

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

Complaint No.2010/614/02

**Shri. Mahendra Janardhan Chavan
85/2, Chalke Chawl, Tadwadi,
Swadeshi Mill Rd, Soin,
Chunabhatti Rd, Mumbai – 400 022.**

...Complainant

Vs

**Public Information Officer,
Human Rights Commission,
9, Hajarimal Somani Marg,
Mumbai – 400 001.**

... Respondent

GROUNDS

This complaint has been filed under section 18 of the Right to Information Act 2005 in the context of the commission's order dated 31.10.2009 passed in appeal no 2008/3348/02. The facts in brief are as follows: The present complainant by his application dated 17.04.2009 had sought information in respect of orders passed by the Human Rights Commission and proceedings pending before the Supreme Court of India and the High Court, Bombay,

Not satisfied with responses from the Public Information Officer and First Appellate Authority the complainant filed appeal under section 19 (3) of the RTI Act, 2005. The commission by its order dated 31.10.2009 directed that information should be furnished within 30 days. The present complaint is against alleged non compliance of commissions order.

The complaint was heard on 20.02.2010. Complainant and defendants were present.

The complainant has stated that he was not satisfied with the information furnished to him. He complained that the break up of orders passed by the chairman and members has not been given.

The defendant's contention was that the total no of orders passed has been communicated. The defendant promised to furnish the break up of orders passed by the Chairman and Members.

After considering the arguments advanced by parties and going through the file I have come to the conclusion that the break up of order should be communicated.

Order

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

(Ramanand Tiwari)
State Information Commissioner, Mumbai

Place: Mumbai
Date: 20.02.2010.

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

Complaint No.2010/626/02

**Shri. Mahendra Janardhan Chavan
85/2, Chalke Chawl, Tadwadi,
Swadeshi Mill Rd, Soin,
Chunabhatti Rd, Mumbai – 400 022.**

...Complainant

Vs

**Public Information Officer,
Human Rights Commission,
9, Hajarimal Somani Marg,
Mumbai – 400 001.**

... Respondent

GROUND

This complaint has been filed under section 18 of the Right to Information Act 2005 in the context of the commission's order passed in appeal no 2008/3349/02. The facts in brief are as follows: The complainant by his application dated 17.04.2009 had sought the following information: -

Furnish complete information to serial number of judicial proceedings file before Hon'ble Supreme Court of India, Hon'ble High Court at Bombay against the Maharashtra State Human Right Commission by Citizens of India in lawful matters to protect human right for fairness of action as per. The Protection of Human Right Act, 1993 and Articles 13, 19, 21, 51, 154, 166, 309, 365, 375 constitution of India for administration of law and justice.

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

The complaint was heard on 20.02.2010. Complainant and defendants were present.

The complainant has stated that he was not satisfied with the information furnished.

The defendant's contention was that information available on record no. of petitions filed against the Human Rights Commission in the Supreme Court of India and the High Court, Bombay has been furnished.

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

Order

The complaint is filed.

(Ramanand Tiwari)
State Information Commissioner, Mumbai

Place: Mumbai
Date: 20.02.2010.

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

Complaint No.2010/627/02

**Shri. Mahendra Janardhan Chavan
85/2, Chalke Chawl, Tadwadi,
Swadeshi Mill Rd, Soin,
Chunabhatti Rd, Mumbai – 400 022.**

...Complainant

Vs

**Public Information Officer,
Human Rights Commission,
9, Hajarimal Somani Marg,
Mumbai – 400 001.**

... Respondent

GROUNDS

This complaint has been filed under section 18 of the Right to Information Act 2005 in the context of the commission's order dated 30.10.2009 passed in appeal no 2008/3348/02. The facts in brief are as follows: The present complainant by his application dated 17.04.2009 had sought information in respect of orders passed by the Human Rights Commission and proceedings pending before the Supreme Court of India and the High Court at Bombay.

Not satisfied with responses from the Public Information Officer and First Appellate Authority the complainant filed appeal under section 19 (3) of the RTI Act, 2005. The commission by its order dated 30.10.2009 directed that information should be furnished within 30 days. The present complaint is against alleged non compliance of commissions order.

The complaint was heard on 20.02.2010. Complainant and defendants were present.

The complainant has stated that he has not received the information the information he had sought.

The defendant's contention was that the information was available with the Human Rights Commission and the same will be furnished to the appellant.

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

Order

Information to be furnished by the Human Rights Commission with 15 days from the date of receipt of this order.

(Ramanand Tiwari)
State Information Commissioner, Mumbai

Place: Mumbai
Date: 20.02.2010.

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

Complaint No.2010/4344/02

**Shri. Ravikant S Dukhande
35/253, M.H.B. Colony,
Majaswadi (EWS) Sarvodaya Nagar,
Jogeshwari (E), Mumbai – 400 060.**

...Complainant

Vs

**Public Information Officer,
Office of the Charity Commissioner
Public Trust Registration Office,
2nd Floor, Dr Besant Rd,
Worli, Mumbai – 400 018.**

... Respondent

GROUND

This complaint has been filed under section 18 of the Right to Information Act 2005 in the context of the commission's order dated 24.04.2009 passed in appeal no 2008/2347/02. The facts in brief are as follows: The present complainant had sought information regarding his complaint dated 26.11.2008 against Sarvodaya Seva Samity, Jogeshwari (E), Mumbai.

Not satisfied with responses from the Public Information Officer and First Appellate Authority the complainant filed appeal under section 19 (3) of the RTI Act, 2005. The commission by its order dated 24.04.2009 directed that information should be furnished within 15 days. The present complaint is against alleged non compliance of commissions order.

The complaint was heard on 20.02.2010. Complainant and defendants were present.

The complainant has stated that no action taken report has been received by him.

The defendant's contention was that the complainant has been informed by the letter dated 12.06.2009.

After considering the arguments advanced by parties and going through the file I have come to the conclusion that the commission's order has been complied. The complainant wanted certain action to be taken against the trust. He was advised to get in touch with the Enquiry Officers. The commission is not mandated to issue direction regarding the course of action to be taken by the Enquiry office. Available information has been furnished.

Order

The complaint is filed.

(Ramanand Tiwari)
State Information Commissioner, Mumbai

Place: Mumbai
Date: 20.02.2010.

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

Complaint No.2010/628/02

**Shri. Sudhir Balvant Salvi
D/A-3, Shrikrushan Soc.,
Sundarbaug Lane, Kurla (W),
Mumbai – 400 070.**

...Complainant

Vs

**Public Information Officer,
Municipal Corporation of Greater Mumbai,
L Ward, Kurla (W),
Mumbai – 400 0070.**

... Respondent

GROUNDS

This complaint has been filed under section 18 of the Right to Information Act 2005 in the context of the commission's order dated 17.03.2009 passed in appeal no 2009/2074/02. The facts in brief are as follows: The present complainant had sought information relating to room no 2 and 14, Salvi Chawl, Waltonwadi, Church Rd, Navapada, Kurla (W), Mumbai.

Not satisfied with responses from the Public Information Officer and First Appellate Authority the complainant filed appeal under section 19 (3) of the RTI Act, 2005. The commission by its order dated 17.03.2009 directed that information should be furnished within 45 days. The present complaint is against alleged non compliance of commissions order.

The complaint was heard on 20.02.2010. Complainant and defendants were present.

The complainant has stated that he has not been given the information and the commissioner's order has been complied. The defendant submitted that the order has been complied and notice issued

After considering the arguments advanced by parties and going through the file I have come to the conclusion that the commission's order has not been complied. Notice of hearing was sent. It simply means that the defendant has not cared to do the needful for almost a year. I therefore pass the following order.

Order

The complaint is allowed. Defendant to show cause why action should not be taken against him under section 20 of the RTI Act for non compliance of commission's order. His reply to reach within 4 weeks from the date of receipt of his order.

(Ramanand Tiwari)
State Information Commissioner, Mumbai

Place: Mumbai
Date: 20.02.2010.

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

Complaint No.2010/625/02

**Shri. Pyarelal H. Karotiya
H 501, Sidhivinayak Residency,
Kalyan-Shil Rd, MIDC,
Dombivali (E), Thane – 421 203.**

...Complainant

Vs

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

... Respondent

GROUNDS

This complaint has been filed under section 18 of the Right to Information Act 2005 in the context of the commission's order dated 23.10.2009 passed in appeal no 2008/3481/02. The facts in brief are as follows: The present complainant by his application dated 13.06.2009 had sought inspection of the file relating to his appeal filed with the Slum Rehabilitation Authority.

Not satisfied with responses from the Public Information Officer and First Appellate Authority the complainant filed appeal under section 19 (3) of the RTI Act, 2005. The commission by its order dated 23.10.2009 directed that inspection should be allowed and copies of selected documents given within 15 days. The present complaint is against alleged non compliance of commissions order.

The complaint was heard on 20.02.2010. Complainant and defendants were present.

The complainant has stated that he has not been allowed inspection of the relevant documents and the commission's order has not been complied.

The defendant's contention was the relevant file was not available and therefore inspection could not be given.

After considering the arguments advanced by parties and going through the file I have come to the conclusion that the commission's order has not been complied. The complainant's request for inclusion of his name in annexure II was rejected because of lack of credible proof. His appeal does not seem to have been decided. He has thus been deprived of an opportunity to present his case. I therefore pass the following order.

Order

The Secretary SRA to hear the complaint's appeal and inform him of the outcome. This should be done within 45 days.

(Ramanand Tiwari)
State Information Commissioner, Mumbai

Place: Mumbai
Date: 20.02.2010.

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

Appeal No.2010/4345/02

**Shri. Pazue Alexander Mathew
A/5, Indrayudha CHS M.G. Rd,
Goregaon (W), Mumbai – 400 090.**

... Appellant

V/s

**First Appellate Officer cum Executive Engineer
Municipal Corporation of Greater Mumbai,
P/South Ward Office, Goregaon (W),
Mumbai – 400 062.**

... Respondent

**Public Information Officer cum Asstt Engineer
Municipal Corporation of Greater Mumbai,
P/South Ward Office, Goregaon (W),
Mumbai – 400 062.**

GROUNDS

This appeal has been filed under section 19(3) of the Right to Information Act, 2005. The appellant by his application dated 28.04.2009 had sought information relating to encroachment on certain roads in P/South Ward of the Mumbai Municipal Corporation. He had enclosed the list of roads.

Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant filed this second appeal before the commission. The appeal was heard on 20.02.2010. Appellant and respondents were present.

The appellant has contended that he has not received the information he had sought. He also stated that if no information was available, he should be clearly informed.

The respondent's contention is that the appellant was offered inspection of documents which he did not avail of. It was also stated by him that no survey has been done therefore information regarding encroachment of roads cannot be furnished. He

also submitted that surveys are carried out when a particular road has to be taken up for widening etc. Under these circumstances I pass the following order.

Order

Information available on records should be furnished within 15 days from the date of receipt of this order. If no information was available the same should be communicated to the appellant.

(Ramanand Tiwari)
State Information Commissioner, Mumbai

Place: Mumbai
Date: 20.02.2010.

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

Appeal No.2010/4343/02

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

... Appellant

V/s

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

... Respondent

**Public Information Officer cum Asstt Commissioner of Police
Office of the Additional Commissioner of Police (Western Region)
Carter Rd, Bandra (W), Mumbai – 400 050.**

GROUNDS

This appeal has been filed under section 19(3) of the Right to Information Act, 2005. The appellant by his application dated 09.11.2009 had sought information relating to the arrest of Shri Abdul Rashid Jiwni & whether he has been given bail. The appellant also wanted a copy of the statement recorded and why was he not arrested for 11 months.

Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant filed this second appeal before the commission. The appeal was heard on 20.02.2010. Appellant and respondents were present.

The appellant has contended that he has was not satisfied with the information received by him. The respondent submitted that whatever information was available on record has been furnished. He has given a copy of the information to the appellant.

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

from the copy of the information given and kept on commission's record that pointwise information has been furnished. I therefore decide to close the case.

Order

Appeal is disposed off.

(Ramanand Tiwari)
State Information Commissioner, Mumbai

Place: Mumbai
Date: 20.02.2010.

