copies of documents sanctioning his prosecution. Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant has preferred this second appeal. The appeal was heard on 15.12.2008. The appellant did not turn up. Respondents were present. The appellant however has submitted an application dated 07.12.2008 stating that he has received the information and does not want to pursue the appeal. The request is granted.

**Order**

The appeal is disposed off.

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

Place: Mumbai  
Date: 31.12.2008

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

Appeal No.2008/1439/02

**Shri. Murlidhar Ramchandra Jhope**  
Statistic Officer, Health Department,  
Zilla PArishad, Jalgaon.

... Appellant

V/s

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

... Respondent

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

**GROUNDS**

This appeal has been filed under section 19 (3) of the Right to Information Act 2005. The appellant has asked for a copy of the publication under section 4 (1) (B) (3) from Zilla Parishad, Jalgaon and related issues. Not satisfied with responses from the Public Information officer and the first Appellate Authority, the appellant has come in second appeal before the commission.

The appeal was heard on 15.12.2008. Appellant and respondents were present. After going through the case papers I have come to the conclusion that the available information has to be furnished. The information sought is simple and straightforward. I therefore pass the following order.

**Order**

The appeal is allowed. Appellant to be provided with the information within 15 days.

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

Place: Mumbai  
Date: 31.12.2008

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

Appeal No.2008/1437/02

**Shri. Kantilal Vittaldas Shah**  
**Sardar Chowk, Navapur – 425 418.**  
**Ta. Navapur, Dist. Nandurbar**

... **Appellant**

V/s

**First Appellate Officer cum Dy. Secretary**  
**Food & civil Supply & Consumer forum Department,**  
**Mantralaya, Mumbai – 400 032.**

... **Respondent**

**Public Information Officer,**  
**Food & civil Supply & Consumer forum Department,**  
**Mantralaya, Mumbai – 400 032.**

**GROUND**

This appeal has been filed under section 19 (3) of the Right to Information Act 2005. The appellant had sought information on 9 points relating to Mr. Bundela of Navapur district Nandurbar. Not satisfied with responses from the Public Information officer and the First Appellate Authority, the appellant has come in second appeal before the commission. The appeal was heard on 15.12.2008. The appellant could not come. The respondent was present. It appears from case papers that the Public Information officer has denied the information on the ground that it is in question answer form. The First Appellate Authority has virtually confirmed the order and asked the appellant to approach authorities at the taluka and district level with specific request for information. I see no reason to interfere with the order passed by the First Appellate Authority.

**Order**

The appeal is disposed off.

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

Place: Mumbai  
Date: 31.12.2008

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

**Appeal No.2008/1435/02**

**Shri. Edwin Britto**

**106, Jo-Tess House, Behind Zain Villa,  
Old Khar Road, Khar (W), Mumbai – 400 052.**

... **Appellant**

**V/s**

**First Appellate Officer cum Dy. Chief Secretary  
(B & P), Municipal Corporation, Western Suburban,  
1<sup>st</sup> Floor, Dr. Ambedkar Market, Dr. Dalvi Rd,  
Kandivali (W), Mumbai – 400 067.**

... **Respondent**

**Public Information Officer cum Executive Engineer  
(B & P), Municipal Corporation, Western Suburban,  
1<sup>st</sup> Floor, Dr. Ambedkar Market, Dr. Dalvi 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 had sought information regarding proposed PAGODA on property bearing CTS No 1917, 1923, 1925 and 1940 of Village Gorai & Situated at Borivali (W), R/North Ward. The Public Information officer by his letter dated 01.04.2008 informed the appellant that he could inspect the file and request for copies after selecting the relevant ones. The appellant was not satisfied and he preferred the first appeal under section 19 (1) of the RTI Act. The First Appellate Authority by his order dated 06.05.2008 disposed the appeal off. He has recorded that although the appellant had inspected some documents but showed no interest in getting copies.

I have gone through the case papers. It is very clear that the PIO has shown willingness to help in getting information. It is possible that the appellant did not come across the information he was looking for. The RTI Act can ensure only furnishing of available information. I therefore feel that the PIO and the First Appellate Authority have successfully discharged their responsibilities in the Act. There is no reason to interfere with their orders.

**Order**

The appeal is disposed off.

