

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

**ComplaintNo.2009/324/02**

**Shri.Prakasha Govind Navathe  
204, Rajbaug, Daluchand CHS,  
271, Sir Bhalchandra Marg,  
Matunga, Mumbai – 400 019.**

**...Complainant**

**Public Information Officer cum Executive Engineer,  
E/Division, Municipal Corporation,  
10 Shaik Hafizudin Marg,  
Byculla (W), 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 19.12.2008 passed in appeal no.2008/1345/02. The facts in brief are as follows: - The complainant by his application dated 27.11.2007 had sought information regarding car parking in the basement of Daluchand Niwas, Matunga, Mumbai. He had wanted to know whether the existing situation was in accordance with the approved plan or otherwise. Not satisfied with responses from the Public Information Officer and the First Appellate Authority, he preferred appeal under section 19(3) of the RTI Act 2005. The commission by its order dated 19.12.2008 directed to furnish the information. The present complaint is against alleged non compliance of commissions order.

The complaint was fixed for hearing on 02.07.2009. Complainant and defendant were present.

The complainant has stated that he has not been fully informed. The defendant has submitted that the situation was verified and it was found that it was not in accordance with the approved plan. A notice was issued to the society to restore the position. The society has gone to the court and there was an injunction. He also assured that necessary action will be taken after following due process of law. The complainant has been kept informed.

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

**Order**

Complaint is disposed off.

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

Place: Mumbai  
Date: 02.07.2009.

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

**ComplaintNo.2009/325/02**

**Shri. Krushna B. Kavathankar  
A/501, Shubhasnagar CHS,  
Sant Gora Kumbhar Marg,  
Dharavi, Mumbai – 400 017.**

**...Complainant**

**Public Information Officer cum Senior Colony Officer  
Municipal Corporation, Dadar (W),  
G/North Division Officer, Harishchandra Yelave Marg,  
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 26.03.2009 passed in appeal no.2008/1935/02. The facts in brief are as follows: - The complainant had sought information regarding unauthorized and incomplete construction by the developer of Subhasnagar Cooperative Housing Society Dharavi, CTS No.40 (Part) undertaken under Slum Rehabilitation Scheme. Not satisfied with responses from the Public Information Officer and the First Appellate Authority the complainant filed appeal under section 19(3) of the Right to Information Act, 2005. The commission by its order dated 26.03.2009 directed that the required information should be furnished within 15 days. The present complaint is against alleged non compliance of the commission's order.

The complaint was fixed for hearing on 30.6.2009. Complainant and defendant were present.

The complainant has stated that full information has not been furnished. The defendant submitted that complainant's application is in the nature of grievances. He is also in touch with the SRA which has issued memo to the developer to correct the omissions pointed out by the complainant. He promised to furnish whatever information was available with him. The complainant appeared satisfied.

In view of this I decide to close the case.

**Order**

Complaint is disposed off.

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

Place: Mumbai  
Date: 02.07.2009.

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

**ComplaintNo.2009/177/02**

**Shri. Damodar Naik  
Shop No. 3, Sai Akruiti Soc,  
Khamdev Nagar, Dharavi.,  
Mumbai.**

**...Complainant**

**Public Information Officer cum Town Planner,  
Kalyan-Dombivali Municipal Corporation,  
Kalyan.**

**...Respondent**

**GROUNDS**

This complaint has been filed under section 18 of the Right to Information Act 2005 in the context of the commission's order dated 02.07.2008 passed in appeal no.2008/411/02. The facts in brief are as follows: - The complainant had sought information regarding action on his applications dated 22.09.2005, 07.11.2005, 26.11.2005, 28.11.2005 and 05.12.2005. He was not satisfied with responses from the Public Information Officer and the First Appellate Authority and filed appeal under section 19 (3) of the Right to Information Act, 2005. The commission ordered that information should be furnished within 30 days. The present complaint is against non compliance of commission's order.

The complaint was fixed for hearing on 07.07.2009. Complainant and defendant were present.

The complainant has stated that he has not been given the information as directed. The defendant has submitted that available information has been furnished.

After considering the arguments advanced by the parties and going through the file I have come to the conclusion that commission's order has been complied. The complainant main point was that building permission on city survey no 3361, 3362 and 3363 has been wrongly given. The building permission has been given in the name of Smt. Misribai Ramkumvar Pandit (Sharma) on the basis the property card. It has been clarified to the complainant that building permission is given in the name of the property

card holder. The complainant challenges the entry in the property card. This is not possible under the RTI Act. I therefore decide to close the case.

**Order**

The complaint is disposed off.

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

Place: Mumbai  
Date: 07.07.2009.

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

**ComplaintNo.2009/151/02**

**Shri. Vilasrao B. Deshmukh  
Room No. A/1, Shri Gurukrupa Chawl,  
Hanuman Tekadi, Kajupada,  
Borivali (E), Mumbai – 400 066.**

**...Complainant**

**Public Information Officer cum Dy Chief Engineer,  
Mumbai SRA, 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 05.09.2008 passed in appeal no.2008/757/02. The facts in brief are as follows: - The appellant had sought information regarding construction of Samaj Mandir at Hanuman Tekadi, Kajupada, Borivali (E), Mumbai. This Samaj Mandir was constricted under National Slum Development Programme by Mumbai Slum Improvement Board Mumbai. The appellant had requested for copies of the permission fund provided the purchase documents by 'Praudha Seva Sangh' at whose request the Samaj Mandir has been constructed. Not satisfied with responses from the PIO and the First Appellate Authority he preferred appeal under section 19 (3). The commission came to the conclusion that available information has been furnished. The complainant wanted commission's order to be reviewed. Since there is no provision for review, this was admitted as a complaint to ensure that he gets the information he has sought.

The complaint was fixed for hearing on 07.07.2009. The defendant was present but the complainant did not turn up.

The defendant's contention was that commission has already disposed off complainant's appeal. It was also submitted by them that it was a declared slum and the Samaj Mandir has been constructed under NSDP. Available information has already

been furnished. In view of the opponent's submission and appellant's absence, the case is closed.

**Order**

The complaint is dismissed.

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

Place: Mumbai  
Date: 07.07.2009.

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

**ComplaintNo.2009/309/02**

**Mr. Dattaram Krushana Pdamkar & other  
Mariamma Nagar, Room No.33 M,  
223, Behind Neharu Center, Dr.A.B.Rd,  
Worli, Mumbai – 400 018.**

**...Complainant**

**Public Information Officer cum Asstt Registrar  
SRA, 5<sup>th</sup> 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 18.03.2009 passed in appeal no.2009/2083/02. The complainant by his application dated 25.09.2008 had sought information relating to Mariamanager SRA Cooperative Housing Society CS No.47 (Part) off Lower Parel Division, Worli, Mumbai. He had sought information on 5 points.

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 18.03.2009 directed that information should be furnished within 30 days.

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

The complaint was heard on 08.07.2009. Complainant and defendants were present.

The complainant has stated that he has not been provided the information as directed. The defendant submitted that information has been furnished. In fact bulk of the information has been received by the complainant from SRA. The only point which the present defendant has to furnish is the list of 11 members along with their eligibility or otherwise.

After considering the arguments advanced by parties and going through the file I have come to the conclusion that commissions order has been complied except on point

no 5 and same should be furnished within two days and compliance reports to the commission.

**Order**

The complaint is disposed off.

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

Place: Mumbai  
Date: 08.07.2009.



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

**ComplaintNo.2009/310/02**

**Mr. Pramod Rajaram Pawar  
120/60, Rajgad, M.U.T.P,  
B-Wing, Tatanagar Rd, Mankhurd,  
Mumbai – 400 043.**

**...Complainant**

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

**...Respondent**

**GROUNDS**

This complaint has been filed under section 18 of the Right to Information Act 2005 in the context of the commission's order dated 23.05.2008 passed in appeal no.2009/85/02.

The complainant was heard on 09.07.2009. Complainant and defendants were present.

The complainant has stated that he had received the desired information. I therefore close the case.

**Order**

The complaint is disposed off.

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

Place: Mumbai  
Date: 09.07.2009.

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

Appeal No.2009/2870/02

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

... **Appellant**

V/s

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

... **Respondent**

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

**GROUND**

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant by his application dated 16.10.2007 had sought a copy of Annexures PE-1 to PE XXXVII to the roznamas of the Departmental Enquiry of the appellant.

Not satisfied with the responses from the Public Information Officer and the First Appellate Authority, the appellant filed this second appeal before the Commission. The appeal was heard on 14.07.2009. Appellant as well as respondent were absent.

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

**Order**

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

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

Place: Mumbai  
Date: 14.07.2009.

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

Appeal No.2009/2865/02

**Shri. K.D. Gawand**  
**Lecturer in Textile Dept.**  
**V.J.T.I. Matunga,**  
**Mumbai – 400 019.**

... **Appellant**

V/s

**First Appellate Officer cum Dy Director**  
**V.J.T.I. Matunga,**  
**Mumbai – 400 019.**

... **Respondent**

**Public Information Officer,**  
**V.J.T.I. Matunga,**  
**Mumbai – 400 019.**

**GROUND**

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant by his application dated 30.10.2007 had sought copies of reports submitted by Dr.B.K. Lande to find out reasons for delay for declaration of B. Tex results and Dr. Ashok Joshi Reviewing Committee.

Not satisfied with the responses form the Public Information Officer and the First Appellate Authority the appellant filed this second appeal before the Commission. The appeal was heard on 14.07.2009. Appellant and respondent were present.

The appellant has contended he has not been given the information requested by him. The respondent has contended that he has written to the Director of the institute and these have not yet been received.

After going though the case papers and considering the arguments advanced by parties I have come to the conclusion that information sought must be furnished. No information except those mentioned in section 8 & 9 can be denied. I therefore pass the following order.

**Order**

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

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

Place: Mumbai  
Date: 14.07.2009.

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

**Appeal No.2009/2851/02**

**Shri. Naeem Jan Mohd Sheikh  
R.No.10, Deen Mohd Muslim,  
Chawl, Opp. Fish Market,  
Chiragnagar, Ghatkopar (W),  
Mumbai – 400 086.**

**... Appellant**

**V/s**

**First Appellate Officer cum Police Dy. Commissioner  
Zone-6, Chembur, Mumbai.**

**... Respondent**

**Public Information Officer cum Assit. Police Commissioner  
West Division, Control Desk, Chembur, Mumbai.**

**GROUND**

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant by his application dated 23.10.2007 had sought the information in respect of cases against him. He claims to be the Secretary of the Nanjawan Ittehadul Musalmin Trust. He wanted information as to why he is being accused and chargesheeted for entering the trust building.

Not satisfied with the responses from the Public Information Officer and the First Appellate Authority the appellant filed this second appeal before the Commission. The appeal was heard on 13.07.2009. Appellant and respondent were present.

The appellant has contended that he has not been given the information he had sought. He wanted to know why he has been chargesheeted for entering the trust premises when he is a trustee.

The respondent's contention is that available information has been furnished. He has made his submission in writing. It has also been stated that the chargesheet has been filed in the court of law and everyone has to wait for the courts verdict.

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. In fact what the appellant wanted was arbitration and not information. It is not within the purview of the RTI Act to decide who is a trustee and whether the police charge of

trespassing is right or wrong. The RTI Act ensures furnishing of available information. I therefore pass the following order.

**Order**

The appeal is disposed off.

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

Place: Mumbai  
Date: 13.07.2009.

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

Appeal No.2009/2850/02

**Shri. Nipun Mathkar**  
**B-5, Jivdani Krupa Chawl,**  
**Ramchandra Jadhavwadi,**  
**Vijay Nagar, Mala Sopara (E),**  
**Thane – 401 208.**

... **Appellant**

V/s

**First Appellate Officer,**  
**Maharashtra Administrative Tribunal,**  
**Govt. Barrack No.3 & 4, Free Press,**  
**Mumbai – 400 021.**

... **Respondent**

**Public Information Officer,**  
**Maharashtra Administrative Tribunal,**  
**Govt. Barrack No.3 & 4, Free Press,**  
**Mumbai – 400 021.**

**GROUND**

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant by his application dated nil had sought the information relating to the Maharashtra Administrative Tribunal – its functioning, arrangement to facilitate access to information, appointments etc.

Not satisfied with the responses from the Public Information Officer and the First Appellate Authority, the appellant filed this second appeal before the Commission. The appeal was heard on 13.07.2009. The appellant did not turn up but the respondent was present.

The respondent submitted that the appellant has been informed that a book containing all details of Maharashtra Administrative Tribunal has been published. The information sought was available in the printed book. It has also been submitted that they had meetings with the appellant and they tried to understand the precise nature of information sought.

In view of the appellant's absence and respondent's submission I decide to close the case. The appellant has been informed correctly.

**Order**

The appeal is disposed off.

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

Place: Mumbai  
Date: 13.07.2009.

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

Appeal No.2009/2846/02

**Shri. Kamlakar R. Shenoy**  
2/13, Adinath CHS,  
Opp. Elly Kadoorie School,  
Mazgaon, Mumbai – 400 010.

... **Appellant**

V/s

**First Appellate Officer,**  
CIDCO, Vasai, Ambica Complex,  
Vasai (E).

... **Respondent**

**Public Information Officer,**  
CIDCO, Vasai, Ambica Complex,  
Vasai (E).

**GROUND**

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant by his application dated 29.04.2008 had sought copies in respect of the occupation certificate and letter issued to withdraw MRTP cases against the projects mentioned in his application for information.

Not satisfied with the responses from the Public Information Officer and the First Appellate Authority the appellant filed this second appeal before the Commission. The appeal was heard on 13.07.2009. Appellant was present but the respondent was absent.

The appellant at the outset presented an application saying that he did not want to appear before me. His application however does not give any grounds for the same. It is also seen that the appeal has been filed in a casual way. It does not have required documents – copy of the application for information and PIO's order if any. It is not known whether he has fixed the stamp of required amount. It is therefore decided to reject the appeal. The appellant however is free to approach the commission after rectifying the appeal documents.

**Order**

The appeal is dismissed.

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

Place: Mumbai  
Date: 13.07.2009.

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

**Appeal No.2009/2864/02**

**Shri. P.B. Kulkarni  
Head of Diploma in Electrical Engg.  
V.J.T.I, Matunga, Mumbai – 400 019.**

... **Appellant**

V/s

**First Appellate Officer Dy. Director  
V.J.T.I, Matunga, Mumbai – 400 019.**

... **Respondent**

**Public Information Officer,  
V.J.T.I, Matunga, Mumbai – 400 019.**

**GROUNDS**

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant by his application dated 27.09.2007 had sought the following information: -

- a) Administrative Staff Structure of VJTI Hostel from 1st January, 1990 onwards.
- b) Total Number of Administrative Staff approved / posts filed by BoM / BoG and person appointed on these posts during every fresh administrative staff appointment.
- c) BoM/BoG Resolution for above information required at Sr.No.'b'

Not satisfied with the responses from the Public Information Officer and the First Appellate Authority the appellant filed this second appeal before the Commission. The appeal was heard on 14.07.2009. Appellant and respondents were present.

The appellant has contended that he has not been furnished the required information. The PIO has submitted that the information was held by the Establishment Branch which took time to send to him. He submitted that the information was ready and volunteered to hand over during the hearing. The appellant however wanted it to be certified I therefore pass the following order.

**Order**

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

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

Place: Mumbai  
Date: 14.07.2009.



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

Appeal No.2009/2866/02

**Shri. K.D. Gawand**  
**Lecturer in Textile Dept.**  
**V.J.T.I. Matunga,**  
**Mumbai – 400 019.**

... **Appellant**

V/s

**First Appellate Officer cum Dy Director**  
**V.J.T.I. Matunga,**  
**Mumbai – 400 019.**

... **Respondent**

**Public Information Officer,**  
**V.J.T.I. Matunga,**  
**Mumbai – 400 019.**

**GROUND**

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant by his application dated 30.10.2007 had sought the following information: -

1. Whether Technical Test Fees (VJTI) is exempted from Income Tax?
2. Income Tax Exemption Certificate issued by competent Authority and purpose for which TTF can be utilized under Income Tax Exemption Act.
3. Norms for Expenditure / Utilization of Technical Test Fees as approved by then BoM. VJTI for Total TTF Account.
4. Details TTF Account expenditure from December 2005 till date along with purposes for which it is utilized.