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

Appeal No.2010/4347/02

**Shri. Vivek Pandit & Other
Flat No.101/A,
The Miranda Apt. CHS Soc. Ltd.,
176, Veer Savarkar Marg,
Dadar, Mumbai – 400 028.**

... Appellant

V/s

**First Appellate Officer cum District Dy Registrar
(Mumbai) 1, City Incharge of G/North Ward,
Cooperative Societies, Malhotra House,
6th Floor, Opp. GPO, Fort, Mumbai – 400 001.**

... Respondent

**Public Information Officer cum Asstt Commissioner of Police
Office of the Additional Commissioner of Police (Western Region)
Carter Rd, Bandra (W), Mumbai – 400 050.**

GROUNDS

This appeal has been filed under section 19(3) of the Right to Information Act, 2005. The appellant by his application dated 07.07.2009 had sought information regarding appointment of administrators under the Maharashtra Cooperative Societies Act, 1960. He had raised 18 queries and sought answer to them.

Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant filed this second appeal before the commission. The appeal was heard on 20.02.2010. The appellant did not turn up but the respondent was present. The appellant has sought adjournment. The same is being rejected as the information sought is simple and the respondent is being ordered to furnish the same. The respondent's contention that information has been sought in the question answer form and therefore cannot be furnished is not accepted. If the questions are leading to facts / factual information it cannot be denied because of the format. The questions

raised by the appellant have definite answers and therefore information should be furnished. I therefore pass the following order.

Order

Information to be furnished within 30 days from the date of receipt of this order.

(Ramanand Tiwari)
State Information Commissioner, Mumbai

Place: Mumbai
Date: 20.02.2010.

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

Appeal No.2010/4350/02

**Shri. Ganesh K. Kople
4/166, Geetanjali, Samata Nagar,
Kandivali (E), Mumbai – 400 101.**

... Appellant

V/s

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

... Respondent

**Public Information Officer,
Mumbai Housing & Area Development Board,
Grihanirman Bhavan,
Kala Nagar, 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 10.08.2009 had sought information relating to allotment of flats to Dr. Shalini Sonawane in LIG Majaswadi and HIG Juhu (Juhu Prarthana CHS) and related matters.

Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant filed this second appeal before the commission. The appeal was heard on 20.02.2010. Appellant and respondents were present.

The appellant has contended that he has not been furnished the required information. The respondent had no creditable answer. Case papers reveal that no serious attempt has been made to furnish the information sought by the appellant. I therefore pass the following order.

Order

The PIO to furnish information within 30 days free of cost as the same has not been done within the stipulated time. The PIO should show cause why action should not be initiated under the RTI Act against him for not furnishing the information. His reply to reach the commission within 4 weeks.

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

Place: Mumbai
Date: 20.02.2010.

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

Appeal No.2010/4353/02

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

... **Appellant**

V/s

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

... **Respondent**

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

GROUND

This appeal has been filed under section 19(3) of the Right to Information Act, 2005. The appellant by his application dated 09.11.2009 had sought information relating to the list of persons submitted by M/s Citimake Builders Pvt. Ltd through Sangam Cooperative Housing Society for development of Gulam Rasool Chawl, Lala Compound, Link Rd, Behram Bagh Jogeshwari West, Mumbai situate on plot hearing city survey no 1 K/3 183, 194 Village Oshiwara Mumbai.

Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant filed this second appeal before the commission. The appeal was heard on 23.02.2010. Appellant and respondents were present.

The appellant has contended that he has not received the information he held sought. The respondent submitted that the information was available with the Dy. Collector, SRA. I therefore pass the following order.

Order

Dy Collector, SRA to furnish required information within 30 days from the date of receipt of this order.

(Ramanand Tiwari)
State Information Commissioner, Mumbai

Place: Mumbai
Date: 23.02.2010.

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

Appeal No.2010/4352/02

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

... **Appellant**

V/s

First Appellate Officer cum Sub Division Officer &
Dy Chief Officer,
New Administrative Bldg,
9th Floor, Near Chetna College,
Bandra (E), Mumbai – 400 051.

... **Respondent**

Public Information Officer cum Tahsildar
Tahsildar Office,
Borivali, New Administrative Bldg, Borivali (W),
Mumbai.

GROUND

This appeal has been filed under section 19(3) of the Right to Information Act, 2005. The appellant by his application dated 16.11.2009 had sought a certified copy of the 7-12 utara pertaining to survey no.83, Hissa no 44/4, Village Goregaon, Taluka Borivali after 1980 till 2009.

Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant filed this second appeal before the commission. The appeal was heard on 23.02.2010. Appellant and respondents were present.

The appellant has contended that he has not received the information sought by him. The respondent submitted that the information is held by the talathi and the appellant should get in touch with him.

After going through the case papers and considering the arguments advanced by parties I have come to the conclusion that information has not been furnished. I therefore direct that information should be collected by the respondent and furnish to the appellant as the information is held under his control.

Order

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

(Ramanand Tiwari)
State Information Commissioner, Mumbai

Place: Mumbai
Date: 23.02.2010.

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

Appeal No.2010/4358/02

Shri. Govind S. Kapse
51, B Bhimabai Kapse Bldg,
Room No.2 Ground Floor,
Behind Hussaini Garden,
Kurla Kasaiwada,
Nehru Nagar, Kurla (E),
Mumbai – 400 070.

... **Appellant**

V/s

First Appellate Officer cum Dy Chief Engineer
Mumbai Bldg Repairs and Reconstruction Board,
(MBR & R Board), Grihanirman Bhavan,
Kalanagar, Bandra (E), Mumbai – 400 051.

... **Respondent**

Public Information Officer cum Executive Engineer
Office of the Executive Engineer, MHADA,
Grihanirman Bhavan, Mahim Area,
Shinde Wadi, Dadar (E), Mumbai.

GROUND

This appeal has been filed under section 19(3) of the Right to Information Act, 2005. The appellant by his application dated 03.11.2009 had sought information regarding action taken on his complaint against M/s Sakshi Jewellers for constructing a 'Pucca Shop' from the 'Kachha Shed' on the drainage line between Haji Sultan Building and Haji Iasmail Building, Veer Savarkar Marg, Mahim, Mumbai.

Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant filed this second appeal before the commission. The appeal was heard on 23.02.2010. Appellant was present but the respondent was absent.

The appellant has contended that he has not been furnished the information required by him. The respondent was absent so it could not be verified. In view of the appellant's submission and the respondent's absence I pass the following order.

Order

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

(Ramanand Tiwari)
State Information Commissioner, Mumbai

Place: Mumbai
Date: 24.02.2010.

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

Appeal No.2010/4357/02

Shri. Govind S. Kapse
51, B Bhimabai Kapse Bldg,
Room No.2 Ground Floor,
Behind Hussaini Garden,
Kurla Kasaiwada,
Nehru Nagar, Kurla (E),
Mumbai – 400 070.

... **Appellant**

V/s

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

... **Respondent**

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

GROUND

This appeal has been filed under section 19(3) of the Right to Information Act, 2005. The appellant by his application dated 03.11.2009 had sought information regarding action taken on his complaint against M/s Sakshi Jewellers for constructing a ‘Pucca Shop’ from the ‘Kachha Shed’ on the drainage line between Haji Sultan Building & Haji Iasmil Building situated at 9 9/A Veer Savarkar Marg, Mahim, Mumbai.

Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant filed this second appeal before the commission. The appeal was heard on 23.02.2010. Appellant and respondents were present.

The appellant has contended that he has not received the information he had sought. The respondent submitted that since the information pertained to the Mumbai Building Repair & Reconstruction Board, the application has been sent to them.

After going through the case papers and considering the arguments advanced by parties I have come to the conclusion that information has been furnished. The application has been sent to the public authority whom it related under intimation (13.11.2009) to the appellant.

Order

The appeal is disposed off.

(Ramanand Tiwari)
State Information Commissioner, Mumbai

Place: Mumbai
Date: 23.02.2010.

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

Appeal No.2010/4356/02

Shri. Govind S. Kapse
51, B Bhimabai Kapse Bldg,
Room No.2 Ground Floor,
Behind Hussaini Garden,
Kurla Kasaiwada,
Nehru Nagar, Kurla (E),
Mumbai – 400 070.

... **Appellant**

V/s

First Appellate Officer,
Urban Development Department,
Mantralaya, Mumbai – 400 032.

... **Respondent**

Public Information Officer,
Urban Development Department,
Mantralaya, Mumbai – 400 032.

GROUND

This appeal has been filed under section 19(3) of the Right to Information Act, 2005. The appellant by his application dated 03.11.2009 had sought information regarding action taken on his complaint against M/s Ramesh Stores situated in the common house gully of Fardeen Mansion and Cadeel Queen 15/15A Veer Savarkar Rd, Mahim, Mumbai for doing business without having licence u/s 394 of the MMC Act and without NOC from the Chief Fire Officer.

Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant filed this second appeal before the commission. The appeal was heard on 23.02.2010. Appellant and respondents were present.

The appellant has contended that he has not been given the information he had sought. The respondent submitted that the matter pertained to the BMC and his application has been sent to BMC under intimation to the appellant.

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

Order

The appeal is disposed off.

(Ramanand Tiwari)
State Information Commissioner, Mumbai

Place: Mumbai
Date: 23.02.2010.

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

Appeal No.2010/4355/02

Shri. Govind S. Kapse
51, B Bhimabai Kapse Bldg,
Room No.2 Ground Floor,
Behind Hussaini Garden,
Kurla Kasaiwada,
Nehru Nagar, Kurla (E),
Mumbai – 400 070.

... **Appellant**

V/s

First Appellate Officer cum Executive Engineer
Municipal Corporation of Greater Mumbai,
G/North Ward Office, Dadar,
Mumbai – 400 028.

... **Respondent**

Public Information Officer cum Asstt. Engineer (B & F)
Municipal Corporation of Greater Mumbai,
G/North Ward Office, Dadar,
Mumbai – 400 028.

GROUND

This appeal has been filed under section 19(3) of the Right to Information Act, 2005. The appellant by his application dated 03.11.2010 had sought information regarding action taken on his complaint against M/s Ramesh Stores, a shop situated in the common house gully of Fardeen Mansion and Cadeel Queen 15/15A Veer Savarkar Rd, Mahim, Mumbai.

Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant filed this second appeal before the commission. The appeal was heard on 23.02.2010. Appellant and respondents were present.

The appellant has contended that he has not been furnished the required information. The respondent submitted that the case has been transferred to the Sr Inspector licences under intimation to the appellant.

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

Order

The appeal is disposed off.

(Ramanand Tiwari)
State Information Commissioner, Mumbai

Place: Mumbai
Date: 24.02.2010.

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

Complaint No.2010/339/02

**Shri. Chatur Kruplani
A-501, Arohi CHS Ltd,
Marol Maroshi Rd,
Near Bhavani Nagar,
Andheri (E), Mumbai – 400 059.**

...Complainant

Vs

**Public Information Officer,
K/West Ward, Cooperative Societies,
Malhotra House, Opp. GPO,
Mumbai – 400 001.**

... Respondent

GROUNDS

This complaint has been filed under section 18 of the Right to Information Act 2005 in the context of the commission's order dated 16.01.2009 passed in appeal no 2008/1525/02. The facts in brief are as follows: The present complainant by his application dated 01.02.2008 had sought information relating to Aarohi Cooperative Housing Society Ltd, Behind Police Camp, Near Tata Bungalow, M.M. Rd, Marol, Andheri (E), Mumbai. He had asked for certified copy of the application for registration of the society, list of promoter members, name and address of the Chief Promoter, copies of the minutes of AGM and audit reports and issues related to the report.

Not satisfied with responses from the Public Information Officer and First Appellate Authority the complainant filed appeal under section 19 (3) of the RTI Act, 2005. The commission by its order dated 16.01.2009 directed that information should be furnished within 15 days. The present complaint is against alleged non compliance of commission's order.

The complaint was fixed for hearing on 09.02.2010. The complainant and defendants were absent.

There is nothing on record to show that the commission's order has been complied. I therefore pass the following order.

Order

The complaint is allowed. The PIO is directed to show cause why action under section 20 of the RTI Act should not be taken against him for non compliance of commission's order. His reply to reach the commission within 4 weeks.

(Ramanand Tiwari)
State Information Commissioner, Mumbai

Place: Mumbai
Date: 25.02.2010.