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

Place: Mumbai

Date: 31.12.2008

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

Appeal No.2008/1432/02

**Shri. Anees Ahmad Khan**  
**93, Kapadia Bldg. 1<sup>st</sup> Floor, Room No.26,**  
**Balaji Mandir Marg, Kurla (W),**  
**Mumbai – 400 070.**

... **Appellant**

V/s

**First Appellate Officer cum Assist Commission,**  
**Municipal Corporation, “L” Ward Department,**  
**S.G. Barve Marg, Kurla (W), Mumbai – 400 070.**

... **Respondent**

**Public Information Officer cum Assist Engineer,**  
**Municipal Corporation, “L” Ward Department,**  
**S.G. Barve Marg, Kurla (W), Mumbai – 400 070.**

**GROUND**

This appeal has been filed under section 19 (3) of the Right to Information Act 2005. The appellant had sought information regarding unauthorized construction by Mrs.Nasib Kaur wife of Ratan Singh and Varinder Singh son of Ratan Singh. Not satisfied with the responses from the Public Information officer and the First Appellate Authority the appellant has come in appeal before the commission.

The appeal was heard on 15.12.2008. The appellant was present. Respondents are absent. After going through the case papers I have come to the conclusion that the order passed by the First Appellate Authority has not been implemented. I therefore direct that the order passed by the First Appellate Authority must be immediately implemented.

**Order**

The appeal is allowed. Information to be furnished within 15 days failing which action under section 20 will be initiated against the PIO.

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

Place: Mumbai  
Date: 30.12.2008

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

Appeal No.2008/1440/02

**Shri. Sanjay Omprakash Sharma**  
B/61, Aditi Apt. no. II, H.K,  
Road No.2, Irani Wadi,  
Kandivali (W), Mumbai – 400 067.

... **Appellant**

V/s

**First Appellate Officer cum Assist Commission,**  
**Municipal Corporation, R/South Ward,**  
**M.G.X. Road, No.2, 2<sup>nd</sup> Floor, S.V.P. Swimming Pool,**  
**Kandivali (W), Mumbai – 400 067.**

... **Respondent**

**Public Information Officer cum Assist Engineer,**  
**(B & F), Municipal Corporation, R/South Ward,**  
**M.G.X. Road, No.2, 2<sup>nd</sup> Floor, S.V.P. Swimming Pool,**  
**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 following information: -

1) Xerox copies under section 351 given 2) Total No of replies received by R/Sough Ward with respect to notices 3) total replies accepted 4) Total replies not accepted 5) Total No of reserved order on 48 hour notices given 6) Total No of accessed went to court and their case no & name of the court & status of the court.

The Public Information officer by his letter dated 08.05.2008 informed the appellant that the information sought by him is voluminous and he should inspect the documents and ask for copies of selected documents. The First Appellate Authority by his order dated 19.06.2008 virtually confirmed the PIOs order. Hence this appeal.

The appeal was heard on 15.12.2008. The appellant did not turn up. Respondents were present. After going through the case papers and considering the arguments advanced by respondents, I have come to the conclusion that the order passed by the First Appellate Authority does not need any intervention. The appeal therefore is closed.

**Order**

The appeal is disposed off.

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

Place: Mumbai  
Date: 30.12.2008



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

**Appeal No.2008/1495/02**

**Shri. Prem Shahani  
301, Casa Maria, D'Monte Park Road,  
Bandra (W), Mumbai – 400 050.**

... **Appellant**

V/s

**First Appellate Officer cum Dy. Chief Engineer  
Office of the Executive Engineer,  
(B.P) W.S., H & K/E, Bhabha Hospital,  
Bldg. 1<sup>st</sup> Floor, R.K. Patkar Marg,  
Bnadra (W), Mumbai – 400 050.**

... **Respondent**

**Public Information Officer cum Executive Engineer,  
(B.P) W.S., H & K/E, Bhabha Hospital,  
Bldg. 1<sup>st</sup> Floor, R.K. Patkar Marg,  
Bnadra (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 the following information: -

Total number of garages on Plot No.245, Casa Maria C.H.S. Ltd., D'Monte Park Rd, Bnadra (W), Mumbai – 400 050 and how many of them had been given permission by M.C.G.M to enclose the same temporarily/permanently during period 1980 onwards.

Not satisfied with the response received from the Public Information officer and the First Appellate Authority he has preferred this second appeal before the commission.

The appeal was heard on 28.12.2008. The appellant was present. The respondent was also present. The main contention of the appellant is that he wants a particular file which would go a long way in establishing his claim. The respondent also does not deny the existence of the file because details have been furnished by the appellant. The respondent however says that they have not been able to lay their hands on the file. Taking into account the importance and relevance of the file, the respondent is directed to make diligent effort to track the file and furnish relevant information to the appellant.

**Order**

The appeal is allowed. Respondents to make all efforts to trace the file and furnish relevant information to the appellant. Matter will be reviewed after 8 weeks.