Not satisfied with the responses from the Public Information Officer and the First Appellate Authority the appellant filed this second appeal before the Commission. The appeal was heard on 14.07.2009. Appellant and respondents were present.

The appellant has contended that he has been given incomplete information. The respondent submitted full information has been collected and kept ready. The appellant however wanted it to be certified. I therefore pass the following order.

**Order**

The appeal is allowed. PIO to furnish certified copies within 15 days.

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

Place: Mumbai  
Date: 14.07.2009.

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

**Appeal No.2009/2867/02**

**Shri. K.D. Gawand  
Lecturer in Textile Dept.  
V.J.T.I. Matunga,  
Mumbai – 400 019.**

**... Appellant**

**V/s**

**First Appellate Officer cum Dy Director  
V.J.T.I. Matunga,  
Mumbai – 400 019.**

**... Respondent**

**Public Information Officer,  
V.J.T.I. Matunga,  
Mumbai – 400 019.**

**GROUND**

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant by his application dated 30.10.2007 had sought the following information: -

1. Agenda and Minutes of all Board of Governors of Autonomous Institute (VJTI) meetings till date.
2. Agenda and Minutes of all Finance Committee of Autonomous Institute (VJTI) meetings till date.
3. Agenda and Minutes of all Building and Construction Committee (BCC) of Autonomous Institute (VJTI) meeting till date.
4. Agenda and Minutes of Senate (VJTI) meetings held till date.

Not satisfied with the responses from the Public Information Officer and the First Appellate Authority the appellant filed this second appeal before the Commission. The appeal was heard on 14.07.2009. Appellant and respondents were present.

The appellant has contended that he has not been given the information he had requested for. The respondent has submitted that these documents are bulky and voluminous.

After going through the case papers and considering the arguments advanced by parties I have come to the conclusion that information asked for must be furnished. Nothing except those mentioned in section 8 and 9 of the RTI can be denied. It is therefore directed that the information sought must be provided. Since it is voluminous, the appellant should be allowed inspection of documents and copies of selected ones should be provided. I therefore pass the following order.

**Order**

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

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

Place: Mumbai  
Date: 14.07.2009.

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

**Appeal No.2009/2794/02**

**Shri. Sunil Laxman Jabare  
24/223, Gokhale Nagar,  
Pune – 400 016.**

**... Appellant**

**V/s**

**First Appellate Officer,  
S.N.D.T. Girls College,  
Churchgate, Mumbai – 400 020.**

**... Respondent**

**Public Information Officer,  
S.N.D.T. Girls College,  
Churchgate, Mumbai – 400 020.**

**GROUND**

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant had sought the information regarding his applications from time to time for appointment as laboratory attendant against a sanctioned post.

Not satisfied with the responses from the Public Information Officer and the First Appellate Authority the appellant filed this second appeal before the Commission. The appeal was heard on 12.06.2009. Appellant and respondents were present.

The appellant has contended the appellant wanted an appointment as laboratory attendant against a sanctioned post but the information furnished / reply given did not satisfy him.

The respondent's contention is that he has been given appointment as a laboratory attendant but not against a sanctioned post.

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 supposed to take care of such personal problems. Available information has been furnished.

**Order**

The appeal is disposed off.

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

Place: Mumbai  
Date: 17.07.2009.

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

**Appeal No.2009/2856/02**

**Shri. Sanjay Vishnu Tikam  
B/602, Sankar, Ganesh Peth Lane,  
Dadar (W), Mumbai – 400 028.**

**... Appellant**

**V/s**

**First Appellate Officer cum Assit. Commissioner,  
Municipal Corporation Greater Mumbai.  
G/North Ward, Dadar (W), Mumbai.**

**... Respondent**

**Public Information Officer cum Assit. Engineer Commissioner,  
Municipal Corporation Greater Mumbai.  
G/North Ward, Dadar (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 23.07.2007 had sought copies of documents relating to the redevelopment scheme on plot bearing no 96 A, 96 B, 97. TPS II Mahim Division, Padrewadi, Lt Dilip Gupte Rd, Mahim, Mumbai in the name of Shri. Gan Sidhivinayak Cooperative Housing Society. He wanted certified xerox copies of all documents retained and maintained by the PIO.

Not satisfied with the responses from the Public Information Officer and the First Appellate Authority the appellant filed this second appeal before the Commission. The appeal was heard on 14.07.2009. The appellant did not turn up but the respondent was present.

The respondent has submitted that information was kept ready but the appellant has not collected it. The appellant feels that the information could be running into about 500 pages but he has been offered only 69 pages. I therefore pass the following order.

**Order**

The information which is ready should be sent to the appellant by registered post. He should be allowed inspection of related documents and copies of selected documents should be furnished to him within 15 days

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

Place: Mumbai  
Date: 17.07.2009.

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

**Appeal No.2009/2725/02**

**Shrimati. Anjali Anil Tare  
448/2, Mohannagar-2,  
Flat No.74, Jalgaon.**

**... Appellant**

**V/s**

**First Appellate Officer cum Manager  
Maharashtra State Electricity Company,  
Prakashgad, Bandra, Mumbai – 400 051.**

**... Respondent**

**Public Information Officer,  
Maharashtra State Electricity Company,  
Prakashgad, Bandra, 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 13.08.2008 had sought information relating to MSEB Holding Company Ltd. She has sought information regarding amount spent on encashment, action taken against those who do not – wear uniforms, Amount spent on outsourcing and related issues.

Not satisfied with the responses from the Public Information Officer and the First Appellate Authority the appellant filed this second appeal before the Commission. The appeal was heard on 05.06.2009. Appellant was present but the respondent was absent.

The appellant has contended that the required information has not been furnished. Since the respondent was not present, it could not be verified. The case papers however show that the PIO by his letter dated 04.10.2008 has furnished some information. He has also stated that since the information sought was not very clear and precise, it was not possible to furnish the information. The PIO has furnished pointwise reply requesting the appellant to seek precise and definite information.

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 PIO may approach the PIO for remaining information if she so desired. The case is closed at commission's level.

**Order**

The appeal is disposed off.

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

Place: Mumbai

Date: 16.07.2009.

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

**ComplaintNo.2009/205/02**

**Mr.Shivanand Rama Ankolekar,  
12/378, MHB Colony,  
Vartak Nagar, Thane – 400 606.**

**...Complainant**

**Public Information Officer cum Divisional Officer  
Maharashtra Industrial Development Board,  
(Divisional Office) Thane Division, Near Chok Nakya,  
Wagale Industrial Colony, Thane – 400 604.**

**...Respondent**

**GROUND**

This complaint has been filed under section 18 of the Right to Information Act 2005 in the context of the commission's order dated 16.06.2008 passed in appeal no.2009/206/02. The complainant had sought details of the items and their valuation while taking over his shed no.95 in Dombivali Industrial Estate.

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 16.06.2009 directed that information should be furnished within 30 days and responsibility fixed.

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

The complainant was heard on 09.07.2007. The defendant was present but the complainant did not turn up.

The defendant has submitted that while the list of items seized has been furnished the valuation could not be furnished since it was not available on record. Those responsible have retired and therefore it was not possible to fix the responsibility

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

submission made by the defendant is satisfactory. I have been shown the list of items seized but it does not show any valuation. In fact there is no valuation for the same. The information therefore is not available on record. I decide to close the case.

**Order**

The complaint is disposed off.

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

Place: Mumbai  
Date: 20.07.2009.



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

**ComplaintNo.2009/364/02**

**Mr. Ali Asgar Mohammd  
29/57, New Collector Compound,  
Gate No. 7, Malavani, Malad (W),  
Mumbai – 400 095.**

**...Complainant**

**Public Information Officer,  
Repairing Board, Mumbai Grihanirman  
& Area Development Madal, 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 19.07.2008 passed in appeal no.2009/517/02. The complainant had sought information regarding action taken against Shri. Pascal Saldana for constructing commercial structure without permission.

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 19.07.2008 directed that information should be furnished within 60 days.

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

The complaint was heard on 16.06.2009. The complainant was present but the defendant was absent.

The complainant has stated that he had not been furnished the information. The defendant was not present so it could not be verified. It is clear that information has not been furnished despite being given 60 days time.

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 complied and information has not been furnished. It is therefore proposed to impose a fine of Rs.25,000/- on the PIO. He should reply within 3 weeks why this should not be confirmed.

**Order**

The complaint is allowed and PIO to reply within the time stipulated above.

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

Place: Mumbai  
Date: 20.07.2009.

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

**ComplaintNo.2009/255/02**

**Mr. Narinder Singh Chadha  
Bungalow 6, Asha Colony,  
Juhu Tara Rd, Santacruz (W),  
Mumbai – 400 049.**

**...Complainant**

**Public Information Officer Assit. Engineer,  
H (W) Ward, Municipal Corporation,  
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 26.03.2007 passed in appeal no.2009/1972/02. The complainant had sought information relating to unauthorized coverage of permanent nature in the open space on the ground floor admeasuring 2000 sq feet on Eastern side of Hotel Evergreen.

Not satisfied with responses from the Public Information Officer and First Appellate Authority the complainant filed appeal under section 19 (3) of the RTI Act, 2005. The commission by its order dated 26.03.2009 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 20.07.2009. The complainant was present but the defendant was absent.

The complainant has stated that he has not been furnished the information as per the order of the commission. It is also not clear whether the defendant has relied to the show cause as directed.

After considering the arguments advanced by parties and going through the file I have come to the conclusion that information has not been furnished. Since the respondent is not present, it is not possible to verify the circumstances under which information has not been furnished. It is therefore proposed to impose a penalty of Rs.25,000/-. The PIO is directed to reply within 3 weeks why this imposition of fine should not be confirmed and recovered from his salary.

**Order**

The complaint is allowed.

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

Place: Mumbai  
Date: 20.07.2009.

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

**ComplaintNo.2009/366/02**

**Mr. Prakash Govind Nawathe  
204, Rajbaug, Daluchand CHS Ltd.  
271, Sir Bhalchandra Marg,  
Matunga, Mumbai – 400 019.**

**...Complainant**

**Public Information Officer cum Executive Engineer,  
City-2, E Ward Office (B & F)  
Municipal Cooperation,  
10 Shaik Hafizuddin Marg,  
Byculla (W), Mumabi – 400 008.**

**...Respondent**

**GROUNDS**

This complaint has been filed under section 18 of the Right to Information Act 2005 in the context of the commission's order dated 18.04.2008 passed in appeal no.2009/2287/02. The appellant had sought information relating to grant of occupancy certificate to Rajbaug, a redeveloped property on CS No.258/10, Matunga, 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 18.04.2008 directed that information should be furnished within 30 days.

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

The complaint was heard on 16.07.2009. Complainant and defendants were present.

The complainant has stated that he has not been furnished the required information. He wanted to be informed that occupancy certificate for this building has not been issued.

The defendant's contention was that the complainant has been informed properly. It has been submitted by him that the building has been issued completion certificate and therefore there was no need of issuing occupancy certificate.

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

**Order**

The complaint is disposed off.

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

Place: Mumbai  
Date: 20.07.2009.

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

**ComplaintNo.2009/204/02**

**Mr. Rejesh Hiralal Merchant  
71/4, Gandhi Nagar, Near Marshal Art,  
(C/o Pins Drag), Worli,  
Mumbai – 400 018.**

**...Complainant**

**Public Information Officer cum Executive Engineer,  
City-2, E Ward Office (B & F)  
Municipal Cooperation,  
10 Shaik Hafizuddin Marg,  
Byculla (W), Mumabi – 400 008.**

**...Respondent**

**GROUNDS**

This complaint has been filed under section 18 of the Right to Information Act 2005 in the context of the commission's order dated 30.06.2008 passed in appeal no.2009/376/02. The complainant had asked for certificate of lease rent in respect of VLT case no.575 Dharavi Rd, 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 30.06.2008 disposed off the appeal because the First Appellant Authority had already ordered that the information should be furnished.

The present complaint is against alleged non compliance of the first appellant's order.

The complaint was heard on 09.07.2009. Complainant and defendants were present. The complainant was not satisfied with the information furnished to him.

The defendant's contention was that available information has been furnished. It was not possible for him to use the terminology which the appellant wanted. Information as existed has been furnished.

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

**Order**

The case is closed & complaint disposed off.

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

Place: Mumbai  
Date: 20.07.2009.

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

**Appeal No.2009/2913/02**

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

**... Appellant**

**V/s**

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

**... Respondent**

**Public Information Officer,  
M.U.T.P. 3<sup>rd</sup> Floor, MMRDA Bldg,  
Bandra-Kurla Complex, Bandra (E),  
Mumbai – 400 051.**

**GROUND**

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant had sought the information contained in his application dated 19.12.2007.

Not satisfied with the responses from the Public Information Officer and the First Appellate Authority the appellant filed this second appeal before the Commission. The appeal was heard on 21.07.2009. Appellant and respondents were present.

The appellant has contended he has not been furnished the information required by him. The respondent submitted that information will be furnished within 30 days. The appellant agreed. It is therefore ordered that required information should be furnished within 30 days failing action under section of the RTI will be initiated.

**Order**

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

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

Place: Mumbai  
Date: 21.07.2009.

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

Appeal No.2009/2912/02

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

... **Appellant**

V/s

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

... **Respondent**

**Public Information Officer,**  
M.U.T.P. 3<sup>rd</sup> Floor, MMRDA Bldg,  
Bandra-Kurla Complex, Bandra (E),  
Mumbai – 400 051.

**GROUND**

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant had sought the information contained in his application dated 19.12.2007.

Not satisfied with the responses from the Public Information Officer and the First Appellate Authority the appellant filed this second appeal before the Commission. The appeal was heard on 21.07.2009. Appellant and respondents were present.

The appellant has contended that the required information has not been furnished. The respondent submitted that the information will be furnished within 30 days. The appellant agreed. I therefore pass the following order.

**Order**

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

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

Place: Mumbai  
Date: 21.07.2009.

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

Appeal No.2009/2911/02

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

... **Appellant**

V/s

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

... **Respondent**

**Public Information Officer,**  
M.U.T.P. 3<sup>rd</sup> Floor, MMRDA Bldg,  
Bandra-Kurla Complex, Bandra (E),  
Mumbai – 400 051.

**GROUND**

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant had sought the information contained in his application dated 12.12.2007.

Not satisfied with the responses from the Public Information Officer and the First Appellate Authority the appellant filed this second appeal before the Commission. The appeal was heard on 21.07.2009. Appellant and respondents were present.

The appellant has contended that he has not received the information he had asked for. The respondent submitted that information will be furnished within one month. The appellant agreed. I therefore pass the following order.

**Order**

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

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

Place: Mumbai  
Date: 21.07.2009.

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

**Complaint No.2009/344/02**

**Mr. Anil Galgali,  
2, Juna Kharwala Chawl, Kajupada,  
Sakinaka, Mumbai – 400 072.**

**...Complainant**

**Public Information Officer,  
MMRDA Bldg,  
Bandra-Kurla Complex, Bandra (E),  
Mumbai – 400 051.**

**...Respondent**

**GROUND**

This complaint has been filed under section 18 of the Right to Information Act 2005 in the context of the commission's order dated 26.03.2009 passed in appeal no.2009/1828/02. The complainant had sought information regarding SATIS based on World Bank Funded CTS study.

Not satisfied with responses from the Public Information Officer and First Appellate Authority the complainant filed appeal under section 19 (3) of the RTI Act, 2005. The commission by its order dated 26.03.2009 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 07.07.2009. The defendant was present but the complainant did not turn up.

The defendant has submitted in writing that all available information has been furnished to the complainant's satisfaction. I therefore decide to close the case.

**Order**

The complaint is disposed off.

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

Place: Mumbai  
Date: 21.07.2009.



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

**Complaint No.2009/347/02**

**Mr. B.V. Desai  
DKR Consultants Pvt. Ltd.,  
Unit-22, Regal Udyod Bhavan,  
Acharya Donde Marg,  
Sewri (W), Mumbai – 400 015.**

**...Complainant**

**Public Information Officer cum Horticulture Asst.  
Municipal Corporation, G/North Ward,  
Harichandra Yevale Marg,  
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 24.11.2008 passed in appeal no.2009/1229/02. The complainant by his application dated 05.01.2008 had sought information regarding Desai Maidan, B.K. Marg, Mahim, 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 24.11.2008 directed that information should be furnished within 15 days.