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

Appeal No.2010/559/02

**Shri. Rajkumar Singh
23/B Meher Apt,
Anesty Rd, Mumbai – 400 026.**

... Appellant

V/s

**First Appellate Officer cum Jt Commissioner
Municipal Corporation of Greater Mumbai,
G/North Ward Office, Dadar,
Mumbai – 400 028.**

... Respondent

**Public Information Officer,
Office of the Sales Tax, (H.Q.)1, MS,
Vikrikar Bhavan, Mazgaon, Mumbai – 400 010.**

GROUND

This appeal has been filed under section 19(3) of the Right to Information Act, 2005. The appellant by his application dated 16.09.2008 had sought information relating to the premises at Commerce Centre, 78 Tardeo, Mumbai hired by the Deputy Commissioner of Sales Tax, Mumbai. He had sought information: - on the following points.

1. General Administrative Department Order No. & copy thereof, wherein the Dy Commissioner of Sales Tax was allotted premises in Commerce Centre, Tardeo, Mumbai – 400 034.
2. In case there is no GAD Order No. then which Authority of the Govt. of Maharashtra issued allotment order to Dy. Commissioner Sales Tax. Please give order reference no. & copy of order / letter, thereof.
3. Please confirm that a Lease Agreement was entered into between Dy. Commissioner of Sales Tax, M.s. & M/s Vazifdar Builder Pvt. Ltd., the builder of

Commerce Centre, Tardeo, Mumbai – 400 034, which was occupied by Govt. of Maharashtra on 01.11.1964. Please give copy of Lease Agreement.

Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant filed this second appeal before the commission. The appeal was heard on 03.02.2010. Appellant and respondents were present.

The appellant has contended that he was not satisfied with the information given to him. He did not get a copy of the lease agreement signed between the developer and the sales tax commissioner.

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

After going through the case papers and considering the arguments advanced by parties I have come to the conclusion that information has been furnished. The appellant has been looking for the documents which may be very important for him but the RTI ensures furnishing of available documents. The appellant is free to draw adverse inference in respect of documents not found on record. I therefore pass the following order.

Order

The appeal is disposed off.

(Ramanand Tiwari)
State Information Commissioner, Mumbai

Place: Mumbai
Date: 25.02.2010.

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

Complaint No.2010/575/02

**Shri. Mahendra Janardhan Chavan
85/2, Chalke Chawl, Tadwadi,
Swadeshi Mill Rd, Soin,
Chunabhatti Rd, Mumbai – 400 022.**

...Complainant

Vs

**Public Information Officer,
Human Rights Commission,
9, Hajarimal Somani Marg,
Mumbai – 400 001.**

... Respondent

GROUNDS

This complaint has been filed under section 18 of the Right to Information Act 2005 in the context of the commission's order dated 08.10.2009 passed in appeal no 2008/3349/02. The facts in brief are as follows: The present complainant by his application dated 17.04.2009 had sought the following information: -

Furnish complete information to serial number of judicial proceedings file before Hon'ble Supreme Court of India, Hon'ble High Court at Bombay against the Maharashtra State Human Right Commission by Citizens of India in lawful matters to protect human right for fairness of action as per. The Protection of Human Right Act, 1993 and Articles 13, 19, 21, 51, 154, 166, 309, 365, 375 constitution of India for administration of law and justice.

Not satisfied with responses from the Public Information Officer and First Appellate Authority the complainant filed appeal under section 19 (3) of the RTI Act, 2005. The commission by its order dated 08.10.2009 directed that information should be furnished within 30 days. The present complaint is against alleged non compliance of commissions order.

The complaint was heard on 04.02.2010. Complainant and defendants were present.

The complainant has stated that he was not satisfied with the information furnished to him.

The defendant's contention was that whatever information was available on record has been furnished and thus the commission's order has been complied. The defendant has submitted a copy of the information furnished to the complainant.

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

Order

The complaint is dismissed.

(Ramanand Tiwari)
State Information Commissioner, Mumbai

Place: Mumbai
Date: 25.02.2010.

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

Complaint No.2010/551/02

**Shri. Chandrabhan Mahadev Yadav
Flat No.4 Jaibhawani CHS,
Flat No. 113/4, Near B.A.R.C Flyover,
Mankhurd (E), Mumbai – 400 088.**

...Complainant

Vs

**Public Information Officer cum Secretary
Jaibhawani CHS,
Flat No.113/4, Near B.A.R.C Flyover,
Mankhurd (E), Mumbai – 400 088.**

... Respondent

GROUND

This complaint has been filed under section 18 of the Right to Information Act 2005 in the context of the commission's order dated 30.01.2009 passed in appeal no 2008/1611/02.

The complaint was fixed for hearing on 03.02.2010. The respondent submitted that the complaint has been filed and attached a copy of the commission's order dated 30.11.2009.

Order

The complaint is dismissed.

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

Place: Mumbai
Date: 26.02.2010.

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

Complaint No.2010/564/02

**Shri. Sunil Gopal More
3/19, Old Municipal Chawl,
Dusari Hasnabad Lane,
Khar (W), Mumbai – 400 052.**

...Complainant

Vs

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

... Respondent

GROUNDS

This complaint has been filed under section 18 of the Right to Information Act 2005 in the context of the commission's order dated 31.08.2009 passed in appeal no 2009/3118/02. The facts in brief are as follows: The present complainant had sought information on points contained in his application dated 16.03.2009.

Not satisfied with responses from the Public Information Officer and First Appellate Authority the complainant filed appeal under section 19 (3) of the RTI Act, 2005. The commission by its order dated 31.08.2009 directed that information should be furnished within 30 days. The present complaint is against alleged non compliance of commissions order.

The complaint was fixed for hearing on 04.02.2010. The complaint and defendant were absent.

Case papers reveal that the commission's order has been complied. The PIO by his letter dated 29.09.2009 has furnished the necessary information to the complainant. The complaint is therefore closed.

Order

The complaint is dismissed.

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

Place: Mumbai
Date: 25.02.2010.

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

Complaint No.2010/569/02

**Shri. Dasharath Bhagwan Rane
Saiprerna Cooperative Housing Soc. Ltd.,
Flat No.244, Room No.41, Sector 2,
Charkop, Kandivali (W), Mumbai – 400 067.**

...Complainant

Vs

**Public Information Officer cum Senior Assistant
Cooperative Housing Society Ltd,
Room No.527, Mumbai Housing Area Development Authority,
Grihanirman Bhavan, Bandra (E), Mumbai – 400 051.**

... Respondent

GROUND

This complaint has been filed under section 18 of the Right to Information Act 2005 in the context of the commission's order dated 31.12.2008 passed in appeal no 2009/1526/02. The facts in brief are as follows: The present complainant had sought information regarding Bonds executed by members of the Managing committee of Sai Prerna CHS, Charkop.

Not satisfied with responses from the Public Information Officer and First Appellate Authority the complainant filed appeal under section 19 (3) of the RTI Act, 2005. The commission by its order dated 31.12.2008 directed that information should be furnished to the appellant after collecting from the society. The present complaint is against alleged non compliance of commissions order.

The complaint was fixed for hearing on 04.02.2010. The complaint and defendant were absent.

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

Order

The complaint is allowed. PIO to show cause why action under section 20 of the RTI Act should not be taken against him for non compliance of commission's order. His reply to come within 4 weeks.

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

Place: Mumbai
Date: 25.02.2010.

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

Complaint No.2010/507/02

**Dr. Shrikant Prabhu
B-23, Udyan – Prabha,
Tejpal Scheme Rd, No.2,
Vile Parle (E), Mumbai – 400 057.**

...Complainant

Vs

**Public Information Officer cum Dy Registrar
MHADA, 2nd Floor, Room No. 369,
Grihanirman Bhavan,
Bandra (E), Mumbai – 400 051.**

... Respondent

GROUND

This complaint has been filed under section 18 of the Right to Information Act 2005 in the context of the commission's order dated 18.09.2009 passed in appeal no 2009/2894/02. The facts in brief are as follows: The present complainant had sought the following information: -

- 1) Whether Administrator Mr. Surendra More appointed for Shastri Nagar Dwarka CHS Ltd., Shastri Nagar, Goregaon (W), Mumbai – 400 104 has filed Indemnity Bond as per Maharashtra Govt. Gazette No. सगुयो २००४/प्र.क्र.-४४७/१४-स, सहकार, पणन व वस्त्रोद्योग विभाग, मंत्रालय, मुंबई ४०० ०३२., दि.१७.१०.२००६
- 2) If not, any legal action has been initiated against said Mr. Surendra More (Administrator) for non compliance of above said Gazette order.

Not satisfied with responses from the Public Information Officer and First Appellate Authority the complainant filed appeal under section 19 (3) of the RTI Act, 2005. The commission by its order dated 18.09.2009 directed that information should be furnished within 15 days. The present complaint is against alleged non compliance of commissions order.

The complaint was heard on 22.01.2010. Complainant and defendants were present.

The complainant in his written statement has stated that he has not been furnished the required information despite the commission's order to do so within 15 days. The respondent has submitted his written statement. It is vague. He has tried to summarize all his replies to the appellant's requests. The defendant has to be precise and clear.

After considering the arguments advanced by parties and going through the file I have come to the conclusion that order does not seem to have been complied. It has not possible for the commission to find out from the long written statement whether commission's order has been complied. The information sought is very clear and precise – whether Shri Surendra More had furnished the Indemnity Bond and if not what action has been taken. The complainant seemed better prepared than the defendant. I therefore pass the following order.

Order

PIO to show cause why action should not be taken under section 20 of the RTI Act against for non compliance of commission's order dated 18.09.2009. His reply to reach the commission within 4 weeks from the date of receipt of this order.

(Ramanand Tiwari)
State Information Commissioner, Mumbai

Place: Mumbai
Date: 25.02.2010.

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

Complaint No.2010/554/02

**Shri. Manohar Keshav Nikam
A-7 Jai Yashvant CHS Soc.,
Bhandup (E), Mumbai – 400 042.**

...Complainant

Vs

**Public Information Officer,
District Special Auditor,
Cooperative Board, 2nd Floor,
Ballard Pear, Mumbai – 400 039.**

... Respondent

GROUND

This complaint has been filed under section 18 of the Right to Information Act 2005. The complainant has brought to the commission's notice that the defendant has not displayed names of the PIO, the First Appellate Authority, telephone no etc. His application was also not accepted because he was told that it was bulky and he should apply afresh.

The complaint was heard on 03.02.2010. The defendant was present but the complainant did not turn up.

Order

The defendant is directed to comply with the provisions of the RTI Act 2005 and report compliance to the commission within 30 days. If the commission does not get compliance within the stipulated time action will be initiated against those responsible.

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

Place: Mumbai
Date: 26.02.2010.

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

Appeal No.2010/4332/02

**Shri. Shrikant Joglekar
307-A, Best Commercial Complex,
Opp. Railway Station,
Andheri (W), Mumbai – 400 058.**

... Appellant

V/s

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

... Respondent

**Public Information Officer,
Municipal Corporation of Greater Mumbai,
K/East Ward Office Bldg,
Azad Rd, 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 by his application dated 08.10.2009 had sought the following information: -

1. Certified copies of the first appeal applications under RTI Act, 2005 received wherein PIO is an Asstt. Engineer (B & F) K/East Ward.
2. Certified copies of the appeal orders passed by First Appellate Authority directing PIO, Asstt Engineer (B & F) K/East Ward to provide the information free of charge.
3. Certified copies of the appeal orders passed by First Appellate Authority recommending an action to be taken on the PIO, Asstt Engineer (B & F) K/East Ward.

4. Name, postal address, email address, telephone number and fax number of the authority to whom I am supposed to make FIRST appeal.
5. Name, postal address, email address, telephone number and fax number of the authority to whom I am supposed to make SECOND appeal.

Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant filed this second appeal before the commission. The appeal was heard on 22.02.2010. Appellant and respondents were present.

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

The respondent's contention is that required information has been furnished and there is no documents to be furnished.

After going through the case papers and considering the arguments advanced by parties I have come to the conclusion that information has been furnished. The appellant has filed more than one application on the same subject. He also brought to the commission's notice that the Chief Information Commissioner has already fined the PIO in this respect. In view of all this, I decide to close the case.

Order

The appeal is disposed off.

(Ramanand Tiwari)
State Information Commissioner, Mumbai

Place: Mumbai
Date: 22.02.2010.

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

Appeal No.2010/4341/02

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

... Appellant

V/s

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

... Respondent

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

GROUNDS

This appeal has been filed under section 19(3) of the Right to Information Act, 2005. The appellant by his application dated 29.10.2009 had sought information regarding action taken on his client's complaint against PSI Sonawane and PSI Ingawle. The appellant's client had sought permission to prosecute the officers and the appellant has sought information regarding action taken.

Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant filed this second appeal before the commission. The appeal was heard on 20.02.2010. Appellant and respondents were present.

The appellant has contended that he has not been given the information he had asked for. He also seemed aggrieved because of the fact that his clients husband has been given bail.

The respondent's contention is that action on the complaint has been taken as per law. After going through the case papers and considering the arguments advanced by

parties I have come to the conclusion that information has been furnished. The RTI Act is not mandated to inquire into the ground on which bail was given. It simply ensures furnishing of available information. The same has been done in this and the case therefore is closed.

Order

Appeal is disposed off.

(Ramanand Tiwari)
State Information Commissioner, Mumbai

Place: Mumbai
Date: 20.02.2010.

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

Appeal No.2010/4333/02

**Shri. Jayesh Shantaram Zagade
2-6, Doshi Estate, Sundarbaug,
Kamani, Kurla,
Mumbai – 400 070.**

... Appellant

V/s

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

... Respondent

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

GROUNDS

This appeal has been filed under section 19(3) of the Right to Information Act, 2005. The appellant by his application dated 17.07.2009 had sought a copy of the report received from the Chairman / Secretary Salpadevi Sadan Sahakari Grihnirman Sanstha Maryadit. The Asstt Registrar Cooperative Societies SRA had called for report from the society by his letter dated 11.07.2009. The appellant wanted to know what report was sent by the society.

Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant filed this second appeal before the commission. The appeal was heard on 22.02.2010. Appellant and respondents were present.

The appellant has contended that he has not received the information he had asked for. The respondent had no credible answer. It is possible that the society did not respond but the order of the First Appellate Authority is very clear – the PIO was directed to issue direction under Maharashtra Cooperative Societies Act, 1960. The PIO does not

seem to have complied with the order of the First Appellate Authority. The result is that no information could be furnished. I therefore pass the following order.

Order

The appeal is allowed. The PIO to obtain information and furnish to the appellant within 30 days from the date of receipt of this order. He should also show cause why action against him should not be taken under section 20 of the RTI Act 2005. His reply to come within 4 weeks.

(Ramanand Tiwari)
State Information Commissioner, Mumbai

Place: Mumbai
Date: 22.02.2010.

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

Appeal No.2010/4335/02

Shri. Harish Chandu Badekar
304-7, Tejomay CHS Soc.,
Sector No.3, Charkop, Kandivali (W),
Mumbai – 400 067.

... **Appellant**

V/s

First Appellate Officer cum Joint Secretary
General Administrative Deptt.,
Mantralaya, Mumbai – 400 032.

... **Respondent**

Public Information Officer cum Under Secretary
General Administrative Deptt.,
Mantralaya, Mumbai – 400 032.

GROUND

This appeal has been filed under section 19(3) of the Right to Information Act, 2005. The appellant by his application dated 06.04.2009 had sought information regarding exclusion of section 4(1) (C) & (D) of the RTI Act from Govt. circular dated 06.09.2008.

Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant filed this second appeal before the commission. The appeal was fixed for hearing on 22.02.2010. Appellant and respondents were absent.

Case papers reveal that the PIO by his letter dated 27.04.2009 has informed the appellant. The First Appellate Authority by his order dated 06.11.2009 has confirmed the PIO's order. After going through the case papers it is clear that there is no need to interfere with the order. I therefore decide to close the case.

Order

The appeal is dismissed.

(Ramanand Tiwari)
State Information Commissioner, Mumbai

Place: Mumbai
Date: 22.02.2010.

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

Complaint No.2010/629/02

**Shri. Jagtap Jalindar Tatoba
Clearing & Forwarding Godi Labour Board,
Amba Bhavan, A-1, Devaji Ratanji Marg,
Mumbai – 400 009.**

...Complainant

Vs

**Public Information Officer,
Industries, Energy and Labour Department
Mantralaya, Mumbai – 400 032.**

... Respondent

GROUND

This complaint has been filed under section 18 of the Right to Information Act 2005 in the context of the commission's order dated 28.08.2009 passed in appeal no 2009/1982/02. The facts in brief are as follows: The present complainant had sought information regarding action taken in the light of Govt. affidavit in Public Interest Litigation No.4306/4 and Hon High Court's decision in that regard.

Not satisfied with responses from the Public Information Officer and First Appellate Authority the complainant filed appeal under section 19 (3) of the RTI Act, 2005. The commission by its order dated 28.08.2009 directed that information should be furnished within 30 days. The present complaint is against alleged non compliance of commissions order.

The complaint was heard on 23.02.2010. Complainant and defendants were present.

The complainant has stated that commission's order has not been complied and he has not been furnished the information he had sought.

The defendant's contention was that the file was under process and the latest position has been explained to the appellant.

After considering the arguments advanced by parties and going through the file I have come to the conclusion that the commission's order has been complied. The commission cannot issue direction or fix a time limit for the govt. The progress made has been communicated. The complaint is therefore closed.

Order

The complaint is filed.

(Ramanand Tiwari)
State Information Commissioner, Mumbai

Place: Mumbai
Date: 23.02.2010.

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

Complaint No.2010/631/02

**Shri. Shrinivas Ghanekar
801, Om Shrikant Sadan,
Opp. Telvane Hospital,
Agra Rd, Kalyan (W) 421 301.**

...Complainant

Vs

**Public Information Officer,
Directorate Medical & Education Research,
Govt. Dental College & Hospital,
St George's Hospital Compound,
Behind CST, Mumbai – 400 001.**

... Respondent

GROUND

This complaint has been filed under section 18 of the Right to Information Act 2005 in the context of the commission's order dated 30.11.2009 passed in appeal no 2009/3569/3573/02. The facts in brief are as follows: The present complainant had sought copies of question papers and answer books of the first 15 candidates for MHT CIT 2009, copy of the question papers and answer books in respect of Shri Vaibhav Shrinivas Ghanekar.

Not satisfied with responses from the Public Information Officer and First Appellate Authority the complainant filed appeal under section 19 (3) of the RTI Act, 2005. The commission by its order dated 30.11.2009 directed that information should be furnished within 30 days. The present complaint is against alleged non compliance of commissions order.

The complaint was fixed for hearing on 23.02.2010. The complaint and defendant were absent.

There is nothing on record to show that the commission's order has been complied. I therefore pass the following order.

Order

The complaint is allowed. The PIO to show cause why action should not be taken against him for not furnishing the information. His reply to come within 4 weeks.

(Ramanand Tiwari)
State Information Commissioner, Mumbai

Place: Mumbai
Date: 23.02.2010.

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

Complaint No.2010/143/02

**Shri. Jagtap Jalindar Tatoba
Clearing & Forwarding Godi Labour Board,
Amba Bhavan, A-1, Devaji Ratanji Marg,
Mumbai – 400 009.**

...Complainant

Vs

**Public Information Officer,
Industries, Energy and Labour Department
Mantralaya, Mumbai – 400 032.**

... Respondent

GROUNDS

This complaint has been filed under section 18 of the Right to Information Act 2005 in the context of the commission's order dated 17.04.2009 passed in appeal no 2009/1442/02. The facts in brief are as follows: The present complainant had sought information relating to permission sought by Mathadi Mandals while registering & recruiting workers for different CFS in the light of Govt. order dated 25th Sept, 2006 issued by the Department of Industries Energy and Labour.

Not satisfied with responses from the Public Information Officer and First Appellate Authority the complainant filed appeal under section 19 (3) of the RTI Act, 2005. The commission by its order dated 17.04.2009 directed that information should be furnished within 45 days. The present complaint is against alleged non compliance of commissions order.

The complaint was heard on 23.02.2010. Complainant and defendants were present.

The complainant has stated that he was not satisfied with the information furnished to him. The defendant submitted that whatever information was available on record has been furnished.

After considering the arguments advanced by parties and going through the file I have come to the conclusion that the commission's order has been complied. The defendant has given a list of mandals permitted by the Govt. The appellant however says that he did not get what he was looking for. This is possible. But the RTI Act insures furnishing of available information and non existent information cannot be furnished. I therefore decide to close the case.

Order

The complaint is filed.

(Ramanand Tiwari)
State Information Commissioner, Mumbai

Place: Mumbai
Date: 22.02.2010.

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

Appeal No.2010/4348/02

**Shri. Pravin Tripathi
166 G, Mumbadevi Temple Compound,
Mumbai – 400 002.**

... Appellant

V/s

**First Appellate Officer cum Dy Police Commissioner
Office of the Police Commissioner Bldg,
Ground Floor, D.N. Rd, Mumbai – 400 001.**

... Respondent

**Public Information Officer cum Asstt Police Commissioner
Office of the Police Commissioner Bldg,
Ground Floor, D.N. Rd, Mumbai – 400 001.**

GROUNDS

This appeal has been filed under section 19(3) of the Right to Information Act, 2005. The appellant by his application dated 30.07.2009 had sought information 6 points contained in this application. He has infact asked questions and expected replied to them.

Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant filed this second appeal before the commission. The appeal was fixed for hearing on 22.02.2010. Appellant was present but the respondent was absent.

Case papers reveal that the First Appellate Authority by his order dated 12.10.2009 has dealt with the case correctly. The questions asked by the appellant are not information according to section 2 (f) of the RTI Act 2005. He has also transferred points no 5 & 6 to the appropriate PIO as per provisions & section 6 (3) of the RTI Act, 2005. There is therefore no need of interference. I confirm the order passed by the First Appellate Authority.

Order

The appeal is disposed off.

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

Place: Mumbai
Date: 22.02.2010.

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

Appeal No.2010/3523/02

**Shri. Vishwas Vasant Tamankar
Tagor Nagar Chawl No.156,
Room No.2585, Group No.5/B,
Vikroli (E), Mumbai – 400 083.**

... Appellant

V/s

**First Appellate Officer cum Dy Police Commissioner
Office of the Police Commissioner Bldg,
(Head -1), Mumbai.**

... Respondent

**Public Information Officer cum Asstt Police Commissioner
Office of the Police Commissioner Bldg,
(Head -1), Mumbai.**

GROUND

This appeal has been filed under section 19(3) of the Right to Information Act, 2005. The appellant by his application dated 14.04.2009 had sought information on 25 points contained in his application.

Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant filed this second appeal before the commission. The appeal was heard on 23.02.2010. Appellant and respondent were present.

The appellant has contended that he has not been given full information. He was also asked to approach different PIOs. He was of the view that the information should have been collected and furnished to him. He has also complained that the information was furnished late and the PIO should be penalized.

The respondent's contention was that the range of information was very broad and a lot of information had to be collected. This was a time consuming process and bound to take a lot of time. There was no intention to delay or deny the information.

After going through the case papers and considering the arguments advanced by parties I have come to the conclusion that the information has been furnished and there was no deliberate attempt to delay or deny the information. In fact the appellant is advised to be precise and brief to facilitate quick response. Since the department has appointed many PIO, the idea is to respond quickly. If one PIO has to collect, compile and furnish the information, it would disproportionately divert the resources of the public authority. I therefore decide to close the case.

Order

The appeal is disposed off.

(Ramanand Tiwari)
State Information Commissioner, Mumbai

Place: Mumbai
Date: 23.02.2010.

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

Appeal No.2010/4337/02

**Shri. Girish K. Mishra
Lower Parel (W),
Mumbai – 400 013.**

... Appellant

V/s

**First Appellate Officer,
Office of the Jt Sale Tax Commissioner,
B-Bldg, Sale Tax Bhavan,
Bandra-Kurla Complex,
Bandra (E), Mumbai – 400 0051.**

... Respondent

**Public Information Officer,
Office of the Jt Sale Tax Commissioner,
B-Bldg, Sale Tax Bhavan,
Bandra-Kurla Complex,
Bandra (E), Mumbai – 400 0051.**

GROUNDS

This appeal has been filed under section 19(3) of the Right to Information Act, 2005. The appellant by his application dated 14.07.2009 had sought copies of the assets and Liabilities submitted to Govt. by Shri J.M. Raut, Asstt Commissioner and Shri M A I Syed the then joint commissioner of profession tax Mumbai.

Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant filed this second appeal before the commission. The appeal was heard on 22.02.2010. Appellant and respondent were present.

The appellant has contended that he has not been given the information he had sought. He was of the view that as a citizen and one who pays profession tax, he has every right to know the assets and liabilities of Mr.Raut and Mr. Syed. The respondent submitted that the information is personal and does not serve any larger public interest. The information therefore has been denied.