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

Place: Mumbai  
Date: 30.12.2008

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

**Appeal No.2008/1469/02**

**Shri. Aftab A. Siddique  
Sadanand Classic, Plot No.528,  
33<sup>rd</sup> Road, Khar (W), Mumbai – 400 052.**

**... Appellant**

**V/s**

**First Appellate Officer cum Assist Commission,  
Municipal Corporation, H/West Ward,  
Sent Martins Road,  
Bandra, Mumbai – 400 050.**

**... Respondent**

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

**GROUNDS**

This appeal has been filed under section 19 (3) of the Right to Information Act 2005. The appellant by her application dated 8<sup>th</sup> May 2008 has sought the following information: -

- A. The individual notice copies issued to all the structures mentioned in my complain date 31.03.2008 having inward nos.37398.
- B. Your Legal Depts. Instructions against all the complains mentioned in my letter dated 31.03.2008. A certified copy of each.
- C. Is there any stay order brought from the court against your notice copy.
- D. If there is a copy of the stay order from court, I would like to have a copy of the stay order of all the structures (or which ever has)  
Mentioning the court case nos. individually against structure and their CTS Nos.
- E. Is a 351 notice appropriate that year dept. has issued to my complain nos.5

The Public Information officer by his letter dated 03.06.2008 has furnished certain information. There are other letters dealing with individual issues. The appellant is obviously not satisfied and filed appeal under section 19 (1) of the Right to Information

Act. Not satisfied with the responses received from the First Appellate Authority, the appellant has preferred the second appeal before the commission.

The appeal was heard on 18.12.2008. The appellant was present. The respondent did not turn up. I have gone through the case papers and also considered the submissions made by the appellate. It is difficult to accept the proposition that information has not been furnished. In fact the no of issues the appellant has raised, the no of officers she has addressed and the diversity of topics have contributed to the over all confusion. The Karnatka Information Commission has done well by prescribing the no of issues which can be raised in one application. In the light of the above discussion I am of the view that the required information have been furnished.

**Order**

The appeal is disposed off.

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

Place: Mumbai  
Date: 31.12.2008.

**Shri.Ramchandra Mahadev Khot**  
**Arpita Co-operative Socity Ltd.,**  
**245 / 9603, 2<sup>nd</sup> Flr., Kannamwar Nagar 2,**  
**Vikroli (E),**  
**Mumbai – 400 083.**

..... Appellant

V/s

**First Appellate Officer cum Dy.Chief Officer – 2,**  
**EM II, Room No. 226,**  
**Grihnirman Bhavan,**  
**Bandra (E),**  
**Mumbai – 400 051.**

.... Respondent

**Public Information Officer**  
**EM III,**  
**Grihnirman Bhavan,**  
**Bandra (E),**  
**Mumbai – 400051.**

### GROUNDS

This appeal has been filed under section 19 (3) of the Right to Information Act 2005. The appellant by his letter dated 03.01.2008 had sought information regarding service charges levied by Mumbai Housing and Area Development Board. The appellant had purchased flats from the Board and para 6 of the sale deed dated 03.07.1975 states as follows:

The Society shall pay to the Board a proportion to be fixed by the Board of all expenses payable from time to time in respect of constructing, repairing, rebuilding and clearing all party walls, party fences, party hedges, sewers, drains, gates roads, paths, pavements, and other things the use of which is common to the premises and also a proportion in respect of water supply and electric supply where separate meters in respect of such services have not been fitted to the premises hereby sold.

Now the society wants to know which are the services and provided to the society, how much money the Board is spending, what was the expenditure per tenements and requested for inspection of statement of accounts and receipt. The Public Information Officer did not furnish the information and the appellant filed appeal under section 19 (1) of the RTI Act. The First Appellate Authority by his order dated 03.03.2008 ordered the Estate Manager III to furnish the information. The appellant is not yet satisfied and has come in second appeal before the Commission.

The appeal was heard on 01.12.2008. Appellant and respondent were present. The main contention of the appellant is that he has not been given the break up of service charges and he wants to know the expenditure per tenement. The respondent submitted that the correct service charges have two major components. Property tax and water supply. According to the respondent service charges are levied for area of the service mentioned in para 6 of the sale deed.

I have gone through the case papers and considered the arguments advanced by parties. My conclusion is that the Estate Manager must furnish the break-up current service charges which will reveal for what items the society is being charged.

**Order**

The appeal is allowed. Estate Manager III to provide break up of the current service charges to the appellant. This is should be done in 30 days.

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

Place: Mumbai  
Date: 01.12.2008.