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

The complaint was heard on 08.07.2009. The defendant was present but the complainant did not turn up.

The defendant submitted during the hearing that the required information has been furnished. Since the complainant was not there it could not be verify. I therefore decide to close the case.

**Order**

The complaint is disposed off.

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

Place: Mumbai  
Date: 21.07.2009.

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

Appeal No.2009/2868/02

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

... **Appellant**

V/s

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

... **Respondent**

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

**GROUND**

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant had sought the information a copy of the complete department Inquiry file of Mr.Fatch Mohammad – Head Clerk of Department of Examination of Maharashtra College, Mumbai.

Not satisfied with the responses from the Public Information Officer and the First Appellate Authority the appellant filed this second appeal before the Commission. The appeal was fixed for hearing on 04.07.2009. Appellant and respondents were absent.

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

**Order**

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

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

Place: Mumbai  
Date: 22.07.2009.

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

Appeal No.2009/2862/02

**Shri. Ram J. Yadav**  
C/o Late. Jai Raj Yadav,  
Vill. Sandahan, Post-Manikalan,  
Dist. Jaunpur, U.P.

... **Appellant**

V/s

**First Appellate Officer cum Executive Engineer**  
**MHADA, Grihanirman Bhavan,**  
**Bandra (E), Mumbai – 400 051.**

... **Respondent**

**Public Information Officer,**  
**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 had sought the information regarding status of room no-7, Mithwala Chawl W.S. Rd, Mumbai.

Not satisfied with the responses from the Public Information Officer and the First Appellate Authority the appellant filed this second appeal before the Commission. The appeal was fixed for hearing on 14.07.2009. Appellant and respondents were absent.

After going through the case papers it appears that room no. 7 Mithiwala, W.S. Rd, Mumbai stood in the name of Jairaj Kavaleshwer Yadav. He died and his sons want their names to be entered in the record of MHADA. He wanted to know what happened to his request. This is very simple information sought by the appellant. He needs to be told what has happened to his application. I therefore pass the following order.

**Order**

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

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

Place: Mumbai  
Date: 21.07.2009.

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

Appeal No.2009/2857/02

**Shri. Bal Kishan Varma**  
F 9/9, Hari Niketan Soc.  
Bangur Nagar, Goregaon (W),  
Mumbai – 400 090.

... **Appellant**

V/s

**First Appellate Officer,**  
Office of the Dy. Registrar,  
'P' Ward, Malhotra House,  
6<sup>th</sup> Floor, Opp. G.P.O. Fort,  
Mumbai – 400 001.

... **Respondent**

**Public Information Officer,**  
Office of the Dy. Registrar,  
'P' Ward, Malhotra House,  
6<sup>th</sup> Floor, Opp. G.P.O. Fort,  
Mumbai – 400 001.

**GROUND**

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant had sought the information regarding action on his letter dated 16.07.2007. He had requested for appointment of an administrator as the Managing Committee did not file Indemnity Bonds as required under the Maharashtra Cooperation Societies Act, 1960.

Not satisfied with the responses from the Public Information Officer and the First Appellate Authority the appellant filed this second appeal before the Commission. The appeal was fixed for hearing on 14.07.2009. Appellant and respondents were absent.

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

**Order**

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

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

Place: Mumbai  
Date: 21.07.2009.

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

**Complaint No.2009/370/02**

**Mr. D. M. Jadhav  
A-702, Blue Bell Central Avenue,  
Hiranandani Garden, Pawai,  
Mumbai – 400 076.**

**...Complainant**

**Public Information Officer,  
General Administrative Department,  
'23-A', 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 25.02.2009 passed in appeal no.2009/1931/02. The complainant had asked for information relating to submission of documents by Govt. in writ petition no 491/2008 withdrawal of assurance no.448 and copies of notings by Hon. Finance Minister and Finance Department on the file relating to allotment of alternate accommodation to 109 govt. servants who were staying in requisitioned flats.

Not satisfied with responses from the Public Information Officer and First Appellate Authority the complainant filed appeal under section 19 (3) of the RTI Act, 2005. The commission by its order dated 25.02.2009 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 22.07.2009. The defendant was present but the complainant did not turn up.

The defendant has submitted that information has been furnished. He has enclosed a copy of the letter sent to the complainant.

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

**Order**

The complaint is disposed off.

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

Place: Mumbai  
Date: 22.07.2009.

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

**Complaint No.2009/371/02**

**Mr. D. M. Jadhav  
A-702, Blue Bell Central Avenue,  
Hiranandani Garden, Pawai,  
Mumbai – 400 076.**

**...Complainant**

**Public Information Officer,  
General Administrative Department,  
'23-A', 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 25.02.2009 passed in appeal no.2009/1929/02. The complainant had asked for copies of the letters written by Hon Chairman, Vidhan Parishad Shri Shivajee Rao Deshmukh and Hon. Shri Rajesh Tope, Hon Minister of State General Administrative Department – staying the expulsion order against him. 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 25.02.2009 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 22.07.2009. The defendant was present but the complainant did not turn up.

The defendant has submitted that the required information has been furnished. Since the complainant was absent there was no way to know or verify. In the light of complainant's absence and defendants submission have come to the conclusion that the commissions order stands complied. I therefore close the case.

**Order**

The complaint is disposed off.

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

Place: Mumbai  
Date: 22.07.2009.

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

**Appeal No.2009/2875/02**

**Shri. Sanjay C. Patel,  
Canteen Plot no.2,  
Kandivali Co-op Ind. Estate Ltd,  
Charkop, Kandivali (W),  
Mumbai – 400 067.**

**... Appellant**

**V/s**

**First Appellate Officer cum Joint Director of Industries (C.I.E.)  
3<sup>rd</sup> Floor, New Administrative Bldg.  
Opp. Mantralaya, Mumbai – 400 32.**

**... Respondent**

**Public Information Officer  
Kandivali Co-op Ind. Estate Ltd,  
Govt. Industrial Estate Charkop,  
Kandivali (W), Mumbai – 400 067.**

**GROUND**

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

1. When was resolution for numbering of the plots passed and the said resolution was passed in which meeting? A copy of the said Resolution along with minutes book copy be provided with.
2. When all plot as mentioned in above referred letter were allotted? And in whose name the same were allotted? Is there any provision in the Bye laws of the Society to pass such resolution by the members of the board?
3. When was plot allotted to Mr. Virendra Pratap Singh? On whose name was the said plot originally allotted? In which A.G.M. Board Meeting membership of the said Mr. Virendra Pratap Singh approved and a copy of the said Approval/Minutes copy be provided with.

Not satisfied with the responses from the Public Information Officer and the First Appellate Authority the appellant filed this second appeal before the Commission. The appeal was heard on 15.07.2009. The appellant did not turn up but the respondent was present.

The respondent at the outset stated that they are an autonomous Cooperative Society registered under Maharashtra Cooperative Societies Act, 1960 and the RTI is not applicable to them. The issue whether the RTI Act is applicable to a Cooperative Society or not has not been finally settled.

The Hon. High Court of judicature at Bombay Bench at Aurangabad in write petition no.1304 of 2008 has restrained from disclosing any information other than balance sheet and profit and loss accounts the Cooperative Societies. I would therefore refrain from passing any order in this case.

**Order**

The appeal is disposed off.

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

Place: Mumbai  
Date: 21.07.2009.



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

**Appeal No.2009/2874/02**

**Shri. Sanjay C. Patel,  
Canteen Plot no.2,  
Kandivali Co-op Ind. Estate Ltd,  
Charkop, Kandivali (W),  
Mumbai – 400 067.**

**... Appellant**

**V/s**

**First Appellate Officer cum Joint Director of Industries (C.I.E.)  
3<sup>rd</sup> Floor, New Administrative Bldg.  
Opp. Mantralaya, Mumbai – 400 32.**

**... Respondent**

**Public Information Officer  
Kandivali Co-op Ind. Estate Ltd,  
Govt. Industrial Estate Charkop,  
Kandivali (W), Mumbai – 400 067.**

**GROUNDS**

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

1. When was resolution for numbering of the plots passed and the said resolution was passed in which meeting? A copy of the said Resolution along with minutes book copy be provided with.
2. When all plot as mentioned in above referred letter were allotted? And in whose name the same were allotted? Is there any provision in the Bye laws of the Society to pass such resolution by the members of the board?
3. When was plot allotted to Mr. Virendra Pratap Singh? On whose name was the said plot originally allotted? In which A.G.M. Board Meeting membership of the said Mr. Virendra Pratap Singh approved and a copy of the said Approval/Minutes copy be provided with.

Not satisfied with the responses from the Public Information Officer and the First Appellate Authority the appellant filed this second appeal before the Commission. The appeal was heard on 15.07.2009. The appellant did not turn up but the respondent was present.

The respondent at the outset stated that they are an autonomous Cooperative Society registered under Maharashtra Cooperative Societies Act, 1960 and the RTI is not applicable to them. The issue whether the RTI Act is applicable to a Cooperative Society or not has not been finally settled.

The Hon. High Court of judicature at Bombay Bench at Aurangabad in writ petition no.1304 of 2008 has restrained from disclosing any information other than balance sheet and profit and loss accounts of the Cooperative Societies. I would therefore refrain from passing any order in this case.

**Order**

The appeal is disposed off.

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

Place: Mumbai  
Date: 21.07.2009.

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

**Complaint No.2009/373/02**

**Mr. Vikas Govind Bhosale  
1/27, Radhakrusha Niwas,  
Near Dadar Fire bridged,  
Dr. Ambedkar Rd,  
Dadar (E), Mumbai – 400 014.**

**...Complainant**

**Public Information Officer cum Executive Health Officer,  
Municipal Corporation of Greater Mumbai,  
Office of the F/South Zone,  
Dr. Ambedkar Rd, Mumbai – 400 012.**

**...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 01.10.2009 passed in appeal no.2009/356/02. The complainant had sought details of Shri. Sayyad Ali Zaffar's appointment as cattle founding officer.

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 01.10.2008 directed that an internal enquiry should be conducted to fix responsibility for misplacement file.

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

The complaint was heard on 22.07.2009. Complainant and defendants were present.

The defendant at the outset submitted that memos have been issued to those in charge of relevant papers. He has enclosed copies along with his written submission.

After considering the arguments advanced by parties and going thought the file I have come to the conclusion that commission's order has been complied. The outcome of the enquiry should be communicated to the complainant in due course.

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

Place: Mumbai  
Date: 22.07.2009.

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

Appeal No.2009/2932/02

**Shri. Raj Bihari R. Pathak**  
15/534, Marve Vihar CHS Ltd.  
Subhash Nagar, Chembur,  
Mumbai – 400 071.

... **Appellant**

V/s

**First Appellate Officer cum Dy Chief Officer,**  
**M-II/M.B, Mumbai Housing & Area Development Board,**  
**(MHADA), Grihanirman Bhavan, Bandra (E),**  
**Mumbai – 400 051.**

... **Respondent**

**Public Information Officer cum Estate Manager-3,**  
**M-II/M.B, Mumbai Housing & Area Development Board,**  
**(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 had sought information contained in his application dated 20.12.2007.

Not satisfied with the responses from the Public Information Officer and the First Appellate Authority the appellant filed this second appeal before the Commission. The appeal was heard on 23.07.2009. Appellant and respondents were absent.

The appellant has contended that he has received the information and does not want to proceed further.

**Order**

Request granted. Appeal disposed off.

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

Place: Mumbai  
Date: 23.07.2009.

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

Appeal No.2009/2879/02

**Shri. Damji K. Shah & Other**  
**D-51, Shree Vile Parle,**  
**Gujarati Mandal CHSL,**  
**Nehru Rd, Vile Parle (E).**  
**Mumbai – 400 057.**

... **Appellant**

V/s

**First Appellate Officer cum Dy District Registrar,**  
**69, Mhada Bidgm Kala Nagar,**  
**Bandra (W), Mumbai.**

... **Respondent**

**Public Information Officer,**  
**The Administrative Board, Shree Vile Parle Gujarati Mandal,**  
**CHSL, Nehru Rd, Vile Parle, Mumbai – 400 057.**

**GROUND**

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant had sought information regarding major repairs, information presented before General Body under agenda No-2 of the AGM, information regarding loan OD facilities etc.

Not satisfied with the responses from the Public Information Officer and the First Appellate Authority the appellant filed this second appeal before the Commission. The appeal was heard on 15.07.2009. The appellant did not turn up but the respondents were present.

The appellant has contended that information has not been provided.

The respondent's contention is that the information sought is not within the domain of the PIO and can be had from the society.

After going through the case papers and considering the arguments advanced by parties I have come to the conclusion that the information sought is beyond the domain of the Public Information Officer and can be had from the society.

**Order**

Appeal is disposed off.

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

Place: Mumbai  
Date: 22.07.2009.

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

**Appeal No.2009/2889/02**

**Shri. Suresh Chokshi  
13/65, Udadhi Tarang, Juhu,  
Mumbai – 400 049.**

**... Appellant**

**V/s**

**First Appellate Officer cum Dy District Registrar,  
C.S, Mhada Bldg, Ground Floor,  
Bandra (E), Mumbai – 400 051.**

**... Respondent**

**Public Information Officer cum Dy. Registrar  
C.S. H/W, Above Sahakar Bhandar,  
Bandra (W), Mumbai – 400 050.**

**GROUNDS**

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant had sought certified copy of the Indemnity Bonds executed by members of the Rizvi Park Cooperative Housing Society, S.V. Rd, Santacruz (W), Mumbai under the Maharashtra Cooperative Societies Act, 1960.

Not satisfied with the responses from the Public Information Officer and the First Appellate Authority the appellant filed this second appeal before the Commission. The appeal was heard on 20.07.2009. Appellant and respondents were present.

The appellant has contended that he is not satisfied with the information. The respondent has contended that they have not received copies of Bonds executed by the Managing Committee.

After going through the case papers and considering the arguments advanced by parties I have come to the conclusion the appellant has sought copies of indemnity bonds in his application dated 04.09.2007. The first appeal mentions illegal transfer of flat no.103 in the society. The second appeal also mentions about illegal transfer of flat no.103. There are letters on record asking information on different points. Since the respondent says that they have not received copies of bonds and therefore the required information could not be furnished, the PIO should get copies of bonds from the society and furnish to the appellant. In case bonds have not been executed by the society the appellant may be informed accordingly.

**Order**

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

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

Place: Mumbai  
Date: 23.07.2009.

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

Appeal No.2009/2892/02

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

... **Appellant**

V/s

**First Appellate Officer,**  
**Planning Dept,**  
**Mantralaya, Mumbai – 400 032.**

... **Respondent**

**Public Information Officer,**  
**Planning Dept,**  
**Mantralaya, Mumbai – 400 032.**

**GROUND**

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant had sought inspection of documents regarding illegal recruitment arrangements made to facilitate access to information, functioning of the dept. of Planning etc.

Not satisfied with the responses from the Public Information Officer and the First Appellate Authority the appellant filed this second appeal before the Commission. The appeal was heard on 20.07.2009. The appellant did not turn up but the respondent was present.

The respondent has submitted that the information sought is too broad and vague. They have submitted copies of the communication sent to the appellant. It reveals their efforts to provide as much information as possible. The appellant has also sought inspection. This should be facilitated.

I therefore pass the following order.

**Order**

Appeal is allowed. The PIO to facilitate inspection of documents and furnish copies of selected documents.

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

Place: Mumbai  
Date: 23.07.2009.

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

Appeal No.2009/2941/02

Appeal No.2009/2942/02

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

... **Appellant**

V/s

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

... **Respondent**

**Public Information Officer,**  
**M.U.T.P. 3<sup>rd</sup> Floor, MMRDA Bldg,**  
**Bandra-Kurla Complex, Bandra (E),**  
**Mumbai – 400 051.**

**GROUND**

These appeals have been filed under section 19(3) of the Right to Information Act 2005. The appellant had sought certified copies of documents available with MMRDA in which it is written that his residential photopass no.25 MLKE 006741 is not a valid document.

Not satisfied with the responses from the Public Information Officer and the First Appellate Authority the appellant filed this second appeal before the Commission. The appeal was heard on 23.07.2009. Appellant and respondents were present.