After going through the case papers and considering the arguments advanced by parties I have come to the conclusion that the information sought has been rightly denied. The appellant has not been able to prove that the disclosure is in the larger public interest. The argument that he pays profession tax and therefore is entitled to have the information is not acceptable. Every citizen has right to privacy and that includes public servants. The First Appellate Authority has passed his reasoned order and I do not think it is necessary to interfere. I therefore pass the following order.

Order

The appeal is dismissed.

(Ramanand Tiwari)
State Information Commissioner, Mumbai

Place: Mumbai
Date: 23.02.2010.

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

Complaint No.2010/630/02

**Shri. Borase Jagdeep Himatrao
Room No.18, Nanadeep Housing Soc.,
Flat No. C-33, Sector-12,
Kharghar, Navi Mumbai – 400 210.**

...Complainant

Vs

**Public Information Officer,
Higher & Technical Education,
Mantralaya, Mumbai – 400 032.**

... Respondent

GROUNDS

This complaint has been filed under section 18 of the Right to Information Act 2005 in the context of the commission's order dated 13.11.2009 passed in appeal no 2009/3561/02. The facts in brief are as follows: The present complainant by his application dated 18.10.2008 had sought a copy of the report sent by the Director, Vocational Education and Training to the Director of Higher and Technical Education.

Not satisfied with responses from the Public Information Officer and First Appellate Authority the complainant filed appeal under section 19 (3) of the RTI Act, 2005. The commission by its order dated 13.11.2009 directed that information should be furnished within 15 days. The present complaint is against alleged non compliance of commissions order.

The complaint was heard on 23.02.2010. The complainant was present but the defendant was absent.

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

Order

Defendant to show cause why action under section 20 of the RTI Act 2005 should not be taken against him for not furnishing the information as directed. His reply to reach the commission within 4 weeks from the dated of receipt of this order.

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

Place: Mumbai
Date: 23.02.2010.

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

Complaint No.2010/568/02

**Dr. Prakash V. Pawar
6, Sankalp, Surhrut CHS,
Pipe Line Rd, Luice Wadi,
P.O. Wagale Estate, Thane – 400 604.**

...Complainant

Vs

**Public Information Officer,
Office of the Senior Police Inspector,
MHB Police Station,
Yoni Nagar, Borivali, Mumbai.**

... Respondent

GROUND

This complaint has been filed under section 18 of the Right to Information Act 2005 in the context of the commission's order dated 30.09.2009 passed in appeal no 2009/3259/02. The facts in brief are as follows: The present complainant by his application dated 18.04.2008 had sought information regarding action taken on his daughter's complaint dated 03.04.2008.

Not satisfied with responses from the Public Information Officer and First Appellate Authority the complainant filed appeal under section 19 (3) of the RTI Act, 2005. The commission by its order dated 30.09.2009 directed that information should be furnished within 3 weeks. The present complaint is against alleged non compliance of the commissions order.

The complaint was heard on 04.02.2010. The complainant was present but the defendant was absent.

The complainant has stated that he has not been furnished the information and the commission's order has not been complied. The defendant has submitted his say in writing. It has been submitted by him that the information has been furnished by their

letter dated 17.11.2009 and sent by registered post. He has enclosed a copy of the acknowledgement received.

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

Order

The complaint is filed.

(Ramanand Tiwari)
State Information Commissioner, Mumbai

Place: Mumbai
Date: 23.02.2010.

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

Complaint No.2010/409/02

**Shri Prakash G. Navathe
204, Rajbag, Bahlchandra Marg,
Matunga, Mumbai – 400 019.**

...Complainant

Vs

**Public Information Officer cum Executive Engineer
Municipal Corporation of Greater Mumbai,
E Ward Office, Byculla, Mumbai – 400 008.**

... Respondent

GROUND

This complaint has been filed under section 18 of the Right to Information Act 2005 in the context of the commission's order dated 30.12.2008 passed in appeal no 2009/1414/02. The facts in brief are as follows: The complainant had sought information regarding grant of completion certificate to 204, Rajbag Daluchand Cooperative Housing Society, Bhalchandra Marg, Matunga, Mumbai. According to the complainant the building has not been constructed according to the approved plan and in accordance with the conditions of "No Objection" issued by the Fire Department.

Not satisfied with responses from the Public Information Officer and First Appellate Authority the complainant filed appeal under section 19 (3) of the RTI Act, 2005. The commission by its order dated 30.12.2008 directed that information should be furnished within 15 days. The present complaint is against alleged non compliance of commissions order.

The complaint was heard on 23.02.2010. The complainant was present but the defendant was absent.

The complainant has stated that despite his repeated request the building has not been brought to the position as approved. According to him one of the passenger lifts has to go to the basement but it is not happening. The defendant was not present and

therefore the commission did not have his valuable input. In view of the appellant's submission and the respondent's absence. I pass the following order.

Order

The complaint is allowed. The PIO to show cause why action under section 20 of the RTI Act should not be initiated against him for non compliance of the commission's order and non furnishing of the information. His reply to reach the commission within 4 weeks from the date of receipt of this order.

(Ramanand Tiwari)
State Information Commissioner, Mumbai

Place: Mumbai
Date: 23.02.2010.

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

Complaint No.2010/491/02

**Shri. Abdul Kadar Abubkar Khan
Asstt Police Commissioner
Crime Ward, Mumbai – 400 001.**

...Complainant

Vs

**Public Information Officer cum Asstt Police Commissioner
Head Office-1, Mumbai,
Office of the Police Commissioner,
Mumbai.**

... Respondent

GROUNDS

This complaint has been filed under section 18 of the Right to Information Act 2005 in the context of the commission's order dated 31.10.2009 passed in appeal no 2009/3508/02. The facts in brief are as follows: The present complainant by his application dated 03.06.2009 had sought information in respect of his salary. He has stated that persons who were promoted along with them have been placed in the pay scale of 11, 300 where as he is getting Rs.11, 025/-. He sought to know the reasons.

Not satisfied with responses from the Public Information Officer and First Appellate Authority the complainant filed appeal under section 19 (3) of the RTI Act, 2005. The commission by its order dated 31.10.2009 disposed of his appeal as the information was already furnished to him.

The complaint was heard on 04.02.2009. Complainant and defendants were present.

Since there was no order for compliance the question of complaint does not arise.

Order

The complaint is dismissed.

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

Place: Mumbai
Date: 20.02.2010.

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

Complaint No.2010/571/02

**Shri. Ravindra Belose
324, Pipleshwer Krupa,
Lat. Sakharam B Pawar Marg,
Kariroad, Mumbai – 400 013.**

...Complainant

Vs

**Public Information Officer cum Dy Chief Officer
Mumbai House Repair & Reconstruction Board,
Grihaniramna Bhavan, Bandra (E),
Mumbai – 400 051.**

... Respondent

GROUND

This complaint has been filed under section 18 of the Right to Information Act 2005 in the context of the commission's order dated 24.04.2009 passed in appeal no 2009/2330/02. The facts in brief are as follows: The present complainant had sought information relating to the vacation notice issued to Shri Gajanan Vithal Chandvidkar to vacate room no. 15, 194 K Kharwa Chawl, JSS Rd, Mumbai. The complainant wanted to know where he has been rehabilitated.

Not satisfied with responses from the Public Information Officer and First Appellate Authority the complainant filed appeal under section 19 (3) of the RTI Act, 2005. The commission by its order dated 24.04.2009 directed that information should be furnished within 15 days. The present complaint is against alleged non compliance of commissions order.

The complaint was fixed for hearing on 04.02.2009. The complainant and defendants were absent.

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

Order

The complaint is allowed. The defendant to show cause why action under section 20 of the RTI Act, 2005 should not be furnishing the information as directed. His reply to reach the commission within 4 weeks from the date of receipt of this order.

(Ramanand Tiwari)
State Information Commissioner, Mumbai

Place: Mumbai
Date: 25.02.2010.

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

Complaint No.2010/619/02

**Shri. Pramod Rajaram Pawar
120/B/60, Rajgad MUTP (SRA),
Tatanagar Rd, Mankhurd,
Mumbai – 400 043.**

...Complainant

Vs

**Public Information Officer cum Project Manager
MMRDA, Bandra – Kurla Complex,
Mumbai – 400 051.**

... Respondent

GROUND

This complaint has been filed under section 18 of the Right to Information Act 2005 in the context of the commission's order dated 19.11.2009 passed in appeal no 2008/1105/02. The facts in brief are as follows: The complainant had asked for a copy of the list of persons rehabilitated under M.U.T.P. at Lallubhai Compound, Mankhurd, Mumbai.

Not satisfied with responses from the Public Information Officer and First Appellate Authority the complainant filed appeal under section 19 (3) of the RTI Act, 2005. The commission by its order dated 19.11.2009 directed that information should be furnished within 15 days. The present complaint is against alleged non compliance of commissions order.

The complaint was heard on 22.02.2010. Complainant and defendants were present.

It was revealed during the hearing that the commission's order has been complied. The defendant has already written to the SRA on 16.01.2009 asking them to furnish the information as directed.

The case is therefore closed.

Order

The complaint is filed.

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

Place: Mumbai
Date: 22.02.2010.

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

Appeal No.2010/4325/02

**Shri. Pazue Alexander Mathew
A/5, Indrayudha CHS M.G. Rd,
Goregaon (W), Mumbai – 400 090.**

... Appellant

V/s

**First Appellate Officer cum Executive Engineer
Municipal Corporation of Greater Mumbai,
P/South Ward Office, Goregaon (W),
Mumbai – 400 062.**

... Respondent

**Public Information Officer cum Asstt Engineer
Municipal Corporation of Greater Mumbai,
P/South Ward Office, Goregaon (W),
Mumbai – 400 062.**

GROUND

This appeal has been filed under section 19(3) of the Right to Information Act, 2005. The appellant by his application dated 13.07.2009 had sought the following information: -

Encroachment's on Municipal drains, gutters, pavement on MG Rd, Link Rd, Motilal Nagar, Unnat Nagar.

Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant filed this second appeal before the commission. The appeal was heard on 22.02.2010. Appellant and respondents were present.

The appellant has contended that he was not satisfied with the information. The respondent submitted that the information sought was broad and non specific and whatever was available on record has been furnished.

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

information has to be on record so that it could be furnished. The RTI Act ensures furnishing of available information. I therefore conclude that available information has been furnished and the case deserves to be closed.

Order

Appeal is disposed off.

(Ramanand Tiwari)
State Information Commissioner, Mumbai

Place: Mumbai
Date: 22.02.2010.

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

Appeal No.2010/4326/02

**Shri. Aslam Sheikh
Super Travel Service,
Parshpooriya Bldg No.2,
Santacruz (W), Mumbai – 400 054.**

... Appellant

V/s

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

... Respondent

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

GROUNDS

This appeal has been filed under section 19(3) of the Right to Information Act, 2005. The appellant by his application dated 01.01.2009 had sought certified copies of statement given by Mr. Jamaluddin Jawad Ali Shaikh, Mr. Aslam Jamaluddin Sheikh, Mr. Riaz Ahmed Sheikh and Abu Kasim before the Senior Police Inspector MIDC, in January, 2007.

Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant filed this second appeal before the commission. The appeal was heard on 22.02.2010. Appellant and respondents were present.

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

The respondent's contention is that they have searched their records and these papers were not available. The appellant has been informed accordingly.

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

however difficult to digest that the statements recorded in 2001 are not traceable. It is not very old record. I would therefore direct that the police should make diligent search and inform the appellant of the outcome.

Order

Appeal is disposed off.

(Ramanand Tiwari)
State Information Commissioner, Mumbai

Place: Mumbai
Date: 22.02.2010.

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

Complaint No.2010/579/02

**Shri. Nitin Sarvaiya
51/1119 Azad Nagar-3,
Veera Desai Rd, Andheri (W),
Mumbai – 400 058.**

...Complainant

Vs

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

... Respondent

GROUND

This complaint has been filed under section 18 of the Right to Information Act 2005 in the context of the commission's order dated 10.02.2009 passed in appeal no 2009/1865/02. The facts in brief are as follows: The complainant had sought information relating to Krupa Sagar Cooperative Hosuing Society, Azad Nagar, Veera Desai Rd, Andheri (W), Mumbai. He wanted to know the date on which the Managing Committee was elected, the date on which they assumed office, the date on which they executed bonds and informed the office of the Dy. Registrar and requested for copies of the bond executed by the Managing Committee.