**Smt. Veena Sippi**  
**C/o.Savitri Sippi,**  
**Block – 5 / A, Flat No.31,**  
**3<sup>rd</sup> Floor, Sham Niwas,**  
**Warden Road,**  
**Mumbai – 400 026.**

**..... Appellant**

**V/s**

**First Appellate Officer cum Divisional Joint Registrar,**  
**Co-op. Societies, Mumbai City – 1,**  
**6<sup>th</sup> floor, Malhotra House,**  
**Opp.G.P.O., Fort,**  
**Mumbai – 400 001.**

**.... Respondent**

**Public Information Officer District Dy. Registrar,**  
**Co-op. Societies, Mumbai City – 1,**  
**6<sup>th</sup> floor, Malhotra House,**  
**Opp.G.P.O., Fort,**  
**Mumbai – 400 001.**

### **GROUND**

This appeal has been filed under section 19 (3) of the Right to Information Act 2005. The appellant by her application dated 8.11.2007 had sought information regarding action taken on her application dated 11.09.2007 addressed to Dr. Patangrao Kadam Hon. Minister for Co-operation endorsed by his office to District Dy. Registrar, Mumbai for immediate necessary action. The application was to request the Hon. Minister to appoint the appellant as Administrator of the Shyam Co-operative Housing Society, Warden Road, Mumbai. The Deputy Registrar did act on the endorsement and appointed an Administrator, Shyam Co-operative Housing Societies, Mumbai. The Public Information Officer and the First Appellate Authority have given this information to the appellant. The appellant has a grievance why has she not been appointed as an Administrator and someone whose English is not so good has been appointed. This is beyond the scope of Right to Information Act and the commission is not mandated to redress grievances. In the light of documents submitted by the respondent and my own evaluation. I have come to the conclusion that the information has been furnished. I pass the following order.

### **Order**

The appeal is disposed off.

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

Place: Mumbai  
Date: 12.12.2008.

**Shri. Minocher M. Deboo,  
E – 18, Rustom Baug,  
Sant Sawta Marg,  
Byculla, Mumbai – 400 027.**

**.... Appellant**

V/s

**First Appellate Officer cum Asst. Commissioner,  
Municipal Corporation of Greater Mumbai,  
Office of the “C” Ward,  
76, Shrikant Palekar Marg,  
Mumbai – 400 002.**

**.... Respondent**

**Public Information Officer Asst. Engineer,  
(Building & Factories)  
Municipal Corporation of Greater Mumbai,  
Office of the “C” Ward,  
76, Shrikant Palekar Marg,  
Mumbai – 400 002.**

### GROUNDS

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

Description of the information required:

- a) Application if any, made by Mr. Hakimullah Masitullah, for obtaining permission to extend original ‘otla’ of Mazda Mansion, by encroaching upon the common passage on the ground floor of the said premises, along with all the relevant documents applicable for the said extension.
- b) Permission letter if any, given by the M.C.G.M. for the said extension.
- c) Status and progress report of his complaint filed with C – Ward MCGM on 23<sup>rd</sup> April, 2007, as well as all the notices issued if any, to the legal heirs of Mr. Hakimullah Masitullah for initiating action against said encroachments.
- d) If no action is taken, state the reason for inaction.
- e) Inspection and true copies of all documents, submitted by any legal heirs of late Mr. Hakimullah Masitullah in response to my said complaint.

The Public Information Officer by his letter dated 25<sup>th</sup> July 2007 furnished the required information but the appellant was not satisfied. He preferred appeal under section 19 (1) of the Right to Information Act. The First Appellate Authority does not seem to have passed any order and hence this second appeal before the Commission.

The appeal was heard on 17.11.2008. The appellant was present. The respondent did not turn up. The appeal was fixed for hearing on 23.09.2008 but had to be adjourned because respondent had not turned up. This simply shows that respondents are casual in their approach. The First Appellate Authority has failed to discharge his duties cast on him under the RTI Act. He has not heard the appeal and has not passed any order. The appellant has been deprived of one opportunity of being heard. I therefore pass the following order.

**Order**

The appeal is reminded back to the First Appellate Authority who will hear the parties and pass his reasoned order. The time allowed 30 days. If the appellant is not satisfied he can still come in second appeal before Commission.

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

Place: Mumbai  
Date: 12.12.2008.



**Shri. Mangesh Mane**  
**B.D.D. Chawl No. 99,**  
**Room No. 55,**  
**Worli, Mumbai – 400 018.**

..... Appellant

V/s

**First Appellate Officer cum Dy. Secretary**  
**Revenue & Forest Department,**  
**Mantralaya,**  
**Mumbai – 400 032.**

.... Respondent

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

### GROUNDS

This appeal has been filed under section 19 (3) of the Right to Information Act 2005. The appellant has sought information regarding functions, organisation, duties, recruitment procedure, illegal recruitment relating to different offices under the Revenue and Forest Deptt., Govt. of Maharashtra. He was not satisfied with responses from the Public Information Officers and hence this second appeal before the Commission.