The appellant has contended that has not been furnished the required information. The respondent submitted that the appellant has been allotted one commercial unit because he was found eligible. His request for allotment of another tenement can be taken up with the 'senior level grievance' redressal committee.

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

**Order**

The appeal is disposed off.

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

Place: Mumbai  
Date: 24.07.2009.



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

Appeal No.2009/2943/02

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

... **Appellant**

V/s

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

... **Respondent**

**Public Information Officer,**  
M.U.T.P. 3<sup>rd</sup> Floor, MMRDA Bldg,  
Bandra-Kurla Complex, Bandra (E),  
Mumbai – 400 051.

**GROUND**

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant had sought information regarding project affected households from Durganagar, J.V. link Rd, Jogeshwari, Mumbai. The appellant's contention is that the senior level grievance redressal committee has made some persons eligible for allotment of tenements. He wanted copies of documents submitted to SLGR.

Not satisfied with the responses from the Public Information Officer and the First Appellate Authority the appellant filed this second appeal before the Commission. The appeal was heard on 23.07.2009. Appellant and respondents were present.

The appellant has contended that he has not been given the required information. The respondent stated that the information sought is general in nature. He however submitted that information will be furnished within 4 weeks.

**Order**

Appeal is allowed. Information to be furnished information within 4 weeks.

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

Place: Mumbai  
Date: 24.07.2009.

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

Appeal No.2009/2899/02

**Shri. Prabhakar Gopal Vaishpayan**  
C/o Shrimati Megha Joshi  
C/101 Prashal Housing Soc.  
Sant Janabai Marg, Vileparle (E),  
Mumbai – 400 057.

... **Appellant**

V/s

**First Appellate Officer cum Assit Commissioner (Estate)**  
**Office of the Assit Commissioner (Estate)**  
**Municipal Corporation, 2<sup>nd</sup> Floor, Faltan Rd,**  
**Mumbai – 400 001.**

... **Respondent**

**Public Information Officer cum Administrative Officer**  
**Office of the Assit Commissioner (Estate)**  
**Municipal Corporation, 2<sup>nd</sup> Floor, Faltan Rd,**  
**Mumbai – 400 001.**

**GROUND**

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant had sought the information regarding transfer of flats built on Municipal land leased out to a society. The PIO by his letter dated 11.12.2007 informed him that the appellant should inspect the documents and copies of selected documents would be furnished on payment of Rs.2/- per page.

Not satisfied with the responses from the Public Information Officer and the First Appellate Authority the appellant filed this second appeal before the Commission. The appeal was heard on 21.07.2009. The appellant did not turn up but the respondent was present.

The respondent has submitted that the appellant did not turn up for inspection.

After going through the case papers I have come to the conclusion that information has not been furnished. The PIO's reply is vague. While it is true that the appellant has asked information on too many points, the available information must be furnished. I therefore pass the following order.

**Order**

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

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

Place: Mumbai  
Date: 21.07.2009.

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

**Appeal No.2009/2895/02**

**Shrimati. Zahida Zubair Marchant  
40, Razzak Manzil, 3<sup>rd</sup> Floor, L.J. Rd,  
Mahim, Mumbai – 400 016.**

**... Appellant**

**V/s**

**First Appellate Officer cum Assit. Commissioner  
Municipal Corporation of Greater Mumbai.  
G/North Ward Office,  
Harishchandra Telve Marg,  
Dadar (W), Mumbai – 400 028.**

**... Respondent**

**Public Information Officer cum Assit. Commissioner (B & F)  
Municipal Corporation of Greater Mumbai.  
G/North Ward Office,  
Harishchandra Telve Marg,  
Dadar (W), Mumbai – 400 028.**

**GROUND**

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

1. Details of the repairs permission granted vide through permission no. G/N 19943/AEBF dated 12.10.1994 by the Ward Office G/North Ward, Municipal Corporation of Greater Mumbai to the tenant / occupier.
2. Copy of the application on the basis, of which the above permission was granted to the tenant/occupier of the said premises.

Not satisfied with the responses form the Public Information Officer and the First Appellate Authority the appellant filed this second appeal before the Commission. The appeal was heard on 20.07.2009. Appellant and respondents were present.

The appellant has contended she has been given incomplete information. A copy of the permission has been furnished but a copy of the application which formed the basis of permission has not been furnished.

The respondent's contention is that the application for permission was not available on record and hence could not be 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. I therefore pass the following order.

**Order**

The appeal is disposed off.

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

Place: Mumbai  
Date: 22.07.2009.

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

**Complaint No.2009/169/02**

**Mr. Jaiprakash Tiwari  
Mumbai M.D. School,  
Kamlesh Apt, Shop No.45,  
Sher-E-Punjab Andheri (E),  
Mumbai – 400 093.**

**...Complainant**

**Public Information Officer cum Dy. Collector  
Administrative Bldg.  
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 16.09.2008 passed in appeal no.2009/819/02. The facts in brief are as follows: -

The complainant had sought information regarding Prajakta SRA Cooperative Society CTS No.501, Kondivita Andheri, Mumbai. Not satisfied with responses from the PIO and the First Appellate Authority, he approached the commission under section 19 (3) of the RTI Act 2005. The commission by its order dated 16.09.2008 directed that a copy of annexure II should be provided within 15 days. The present complaint is against alleged non compliance of the commission's order.

The complaint was heard on 01.07.2009. Complainant and defendants were present.

The complainant has stated that he has not been given the information. The respondent stated that information would be furnished within 24 hours. The complainant agreed.

**Order.**

The complaint is disposed off.

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

Place: Mumbai  
Date: 24.07.2009.

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

**Appeal No.2009/2718/02**

**Shri. Hemant Maniklal Chajed  
6, Mahavir Soc. Mohadi Rd,  
Jalgaon – 425 001.**

**... Appellant**

**V/s**

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

**... Respondent**

**Public Information Officer cum Desk Officer  
Revenue & Forest Dept.  
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 24.03.2008 had sought information relating to non collection of requisite taxes, royalty, duties by IFS Officers in Maharashtra. He has enclosed a copy of the petition addressed to Hon Dr. Rajendra Singane, Minister of State for Revenue and Forest Deptt.

Not satisfied with the responses form the Public Information Officer and the First Appellate Authority the appellant filed this second appeal before the Commission. The appeal was heard on 05.06.2009. Appellant and respondent were absent.

After going through the case papers it is seen that the appellant has not been given any reply. It is therefore ordered that appellant should be suitably informed.

**Order**

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

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

Place: Mumbai  
Date: 24.07.2009.

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

**Appeal No.2009/2655/02**

**Shri.V. Krishnan  
Krishnamani, Uttaranagar,  
Tapovan Rd, P.O. Dwarka Corner,  
Nasik – 422 011.**

**... Appellant**

**V/s**

**First Appellate Officer,  
Maharashtra Electricity Board Ltd,  
Prakashgad, Bandra (E),  
Mumbai – 400 051.**

**... Respondent**

**Public Information Officer,  
Maharashtra Electricity Board Ltd,  
Prakashgad, 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 13.11.2006 had sought the following information relating to recovery of telephone charges reimbursed to him. Maharashtra State Electricity Board by its circular dated 31.07.1998 allowed reimbursement of telephone charges to certain category employees. A clarification was issued on 16.09.1999 saying that engineers working in Telecommunication Division were also covered. The correction slip dated 16.10.2002 however omitted to incorporate the amendment. This led to exclusion of the appellant and recovery of amount reimbursed to him.

Not satisfied with the responses from the Public Information Officer and the First Appellate Authority the appellant filed this second appeal before the Commission. The appeal was heard on 01.06.2009. Appellant and respondent were present.

After going through the case papers and considering the arguments advanced by parties I have come to the conclusion that appellant really does not want information but arbitration. The omission is obvious and led to deduction from the appellant's gratuity. It has definitely hurt him. It is within the powers of the Mahavitaran to provide relief to

the appellant. The commission however is not mandated to provide relief to those aggrieved. The appellant will have to take it up at the appropriate level. I therefore close the case.

**Order**

The appeal is disposed off.

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

Place: Mumbai  
Date: 24.07.2009.



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

**Appeal No.2009/2630/02**

**Shri.Madhusudan Murkhe  
17 A, Tirupati Bhavan,  
Wadgaon Rd, Arni Rd, Yavatmal.**

**... Appellant**

**V/s**

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

**... Respondent**

**Public Information Officer cum Desk Officer  
Tribal Development Department,  
Mantralaya, Mumbai – 400 032.**

**GROUNDS**

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant had sought information regarding 'Gowaris'. The govt. has refused to recognize Gowaris as a scheduled tribe because it does not fulfil the criteria laid down by Govt. of India 1) Indication of primitive traits 2) Distinctive culture 3) Geographical isolation 4) Shyness of contact with community with community at large and backwardness. The appellant wants to know on what basis govt. has concluded that Gowaris do not have these traits.

Not satisfied with the responses from the Public Information Officer and the First Appellate Authority the appellant filed this second appeal under section 19(3) of the RTI Act 2005. The appeal was heard on 27.05.2009. Appellant and respondents were present.

The appellant has contended that he has not received the information he had sought. He needed documentary evidence showing that Gowaris do not possess the traits prescribed by Govt. of India. The respondent has submitted that the Tribal Research & training institute Pune has sent its report and references in this connection and the appellant has been apprised of them.

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. The

exclusion or exclusion of a particular caste in the list is a complex issue. It cannot be sorted out under the RTI Act. The appellant has been given available information and references. The case is therefore closed.

**Order**

The appeal is disposed off.

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

Place: Mumbai  
Date: 24.07.2009.

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

**Complaint No.2009/336/02**

**Mr. N. Kanakaraj  
The Chairman,  
Managing Committee  
Sharad Apt. CHS Ltd,  
Tilak Nagar, 6<sup>th</sup> Rd,  
Goregaon (W), Mumbai – 400 062.**

**...Complainant**

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

**...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 30.03.2009 passed in appeal no.2009/2019/02. The appellant had sought information regarding flat No.17 Sharad Apt. CHS. The PIO informed him that notice under section 351 of the BMC Act was issued. The First Appellate Authority confirmed the PIO's order.

Not satisfied with the responses from the Public Information Officer and the First Appellate Authority the complainant filed the second appeal under section 19(3) of the RTI Act 2005. The commission by its order dated 30.03.2009 directed that information should be furnished within 15 days.

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

The complaint was heard on 06.07.2009. The defendant was present by but the complainant did not turn up.

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

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

Place: Mumbai  
Date: 24.07.2009.

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

Appeal No.2009/2797/02

**Shri. Shivaji Jagannath Wadekar**  
**Onkar, 31 Anjali Colony,**  
**Gendamal, Shahupuri, Satara.**

... **Appellant**

V/s

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

... **Respondent**

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

**GROUND**

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant had sought the information regarding the informal cabinet meeting held on 10.05.2001. Copy of the govt. resolution dated 08.03.1999 and a copy of the questionnaire issued by the Chief Secretary and replies given by officers.

Not satisfied with the responses form the Public Information Officer and the First Appellate Authority the appellant filed this second appeal before the commission. The appeal was heard on 12.06.2009. Appellant and respondents were present.

The appellant has contended that he has not been given the desired information. The responding volunteered to furnish a copy of govt. resolution dated 08.03.1999. He has also been informed that the Chief Secretary did not send any questionnaire and therefore a copy the questionnaire and relies could not furnished. The respondent however denied the information on point no – 1 – information regarding informal cabinet meeting dated 10.05.2001.

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

**Order**

The appeal is disposed off.

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

Place: Mumbai  
Date: 24.07.2009.

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

**Appeal No.2009/2629/02**

**Shri. H.J.Patil  
Flat No.13-14, Bhagirathi Layout,  
Near Kasturba Nagar,  
Jaipatka Nagpur-14.**

**... Appellant**

**V/s**

**First Appellate Officer,  
Bar Council of Maharashtra & Goa  
Second Floor, Mumbai High Court,  
Fort, Mumbai – 400 032.**

**... Respondent**

**Public Information Officer,  
Bar Council of Maharashtra & Goa  
Second Floor, Mumbai High Court,  
Fort, Mumbai – 400 032.**

**GROUND**

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

1. Action taken by the Bar Council against Advocate R.B. Pendarkar for his grave professional misconduct?
2. Certified copies of the remarks/notes of Disciplinary Committee of the Bar Council from the file on the record.
3. Certified copy of the written statement, if any, filed by the said Advocate before the Disciplinary Committee.

Not satisfied with the responses from the Public Information Officer and the First Appellate Authority the appellant filed this second appeal before the commission. The appeal was heard on 18.05.2009. Appellant and respondents were present.

The appellant has contended that he has not received the information he has sought. The respondent has submitted that the Bar Council of Maharashtra and Goa does not come under the domain of the Right to Information Act 2005. The Bar Council has cited commission's orders where it has been held that the RTI Act does not apply to the Bar Council of Maharashtra and Goa.

After going through the file and arguments advanced by parties I have come to the conclusion that the information should be furnished. It is true that the commission in the post had held the view that the Act does not apply to the Bar Council. It has however been brought to our notice that the Bar Council of India, itself has appointed Public Information Officer and the First Appellate Authority and made the Act applicable to itself. I am therefore of the view that the RTI Act is applicable to the Bar Council of Maharashtra and Goa. Having said that the question of furnishing information to the appellant has to be answered in the affirmative. I therefore direct that the information sought by the appellant must be furnished. I therefore pass the following order.

**Order**

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

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

Place: Mumbai  
Date: 24.07.2009.

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

**Appeal No.2009/2625/02**

**Shri. Mahadev Govindrao Tangde,  
Chitalkar Layout, Borudiya Nagar,  
Behind Shree Krushan Mandir,  
Yavatmal, Ta. Dist. Yavatmal.**

**... Appellant**

**V/s**

**First Appellate Officer,  
Office of the Director General of Police  
Shahid Bhagat Singh Marg,  
Kulaba, Mumbai.**

**... Respondent**

**Public Information Officer  
Office of the Director General of Police  
Shahid Bhagat Singh Marg,  
Kulaba, Mumbai.**

**GROUND**

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant had sought the information regarding his promotion as PSI. He stated that he was fully qualified but the DPC did not recommend his case. He was subsequently selected and the DGP's office issued order on 05.04.2008. He retired on 31.05.2008. His order was issued by the SP Yavatmal on 18.07.2008. Thus gross injustice has been done to them.

Not satisfied with the responses from the Public Information Officer and the First Appellate Authority the appellant filed this second appeal before the commission. The appeal was heard on 27.05.2009. Appellant and respondents were present.

The appellant has contended that gross injustice has been done and he wanted it to be rectified. The respondent did not dispute facts. They stated that they sent the letter in time but the delay was caused in the office of the SP Yavatmal.

After going through the case papers it is revealed that the appellant's contention is not to seek information but to seek justice. It is very clear that injustice has been done. I would therefore direct that the DGP may get it inquired as to why and how appellant's

promotion letters was issued after his retirement. The appellant should be suitably informed.

**Order**

The appeal is disposed off.

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

Place: Mumbai  
Date: 25.07.2009.



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

Appeal No.2009/2922/02

**Shri. Satyabhash Yashvant Salgaonkar,  
J, 42, Rushali Shilp CHS,  
Shimpoli Chikuwadi, Borovali (W),  
Mumbai – 400 092.**

... **Appellant**

V/s

**First Appellate Officer cum Niwasi Dy Collector  
Collector Office, Mumbai Suburban,  
New Administrative Bldg,  
10<sup>th</sup> Floor, Near Chetna College,  
Bandra (E), Mumbai – 400 051.**

... **Respondent**

**Public Information Officer,  
Collector Office, Mumbai Suburban,  
New Administrative Bldg,  
10<sup>th</sup> Floor, Near Chetna College,  
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 29.01.2009 has sought information relating to his complaint submitted to the Collector, Mumbai Suburban district during Lokshahi Division. The application was sent to the District Deputy Registrar for enquiry and report. The appellant did not receive any information.

Not satisfied with the responses from the Public Information Officer and the First Appellate Authority the appellant filed this second appeal before the commission. The appeal was heard on 27.07.2009. Appellant and respondent were present.

He has submitted that a copy of the District Deputy Registrar report has been sent to the appellant. It is therefore seen that information has been furnished.

**Order**

The appeal is disposed off.

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

Place: Mumbai  
Date: 27.07.2009.