Not satisfied with responses from the Public Information Officer and First Appellate Authority the complainant filed appeal under section 19 (3) of the RTI Act, 2005. The commission by its order dated 10.02.2009 directed that information should be furnished within 30 days. The present complaint is against alleged non compliance of commissions order.

The complaint was heard on 05.02.2010. Complainant and defendants were present.

The complainant has stated that he has not been furnished the required information. The defendant submitted that information has already been sent. The complainant denied having received the information.

After considering the arguments advanced by parties and going through the file I pass the following order.

Order

A copy of the information claimed to have been sent should be sent to complainant free of cost and by registered post. The defendant should also send the proof of having sent the information earlier. This should be done within 30 days from the date of receipt of this order.

(Ramanand Tiwari)
State Information Commissioner, Mumbai

Place: Mumbai
Date: 20.02.2010.

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

Complaint No.2010/622/02

**Shri. Vishwas Mahadev Kokne
501, Rajlaxmi Manorama Nagarkar Marg,
Taical Wadi, Mahim, Mumbai – 400 016.**

...Complainant

Vs

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

... Respondent

GROUND

This complaint has been filed under section 18 of the Right to Information Act 2005 in the context of the commission's order dated 31.10.2009 passed in appeal no 2008/3446/02. The facts in brief are as follows: The present complainant by his application dated 30.03.2009 had sought information relating to the Departmental Enquiry against him. He sought to know why the enquiry has not been completed and wanted to know what action has been taken against those responsible for the abnormal delay.

Not satisfied with responses from the Public Information Officer and First Appellate Authority the complainant filed appeal under section 19 (3) of the RTI Act, 2005. The commission by its order dated 31.10.2009 directed that the matter should be enquired into in the light the GAD circular dated 07.04.2008 and the appellant should be kept informed.

The complaint was heard on 20.02.2010. Complainant and defendants were present.

The complainant has stated that he has not been informed who was responsible for the delay. The defendant submitted that the matter was brought to the notice of the

Chief Secretary who has directed that the DE should be completed within 6 months and responsibility should be fixed for the delay.

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

Order

The complaint is dismissed.

(Ramanand Tiwari)
State Information Commissioner, Mumbai

Place: Mumbai
Date: 20.02.2010.

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

Appeal No.2010/4342/02

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

... Appellant

V/s

**First Appellate Officer cum Dy Chief Officer
Office of the MHADA,
Grihanirman Bhavan,
Bandra (E), Mumbai – 400 051.**

... Respondent

**Public Information Officer cum Estate Manager
Office of the MHADA,
Grihanirman Bhavan,
Bandra (E), Mumbai – 400 051.**

GROUND

This appeal has been filed under section 19(3) of the Right to Information Act, 2005. The appellant by his application dated 09.11.2009 had sought information relating to allotment Row Housing No D 46, Royal Hills Cooperative Housing Society New Dindoshi, Goregaon (E), Mumbai. He wanted to know the name of the allotter, details the demand draft made by him, the application for allotment the system of allotment area of the Row Houses and related matters.

Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant filed this second appeal before the commission. The appeal was heard on 20.02.2010. Appellant and respondents were present.

The appellant has contended that he did not get the information he had sought.

The respondent's contention is that copies of all documents on record have been furnished.

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

Order

Appeal is disposed off.

(Ramanand Tiwari)
State Information Commissioner, Mumbai

Place: Mumbai
Date: 25.02.2010.

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

Complaint No.2010/643/02

**Shrimati. Poonam Pravin Patel
17, Vijay Bharat, 4th Floor,
Sahyog Nagar, Char Bangla,
Andheri (W), Mumbai – 400 053.**

...Complainant

Vs

**Public Information Officer cum District Dy Registrar
MHADA, Ground Floor, Room No.69,
Bandra (E), Mumbai – 400 051.**

... Respondent

GROUNDS

This complaint has been filed under section 18 of the Right to Information Act 2005 in the context of the commission's order dated 20.09.2008 passed in appeal no 2008/841/02. The facts in brief are as follows: The present complainant had asked for names of the original members of Vijay Bharat cooperative Housing Society at the time of registration of the society.

Not satisfied with responses from the Public Information Officer and First Appellate Authority the complainant filed appeal under section 19 (3) of the RTI Act, 2005. The commission by its order dated 20.09.2008 directed that information should be furnished within 15 days. The present complaint is against alleged non compliance of commissions order.

The complaint was heard on 03.03.2010. The complainant was present but the defendant was absent.

Case papers reveal that the order of the commission has been complied. The commission by its order dated 20.09.2008 had directed that the Director social welfare should be requested to furnish the required information and the case should be transferred to him. The same has been done by the Dy. Registrar letter dated 04.10.2008. The

Director Social Welfare has not furnished the required information. The complainant stated that he visited the Directorate so many times but was not given any information. I therefore pass the following order.

Order

The Director Social Welfare to furnish the required information within 30 days from the date of receipt of this order and also report compliance.

Sd--

(Ramanand Tiwari)

State Information Commissioner, Mumbai

Place: Mumbai

Date: 22.02.2010.

Copy forwarded with complements to Director, Social Welfare, Govt. of Maharashtra, 3, Church Road, Pune – 411 001 for compliance.

(N.N.Bhadikar)

Joint Secretary

State Information Commission, Mumbai

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

Complaint No.2010/633/02

**Shri. Nitin Sarvaiya
51/1119 Azad Nagar-3,
Veera Desai Rd, Andheri (W),
Mumbai – 400 058.**

...Complainant

Vs

**Public Information Officer cum Estate Manager-2
Mumbai Housing & Area Development Board,
Grihanirman Bhavan, Bandra (E),
Mumbai – 400 051.**

... Respondent

GROUND

This complaint has been filed under section 18 of the Right to Information Act 2005 in the context of the commission's order dated 07.08.2009 passed in appeal no 2009/2214/02. The facts in brief are as follows: The complainant had sought information regarding his cheque no 090423 for Rs.648/- dated 09.06.2008. The cheque was issued in the name of the Estate Manager- II, MHADA. The complainant had wanted to know what happened to the cheque.

Not satisfied with responses from the Public Information Officer and First Appellate Authority the complainant filed appeal under section 19 (3) of the RTI Act, 2005. The commission by its order dated 07.08.2009 directed that information should be furnished within 15 days. The present complaint is against alleged non compliance of commissions order.

The complaint was heard on 23.02.2010. The complainant was present but the defendant was absent.

The complainant has stated that he has not been given the information. Since the defendant was absent it could not be verified. Case papers also do not show that the commission's order has been complied. I therefore pass the following order.

Order

The complaint is allowed. The defendant to show cause why action should not be taken against him under section 20 of the Act. His reply to reach the commission within 4 weeks from the date of receipt of this order.

(Ramanand Tiwari)
State Information Commissioner, Mumbai

Place: Mumbai
Date: 23.02.2010.

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

Complaint No.2010/599/02

**Shri. Johnny Soares
Soares Bldg, Flat No.8,
3rd Floor, Natwar Nagar,
5, Next to Ashok Thakur Compound,
Jogeshwari (E), Mumbai – 400 060.**

...Complainant

Vs

**Public Information Officer cum Asstt Engineer (B & F)
Municipal Corporation of Greater Mumbai,
K/East Ward Office,
Azad Rd, Gundavali, Andheri (E),
Mumbai – 400 069.**

... Respondent

GROUNDS

This complaint has been filed under section 18 of the Right to Information Act 2005 in the context of the commission's order dated 12.12.2008 passed in appeal no 2008/1396/02. The facts in brief are as follows: The complainant had sought information regarding action taken on his complaints against the resident of flat no.3, 1st floor of his society. According to the complainant the resident had carried out alteration / modification and he wanted to know whether permission has been obtained and if not whether action has been taken.

Not satisfied with responses from the Public Information Officer and First Appellate Authority the complainant filed appeal under section 19 (3) of the RTI Act, 2005. The commission by its order dated 12.12.2008 directed that the PIO should inform the appellant whether the alteration has been carried out after obtaining permission and if not action should be initiated and the complainant informed. The present complaint is against alleged non compliance of commissions order.

The complaint was heard on 09.02.2010. Complainant and defendants were present.

The complainant has stated that although some part of the unauthorized construction has been demolished, but no action has been taken against the unauthorized structure in the balcony of the drawing room.

The defendant's contention was that unauthorized structure has been demolished.

After considering the arguments advanced by parties and going through the file I have come to the conclusion that commission's order has not been fully complied. The defendant should visit, take appropriate action and report compliance to the commission.

Order

The complaint is allowed. The defendant to carry out the above instruction and report compliance within 4 weeks.

(Ramanand Tiwari)
State Information Commissioner, Mumbai

Place: Mumbai
Date: 20.02.2010.

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

Complaint No.2010/604/02

**Shri. Lavate Narayan Krushnaji
21 B, Zavbawadi, Thakurdwar,
Mumbai – 400 002.**

...Complainant

Vs

**Public Information Officer cum Superintendent
Charity Commissioner Bhavan,
Worli, Mumbai – 400 018.**

... Respondent

GROUND

This complaint has been filed under section 18 of the Right to Information Act 2005 in the context of the commission's order dated 23.10.2009 passed in appeal no 2008/3375/02. The facts in brief are as follows: The complainant by his application dated 15.03.2009 had wanted to know in how many cases fine of Rs.1000/- was levied against public trusts for failure to submit various returns under relevant sections of the BPT Act, 1950 and rules made there under.

Not satisfied with responses from the Public Information Officer and First Appellate Authority the complainant filed appeal under section 19 (3) of the RTI Act, 2005. The commission by its order dated 23.10.2009 directed that information should be furnished within 30 days. The present complaint is against alleged non compliance of commissions order.

The complaint was heard on 09.02.2010. Complainant and defendants were present.

The complainant has stated that he has not received the complete information. He has requested for penal action. The defendant has submitted that some information has been furnished. Remaining information has not been received and therefore could not be furnished. It has submitted that penal action should not be taken.

After considering the arguments advanced by parties and going through the file I have come to the conclusion that there is no deliberate attempt to deny or delay the furnishing of information. The information on 'F' has still not been furnished. It appears from the submission of the respondent that this information has been called from some other branch but the same has not been received. Penal action needs to be taken against this person. It is therefore directed that the defendant should communicate to the commission the name and designation of the person to enable the commission to initiate action against him. This should be done within 15 days from the date of receipt of this order.

Order

The complaint is allowed.

(Ramanand Tiwari)
State Information Commissioner, Mumbai

Place: Mumbai
Date: 20.02.2010.

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

Complaint No.2010/600/02

**Shri. Dinkar Sitaram Satam
601, Shrada CHS,
Natvar Nagar, Rd No.3,
Jogeshwari (E), Mumbai – 400 060.**

...Complainant

Vs

**Public Information Officer,
Maharashtra State Financial Corporation,
United India Bldg, Sir P.M. Rd,
1st Floor, Fort, Mumbai – 400 001.**

... Respondent

GROUND

This complaint has been filed under section 18 of the Right to Information Act 2005 in the context of the commission's order dated 30.12.2008 passed in appeal no 2008/1477/02. The facts in brief are as follows: The present complainant by his application dated 21.11.2006 had sought information regarding non payment of pensionary benefit and sought that interest should be paid to him.

Not satisfied with responses from the Public Information Officer and First Appellate Authority the complainant filed appeal under section 19 (3) of the RTI Act, 2005. The commission by its order dated 30.12.2009 directed that information should be furnished within 15 days. The present complaint is against alleged non compliance of commissions order.

The complaint was heard on 09.02.2010. Complainant and defendants were present.

The complainant has stated that disciplinary action should be initiated against those responsible for delay in sanctioning his pension. The defendant has submitted that the commission's order has been complied and the complainant informed.

After considering the arguments advanced by parties and going through the file I have come to the conclusion that the commission's order has been complied. The commission is not mandated to fix responsibility for delay in giving pensionary benefits. The commission has been entrusted with the task of facilitating furnishing of information. The complainant is not interested in information but penal action against those responsible for alleged delay. I therefore conclude that the commission's order has been complied and the case is closed.

Order

The complaint is filed.

(Ramanand Tiwari)
State Information Commissioner, Mumbai

Place: Mumbai
Date: 20.02.2010.