The appeal was heard on 03.12.2008. The appellant did not turn up. The First Appellate Authority and 8 PIO's were present. They have submitted copies of the information furnished to the appellant. They have also submitted that their main difficulty was that the nature of information sought was unclear, non-specific and very broad. They have tried their best but still are willing to offer any specific information sought by the appellant.

I have gone through the case papers and also considered the submission made by PIO's. It is correct that the information sought is very broad and comprehensive. Many times it is not understood what information has been sought. Copies of the information furnished to the appellant have been submitted to the Commission. They reveal that the PIO's have attempted to furnish the available information. I therefore decide to close the case.

### Order

The appeal is disposed off.

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

Place: Mumbai  
Date: 12.12.2008.

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

Appeal No.2008/1466/02

**Shri.Agnelo Joseph Pinto**  
214 / 220, Goverdhan Bldg., 1<sup>st</sup> Floor,  
Dr. Viegas Street,  
Mumbai – 400 002.

.... Appellant

V/s

**First Appellate Officer cum Asst. Commissioner,**  
**Municipal Corporation of Greater Mumbai,**  
**Office of the 'C' Ward, Chandanwadi,**  
**Shrikant Palekar Marg,**  
**Mumbai – 400 002.**

.... Respondent

**Public Information Officer Senior Inspector,**  
**Municipal Corporation of Greater Mumbai,**  
**Office of the 'C' Ward, Chandanwadi,**  
**Shrikant Palekar Marg,**  
**Mumbai – 400 002.**

**GROUND**

This appeal has been filed under section 19 (3) of the Right to Information Act 2005. The appellant had sought information regarding business premises of Vastimal / Pravin, whether they have been permitted to remain open on Sundays and why no action has been taken against, the establishment of Vastimal and Pravin. The Public Information Officer by his letter dated 30.04.2008 informed the appellant that his staff visited the premises on a Sunday and found that it was closed. The appeal was heard on 18.12.2008. The appellant was present. His main contention is that there are no fixed hours for the business; the establishment remains open beyond the working hours. The appellant has also complained that the passage lights are kept on till 12.00 midnight. After going through the case papers, I have come to the conclusion that it is more a complaint / grievance than information. It is also revealed from case papers that the establishment is being proceeded against under the Bombay Shops and establishment Act 48. This information has also been given to the appellant. I therefore direct the PIO to ensure that the business premises are not kept open on holidays and lights should be switched off after working hours.

**Order**

The appeal is disposed off.

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

Place: Mumbai  
Date: 18.12.2008.

**Shri.Anand Sopan Pargaonkar**  
**Room No.1145, Phule Nagar,**  
**I.I.T. Powai,**  
**Mumbai – 400 0076.**

..... Appellant

V/s

**First Appellate Officer cum Asst. Commissioner,**  
**Municipal Corporation of Greater Mumbai,**  
**‘S’ Ward,**  
**Near Mangatra, Petrol pump,**  
**Bhandup (W),**  
**Mumbai – 400 078.**

.... Respondent

**Public Information Officer Asst. Engineer,**  
**(Building & Factories)**  
**Municipal Corporation of Greater Mumbai,**  
**‘S’ Ward,**  
**Near Mangatra, Petrol pump,**  
**Bhandup (W),**  
**Mumbai – 400 078.**

### GROUNDS

This appeal has been filed under section 19 (3) of the Right to Information Act 2005. The appellant had sought information regarding requirement of document for getting one's plan passed, how many proposals have been approved during 1998-2008, names and addresses of buildings approved. Some information has been sought regarding Hiranandani's Powai's project. No details are available. The appeal was heard on 18.12.2008. Appellant and respondent were present. It is difficult to make out what the appellant wants to know. Any attempt to collect, compile and furnish the information will lead to disproportionate expenditure of time and resources of the public authority. The case is therefore closed.

### Order

The appeal is disposed off.

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

Place: Mumbai  
Date: 18.12.2008.

**Shri.Anand Sopan Pargaonkar**  
**Room No.1145, Phule Nagar,**  
**I.I.T. Powai,**  
**Mumbai – 400 0076.**

..... Appellant

V/s

**First Appellate Officer cum Dy. Controller,**  
**Rationing Office – E,**  
**Chanchal Smriti, 1<sup>st</sup> Floor,**  
**G.D.Ambekar Marg,**  
**Wadala,**  
**Mumbai – 400 031.**

.... Respondent

**Public Information Officer Rationing Officer,**  
**Rationing Office – E,**  
**Chanchal Smriti, 1<sup>st</sup> Floor,**  
**G.D.Ambekar Marg,**  
**Wadala,**  
**Mumbai – 400 031.**

**GROUND**

This appeal has been filed under section 19 (3) of the Right to Information Act 2005. The information sought by the appellant has been provided but not in the form in which he wanted. The appellant had sought information in CD form but the PIO and the First Appellate Authority have regretted their inability to furnish the same. It is true that section 7(9) requires that an information shall ordinarily be provided in the form in which it is sought but as explained by the PIO and the First Appellate Authority, it is not possible for them to do so.