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

**Complaint No.2009/323/02**

**Mr. P.G. Mandrekar  
1, Rachana,  
33, M.Vinayak Rd,  
Bandra (W), Mumbai – 400 050.**

**...Complainant**

**Public Information Officer cum Dy. Registrar  
Cooperative Society,  
H/W Ward, Bandra (W), Mumbai – 400 050.**

**...Respondent**

**GROUND**

This complaint has been filed under section 18 of the Right to Information Act 2005 in the context of the commission's order dated 21.11.2009 passed in appeal no.2009/1264/02. The appellant had sought information regarding action taken against Rachana CHS Somnath Lane, H/W Ward, Bandra (W), Mumbai.

Not satisfied with the responses from the Public Information Officer and the First Appellate Authority the complainant filed the second appeal under section 19(3) of the RTI Act 2005. The commission by its order dated 21.11.2008 directed that information should be furnished within 15 days.

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

The complaint was heard on 01.07.2009. The defendant was present by but the complainant did not turn up.

The complainant has stated that he has not been furnished the required information. The respondent submitted that the information was furnished late and officer responsible were Shri Khandagale and Shri. Ingale.

After considering the arguments advanced by parties and going through the file I have come to the conclusion that commission's orderly has not been complied. It is therefore proposed to impose a fine of Rs.10, 000/- on Shri Khandagale and Shri. Ingale each. They should show cause why this should not be confirmed. Their reply to reach commission with two weeks.

**Order**

The complaint is disposed off.

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

Place: Mumbai  
Date: 27.07.2009.

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

Appeal No.2009/2917/02

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

... **Appellant**

V/s

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

... **Respondent**

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

**GROUND**

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant had sought information contained in his application dated 08.12.2008. The appeal was fixed for hearing on 27.07.2009. The appellant however has sent an application stating that he has received the information and does not want to proceed further.

**Order**

The request is granted and case disposed off.

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

Place: Mumbai  
Date: 27.07.2009.

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

Appeal No.2009/2916/02

**Shri. Palekar Suresh Shivram**  
**Room No. C-3-19,**  
**Pramod Cooperative Board,**  
**Rajawadi Colony, Vidhyavihar (E),**  
**Mumbai – 400 077.**

... **Appellant**

V/s

**First Appellate Officer cum Dy. Registrar**  
**Cooperative Board,**  
**Mhada, Second Floor, Bandra (E),**  
**Opp. Kalanagar, Mumbai – 400 051.**

... **Respondent**

**Public Information Officer,**  
**Cooperative Board,**  
**Mhada, Second Floor, Bandra (E),**  
**Opp. Kalanagar, Mumbai – 400 051.**

**GROUND**

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant has sought information regarding action taken on complaints made by the appellant against Pramod Cooperative Housing Society.

Not satisfied with the responses form the Public Information Officer and the First Appellate Authority the appellant filed this second appeal before the commission. The appeal was heard on 27.07.2009. Appellant and respondent were present.

The appellant has contended that he has not been given the information required by him. The respondent had no credible answer. I therefore direct that information should be furnished within 15 days. The PIO to show cause why no information was furnished so far.

**Order**

The appeal is disposed off.

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

Place: Mumbai  
Date: 27.07.2009.

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

**Appeal No.2009/2914/02**

**Shri. Arjunlal M. Chabria  
Bella Vista Flat No.15,  
3<sup>rd</sup> Floor, Opp. Lake & LIC Officer,  
S.V. Rd Bandra, Mumbai – 400 050.**

**... Appellant**

**V/s**

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

**... Respondent**

**Public Information Officer cum Asstt. Engineer (B & F)  
Municipal Corporation,  
K/West Ward Office, Andheri (E),  
Mumbai – 400 058.**

**GROUND**

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant by his application dated 06.04.2009 has sought the following order:-

Please supply me the copy of the information in form of document that is copy of the Corporation Resolution's the relevant sections of BMC Act and the relevant sections of the M.R.T.P. Act, the Directions of the Municipal Commissioners, The G.R. of the Urban Development "Where it is stated that once the party approach's the E.E.B.P. (W/S)'s Office for regularization this Department (The Department of Building & Factory) of K/West Municipal Ward Office has to wait till the disposed of the Proposal"

Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant has filed this second appeal before the commission. The appeal was heard on 22.04.2009. The appellant did not turn up but the respondent was present.

The appellant has contended that information furnished did not satisfy him. He wanted copies of documents which made it obligatory on the part of the Building and Factory department to wait till the application for regularization is disposed off by the Building Proposal department.

The respondent has submitted that although there are documentary supports, but the practice is being following that once a complaint is pending with one department others wait for the disposed of that case.

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 practice being followed in MCGM has been brought to the notice of the appellant; I decide to close the case.

**Order**

Appeal is disposed off.

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

Place: Mumbai  
Date: 27.07.2009.

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

**Complaint No.2009/323/02**

**Mr. Arjunlal Chabria  
Bella Vista, Flat No. 15,  
3<sup>rd</sup> Floor, Opp.Lake & L.I.C. Office,  
S.V.Road,  
Bandra (W), Mumbai – 400 050.**

**...Complainant**

**Public Information Officer cum Asstt. Engineer  
(Building & Factories)  
Municipal Corporation of Greater Mumbai,  
K /West Ward,  
Andheri (W), Mumbai – 400 058.**

**...Respondent**

**GROUNDS**

This complaint has been filed under section 18 of the Right to Information Act 2005. The appellant by his application dated 6.4.2009 had sought the following information:-

Copy of the information in form of document that is copy of the Corporation Resolution's the relevant sections of BMC Act and the relevant sections of the M.R.T.P. Act, the Directions of the Municipal Commissioner, the G.R. of the Urban Development "Where it is stated that once the party approach's the E.E.B.P. (W/s)'s Office for regularization this Department (The Department of Building & Factory) of K/West Municipal Ward Office has to wait till the disposed of the Proposal.

Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant filed this second appeal before the commission. The appeal was heard on 27.7.2009. The appellant did not turn up but the respondent was present.

The appellant has contended that the information furnished did not satisfy him. He wanted copies of documents which made it obligatory on the part of the Building and Factory Department to wait till the application for regulation is disposed off by the Building Proposal Department.

The respondent has submitted that although there are documentary support, but the practice is being followed that once a complaint is pending with one department other wait for that disposal of that case.

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 practice

being followed in MCGM has been brought to the notice of the appellant. I decide to close the case.

**Order**

The complaint is disposed off.

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

Place: Mumbai  
Date: 27.07.2009.



**Dr. Shri. Rajkumar Balkrishna Meshram**  
48, Girija, Vivekanand Nagar,  
Nagpur – 440 015.

.... Appellant

V/s

**First Appellate Officer cum Dy Secretary**  
**Medical Education & Drugs Department**  
Mantralaya, Mumbai – 400 032.

.... Respondent

**Public Information Officer cum Under Secretary**  
**Medical Education & Drugs Department**  
Mantralaya, Mumbai – 400 032.

### GROUNDS

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

- a) Required educational qualification and experience for appointment to the post of Associate Professor in Microbiology (Adhoc on a purely temporary basis as well as permanent basis)
- b) Complete details of the educational qualification of Dr.V.R.Shegokar, Associate Professor, Deptt. Of Microbiology
- c) The date from which Dr. C.R. Shegokar was given senior scale (lecturer) whether he is eligible for the senior scale as per the criteria prescribed by govt.
- d) Whether Dr.Shegokar is eligible for being recommended with his present qualifications, as examiner for M.B.B.S., D.M.L.T. and B.D.S. and postgraduate guide (for M.D.Microbiology) of the R.S.T. Nagpur University and Maharashtra University of Health Sciences, Nasik which he is.
- e) Copies of records and file notings concerning Dr. V.R. Shegokar with regard to recommendations in his favour for the post of ad hoc Associate Professor in the Department of Microbiology from 2002-2007 and then appointment as Associate Professor on a permanent basis by establishment board in 2007 with his original applications, remarks, notes and recommendations of the Professor & Head. Dept. of Microbiology, the

Dean, Govt. Medical College & Hospital, Nagpur and the Director, Medical Education & Research, Govt. of Maharashtra, Mumbai.

Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant has filed this second appeal before the Commission. The appeal was heard on 21.2.2009 (video conference).

Appellant and respondents were present. The appellant has contended he has not been provided with the complete information. His main point seems to be that Dr. Shegokar according to the appellant is not qualified for promotion but has been promoted. The information sought revolves round Dr. Shegokar and his promotion.

The respondent's contention is that they have provided the required information. They have also contended that if the appellant has any grievance against the promotion of Dr. Shegokar, the right way was to approach the Maharashtra Administrative Tribunal. The appellant, according to the respondent has been saying that the information furnished was not complete but has not pointed out how.

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. The respondent has submitted a copy of the information given to the appellant. It gives an impression that available information has been furnished. Redressal of grievances are not expected under the Right to Information Act. If appellant feels that injustice has been done. They should approach the appropriate authority. In the light of the above discussion I pass the following order.

**Order**

The appeal is disposed off.

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

Place: Mumbai  
Date: 31.07.2009.

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

Appeal No.2009/2983/02

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

... **Appellant**

V/s

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

... **Respondent**

**Public Information Officer,**  
M.U.T.P. 3<sup>rd</sup> Floor, MMRDA Bldg,  
Bandra-Kurla Complex, Bandra (E),  
Mumbai – 400 051.

**GROUND**

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant had sought information contained in his application dated 12.11.2009.

Not satisfied with the responses from the Public Information Officer and the First Appellate Authority the appellant filed this second appeal before the Commission. The appeal was heard on 31.07.2009. Appellant and respondents were present.

The appellant at the outset stated that he has received the information and does not want to pursue his appeal.

**Order**

Request granted. Appeal disposed off.

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

Place: Mumbai  
Date: 31.07.2009.

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

**Appeal No.2009/2982/02**

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

... **Appellant**

V/s

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

... **Respondent**

**Public Information Officer,  
M.U.T.P. 3<sup>rd</sup> Floor, MMRDA Bldg,  
Bandra-Kurla Complex, Bandra (E),  
Mumbai – 400 051.**

**GROUND**

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant had sought information contained in his application dated 12.11.2009. He wanted details of entry no 169 A in the Baseline Socio Economic Survey report prepared by NGO-SRS.

Not satisfied with the responses form the Public Information Officer and the First Appellate Authority the appellant filed this second appeal before the Commission. The appeal was heard on 31.07.2009. Appellant and respondents were present.

The appellant has contended that he did not receive the information he had wanted. The respondent stated that ID No. 169 A was not recorded in the BSES prepared by NGO-SRA. The information therefore could not be furnished.

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

**Order**

Appeal is disposed off.

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

Place: Mumbai  
Date: 31.07.2009.

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

Appeal No.2009/2982/02

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

... **Appellant**

V/s

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

... **Respondent**

**Public Information Officer,**  
M.U.T.P. 3<sup>rd</sup> Floor, MMRDA Bldg,  
Bandra-Kurla Complex, Bandra (E),  
Mumbai – 400 051.

**GROUND**

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant had sought a copy of the letter received by Shri P.S. Sharma CDO, MUTP from the additional (Encroachment) Mumbai. Where in the appellant's entitlement has been shown as 225 sq ft of residential area.

Not satisfied with the responses from the Public Information Officer and the First Appellate Authority the appellant filed this second appeal before the Commission. The appeal was heard on 31.07.2009. Appellant and respondents were present.

The appellant has contended that he was not satisfied with the information given to him. The respondent has submitted that a copy of the letter received from the Additional Collector has been given to the appellant. The appellant is not satisfied because the letter mentions his structure admeasuring 11 X 10 sq ft.

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

**Order**

Appeal is disposed off.

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

Place: Mumbai  
Date: 31.07.2009.

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

Appeal No.2009/2978/02

**Shri. Abhijit Desai**  
604 A-Wing, Rejesh Towers,  
Rajesh Nagar, Near J.B. Khot High School,  
Saibaba Nagar, Borivali (W),  
Mumbai – 400 092.

... **Appellant**

V/s

**First Appellate Officer cum Jt. Municipal Commissioner**  
**(Medical Education & Health)**  
Near Dental, Mumbai – 400 008.

... **Respondent**

**Public Information Officer cum Dean**  
**Lokmanya Tilak Govt. Hospital,**  
**Sion, Mumbai – 400 022.**

**GROUND**

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant had sought certified copies of rules mentioning the action to be taken against the person responsible for leakage of confidential information with reference to medical record in LT MG, a municipal hospital.

Not satisfied with the responses from the Public Information Officer and the First Appellate Authority the appellant filed this second appeal before the Commission. The appeal was heard on 31.07.2009. The appellant did not turn up but the respondent was present.

After going through the case papers the considering the arguments advanced by parties I have come to the conclusion that information must be furnished. The written submission made by the respondent does not reveal any information. The appellant's question is straight – rules regarding action to be taken against those responsible for leakage of confidential record. The answer has to be to the point. I therefore pass the following order.

**Order**

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

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

Place: Mumbai  
Date: 31.07.2009.

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

Appeal No.2009/2977/02

**Shri. Abhijit Desai**  
604 A-Wing, Rejesh Towers,  
Rajesh Nagar, Near J.B. Khot High School,  
Saibaba Nagar, Borivali (W),  
Mumbai – 400 092.

... **Appellant**

V/s

**First Appellate Officer cum Jt. Municipal Commissioner**  
**(Medical Education & Health)**  
Near Dental, Mumbai – 400 008.

... **Respondent**

**Public Information Officer cum Dean**  
**Lokmanya Tilak Govt. Hospital,**  
**Sion, Mumbai – 400 022.**

**GROUND**

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant had sought certified true copies of the specific rules and regulations for suspending an employee of LTMG Hospital on the basis of an anonymous letter / complaint.

Not satisfied with the responses from the Public Information Officer and the First Appellate Authority the appellant filed this second appeal before the Commission. The appeal was heard on 31.07.2009. The appellant did not turn up but the respondent was present.

After going through the case papers the considering the arguments advanced by parties I have come to the conclusion that information must be furnished. The respondent submitted a copy of letter dated 26.05.2008 by the First Appellate Authority asking the appellant to deposit the required fee and collect the information. The appellant however did not turn up. It is however seen that this offer was made on 10.03.2008 beyond the stipulated time of 30 days the date of application being 27.11.2007. I therefore order that information should furnish to the appellant free of cost and sent by registered post.

**Order**

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

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

Place: Mumbai  
Date: 31.07.2009.

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

Appeal No.2009/2976/02

**Shri.Vinod H. Gupta**  
**Siddharth Nagar, Royal Samrat CHS.Ltd.,**  
**S.V.Road, Near Cinemax theatre,**  
**Goregaon (W), Mumbai – 400 062.**

... **Appellant**

V/s

**First Appellate Officer cum Appeal Officer (MB) / Chief Officer**  
**MHADA, Grihnirman Bhavan,**  
**Bandra (E), Mumbai – 400 051.**

... **Respondent**

**Public Information Officer cum Chief Officer**  
**MHADA, Grihnirman Bhavan,**  
**Bandra (E), Mumbai – 400 051.**

**GROUND**

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant by his application dated 18.7.2009 had sought information relating to Siddharth Royal Samrat CHS, Goregaon (W). MHADA had issued no objection to the registration of the society under Maharashtra Co-operative Societies Act, 1960. The appellant has sought a copy of the list of members duly certified by the Chief Officer MHADA.

Not satisfied with the responses from the Public Information Officer and the First Appellate Authority the appellant filed this second appeal before the commission. The appeal was heard on 31.7.2009. Appellant and respondents were present.

The appellant has contended that he has not been furnished the required information. The respondent has submitted that they did not have any list except the one sent by the appellant. They also stated that since MHADA did not allot land to members they did not have the required information. They however promised to furnish no objection when required by the society.

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: 31.07.2009.



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

**Appeal No.2009/2924/02**

**Shri. Chandrakant. U. Mehta  
Flat No.B/502, River Park CHSL,  
Western Express Highway,  
Kandivali (E), Mumbai – 400 101.**

**... Appellant**

**V/s**

**First Appellate Officer cum Dy Chief Officer TC  
Mumbai Building Repair & Reconstruction Board  
Second Floor, Bandra (E),  
Mumbai – 400 051.**

**... Respondent**

**Public Information Officer cum Estate Manager  
Mumbai Building Repair & Reconstruction Board  
Second Floor, Bandra (E),  
Mumbai – 400 051.**

**GROUND**

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant had sought information regarding unauthorized occupation of transit camps, action taken against them and reasons for not taking any action.