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

Complaint No.2010/601/02

**Shri. Nitin Tukram Gawankar
05, Gawankar Niwas, Opp. Saikrupa Bldg,
Shiv Vallabh Rd, Dahisar (E),
Mumbai – 400 068.**

...Complainant

Vs

**Public Information Officer,
Municipal Corporation of Greater Mumbai,
R/North Ward Office,
Sangeetkar Sidhur Padke Flyover Bridge,
Jaywant Sawant Marg,
Dahisar (W), Mumbai – 400 068.**

... Respondent

GROUNDS

This complaint has been filed under section 18 of the Right to Information Act 2005 in the context of the commission's order dated 30.10.2009 passed in appeal no 2008/3453/02. The facts in brief are as follows: The present complainant by his application dated 21.01.2009 had sought a copy of the permission sought from the Hon High Court / respective department for laying nala from Samata Nagar Gas godown / Avad Vidyalaya (Ketkipad) Dharkhadi, details of expected expenses, sources and fund for work taken by BMC in ward 3 and work done by Prabhag Samiti with expenditure on each work from 2006.

Not satisfied with responses from the Public Information Officer and First Appellate Authority the complainant filed appeal under section 19 (3) of the RTI Act, 2005. The commission by its order dated 30.10.2009 directed that information should be furnished within 3 weeks. The present complaint is against alleged non compliance of commissions order.

The complaint was heard on 09.02.2010. Complainant and defendants were present.

The complainant has stated that he has been given the required information but late. The defendant submitted that the information sought was extensive; the same had to be collected and compiled. The complainant was contacted telephonically after the information was ready and the complainant received it on 30.12.2009.

After considering the arguments advanced by parties and going through the file I have come to the conclusion that the commission's order has been complied. The defendant has explained the cases of delay and the same are accepted. There does not seem to be deliberate attempt to deny or delay the furnishing of information. I therefore decide to close the case.

Order

The complaint is filed.

(Ramanand Tiwari)
State Information Commissioner, Mumbai

Place: Mumbai
Date: 20.02.2010.

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

Complaint No.2010/540/02

**Shri. Pramod Kadam
Versova Andheri Shri Sai CHS,
Plot No.16/D-3, S.V. P. Nagar,
Andheri (W), Mumbai – 400 053.**

...Complainant

Vs

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

... Respondent

GROUND

This complaint has been filed under section 18 of the Right to Information Act 2005 in the context of the PIO's letter dated 14.10.2008 saying that no documents were available in his office and the information has been sought in question answer form.

It is not clear whether the complaint filed the first appeal under section 19 (1) or the second appeal under section 19 (3). No copy of any of his applications has been attached. It is not possible to make out what the complainant expected.

The case is therefore closed. The complainant may prefer the first appeal if he so desired.

Order

The complaint is filed.

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

Place: Mumbai
Date: 20.02.2010.

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

**Complaint No.2010/541/02
Complaint No.2010/542/02**

**Shri. Pramod Kadam
Versova Andheri Shri Sai CHS,
Plot No.16/D-3, S.V. P. Nagar,
Andheri (W), Mumbai – 400 053.**

...Complainant

Vs

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

... Respondent

GROUND

These complaints have been filed under section 18 of the Right to Information Act 2005 in the context of the commission's order dated 24.09.2009 passed in appeal no 2009/3252/02. The facts in brief are as follows: The complainant by his application dated 01.12.2009 had sought information in respect of his complaint dated 13.11.2006 and Divisional Joint Registrar's letter dated 18.11.2006. The complainant wanted to know what action was taken on those letters.

Not satisfied with responses from the Public Information Officer and First Appellate Authority the complainant filed appeal under section 19 (3) of the RTI Act, 2005. The commission by its order dated 24.09.2009 directed that information should be furnished within 30 days. The PIO was also asked to explain why action should not be taken against him for furnishing the information. The present complaint is against alleged non compliance of commissions order.

The complaint was heard on 02.02.2010. Complainant and defendants were present.

The complainant has stated that he did not get the information he had sought. The defendant had no credible answer. His explanation as directed is also not on record. It is not understood why such simple information could not be furnished. The RTI Act ensures furnishing of available information. If no action was taken, the same should have been communicated. The same has not been done. The defendant is prima facie guilty of violation of the RTI Act, 2005. I therefore pass the following order.

Order

The complaints are allowed. The defendant is guilty of violation of the provisions of the RTI Act, 2005. He is therefore fined Rs.1000/- (One Thousand) The same should be recovered from his salary and compliance reported

(Ramanand Tiwari)
State Information Commissioner, Mumbai

Place: Mumbai
Date: 20.02.2010.

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

Complaint No.2010/552/02

**Shri. Mukesh Ahuja
Flat No.542, 4th Floor,
Bldg No.5, Oshiwara Panchvati CHS Ltd.,
Behind Oshiwara Police Station,
Jogeshwari (W), Mumbai – 400 102.**

...Complainant

Vs

**Public Information Officer cum Secretary / Chairman
Oshiwara Panchvati CHS Ltd.,
Behind Oshiwara Police Station,
Jogeshwari (W), Mumbai – 400 102.**

... Respondent

GROUND

This complaint has been filed under section 18 of the Right to Information Act 2005 in the context of the commission's order dated 31.08.2009 passed in appeal no 2008/3121/02. The facts in brief are as follows: The complainant had sought information from the Secretary / Treasurer, Oshiwara Panchvati Cooperative Housing Society Ltd, Jogeshwari (W), Mumbai. He did not get the information and filed the first appeal. The First Appellate Authority ordered that information should be furnished within 15 days. This order was confirmed by the commission.

The complaint was fixed for hearing on 03.02.2010. The complainant and defendants were absent.

The complainant has alleged that the commissions order has not been complied. There is a letter from the Secretary of the Society on record stating that the RTI Act was not applicable to them. The commission has been taking a view that whatever information is supposed to be with the Dy Registrar should be furnished. The District Deputy Registrar has vast powers & control over societies. The commission cannot

directly order the society to furnish information. The complainant has to pursue with the
Dy Registrar only.

Order

The complaint is filed.

(Ramanand Tiwari)
State Information Commissioner, Mumbai

Place: Mumbai
Date: 20.02.2010.

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

Complaint No.2010/603/02

**Shri. Amjad R Redkar
Malvani Tiranga Soc., Flat No.140,
Room No.10, Sector-8, MHADA,
Malvani, Malad (W), Mumbai – 400 095.**

...Complainant

Vs

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

... Respondent

GROUND

This complaint has been filed under section 18 of the Right to Information Act 2005 in the context of the commission's order dated 31.01.2009 passed in appeal no 2008/1596/02. The facts in brief are as follows: The complainant had asked for a certified copy of the application submitted by the proprietress of Uncle Kitchen Hotel seeking permission for construction and a copy of the proprietor granted.

Not satisfied with responses from the Public Information Officer and First Appellate Authority the complainant filed appeal under section 19 (3) of the RTI Act, 2005. The commission by its order dated 31.01.2009 directed that information should be furnished within 15 days. The present complaint is against alleged non compliance of commissions order.

The complaint was heard on 09.02.2010. The defendant was present but the complainant did not turn up. He has however communicated that the case may be decided on merits.

It appears from case papers that the commission's order has not been complied. In fact the First Appellate Authority by his order dated 08.07.2008 had directed that

information should be furnished within 7 days. This also does not seem to have been complied. I therefore pass the following order.

Order

The complaint is allowed. The defendant should show cause why action under section 20 of the RTI should not be taken against him for furnishing the information and non compliance of the commission's order. His reply to reach the commission within 4 weeks from the date of receipt of this order.

(Ramanand Tiwari)
State Information Commissioner, Mumbai

Place: Mumbai
Date: 20.02.2010.

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

Complaint No.2010/605/02

**Shrimati. Anandi Ramchandran
Bldg. No.29/A-22, Takshila,
2nd Floor, Mahakali Cave Rd,
Andheri (E), Mumbai – 400 093.**

...Complainant

Vs

**Public Information Officer cum Asstt Engineer (B & F)
Municipal Corporation of Greater Mumbai,
K/East Ward, Azad Rd, Gundavali,
Andheri (E), Mumbai – 400 069.**

... Respondent

GROUNDS

This complaint has been filed under section 18 of the Right to Information Act 2005 in the context of the commission's order dated 30.11.2009 passed in appeal no 2008/3754/02. The facts in brief are as follows: The complainant by her application dated 14.07.2009 had sought information relating to some unauthorized construction by Mr. Phatnani in his flat at Takshila, Mahakali Cave Rd, Andheri (E), Mumbai.

Not satisfied with responses from the Public Information Officer and First Appellate Authority the complainant filed appeal under section 19 (3) of the RTI Act, 2005. The commission by its order dated 30.11.2009 directed that information should be furnished. The present complaint is against alleged non compliance of commissions order.

The complaint was heard on 09.02.2010. The complainant and defendants were present.

Case papers reveal that the complainant has presented more than one application on the same subject. The order dated 30.11.2009 had closed the case on the same ground.

It is not understood what the complaint is about. The commission has already sought compliance of its order dated 30.07.2009 in appeal no 2009/2845/02. The complaint therefore is filed.

Order

The complaint is dismissed.

(Ramanand Tiwari)
State Information Commissioner, Mumbai

Place: Mumbai
Date: 20.02.2010.

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

Complaint No.2010/598/02

**Shri.Rajesh Hareshwar Desai
Desai House, Moreshwar Marg,
Dahisar (W), Mumbai – 400 068.**

...Complainant

Vs

**Public Information Officer,
Office of the Charity Commissioner,
3rd Floor, Dr Anie Bezant Marg,
Worli, Mumbai – 400 018.**

... Respondent

GROUND

This complaint has been filed under section 18 of the Right to Information Act 2005 in the context of the commission's order dated 21.01.2009 passed in appeal no 2008/1571/02. The facts in brief are as follows: The complainant had sought copies of documents / statements in respect of enquiry no 21/98 conducted by Inspector No.7 from the office of the Charity Commissioner, Mumbai. This enquiry was conducted against the then treasurer and the complainant wanted to have copies of relevant and related documents.

Not satisfied with responses from the Public Information Officer and First Appellate Authority the complainant filed appeal under section 19 (3) of the RTI Act, 2005. The commission by its order dated 21.01.2009 directed that documents should be thoroughly searched and outcome communicated to the complainant within 15 days. The present complaint is against alleged non compliance of commissions order.

The complaint was heard on 09.02.2010. The complainant and defendants were present.

The complainant has stated that he has not been furnished the required information. The defendant in his written submission has stated that the file could not be

traced despite best efforts and therefore copies of statements / documents could not be furnished.

It is however seen from the case papers that the case was disposed off in September, 1998 and this information has been furnished to the appellant.

Under these circumstances the commission has no option but to close the case. I see no reason for the respondent to deny the information. I therefore close the case.

Order

The complaint is filed.

(Ramanand Tiwari)
State Information Commissioner, Mumbai

Place: Mumbai
Date: 25.02.2010.

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

Complaint No.2010/597/02

**Shri. Vasant Ghag & Tukaram Amare
T 40/209, Pratishanagar, Samkraman Shibir,
Sion (E), Mumbai – 400 022.**

...Complainant

Vs

**Public Information Officer cum Stamps Collector
Pradhan Stamps Office, Nagar Bhavan,
Mumbai – 400 001.**

... Respondent

GROUND

This complaint has been filed under section 18 of the Right to Information Act 2005 in the context of the commission's order dated 17.01.2009 passed in appeal no 2008/1544/02. The facts in brief are as follows: The complainant had sought information regarding genuineness of the Stamp papers on which the Managing Committee, Bhagawa Mahal Cooperative Housing Society Ltd had executed the bond as required under section 73 1 (A B)of the Maharashtra Cooperative Societies Act, 1960.

Not satisfied with responses from the Public Information Officer and First Appellate Authority the complainant filed appeal under section 19 (3) of the RTI Act, 2005. The commission by its order dated 17.01.2009 directed that information should be furnished within 15 days. The present complaint is against alleged non compliance of commissions order.

The complaint was heard on 09.02.2010. The defendant was present but the complainant did not turn up.

The defendant in his written submission has stated that the complainant submitted photocopies of the bonds executed by the Managing Committee and wanted to know whether they were genuine. The defendant further submits that the complainant has been

given relevant information from sale register. The genuines or otherwise of the stamp papers have to be examined by the security press Nashik.

After considering the arguments advanced by parties and going through the file I have come to the conclusion that available information has been furnished and the commission's order implemented. The RTI Act ensures furnishing of available information. I therefore decide to close the case.