In the light of the above discussion and the circumstances under which the PIO is functioning, I am considered to disallow the appeal.

**Order**

The appeal is disposed off.

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

Place: Mumbai  
Date: 18.12.2008.

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

Appeal No.2008/1460/02

**Shri.Anand Sopan Pargaonkar**  
**Room No.1145, Phule Nagar,**  
**I.I.T. Powai,**  
**Mumbai – 400 0076.**

..... Appellant

V/s

**First Appellate Officer cum Asst. Commissioner,**  
**Municipal Corporation of Greater Mumbai,**  
**‘S’ Ward Bldg.,**  
**Near Mangatram Petrol Pump,**  
**Bhadup (W), Mumbai – 400 078.**

.... Respondent

**Public Information Officer Asst. Engineer,**  
**Municipal Corporation of Greater Mumbai,**  
**‘S’ Ward Bldg.,**  
**Near Mangatram Petrol Pump,**  
**Bhadup (W), Mumbai – 400 078.**

**GROUND**

This appeal has been filed under section 19 (3) of the Right to Information Act 2005. The appellant wanted to know as to how much money was given to the councillor of ward no 110 from the councillor’s fund. Whether some other funds were also sanctioned and work wise expenditure etc. The PIO by his letter dated 08.04.2008 furnished the information. The appellant was not satisfied and preferred the first appeal. There is nothing to show whether the First Appellate Authority passed any order. Hence this second appeal. The appeal was heard on 18.12.2008. Appellant was present. The respondents were not present. After going through the case papers and considering the arguments advanced by the appellant I have come to the conclusion that information with reference to point no.3 must be furnished. The appellant had wanted to know the places where works have been undertaken work wise expenditure and total no. of works undertaken. These are relevant and vital information and totally in the domain of public interest. I therefore order that the information must be furnished.

**Order**

The appeal is partially allowed. PIO to furnish information on point no. 3 within 15 days.

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

Place: Mumbai  
Date: 18.12.2008.

**Shri.Ketan Modi**  
**25 / 6, Mahavir, 3<sup>rd</sup> Floor,**  
**S.V.Sovani Marg,**  
**Mumbai – 400 004.**

.... Appellant

V/s

**First Appellate Officer cum Resident Dy. Collector**  
**Office of the Collector – Mumbai City,**  
**Land Record Department,**  
**1<sup>st</sup> Flr., Old Custom House,**  
**Shahid Bhagat Singh Road,**  
**Mumbai – 400 001.**

.... Respondent

**Public Information Officer**  
**Office of the Collector – Mumbai City,**  
**Land Record Department,**  
**1<sup>st</sup> Flr., Old Custom House,**  
**Shahid Bhagat Singh Road,**  
**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 relating to the Press Club of India, Mumbai. Not satisfied with the responses from the Public Information Officer and the First Appellate Authority, he has come in second appeal before the Commission. The appeal was heard on 15.12.2008. The appellant was present. Respondent were also present. It is seen from the case papers that the First Appellate Authority had asked the PIO to allow inspection of relevant documents and furnish copies of selected documents within 15 days. The nature of information sought is not specific and hypothetical to some extent. The directive to the PIO is in order.

### **Order**

The appeal is partially allowed. The PIO to arrange inspection of relevant document and furnish copies of selected ones within 15 days.

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

Place: Mumbai  
Date: 18.12.2008.

**Smt.Priti Govil**  
**B/303, Bldg. No.99. ,**  
**“Kalpna Srushti”,**  
**13<sup>th</sup> Road, Tilak Nagar,**  
**Chembur,**  
**Mumbai – 400 089.**

**..... Appellant**

**V/s**

**First Appellate Officer cum Dy.Chief Engineer**  
**(Building Proposal)**  
**Eastern Suburbs, Near Raj Legacy,**  
**Paper Mill Compound,**  
**L.B.S.Marg, Vikhroli (W),**  
**Mumbai – 400 083.**

**.... Respondent**

**Public Information Officer Executive Engineer**  
**(Building Proposal)**  
**Eastern Suburbs, Near Raj Legacy,**  
**Paper Mill Compound,**  
**L.B.S.Marg, Vikhroli (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 proposed redevelopment of building no.99 at Tilak Nagar, MHADA Layout Chembur, Mumbai. Not satisfied with responses from the Public Information Officer and the First Appellate Authority, the appellant has preferred this second appeal before the Commission.