Not satisfied with the responses from the Public Information Officer and the First Appellate Authority the appellant filed this second appeal before the commission. The appeal was heard on 27.7.2009. The appellant did not turn up but the respondent was present.

The respondent has submitted that the information sought was very broad and exhaustive and therefore it took time. The appellant was informed accordingly.

After going through the case papers and considering the arguments advanced by parties I have come to the conclusion that information must be furnished. It is hoped that by now complete information must have been collected. It is therefore ordered that information should be sent by registered post and free of cost.

**Order**

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

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

Place: Mumbai  
Date: 31.07.2009.

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

Appeal No.2009/2549/02

**Shri.Gopal Balaji Zade**  
**8, Purohit Layout, Ambazari,**  
**Nagpur 440 033.**

... **Appellant**

V/s

**First Appellate Officer cum Dy Secretary**  
**Agriculture, Animal Husbandry,**  
**Dairy Development and Fisheries Department,**  
**Mantrayala, Mumbai – 400 032.**

... **Respondent**

**Public Information Officer cum Under Secretary**  
**Agriculture, Animal Husbandry,**  
**Dairy Development and Fisheries Department,**  
**Mantrayala, 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 01.07.2008 had sought information relating to the department at enquiry against him. He feels that no loss was caused to the Govt. but he was proceeded against on the ground that govt. has suffered loss. He wanted to know on what basis he is being proceeded.

Not satisfied with the responses from the Public Information Officer and the First Appellate Authority the appellant filed this second appeal before the commission. The appeal was heard on 20.5.2009. Appellant and respondents were present

After going through the case papers and considering the arguments advanced by parties I have come to the conclusion that the appellant has wrongly approached the commission. The commission is not mandated to intervene in such cases. His attempts to fit and into the RTI Act reflects his misinterpretation of the law. I therefore pass the following order.

**Order**

The appeal is dismissed.

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

Place: Mumbai  
Date: 31.07.2009.

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

Appeal No.2009/2790/02

**Shri.Narendra Baburao Bagal**  
**1763, Dr.P.R.Patil Marg,**  
**Behind Paranjpe Hospital,**  
**Sangali.**

... **Appellant**

V/s

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

... **Respondent**

**Public Information Officer,**  
**Revenue & Forest Department**  
**Mantrayala, 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 25.06.2008 had sought a copy of the rules empowering the govt. to increase the rate of royalties in respect of minor minerals.

Not satisfied with the responses from the Public Information Officer and the First Appellate Authority the appellant filed this second appeal before the commission. The appeal was heard on 12.06.2009. Appellant and respondents were present.

The appellant has contended that he was not satisfied the information furnished to him. The respondent has submitted that a copy of the Mines and Minerals (Development and Regulation) Act 1957 has been given to the appellant. A copy of the notification dated 15.12.2006 has also been sent.

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

**Order**

The appeal is disposed off.

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

Place: Mumbai  
Date: 31.07.2009.

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

**Appeal No.2009/2796/02**

**Shri.Narendra Baburao Bagal  
1763, Dr.P.R.Patil Marg,  
Behind Paranjpe Hospital,  
Sangali.**

**... Appellant**

**V/s**

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

**... Respondent**

**Public Information Officer,  
Revenue & Forest Department  
Mantrayala, 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 09.09.2008 had wanted to know whether increase in the rates of royalty on minor minerals as notified in the gazette dated 15.12.2006 and 15.01.2003 have been converted into law and if yes when.

Not satisfied with the responses from the Public Information Officer and the First Appellate Authority the appellant filed this second appeal before the commission. The appeal was heard on 12.06.2009. Appellant and respondents were present.

The appellant has contended that he was not satisfied with the information furnished. The respondent submitted that the appellant has been informed that the increased rates became operational from the dates on which they were notified in the official gazette.

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

**Order**

The appeal is disposed off.

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

Place: Mumbai  
Date: 31.07.2009.

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

**Appeal No.2009/2915/02**

**Shri. Vijay Hiralal Jaiswal  
35, Kanta Nivas, D.J.Rd,  
Vile Parle (W), Mumbai – 400 056.**

... **Appellant**

**V/s**

**First Appellate Officer cum Rationing Officer  
Rationing Officer, D-24 Juhu Scheme,  
Vile Parle (W), Mumbai – 400 056.**

... **Respondent**

**Public Information Officer,  
Rationing Officer, D-24 Juhu Scheme,  
Vile Parle (W), Mumbai – 400 056.**

**GROUND**

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant by his application dated 09.02.2009 had sought copies of documents leading to deletion of the name of Mrs Shardaben Hiralal Jaiswal from the ration card bearing no 257794 without any consent or application by her.

Not satisfied with the responses from the Public Information Officer and the First Appellate Authority the appellant filed this second appeal before the commission. The appeal was heard on 27.07.2009. Appellant and respondents were present.

The appellant has contended that he has not been furnished the desired information. The respondent has submitted that the ration card no 257794 did not bear the name of Mrs Shardaben Hiralal Jaiswal and the question of the deletion of her name did not arise.

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 case is therefore closed.

**Order**

The appeal is disposed off.

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

Place: Mumbai  
Date: 31.07.2009.

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

**Appeal No.2009/2795/02**

**Shri. Ramaram Kautam  
Block No.B 1/11/1, 54 B,  
Bhavani Peth, Homkarnagar,  
Solapur 2.**

**... Appellant**

**V/s**

**First Appellate Officer cum Dy Secretary  
Maharashtra Public Service Commission,  
Bank of India Building,  
3<sup>rd</sup> Floor, Mahatma Gandhi Marg,  
Fort, Mumbai – 400 001.**

**... Respondent**

**Public Information Officer cum Under Secretary  
Maharashtra Public Service Commission,  
Bank of India Building,  
3<sup>rd</sup> Floor, Mahatma Gandhi Marg,  
Fort, Mumbai – 400 001.**

**GROUNDS**

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant by his application dated 07.07.2008 had sought information in respect of 13 candidates whose names have been recommended by the Maharashtra Public Service Commission for appointment as Manager Dairy Dy Manager Dairy in the Dairy Development Department. The PIO has denied the information because it a third party information. The First Appellate Authority confirmed the PIO's order.

Not satisfied with the responses from the Public Information Officer and the First Appellate Authority the appellant filed this second appeal before the commission. The appeal was heard on 12.07.2009. Appellant and respondents were present.

The appellant has contended that he did not receive the information he had sought. The respondent submitted that the information sought is a third party information and also falls under section 8 the RTI Act 2005.

After going through the case papers and considering the arguments advanced by parties I have come to the conclusion that the information asked is of a personal nature and pertains to third party. MPSC receives such information in its fiduciary relationship. There is nothing to show that disclosure was likely to lead to a larger public interest. The

commission has taken similar view in Shri S.B. Kashid Vs Appellate Officer and Secretary MPSC Mumbai (Appeal no 2007/1148/02). I am therefore of the view that the information sought has been rightly denied.

**Order**

The appeal is disposed off.

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

Place: Mumbai  
Date: 31.07.2009.

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

**Appeal No.2009/2926/02**

**Shri. Vasudeo Dattaram Vaze  
204, Jivan Chaya Arya Chankyanagar,  
Arjuli Cross Rd No. 2,  
Kandivali (E), Mumbai – 400 101.**

**... Appellant**

**V/s**

**First Appellate Officer cum Dy Chief Engineer (Building Proposal)  
Municipal Corporation, Western Suburban,  
Office of the P & K, Dr. Babasaheb Ambedkar Market Building,  
Kandivali (W), Mumbai – 400 067.**

**... Respondent**

**Public Information Officer cum Executive Engineer (Building Proposal)  
Municipal Corporation, Western Suburban,  
Office of the P & K, Dr. Babasaheb Ambedkar Market Building,  
Kandivali (W), Mumbai – 400 067.**

**GROUNDS**

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant by his application dated 11.11.2008 had sought information relating to the action taken on his complaint dated 22.11.2007. The PIO by his letter dated 03.12.2008 informed him that he could inspect the relevant documents and apply for copies of selected ones. The appellant filed the first appeal and the First Appellate Authority by his order dated 03.02.2009 directed the PIO to furnish the information. The PIO by his letter dated 26.02.2009 furnished the required information.

Not satisfied with the responses from the Public Information Officer and the First Appellate Authority the appellant filed this second appeal before the commission. The appeal was fixed for hearing on 27.07.2009. Appellant and respondents were absent.

After going through the case papers it is revealed that the information has been furnished. It is also seen that the appellant's application is more for redressal of grievances rather than information. The RTI Act is not mandated to settle disputes or provide relief to the aggrieved. It ensures furnishing of available information. I therefore decide to close the case.

**Order**

The appeal is disposed off.

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

Place: Mumbai  
Date: 31.07.2009.



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

Appeal No.2009/2999/02

**Shri. Shivaji Jagannath Wadekar**  
31, Anjali Colony, Gedamal Shahupuri,  
Satara – 415 002.

... Appellant

V/s

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

... Respondent

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

**GROUND**

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant by his application dated 01.09.2008 had sought information relating to the remarks offered by the department of Finance in file क्र. दुविआ/१०२००१/६९५८/प्र.क्र.३६/२००१/पदुम-७ या नस्तीवरील प्रस्तावाबाबत, दि.२०.१२.२००१, दि.१०.०९.२००२, दि.१८.११०.२००२ व दि.०४.०१.२००३.

Not satisfied with the responses from the Public Information Officer and the First Appellate Authority the appellant filed this second appeal before the commission. The appeal was fixed for hearing on 16.06.2009. Appellant and respondents were present.

The appellant has contended that he has not been furnished the information. The respondent submitted that the appellant has been informed that the information sought does not yet into the definition of information.

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. It is not expected to furnish clarification under the RTI Act. The appellant wanted to know why the Finance department offered the remark which according to him was not correct. It is therefore concluded that the appeal deserves to be closed.

**Order**

The appeal is disposed off.

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

Place: Mumbai  
Date: 31.07.2009.

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

**Complaint No.2009/352/02**

**Mr.Mohammad Taj Qureshi  
57, Jamanadas Bldg 2<sup>nd</sup> Floor,  
Room No.30, Sofia Zubair Rd,  
Nagpada, Mumbai – 400 008.**

**...Complainant**

**Public Information Officer cum Assit Engineer  
Municipal Corporation,  
K/West Division, Paliram Path, Andheri (W),  
Mumbai – 400 058.**

**...Respondent**

**GROUNDS**

This complaint has been filed under section 18 of the Right to Information Act 2005 in the context of the commission's order dated 20.11.2008 passed in appeal no 2008/955/02. The facts in brief are as follows: -

The complainant had by his application dated 03.05.2007 sought information regarding unauthorized construction by Mrs Maroof Mohammad Ayub Sheikh, 450 Adarsh Nagar New Link Rd, Andheri (W), Mumbai. The commission had passed order directing the PIO to furnish information within 15 days. The present complaint is against alleged non compliance of the commission's order.

The complaint was heard on 24.07.2009. The defendant was present but the complainant did not turn up.

It has been submitted by the defendant that the required information has been furnished by the PIO's letter dated 19.11.2008. The complainant however does not seem to be satisfied. The commission cannot take up the job of monitoring such things. The RTI Act ensures furnishing of available information. The same has been done in this case. The commission's order stands complied.

**Order**

The complaint is filed.

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

Place: Mumbai  
Date: 31.07.2009.

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

**Appeal No.2009/2888/02**

**Shri. Krushana Govind Bhardwaj  
A-9/4 Govt. Colony, Bandra (E),  
Mumbai – 400 051.**

... **Appellant**

V/s

**First Appellate Officer,  
Cooperation and Textile Department  
Mantralaya, Mumbai – 400 032.**

... **Respondent**

**Public Information Officer,  
Cooperation and Textile Department  
Mantralaya, Mumbai – 400 032.**

**GROUND**

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant had sought the information regarding action taken on his application dated 18.04.2005. The appellant had requested Hon Minister for cooperation, Govt. of Maharashtra regarding collection of fund by his society for major repairs. He has pointed out that the existing bye law no. 13 (b) nor based principal of nature justice.

Not satisfied with the responses from the Public Information Officer and the First Appellate Authority the appellant filed this second appeal before the commission. The appeal was heard on 22.07.2008. Appellant and respondents were present.

After going through the case papers and considering the arguments advanced by parties I have come to the conclusion that relevant information has been furnished. The PIO by his letter dated 18.05.2007 informed the appellant that his application has been sent to the commissioner cooperation for his remarks. The PIO is directed to expedite govt. decision and inform the appellant.

**Order**

The appeal is disposed off.

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

Place: Mumbai  
Date: 31.07.2009.

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

Appeal No.2008/2930/02

**Mr. Macchindra N. Karalkar**  
**Hazarabal House, Room No. 5, Irla Society Road,**  
**Vile Parle (W), Mumbai – 400 056.**

... **Appellant**

V/s

**First Appellate Officer cum Assitt Municipal Commissioner,**  
**K (West) Division, Opp. BEST Depo,**  
**S.V. Rd, Andheri (W), Mumbai – 400 053.**

... **Respondent**

**Public Information Officer cum Medical Officer (Health)**  
**K (West) Division, Opp. BEST Depo,**  
**S.V. Rd, Andheri (W), Mumbai – 400 053.**

**GROUND**

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant by his application dated 06.12.2007 had sought information in respect violations by Hotels in K/West Ward as reported in Mirror dated 20.11.2007 and 05.12.2007.

Not satisfied with the responses from the Public Information Officer and the First Appellate Authority the appellant filed this second appeal before the commission. The appeal was fixed for hearing on 23.07.2008. Appellant and respondents were absent.

After going through the case papers it is revealed that the Medical Officer Health K/West by his letter dated 04.01.2008 has furnished the required information. I therefore pass the following order.

**Order**

Appeal is dismissed.

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

Place: Mumbai  
Date: 31.07.2009.

**Mr. Macchindra N. Karalkar**  
**Hazarabal House, Room No. 5, Irla Society Road,**  
**Vile Parle (W), Mumbai – 400 056.**

... **Appellant**

V/s

**First Appellate Officer cum Joint Chief Officer**  
**Maharashtra Grihanirman, Mumbai Board,**  
**MHADA Building, Bandra (E), Mumbai – 400 051.**

... **Respondent**

**Public Information Officer cum Land Officer**  
**Maharashtra Grihanirman, Mumbai Board,**  
**MHADA Building, Bandra (E), Mumbai – 400 051.**

### **GROUND**

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant by his application dated 17.12.2007 had sought information relating to commercial tenements in Shitala Devi CHS, Lokmanya Nagar CHS and Shivanagar CHS. The appellant has given a list of 85 commercial units and wanted copies of documentary evidence attached with each commercial tenement.

Not satisfied with the responses from the Public Information Officer and the First Appellate Authority the appellant filed this second appeal before the commission. The appeal was fixed for hearing on 23.07.2008. Appellant and respondents were absent.

After going through the case papers I have come to the conclusion that information should be furnished.

### **Order**

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

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

Place: Mumbai  
Date: 31.07.2009.

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

**Appeal No.2009/2663/02**

**Shri. Hemant Manilala Chajed  
6, Mahavir Soc. Mohadi Rd,  
Jalgaon – 425 001.**

**... Appellant**

**V/s**

**First Appellate Officer,  
Chief Forest abjuration,  
Thane.**

**... Respondent**

**Public Information Officer,  
Chief Forest abjuration,  
Thane.**

**GROUNDS**

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant had sought information on points contained in his applications dated 12.09.2007, 15.09.2007 and 21.09.2007.

Not satisfied with the responses from the Public Information Officer and the First Appellate Authority the appellant filed this second appeal before the commission. The appeal heard on 02.06.2009. The appellant did not turn up but the respondent was present.

The respondent submitted that appellant has put up large no of applications seeking information on various aspects of forest land. They are bulky and not specific. It was therefore not possible to furnish the required information.