Order

The complaint is filed.

(Ramanand Tiwari)
State Information Commissioner, Mumbai

Place: Mumbai
Date: 25.02.2010.

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

Complaint No.2010/555/02

**Shri. Manoj Kumar Yadav
Tapsya Times, 1st Floor,
Sakinaka Industrial Estate,
Opp. Blue Star, Sakinaka, Mumbai – 400 072.**

...Complainant

Vs

**Public Information Officer cum Vice President of MHADA
MHADA Bldg, Bandra (W),
Mumbai – 400 051.**

... Respondent

GROUND

This complaint has been filed under section 18 of the Right to Information Act 2005 in the context of the commission's order dated 31.12.2008 passed in appeal no 2008/1513/02. The facts in brief are as follows: The complainant had wanted to know whether MHADA had issued no objection to 85 societies mentioned in his application dated 11.02.2008.

Not satisfied with responses from the Public Information Officer and First Appellate Authority the complainant filed appeal under section 19 (3) of the RTI Act, 2005. The commission by its order dated 31.12.2008 directed that information should be furnished within 15 days. The present complaint is against alleged non compliance of commissions order.

The complaint was fixed for hearing on 03.02.2010. The complaint and defendant were absent. The defendants were absent even at the time of hearing of the second appeal before the commission.

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

Order

The complaint is allowed. The PIO to show cause why penal action under section 20 of the RTI Act should not be taken against him for not complying with the commission's order to furnish the information. His reply to come within 4 weeks from the date of receipt of this order.

(Ramanand Tiwari)
State Information Commissioner, Mumbai

Place: Mumbai
Date: 25.02.2010.

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

Complaint No.2010/545/02

**Shri. Pramod Kadam
Versova Andheri Shri Sai CHS,
Plot No.16/D-3, S.V. P. Nagar,
Andheri (W), Mumbai – 400 053.**

...Complainant

Vs

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

... Respondent

GROUND

This complaint has been filed under section 18 of the Right to Information Act 2005 in the context of the commission's order dated 30.09.2009 passed in appeal no 2009/3314/02. The facts in brief are as follows: The complainant by his application dated 06.14.2009 had sought information relating to his complaint dated 18.12.2008 and the communication issued from the office of the Dy. Registrar Cooperative Societies dated 19.01.2009.

Not satisfied with responses from the Public Information Officer and First Appellate Authority the complainant filed appeal under section 19 (3) of the RTI Act, 2005. The commission by its order dated 30.09.2009 directed that information should be furnished on point 3 & 4 within 15 days. The present complaint is against alleged non compliance of commissions order.

The complaint was heard on 02.02.2010. Complainant and defendants were present.

The complainant has stated that the commission's order has not been complied. The defendant submitted that the required information has been furnished.

After considering the arguments advanced by parties and going through the file I have come to the conclusion that the commission's order has been complied. It was ordered that information on points no 3 & 4 relating to furnishing of bond by the administrator and action taken against him for not doing so had to be given. This has been covered under the reply dated 30.05.2009. It clearly mentions that the govt. circular requiring furnishing of bonds does not provide for penal action in case non performance. The information stands furnished.

Order

The complaint is filed.

(Ramanand Tiwari)
State Information Commissioner, Mumbai

Place: Mumbai
Date: 25.02.2010.

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

Complaint No.2010/606/02

**Shrimati. Kavita Malushte
F-317, Preeti Apt.,
Yari Rd, Varsova, Andheri (W),
Mumbai – 400 061.**

...Complainant

Vs

**Public Information Officer,
Education Shulka Samiti,
Higher Education & Technical Education Board,
Room No.305, 3rd Floor, 9, Kherwadi,
Bandra (E), Mumbai – 400 051.**

... Respondent

GROUND

This complaint has been filed under section 18 of the Right to Information Act 2005 in the context of the commission's order dated 30.11.2009 passed in appeal no 2008/3107/02. The facts in brief are as follows: The complainant had sought information in respect of additional fee charged by Parshwanath College of Engineering. The appellant had asked for a copy of the undertaking given by the college on a stamp papers of Rs.50/- for charging fee for the year 2004-2005 and a copy of the S.D. Pandit Report.

Not satisfied with responses from the Public Information Officer and First Appellate Authority the complainant filed appeal under section 19 (3) of the RTI Act, 2005. The commission by its order dated 30.11.2009 directed that information should be furnished within 30 days. The present complaint is against alleged non compliance of commissions order.

The complaint was fixed for hearing on 09.02.2010. The complainant and defendants were absent.

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

Order

The complaint is allowed. The defendants to show cause why action should not be taken for non compliance of the commission's order. Reply to reach the commission within 4 weeks.

(Ramanand Tiwari)
State Information Commissioner, Mumbai

Place: Mumbai
Date: 20.02.2010.

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

Appeal No.2010/4317/02

**Shri. Raghuwanshi Jaikumar
B.K.No.1348, Room No.5,
Near Bank of Maharashtra,
Ulhasnagar – 421 004.**

... Appellant

V/s

**First Appellate Officer,
Office of the Asstt Charity Commissioner
Dr Besant Rd, Worli,
Mumbai – 400 018.**

... Respondent

**Public Information Officer,
Office of the Asstt Charity Commissioner
Dr Besant Rd, Worli,
Mumbai – 400 018.**

GROUNDS

This appeal has been filed under section 19(3) of the Right to Information Act, 2005. The appellant by his application dated 08.08.2009 had sought information relating to the inspection of Hyderabad (Sind) National Collegiate Board having PTR Bo.F557 B as per the letter dated 06.11.2007.

Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant filed this second appeal before the commission. The appeal was fixed for hearing on 10.02.2010. Appellant and respondents were absent.

Case papers reveal that the PIO by his letter dated 07.10.2009 informed the appellant that no inspection was carried out. The First Appellate Authority by his order dated 20.10.2009 virtually confirmed the order and disposed off the appeal. He has concluded that since no inspection was carried out, the question of taking any action did not arise.

I therefore conclude that the information has been furnished and the appeal needs to be closed.

Order

Appeal is disposed off.

(Ramanand Tiwari)
State Information Commissioner, Mumbai

Place: Mumbai
Date: 25.02.2010.

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

Appeal No.2010/4319/02

**Shrimati. Preeti Praful Gharat
Salwad (Gharatwadi),
Palghar, Dist. Thane – 401 504.**

... Appellant

V/s

**First Appellate Officer cum Managing Director
Maharashtra State Electricity Company Ltd,
Prakashgagna, Plot No. C-19, E Block,
Bandra – Kurla Complex, Bandra (E),
Mumbai – 400 051.**

... Respondent

**Public Information Officer,
Maharashtra State Electricity Company Ltd,
Prakashgagna, Plot No. C-19, E Block,
Bandra – Kurla Complex, Bandra (E),
Mumbai – 400 051.**

GROUND

This appeal has been filed under section 19(3) of the Right to Information Act, 2005. The appellant by his application dated 02.09.2009 had sought information relating to the appellant's husband's appeal against departmental action against him.

Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant filed this second appeal before the commission. The appeal was fixed for hearing on 10.02.2010. Appellant and respondents were absent.

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

Order

Appeal is allowed. Available information to be furnished to the appellant within 30 days.

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

Place: Mumbai
Date: 25.02.2010.

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

Appeal No.2010/4318/02

Shri. Jagannath Desai
Flat No.736, 7th Floor,
Gagansagar CHS Ltd.,
Behind Laxmi Narayan Mandir,
Near Yogi Nagar, Borivali (W),
Mumbai – 400 091.

... **Appellant**

V/s

First Appellate Officer cum Tahsildar
Ta. Roha, Dist. Raigarh.

... **Respondent**

Public Information Officer,
Office of the Collector Raigarh,
Ta. Alibaug, Dist. Raigarh.

GROUND

This appeal has been filed under section 19(3) of the Right to Information Act, 2005. The appellant by his application dated 06.05.2009 had sought information relating to mutation entries in favour of M/s Triveni Associates – a partnership firm in respect of lands in village Pahur, taluka Roha, Dist. Raigarh.

Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant filed this second appeal before the commission. The appeal was fixed for hearing on 10.02.2010.

The appellant however has informed that he has received the information and does not want to pursue the appeal. The request is granted.

Order

Appeal is disposed off.

(Ramanand Tiwari)
State Information Commissioner, Mumbai

Place: Mumbai
Date: 25.02.2010.

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

Appeal No.2010/4320/02

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

... **Appellant**

V/s

First Appellate Officer cum Addl. Commissioner
(Bldg Project) (Western Suburban),
Municipal Corporation of Greater Mumbai,
Mahapalika Marg, Fort, Mumbai – 400 001.

... **Respondent**

Public Information Officer cum Dy Chief Engineer
(Bldg Project) (Western Suburban),
Municipal Corporation of Greater Mumbai,
Mahapalika Marg, Fort, Mumbai – 400 001.

GROUND

This appeal has been filed under section 19(3) of the Right to Information Act, 2005. The appellant by his application dated 15.04.2009 had sought information on behalf his client Shri Afak A Mandaviya, Editor of “Khara Rashtravadi”.

Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant filed this second appeal before the commission. The appeal was heard on 10.02.2010. The appellant did not turn up but the respondent was present.

It transpired during the hearing that the commission had already disposed off the appeal and passed order on 16.09.2009. The respondent was given a copy. The case is closed.

Order

Appeal is disposed off.

(Ramanand Tiwari)
State Information Commissioner, Mumbai

Place: Mumbai
Date: 25.02.2010.

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

Appeal No.2010/3723/02

Shri. Shaikh Moh. Bashir
Room No.1059, Laxmibai Dere Colony,
Pipalgaon Baswant, Nifad, Dist. Nashik.

... **Appellant**

V/s

First Appellate Officer,
Mumbai Municipal Cooperation,
Education Division,
Dadar, Mumbai.

... **Respondent**

Public Information Officer,
Mumbai Municipal Cooperation,
Education Division,
Dadar, Mumbai.

GROUND

This appeal has been filed under section 19(3) of the Right to Information Act, 2005. The appellant by his application dated 02.06.2009 had sought information regarding Mutual transfer between Mumbai Municipal Corporation and Thane Municipal Corporation and also whether his services at Mumbai will be counted at Thane.

Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant filed this second appeal before the commission. The appeal was heard on 01.12.2009. Appellant and respondents were present.

Case papers reveal that the required information has been furnished by the Dy. Education Officer BMC by his letter dated 23.11.2009. I therefore close the case.

Order

Appeal is disposed off.

(Ramanand Tiwari)
State Information Commissioner, Mumbai

Place: Mumbai
Date: 20.02.2010.

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

Complaint No.2010/493/02

**Shri. Gregory D'Sa
4, Silver Streak, Kalina Kolivery,
Church Rd, Santacruz, (E),
Mumbai – 400 098.**

...Complainant

Vs

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

... Respondent

GROUND

This complaint has been filed under section 18 of the Right to Information Act 2005 in the context of the commission's order dated 10.04.2008 passed in appeal no 2008/2257/02. The facts in brief are as follows: The complainant had sought information regarding unauthorized work at shop premises at 197, D'Sa House, Bhavani Shankar Rd, Dadar (W), Mumbai. He wanted to know what action has been taken by the Municipal Corporation, G/North Ward.

Not satisfied with responses from the Public Information Officer and First Appellate Authority the complainant filed appeal under section 19 (3) of the RTI Act, 2005. The commission by its order dated 10.04.2008 directed that information should be furnished and appropriate action should be taken and the appellant informed. The present complaint is against alleged non compliance of commissions order.

The complaint was heard on 23.12.2009. The defendant was present but the complainant did not turn up.

It has been submitted by the defendant the site was visited by the office staff and it was learnt that the property was under the possession of the court receiver, High Court

in suit no 5199 of 1994 in the case of Domnic Frances D'Sa Vs Allwyn Bruce Ceal D'Sa and others. The shop premises were found locked and sealed by the High Court order.

After considering the arguments advanced by parties and going through the file I have come to the conclusion that the complainant has been kept informed. The RTI Act ensures furnishing of available information and the same has been done in this case. The commission is not mandated to get the lock opened to facilitate inspection by the Municipal staff and further action as desired by the complainant.

Order

The complaint is filed.

(Ramanand Tiwari)
State Information Commissioner, Mumbai

Place: Mumbai
Date: 25.02.2010.