The appeal was heard on 15.12.2008. The appellant and respondent were present. It appears from the case papers that one of the most important contentions is the existence of developer's office in the premises of the society. Record also shows that the Dy. Chief Engineer, Building Proposal (ES) has informed the appellant that no occupation certificate will be granted unless the office is removed. He has also furnished detailed information under his letter dated 25.07.2008. I therefore conclude that the available information has been furnished.

### **Order**

The appeal is disposed off.

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

Place: Mumbai  
Date: 18.12.2008.

**Shri. Namdeo S. Ahire**  
**Sundarlal Sha Chawl,**  
**Room No.1, Makrani Pada,**  
**Jitendra Road, Malad (E),**  
**Mumbai – 400 097.**

.... Appellant

V/s

**First Appellate Officer**  
**Municipal Corporation of Greater Mumbai**  
**Building Proposal,**  
**Western Suburb, Ambedkar Market Bldg.**  
**Kandivali (W), Mumbai – 400 067.**

.... Respondent

**Public Information Officer**  
**Municipal Corporation of Greater Mumbai**  
**Building Proposal,**  
**Western Suburb, Ambedkar Market Bldg.**  
**Kandivali (W), Mumbai – 400 067.**

### GROUNDS

This appeal has been filed under section 19 (3) of the Right to Information Act 2005. The appellant by his application dated 28.02.2008 had requested for certified copies of documents relating to action taken under MRTP Act 1966 by the Asstt. Engineer 'P' ward Mumbai. The appellant was advised to inspect documents and select ones whose copy he requires. The appellant was not satisfied and hence this appeal.

The appeal was fixed for hearing on 31.12.2008 the appellant has sent an application for adjournment. The respondent was present. The issues involved are not complicated but rather straight forward. I therefore reject the request for adjournment. After going through case papers I have come to the conclusion that the advice given to the appellant is good. He has not asked for any specific information. He has requested for copies of documents relating to all actions taken under MRTP Act 1966 during 2006-2007, 2007-2008. I would urge upon the appellant to identify the documents and then seek copies. Under the present circumstances, the Public Information Officer and the First Appellate Authority have decided the case correctly.

### Order

The appeal is disposed off.

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

Place: Mumbai  
Date: 31.12.2008.



**Shri.Kiran Chandrakant Manjarekar**  
4/306, Sugandh, Parbat Nagar,  
S.V.Road, Dahisar (E),  
Mumbai – 400 068.

..... Appellant

V/s

**First Appellate Officer cum Asst. Engineer**  
R / North (Dahisar) Section,  
Near Sangitkar Sudhir Phadake Flyover,  
Jaywant Sawant Marg,  
Dahisar (W), Mumbai – 400 068.

.... Respondent

**Public Information Officer Asst. Engineer**  
R / North (Dahisar) Section,  
Near Sangitkar Sudhir Phadake Flyover,  
Jaywant Sawant Marg,  
Dahisar (W), Mumbai – 400 068.

### GROUNDS

This appeal has been filed under section 19 (3) of the Right to Information Act 2005. The appellant had sought information and Xerox copies of remarks, notings, writings reports etc. from field book, Detection Diary of Officers, Engineers of Building and Factory Department namely Mr. Bhatia, Mr. Fansa, Mr. Rane for the period 01.04.2007 to 31.03.2008. The Public Information Officer by his letter dated 25.06.2008 informed the appellant that field books maintained by Officers are personal but the common detection register is maintained by the ward and copies can be provided on demand of specific unauthorised structures. The First Appellate Authority has virtually confirmed the PIO's order. Hence this second appeal.

The appeal was heard on 18.12.2008. Appellants and respondents were present. As it appears the information sought is general and very broad. The Public Information Officer has offered to provide specific information. The RTI Act itself says that if furnishing of information is likely to lead to disproportionate expenditure of time and resources the information may not be furnished. In this case the stand taken up by the Public Information Officer and the First Appellate Authority is correct. There is no need to intervene.

### Order

The appeal is disposed off.

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

Place: Mumbai  
Date: 31.12.2008.

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

Appeal No.2008/1534/02

**Shri. George Albuquerque**  
6/32, B.I.T. Chawl,  
Agripada, Mumbai – 400 011.

..... Appellant

V/s

**First Appellate Officer cum Dy. Chief Engineer**  
**(Building Proposal) City – II,**  
**Municipal Corporation of Greater Mumbai,**  
**Office of the “E” Ward,**  
**Byculla, Mumbai – 400 008.**

.... Respondent

**Public Information Officer Exe. Engineer**  
**(Building Proposal) City – II,**  
**Municipal Corporation of Greater Mumbai,**  
**Office of the “E” Ward,**  
**Byculla, Mumbai – 400 008.**

**GROUND**

This appeal has been filed under section 19 (3) of the Right to Information Act 2005. The appellant has sought information regarding proposed redevelopment of BIT chawl No. 6 & 8. The appellant has requested for information whether redevelopment was going to be sanctioned in view of the fact that these buildings were extensively repaired in the recent past. In fact he wants MCGM to wait till the expiry of defect liability period is over. The appellant was not satisfied with responses from the Public Information Officer and the First Appellate Authority and hence this appeal.