After going through the case papers and considering the arguments advanced by the respondent I have come to the conclusion that the information has been rightly denied. Section 7(9) of the RTI Act clearly says that information can be denied if it is likely to disproportionately divert the resources of the public authority. I therefore pass the following order.

**Order**

Appeal is dismissed.

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

Place: Mumbai  
Date: 31.07.2009.

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

Appeal No.2009/2089/02

**Shri. Nenshi Akha Gala**  
**Porbandar Castle**  
**3<sup>rd</sup> Pastalane, 2<sup>nd</sup> Floor,**  
**A-Block, Colaba,**  
**Mumbai – 400 005.**

... **Appellant**

V/s

**First Appellate Officer cum Dy Chief Engineer**  
**(Build Proposals (City))**  
**Municipal Corporation of Greater Mumbai,**  
**“E” Ward Office Building,**  
**3<sup>rd</sup> Floor, 10, Shaikh Hafizuddin Marg,**  
**Byculla (W), Mumbai – 400 008.**

... **Respondent**

**Public Information Officer cum Executive Engineer**  
**(Build Proposals (City))**  
**Municipal Corporation of Greater Mumbai,**  
**“E” Ward Office Building,**  
**3<sup>rd</sup> Floor, 10, Shaikh Hafizuddin Marg,**  
**Byculla (W), Mumbai – 400 008.**

**GROUND**

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant had sought a copy of the sanctioned plan of MCGM in respect of CHOTTU TERRACE building 97-107 SBS Rd, Colaba, Mumbai.

Not satisfied with the responses from the Public Information Officer and the First Appellate Authority the appellant filed this second appeal before the commission. The appeal heard on 22.06.2009. Appellant and respondents were present.

The appellant has contended that he has received incomplete information. The respondent submitted that four files have been traced shown to the appellant and copies of desired documents given. The remaining two files have not yet been traced. It was therefore not possible to furnish the required information.

After going through the case papers and considering the arguments advanced by parties I have come to the conclusion that information has been partly furnished. In fact record shows this appeal was kept pending to allow respondents to have enough time to locate the files. They were able to locate 4 files and furnish required information. Remaining files have still not been traced. I am therefore constrained to close the case.

**Order**

Appeal is disposed off.

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

Place: Mumbai  
Date: 31.07.2009.

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

**Appeal No.2009/2273/02**

**Shri. Nisar Ahamad Yakubsaheb Dange  
B 2/4, Amrutwel, Model Colony,  
Shivaji Nagar, Pune – 411 016.**

... **Appellant**

**V/s**

**First Appellate Officer cum Manager  
Maharashtra State Electricity Company,  
Prakashgad, Bandra, Mumbai – 400 051.**

... **Respondent**

**Public Information Officer cum Establishment Office  
Maharashtra State Electricity Company,  
Prakashgad, Bandra, Mumbai – 400 051.**

**GROUNDS**

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant had sought information on various representations made by him. It appears from case papers that the appellant was dismissed from services of the erstwhile MSEB in 2000. He went in appeal and the First Appellate Authority reduced the punishment from dismissal to removal. The appellant has been representing since then trying to prove his innocence.

Not satisfied with the responses from the Public Information Officer and the First Appellate Authority the appellant filed this second appeal before the commission. The appeal heard on 02.05.2009.

After going through the case papers and considering the arguments advanced by parties I have come to the conclusion that this is purely an administrative matter. The appellant does not want information but arbitration. The commission is not mandated to review the disciplinary proceedings. The RTI Act ensures furnishing of available information and is not expected to provides relief to those aggrieved under these circumstance I am constrained to close the case.

**Order**

Appeal is dismissed.

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

Place: Mumbai  
Date: 31.07.2009.



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

Appeal No.2009/2854/02

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

... **Appellant**

V/s

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

... **Respondent**

**Public Information Officer,**  
M.U.T.P. 3<sup>rd</sup> Floor, MMRDA Bldg,  
Bandra-Kurla Complex, Bandra (E),  
Mumbai – 400 051.

**GROUND**

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

Certified Xerox copies of the Panchnama / declaration papers, of “Both Sides” dated 25.02.2004. Prepared by the NGO-SRA & MUTP Officials after Using E.D. No.180 and disputed Residence behind I.D. No. 180. Signed by Shri P.S. Sharma CDO. Shri Swary the Dy CDO, Ms. Seema Satpute M. Rajguru, Land lord Shri Anil Deva.

Not satisfied with the responses form the Public Information Officer and the First Appellate Authority the appellant filed this second appeal before the Commission. The appeal was heard on 30.07.2009. Appellant and respondents were absent.

After going through the case papers it appears that the appellant is aggrieved because his residence has not been included in the list of structures which could be considered for compensation. The commission has come across such applications by the appellant. In any case commission is not mandated to redress grievance I therefore pass the following order.

**Order**

Appeal is dismissed.

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

Place: Mumbai  
Date: 31.07.2009.

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

Appeal No.2009/2855/02

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

... **Appellant**

V/s

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

... **Respondent**

**Public Information Officer,**  
M.U.T.P. 3<sup>rd</sup> Floor, MMRDA Bldg,  
Bandra-Kurla Complex, Bandra (E),  
Mumbai – 400 051.

**GROUND**

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

Certified Xerox copies of the documents / Name of the documents available with MMRDA to whom the Chief (RQR) MUTP is directed to follow while approving edibility list, by the Govt. of Maharashtra /MMRDA/ project directed MUTP or by all of them. Specially the documents available with MMRDA in which the Chief (RQR) is allowed to ignore the BSES map / to follows the DSES may prepared by the BGO-SRA and to ignore the visual documentation Record / to follows the said are mentioned very clearly while approving the eligibility list of PAHS affected by MUTP.

Not satisfied with the responses form the Public Information Officer and the First Appellate Authority the appellant filed this second appeal before the Commission. The appeal was heard on 30.07.2009. Appellant and respondents were absent.

It appears from the case papers that the appellant is aggrieved because his structure is not listed for compensation. He has filed many such appeals before the commission. The commission is not mandated to redress grievances. The RTI Act information. I am therefore constrained to close the case.

**Order**

Appeal is dismissed.

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

Place: Mumbai  
Date: 31.07.2009.

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

Appeal No.2009/2847/02

**Shri. Vijay Dattatray Ghanekar**  
16, Pallavi, New Maniklala Mehta Estate,  
Ghatkopar (W), Mumbai – 400 086.

... Appellant

V/s

**First Appellate Officer cum President**  
Ghatkopar Education Board,  
Sant Ramdas Rd, Marathi School Compound,  
Ghatkopar BEST Depot,  
Pantnagar, Ghatkopar (E), Mumbai – 400 075.

... Respondent

**Public Information Officer,**  
Ghatkopar Education Board,  
Sant Ramdas Rd, Marathi School Compound,  
Ghatkopar BEST Depot,  
Pantnagar, Ghatkopar (E), Mumbai – 400 075.

**GROUND**

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

1. Total No. of days the ground was occupied. Give the Dates.
2. Terms of renting and charges per day.
3. Terms of contract with Prasad or Any Caterers.
4. A certified Copy of Contract
5. Copy of Resolution of G.C. \ A.G.M. to that effect.

Not satisfied with the responses form the Public Information Officer and the First Appellate Authority the appellant filed this second appeal before the Commission. The appeal was heard on 30.07.2009. Appellant and respondents were absent.

I have gone through the case papers. It appears that the respondent is a trust registered under the Bombay Public Trust Act. The Hon High Court of judicature at Bombay, Nagpur Banch at Nagpur in writ petition no 5294 of 2008 has held that the RTI Act does not apply to public trusts. I therefore decide to close the case.

**Order**

Appeal is disposed off.

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

Place: Mumbai  
Date: 31.07.2009.

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

**Appeal No.2009/2655/02**

**Shri.Narendra Sonane  
Mukund Nagar, Telegraph Colony,  
Akola, Ta, Dist, Akola.**

**... Appellant**

**V/s**

**First Appellate Officer cum Secretary  
Maharashtra Public Service Commission,  
Mumbai.**

**... Respondent**

**Public Information Officer cum Secretary  
Maharashtra Public Service Commission,  
Mumbai.**

**GROUND**

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant had sought information relating to Asstt Motor Vehicle Inspectors Examination 2005 conducted by Maharashtra Public Service Commission. The appellant sought information regarding applicants with sports background.

Not satisfied with the responses form the Public Information Officer and the First Appellate Authority the appellant filed this second appeal before the Commission. The appeal was heard on 27.05.2009. Appellant and respondents were present.

The appellant has contended that he has not been given the information he required. He respondent has submitted that what has been sought was not information but clarification and questions which do not fit into the definition of information.

After going through the case papers and considering the arguments advanced by parties I have come to the conclusion that it not required to respond to the appellant the way her wanted. It is true that he has raised issues like who would give, justice, what is the basis of MPSC's reply to Govt. etc. His demand to let him examine the marksheet, application from with enclosures of 327 candidates who were not recommended by the MPSC is also something beyond the RTI. The RTI Act very clearly says that information can be denied if it is going to disproportionately divert the resource of the public authority. I therefore decide to close the case.

**Order**

Appeal is disposed off.

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

Place: Mumbai  
Date: 31.07.2009.

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

**Appeal No.2009/2264/02**

**Shri. Panchal Angat Keshavrao,  
169, Chitrakut Build, Nyaneshwer Nagar,  
Near CT Bus Stop, Old Solapur,  
Solapur – 4.**

**... Appellant**

**V/s**

**First Appellate Officer cum Secretary  
Chief Information Commissioner,  
State Information Commission,  
Mumbai – 400 032.**

**... Respondent**

**Public Information Officer cum Desk Officer (01)  
Chief Information Commissioner,  
State Information Commission,  
Mumbai – 400 032.**

**GROUND**

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant had sought a certified copy of letter dated 07.11.2006 from the office of the Governor of Maharashtra and copies of replies furnished by the Public Information Officer and the First Appellate Authority in second appeal no 407, 407 A and 407 B.

Not satisfied with the responses from the Public Information Officer and the First Appellate Authority the appellant filed this second appeal before the Commission. The appeal was heard on 06.05.2009. The appellant did not turn up but the respondent was present.

After going through the case papers I have come to the conclusion that the First Appellate Authority by his order dated 06.07.2007 has ordered that the information required should be furnished. I see no reason to intervene.

**Order**

Appeal is disposed off.

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

Place: Mumbai  
Date: 31.07.2009.

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

Appeal No.2009/2835/02

**Shri. Santosh P. Shukla**  
**Sujora Shipping Private Ltd.**  
**405, 'A' Wing, Gokul Arcade,**  
**Swami Nithyanand Marg,**  
**Vile Parle (E), Mumbai – 400 057.**

... **Appellant**

V/s

**First Appellate Officer,**  
**Home Department/3,**  
**Mantralaya, Mumbai – 400 032.**

... **Respondent**

**Public Information Officer,**  
**Home Department/3,**  
**Mantralaya, Mumbai – 400 032.**

**GROUND**

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

- a) Progress on the current status of the proposed police station at Kharghar.
- b) Copy of the file notings at each stage from the date of initial approval till date.
- c) Name and designation of responsible officer, responsible for inordinate delays.
- d) If the file has been with any official for more than 07 working days – which is contravention of section 10(1) of the act XXI of 2006, detail of action initiated against him under section 10(2) of the act. (Maharashtra).

Not satisfied with the responses from the Public Information Officer and the First Appellate Authority the appellant filed this second appeal before the Commission. The appeal was heard on 24.06.2009. Appellant and respondents were present.

The appellant has contended that he has been furnished incomplete information. He has been denied file notings and no reasons have been given for the same.

The respondent's contention is that available information has been furnished. It took sometime because the file was under process. This was also communicated to the appellant. As far as file notings are concerned the respondent stated that it was bulky and copies are not normally furnished.

After going through the case papers and considering the arguments advanced by parties I have come to the conclusion that information has been furnished in part only. The denial of file notings cannot be accepted. It is true that departments have not been disclosing this information but the RTI Act has changed the very concept of confidentiality. All information except those mentioned in section 8 and 9 of the RTI is accessible to the public. I would however like to conclude that this is not a fit case for imposing penalty. The information could not be furnished because it was under process. There is nothing to prove malafide on the part of the PIO. I therefore do not accept the appellant's plea. I therefore pass the following order.

**Order**

The appeal is allowed. File notings to be provided within 30 days.

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

Place: Mumbai  
Date: 31.07.2009.

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

**Appeal No.2009/2261/02**

**Shri. Bharat Gangaram Autade  
Kadlas, Ta. Sangola, Dist. Solapur.**

**... Appellant**

**V/s**

**First Appellate Officer cum Secretary  
Chief Information Commissioner,  
State Information Commission,  
Mumbai – 400 032.**

**... Respondent**

**Public Information Officer cum Desk Officer (01)  
Chief Information Commissioner,  
State Information Commission,  
Mumbai – 400 032.**

**GROUND**

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant had sought information regarding Maharashtra Stated Information Commission. In fact it is more in the nature of clarification rather than information.

Not satisfied with the responses from the Public Information Officer and the First Appellate Authority the appellant filed this second appeal before the Commission. The appeal was heard on 06.05.2009.

The appellant has contended that he has not been furnished the required information. He does not seem to be happy with date of hearing fixed by the First Appellate Authority – 26<sup>th</sup> of January.

The respondent's contention is that the first appeal has been decided and communicated to the appellant.

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 First Appellate Authority has rightly refrained from giving his opinion. The RTI Act ensures furnishing of available information and no interpretation / clarification is expected. I therefore decide to close the case.

**Order**

Appeal is disposed off.

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

Place: Mumbai  
Date: 31.07.2009.



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

**ComplaintNo.2009/251/02**

**Dr. Shri. Shrikant S. Prabhu  
B-23, "UDYAN-PRABHA"  
Tejpal Scheme Rd No.2,  
Vile Parle (E), Mumbai – 400 057.**

**...Complainant**

**Public Information Officer cum Dy. Registrar  
MHADA, 2<sup>nd</sup> Floor, Room No.369,  
Grihanirman Bhavan, Bnadra (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 23.12.2008 passed in appeal no.2008/1356/02. The facts in brief are as follows: - The appellant wanted to inspect records pertaining to Shastrinagar, Dwarka Cooperative Housing Society Building No.7, Shastrinagar, Goregaon (E), Mumbai.

The complaint was heard on 20.06.2009. Complainant and defendant were present.

The complainant has stated that he was not happy with the quality of information furnished. The respondent made written submission. He has stated that the society is functioning under an administrator. It has been reported by him that the required information has been furnished to the complainant. He has also submitted a copy to the commission. It is thus seen that required information has been furnished.

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

**Order**

The complaint is closed.

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

Place: Mumbai  
Date: 31.07.2009.

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

**ComplaintNo.2009/358/02**

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

... **Complainant**

V/s

**Public Information Officer cum Administrative Officer,  
(Estate), Municipal Corporation, F/South Ward Office,  
Parel, Mumbai – 400 012.**

... **Respondent**

**GROUND**

This complaint has been filed under section 18 of the Right to Information Act 2005 in the context of the commission's order dated 12.12.2008 passed in appeal no.2008/1308/02. The appellant had sought information regarding property tax notice sent to Shri Maruti Narayan Jadhav and his reply to the notice.

Not satisfied with responses from the Public Information Officer and First Appellant Authority the complainant filed appeal under section 19(3) of the RTI Act, 2005. He commission by its order dated 12.12.2008 directed that information should be furnished within 15 days. Since the appellant was not furnished the required information, he filed a complaint. The commission fined him Rs.10, 000/- and directed to furnish the information within 15 days. The complainant has approached the commission complaining that he had not received the information.

The complaint was heard on 16.07.2009. The complainant was present but the defendant was absent.

The complainant has stated that he has not been furnished the required information. Since the respondent was absent, it could not be verified.

After considering the arguments and going through the file I have come to the conclusion that commission's order has not been complied. No reasons have been given by the defendant. The commission views this defiance seriously. I therefore propose to fine Rs.15, 000/- and recommend departmental enquiry against the defendant for willful

non compliance of the commission's order. The defendant to submit why this order should not be confirmed. His reply to reach the commission within 4 weeks.

**Order**

The complaint is allowed. Defend to show cause within 4 weeks failing which this order will be confirmed.

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

Place: Mumbai  
Date: 31.07.2009.