The appeal was heard on 31.12.2008. The appellant did not turn up. The respondent was present. As it appears from the case papers the appellant has been informed that the redevelopment proposal of BIT chawl no. 6 & 8 has been received and a copy of the same has been sent to the appellant. There are set rules for sanctioning the redevelopment. Appellant can take up issues with MCGM if he felt that the redevelopment has been sanctioned without following the procedure. As far as this appeal is concerned, my conclusion is that available information has been furnished.

**Order**

The appeal is disposed off.

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

Place: Mumbai  
Date: 31.12.2008.

**Shri.Chetan Kothari (Press Reporter)**  
**52, Oceanic Apartment,**  
**Dr. Rajabali Patel Lane Off,**  
**B. Desai Road, Mumbai – 400 026.**

..... Appellant

V/s

**First Appellate Officer cum Director to Conservative of Forest,**  
**Sanjay Gandhi National Park,**  
**Borivali (East),**  
**Mumbai – 400 091.**

.... Respondent

**Public Information Officer Asst. Director & Conservative of Forest,**  
**Sanjay Gandhi National Park,**  
**Borivali (East),**  
**Mumbai – 400 091.**

### GROUNDS

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

- a) Please give breakup of flora & fauna in the Sanjay Gandhi National Park. Kindly furnish year wise breakup from last Three Years.
- b) How many total numbers of leopards in the Sanjay Gandhi National Park..? Kindly provide details year wise breakup from the last three years.
- c) What type of animals and birds in the Sanjay Gandhi National Park...? Kindly furnish name wise breakup in the last three years.
- d) What is the total area of the Sanjay Gandhi National Park as measured in the last three years. Kindly provide details in breakup.

Not satisfied with responses from the First Appellate Authority the appellant has preferred this second appeal before the Commission.

The appeal was heard on 31.12.2008. Appellant and respondent were present. Although initially the appellant did not seem satisfied with information furnished to him but the respondent convinced him about the utility and adequacy of the information. The appellant was also promised access to any information which he may choose to seek. It was decided to close the case.

### Order

The appeal is disposed off.

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

Place: Mumbai  
Date: 31.12.2008.

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

Appeal No.2008/1526/02

**Shri. Dashrath Bhagwan Rane  
Sai Prerana Co-op. Society Ltd.,  
Plot – 288, Room No. 41, Sector – 2,  
Charkop, Kandivali (W),  
Mumbai – 400 067.**

.... Appellant

V/s

**First Appellate Officer cum Dy. Registrar  
Co-operative Housing Society Ltd,  
Mumbai Housing Area Development Authority,  
Mumbai Grihnirman Bhavan,  
Bandra (East), Mumbai – 400 051.**

.... Respondent

**Public Information Officer Senior Assistant  
Co-operative Housing Society Ltd, Room No. 527,  
Mumbai Housing Area Development Authority,  
Mumbai Grihnirman Bhavan,  
Bandra (East), Mumbai – 400 051.**

**GROUND**

This appeal has been filed under section 19 (3) of the Right to Information Act 2005. The appellant had sought information regarding Bonds executed by members of the Managing Committee of Sai Prerana CHS Charkop. Not satisfied with responses from the Public Information Officer and the First Appellate Authority, the appellant has come in second appeal before the Commission.

The appeal was fixed for hearing on 31.12.2008. Neither the appellant nor the respondent turned up. The appeal is being decided on merit.

It is seen from the case papers that the Public Information Officer has advised the appellant to collect the information from the society. There does not seem to any response from the society. As is well known information has to be furnished by the Public Authority which is holding the information. The Commission has been interpreting this in a way so that information seeker does not have to run from pillar to post. In this case although the information is not generated at the Public Information Officer's level, he is supposed to have it with him. Rule 58 A of the Maharashtra Co-operative Societies Rules 1961 requires the society to inform the registrar regarding execution of the Bond as required by section 73 (1 AB) of the Maharashtra Co-operative Societies Act 1960. I therefore pass the following order.

**Order**

The appeal is allowed. The Public Information Officer to get the documents from the society and arrange to furnish to the appellant.

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

Place: Mumbai  
Date: 31.12.2008.