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

Appeal No.2009/2931/02

**Shri. Dinesh Raghunath Shirke**  
**B.J. Devrukhakar Rd,**  
**Naygaon, Dadar, Mumbai – 400 014.**

... **Appellant**

V/s

**First Appellate Officer,**  
**BEST Bhavan,**  
**Kulaba, Mumbai.**

... **Respondent**

**Public Information Officer,**  
**BEST Bhavan,**  
**Kulaba, Mumbai.**

**GROUND**

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant had sought information regarding deduction of EMI of Rs.4, 305/- for months of June, July and August, 2007 and whether the same has been deposited in his account in CKP Bank.

Not satisfied with the responses from the Public Information Officer and the First Appellate Authority the appellant filed this second appeal before the Commission. The appeal was fixed for hearing on 23.07.2009. Appellant and respondent were absent.

It is seen from the case papers that no information has been furnished. I therefore pass the following order.

**Order**

Appeal is allowed. Information to be furnished in 15 days.

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

Place: Mumbai  
Date: 31.07.2009.

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

Appeal No.2009/2935/02

**Shri.Vinod G. Desai**  
½, Kamana CHS, S. K. Bole Marg,  
Dadar, Mumbai – 400 028.

... Appellant

V/s

**First Appellate Officer cum Director**  
**(Engineering & Project),**  
**Municipal Corporation,**  
**3<sup>rd</sup> Floor, Mahapalika Marg,**  
**Fort, Mumbai – 400 001.**

... Respondent

**Public Information Officer cum Dy Chief Engineer**  
**(Transport), Municipal Corporation,**  
**3<sup>rd</sup> Floor, 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 had sought information regarding a news published in Maharashtra Times dated 22.09.2007. The news quotes the affidavit filed on behalf of the Municipal Corporation of Greater Mumbai. The appellant has sought certain clarification.

Not satisfied with the responses from the Public Information Officer and the First Appellate Authority the appellant filed this second appeal before the Commission. The appeal was fixed for hearing on 27.07.2009. Appellant and respondent were absent.

After going through the case papers I have come to the conclusion that the PIO and the First Appellate Authority have correctly dealt with the application. The RTI Act ensures copies of documents available. It is not expected to clarify doubts or interpret any news published in a news paper. I therefore close the file.

**Order**

Appeal is disposed off.

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

Place: Mumbai  
Date: 31.07.2009.

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

**Appeal No.2009/2798/02**

**Shri. Vihar Durve  
573/1 Pavan Vihar Nr. Sai Pump,  
J.M. Rd, Deccan Pune – 411 004.**

... **Appellant**

V/s

**First Appellate Officer cum Secretary  
State Information Commission,  
13<sup>th</sup> Floor, New Administrative Build,  
Mantralaya, Mumbai – 400 032.**

... **Respondent**

**Public Information Officer,  
State Information Commission,  
13<sup>th</sup> Floor, New Administrative Build,  
Mantralaya, Mumbai – 400 032.**

**GROUND**

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant had sought the information regarding Maharashtra State Information Commission, Mumbai. He had sought information by his application dated 29.09.2008 on 13 points. The Public Information Officer by her letter dated 21.10.2008 dated 13.11.2009 furnished the available information. There is nothing on record to show that the First Appellate Authority has passed any order.

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

The appellant has contended that he was not satisfied with the information furnished to him. He also stated that the issues raised by him are very important and it should be dealt with by a bigger bench of the commission.

The respondent's contention is that available information has been furnished. It seems that a copy of the section 4 compliance report has also 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. I therefore pass the following order.

**Order**

Appeal is disposed off.

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

Place: Mumbai  
Date: 31.07.2009.

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

Appeal No.2009/2923/02

**Shri.Hareshwer J. Bhoir**  
38/42, Khadi Gramodyogwadi,  
Room No.10, Dockyard RD,  
Mumbai – 400 010.

... **Appellant**

V/s

**First Appellate Officer cum Dy. Chief Engineer**  
**Mumbai Building Repair & Reconstruction Board,**  
**1<sup>st</sup> Floor, Sonawala Build, Dadar, Mumbai – 400 014.**

... **Respondent**

**Public Information Officer cum Executive Engineer**  
**Mumbai Building Repair & Reconstruction Board,**  
**‘E’ Ward, Kala Chowky, Ground Floor,**  
**Mumbai – 400 033.**

**GROUND**

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant by his application dated 01.10.2008 had sought information in respect of building no 38/42, Khadi Gramodyogwadi, Dockyard Rd, Mumbai. He had sought information regarding repair, tender and work done by the contractor.

Not satisfied with the responses from the Public Information Officer and the First Appellate Authority the appellant filed this second appeal before the Commission. The appeal was heard on 27.07.2009. Appellant and respondent were present.

The appellant has contended that he was made to pay even after the period of 30 days was over. The appellant has stated that he should have been given information free of cost.

The respondent's contention is that information has been sent by his letter dated 20.10.2008. The application is dated 01.10.2008.

After going through the case papers and considering the arguments advanced by parties I have come to the conclusion that information has been furnished. It is possible that there has been postal delay for which the PIO may not be held responsible. I see no evidence of deliberately delaying or denying the information. I pass the following order.

**Order**

Appeal is disposed off.

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

Place: Mumbai  
Date: 31.07.2009.

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

**Appeal No.2009/2918/02**

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

... **Appellant**

**V/s**

**First Appellate Officer cum Under Secretary  
Housing Dept. Mantralaya, Mumbai – 400 032.**

... **Respondent**

**Public Information Officer cum Section Officer  
Housing Dept. Mantralaya, Mumbai – 400 032.**

**GROUND**

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant had sought information as to what happened to the complaint made by Prof. Bhagwant Singh addressed to Secretary, Housing, Govt. of Maharashtra.

Not satisfied with the responses from the Public Information Officer and the First Appellate Authority the appellant filed this second appeal before the Commission. The appeal was heard on 27.07.2009. Appellant and respondent were present.

The appellant has contended that no order has been passed either by the PIO or the First Appellate Authority.

The respondent's contention is that information has been furnished by his letter dated 27.08.2008. A copy of the letter is also available in the file.

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

**Order**

Appeal is disposed off.

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

Place: Mumbai  
Date: 31.07.2009.



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

Appeal No.2009/2683/02

**Shri. Nagraj J. Patil**  
**182, Bhikmchandjainnagar,**  
**Jalgaon.**

... **Appellant**

V/s

**First Appellate Officer cum Dy. Secretary**  
**Agriculture, Animal Husbandry,**  
**Dairy Development and Fisheries Department,**  
**Mantralaya, Mumbai – 400 032.**

... **Respondent**

**Public Information Officer cum Desk Officer**  
**Agriculture, Animal Husbandry,**  
**Dairy Development and Fisheries Department,**  
**Mantralaya, Mumbai – 400 032.**

**GROUND**

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant had sought information regarding various irregularities committed by Jalgaon Zilla Dudha utpadak Sangh and the action taken by Govt.

Not satisfied with the responses from the Public Information Officer and the First Appellate Authority the appellant filed this second appeal before the Commission. The appeal was heard on 03.06.2009. Appellant and respondent were present.

The appellant has contended that he has not been furnished information specially on point no.3

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

After going through the case papers and considering the arguments advanced by parties I have come to the conclusion that the order dated 24.01.2008 passed by the First Appellate Authority needs to be confirmed. He has dealt with the subject in detail and there is no needs to intervene I therefore confirm the order passed by the First Appellate Authority.

**Order**

Appeal is disposed off.

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

Place: Mumbai  
Date: 31.07.2009.

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

**Appeal No.2009/2461/02**

**Shri.Varashree Narayan / Mani Narayan  
21, GUIDE, 6<sup>th</sup> Floor,  
16, L.D. Ruparel Marg, Malabar Hill,  
Mumbai – 400 006.**

**... Appellant**

**V/s**

**First Appellate Officer cum Niwasi Dy. Collector  
Collector Mumbai City, Old Custom, Fort,  
Mumbai – 400 001.**

**... Respondent**

**Public Information Officer cum Senior Clerk  
Collector Mumbai City, Old Custom, Fort,  
Mumbai – 400 001.**

**GROUND**

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant had sought information regarding CS No.940 and 941 of Malbar & Kambala Hill Divisions.

Not satisfied with the responses from the Public Information Officer and the First Appellate Authority the appellant filed this second appeal before the Commission. The appeal was heard on 30.07.2009. Appellant and respondent were present.

The appellant has contended that he has not been furnished certified copies of documents. The respondent agreed. It is therefore ordered that documents should be handed over after necessary certification.

**Order**

Appeal is allowed. Documents to be certified within 7 days.

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

Place: Mumbai  
Date: 31.07.2009.

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

**ComplaintNo.2009/77/02**

**Shri. Josef I. Jogdand  
Building No. A/602,  
Tilak Nagar, Shivam CHS,  
Tilak Nagar, Chembur,  
Mumbai – 400 089.**

... **Complainant**

V/s

**Public Information Officer cum Dy. Registrar  
Cooperative Board MHADA,  
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 03.07.2008 passed in appeal no.2008/406/02. The facts in brief are as follows: - The complainant by his application dated 10.06.2006 had sought information regarding Shivam Cooperative Housing Society, Tilak Nagar, Chembur, Mumbai. The complainant was not satisfied with responses from the PIO and the First Appellate Authority and preferred appeal under section 19(3) of the RTI Act, 2005. The commission by its order dated 03.07.2008 directed that information should be furnished within 30 days. The present complaint is against alleged non compliance of commission's order.

The complaint was fixed for hearing on 06.11.2008. The complaint and defendant were absent.

After going through the file I have come to the conclusion that commission's order dated 03.07.2008 has not been complied. It is therefore proposed to initiate penal action against the Public Information Officer responsible for non compliance of the commission's order. The PIO is directed to show cause why action under section 20 of the RTI Act, 2005 should not be taken against him. His reply to reach the commission within 4 weeks.

**Order**

The complaint is allowed. A show cause notice should be issued why action under section of the RTI Act should not be taken against him.

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

Place: Mumbai  
Date: 31.07.2009.

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

**ComplaintNo.2009/338/02**

**Shri. Laxman M. Mokal  
Bldg. No. 2, A – 202,  
Adarsh Gharkul Society,  
Sardar Nagar No.4,  
Sion, Koliwada, Mumbai – 400 037.**

**... Complainant**

**V/s**

**Public Information Officer cum Asstt. Registrar  
Cooperative Board,  
SRA, Mumbai – 400 051.**

**... Respondent**

**GROUND**

This complaint has been filed under section 18 of the Right to Information Act 2005 in the context of the commission's order dated 08.04.2009 passed in appeal no.2008/2037/02. The facts in brief are as follows: - The appellant had sought copies of registration certificate, audit report of each year, M 20 forms and file available with the Deputy Registrar in respect of Adarsh Gharkul SRA Cooperative Housing Society, Sion Koliwada, Mumbai. The Public Information Officer by his letter dated 26.09.2008 furnished the following information: -

- 1) Copy of the registration certificate
- 2) List of allottees
- 3) Minutes of monthly meeting
- 4) Copy of bonds submitted by members
- 5) Roznama of the meeting held on 25.03.2008.

The complainant had filed second appeal under section 19(3) of the RTI. Since the commission concluded that information has been furnished it closed the case: The complainant however has filed this complaint.

The complaint was heard on hearing on 07.07.2009. Complainant and defendants were present.

In view of the above discussion also the fact that no new issue has been raised I decide to close the case.

**Order**

I complaint is dismissed.

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

Place: Mumbai  
Date: 31.07.2009.

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

**Appeal No.2009/2240/02**

**Dr. Atul Govind Bagul  
B-15, Makrand Park,  
Sihgad Rd, Wadgaon,  
Pune – 411 051.**

**... Appellant**

**V/s**

**First Appellate Officer cum Superintendent Engineer  
Mumbai, (PWD) Board,  
25 Marzban Rd, Fort, Mumbai.**

**... Respondent**

**Public Information Officer cum Executive Engineer  
Mumbai, (PWD) Board,  
25 Marzban Rd, Fort, Mumbai.**

**GROUNDS**

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant by his application dated 19.11.2007 has sought information relating to arrears of house rent, Electricity bill from Ministers, ex Minister's MLA/MLC and Ex MLA / ex MLC from 1990 to 2007.

Not satisfied with the responses from the Public Information Officer and the First Appellate Authority the appellant filed this second appeal before the Commission. The appeal was fixed for hearing on 05.05.2009.

After going through the case papers it see that the relevant information has been furnished to the appellant but only up to 1999. The First Appellate Authority therefore directed that the PIO should furnish information up to 2007. There is nothing on record to show that the order of the First Appellate Authority has been complied. I therefore confirm the order and direct that information should be furnished within 15 days failing which action under section 20 of the RTI Act will be initiated against the PIO.

**Order**

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

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

Place: Mumbai  
Date: 31.07.2009.

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

**Appeal No.2009/1863/02**

**Shri. Baban. T. Urade  
Tulsinagar, Khan Rd,  
Bhandara Post Taluka Dist. Bhandara.**

**... Appellant**

**V/s**

**First Appellate Officer cum Registrar  
Registrar General, (GAD),  
Mumbai High Court, Mumbai.**

**... Respondent**

**Public Information Officer,  
Registrar General, (GAD),  
Mumbai High Court, Mumbai.**

**GROUNDS**

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant by his application dated 10.05.2007 has sought information relating to his complaint against the presiding officer, School Tribunal Nagpur, Shri A.P. Malle. He had alleged 9 acts of misbehavior and sought information about the action taken there on.

Not satisfied with the responses from the Public Information Officer and the First Appellate Authority the appellant filed this second appeal before the Commission. The appeal was heard on 21.02.2009. Appellant and respondents were present.

The appellant has contended that he has not received the information sought by him. The respondent has stated that information could not be furnished because the file was under process. He however informed the appellant during the hearing that the complaints were placed before Hon' able Chief Justice and Hon' able Judges and their Lordships directed to close the file as they did not find any justification to initiate an enquiry against the concerned judicial officer.

After going through the case papers and considering the arguments advanced by parties it is seen that the appellant has been given only interim reply. The PIO by her letter dated 18.06.2007 informed him that the information sought by him was under process. The First Appellate Authority has dismissed the appeal by his order dated

29.09.2007. The main issue dealt with by the First Appellate Authority was delay on the part of the PIO and he concluded that there was malafide intention to delay. The appellant's request for information on action taken on his complaints has remained unfurnished. It is not enough to inform him during the hearing of the appeal. I therefore pass the following order.

**Order**

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

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

Place: Mumbai  
Date: 31.07.2009.

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

**Appeal No.2009/1862/02**

**Shri. Baban. T. Urade  
Tulsinagar, Khan Rd,  
Bhandara Post Taluka Dist. Bhandara.**

**... Appellant**

**V/s**

**First Appellate Officer cum Registrar  
Registrar General, (GAD),  
Mumbai High Court, Mumbai.**

**... Respondent**

**Public Information Officer,  
Registrar General, (GAD),  
Mumbai High Court, Mumbai.**

**GROUNDS**

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant by his application dated 10.05.2007 has sought information relating to his complaint against the presiding officer, School Tribunal Nagpur, Shri A.P. Malle. He had alleged 9 acts of misbehavior and sought information about the action taken there on.

Not satisfied with the responses from the Public Information Officer and the First Appellate Authority the appellant filed this second appeal before the Commission. The appeal was heard on 21.02.2009. Appellant and respondents were present.

The appellant has contended that he has not received the information sought by him. The respondent has stated that information could not be furnished because the file was under process. He however informed the appellant during the hearing that the complaints were placed before Hon' able Chief Justice and Hon' able Judges and their Lordships directed to close the file as they did not find any justification to initiate an enquiry against the concerned judicial officer.

After going through the case papers and considering the arguments advanced by parties it is seen that the appellant has been given only interim reply. The PIO by her letter dated 18.06.2007 informed him that the information sought by him was under process. The First Appellate Authority has dismissed the appeal by his order dated



29.09.2007. The main issue dealt with by the First Appellate Authority was delay on the part of the PIO and he concluded that there was malafide intention to delay. The appellant's request for information on action taken on his complaints has remained unfurnished. It is not enough to inform him during the hearing of the appeal. I therefore pass the following order.

**Order**

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

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

Place: Mumbai  
Date: 31.07.2009.