

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

Appeal No.2009/2660/02

**Shri. Balu Bhaskar Bansode
Jamgaon, Ragunath Nagar,
Gangapur, Dist. Aurangabad.**

.... Appellant

V/s

**First Appellate Officer
Food, Civil Supplies & Consumer Protection Department
Mantralaya, Mumbai – 400 032.**

.... Respondent

**Public Information Officer,
Food, Civil Supplies & Consumer Protection Department
Mantralaya, Mumbai – 400 032.**

GROUND

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant had sought information regarding his application for allotment of a ration shop. His grievance is that not a single ration shop has been allotted a 100% visually impaired person. He is visually handicapped.

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 07.05.2009. Appellant was present but respondent was absent.

The appellant has contended that he has not been allotted a shop although he is visually handicapped. The respondent has submitted that shop no.2 Mauje Jamgaon taluka Gangapur, District Aurangabad was allotted to a lady according to the govt. instruction contained in GR dated 6 March 2002. It was advertised only for ladies and therefore applicant's application could not be considered.

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

Order

The appeal is disposed off.

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

Place: Mumbai
Date: 01.06.2009.

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

Appeal No.2009/2706/02

**Shri. Maroti Lazmanrao Gote
Shankutal, 15 Swastik Shiv Rd,
Taroda, Nanded.**

.... Appellant

V/s

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

.... Respondent

**Public Information Officer cum Under Secretary
Rural 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 to his application for getting honorarium at the revised rate. He was appointed an Enquiry Officer and was paid as per govt. circular dated 19.01.2001. The govt. revised the rate upwards on 17.12.2005. The appellant wanted to be paid as per revised rate and sought information relating to that.

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 04.06.2009 through Video Conference. Appellant and respondents were absent.

The appellant has contended that has not been given the required information. The respondent has submitted that the Rural Development Department had not made the GAD circular dated 17.12.2005 applicable to itself and that was the reason for the appellant, not getting his honorarium at the revised rate. The RDD has since issued govt. resolution dated 19.11.2008 which will apply retrospectively. The appellant now will be paid the difference.

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

PIO will get report from the concerned CEO whether payment has been made at the revised rate and inform the appellant and the commission.

Order

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

(Ramanand Tiwari)
State Information Commissioner, Mumbai

Place: Mumbai
Date: 06.06.2009.

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

Appeal No.2009/2698/02

**Shri. Ramchandra Dinkar Ratnparkhi
Ratnkunj Nivas, Jawahar Colony,
Nagpur Rd, Beed.**

.... Appellant

V/s

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

.... Respondent

**Public Information Officer cum Under Secretary
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 by his application dated 18.03.2006 had sought information relating to the notification issued under section 101 of the Maharashtra State Cooperative Societies Act 1960 in respect of the Maharashtra Cooperative Housing Finance Corporation Ltd. Bombay. The appellant wanted to have a copy of the notification, list of institutions notified under section 101. He has also raised some queries and expected answer from the department of cooperation.

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 04.06.2009 through Video Conference. Appellant was present but the respondent was absent.

After going though the case papers and considering the arguments advanced by the appellant I have come to the conclusion that information should be furnished. I therefore allow the appeal.

Order

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

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

Place: Mumbai
Date: 06.06.2009.

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

Appeal No.2009/2582/02

**Shri. Sanjay Gunvantrao Vaidya
Civil Ward, Chandrapur,
Dist. Chandrapur – 442 401.**

.... Appellant

V/s

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

.... Respondent

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

GROUND

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant by his application dated 13.03.2008 had sought information relating to Shri. Maksood Sheikh who was on deputation to Chandrapur Municipal Council and was subsequently absorbed in the Municipal Council as per govt's order. He has also sought clarification in regards to some corrections made in the govt. order.

Not satisfied with the responses form the Public Information Officer and the First Appellate Authority the appellant filed this second appeal before the Commission. The appeal was heard on 21.05.2009. Appellant was present but the respondent was absent.

The appellant has contended that he was not given complete information and the information furnished by the First Appellate Authority was misleading.

The respondent's was not present. The case papers however reveal that the appellant has been given information by the Deputy Secretary, Urban Development, Govt. of Maharashtra. In his letter dated 17.06.2008 the First Appellate Authority has also explained the reasons for effecting correction in the govt. letter.

After going though the case papers and considering the arguments advanced by the appellant I have come to the conclusion that information has been furnished. I see no attempt to mislead or deny or conceal the information. I therefore close the case.

Order

The appeal is disposed off.

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

Place: Mumbai
Date: 06.06.2009.

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

Appeal No.2009/2696/02

**Shri. Rajendra Gururaj Bahire
Manik Nagar, Manik Chowk,
Osmanabad.**

.... Appellant

V/s

**First Appellate Officer cum Dy.Secretary
Food, Civil Supplies & Consumer Protection Department
Mantralaya, Mumbai – 400 032.**

.... Respondent

**Public Information Officer cum Under Secretary
Food, Civil Supplies & Consumer Protection Department
Mantralaya, Mumbai – 400 032.**

GROUND

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant by his application dated 30.05.2007 had sought copies of Hon Ministers orders passed in appeals against cancellation of permits given to wholesalers / semi wholesaler in Osamanabad, Latur and Solapur districts. He had also sought copies of govt. instruction regarding suspension / cancellation of kerosene permits / fairprice shops.

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 04.06.2009 through Video Conference. The appellant did not turn up but the respondent was present.

The respondent has submitted that the information has been furnished. He has also pointed out that since it could not be furnished in time it was sent free of cost. The acknowledge has been kept on record.

In view of the appellant's absence and respondent's submission, I decide to close the case.

Order

The appeal is disposed off.

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

Place: Mumbai
Date: 06.06.2009.

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

Appeal No.2009/2702/02

**Shri. Anil Adinath Muke,
Samrth Osmanabad.**

.... Appellant

V/s

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

.... Respondent

**Public Information Officer cum Taluka Agriculture 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 by his application dated 31.10.2007 had sought information in respect of persons who received grant from govt. of India and the State govt. for Rabi and Khariff crops from 01.01.2007 to 31.12.2007. The appellant had indicated that he would collect the information but he says he was not informed and finally he got it late. He wants the PIO to be penalized.

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 04.06.2009 through Video Conference. Appellant and respondent were present.

The appellant has contended that although the PIO says that the information was ready, he did not inform him and therefore he could not collect it. The respondent says that he expected the appellant to collect the information and therefore it was not sent by post. The appellate Authority however ordered that the information should be given free of cost because it was not received by the appellant in time.

After going through the case papers and considering the arguments advanced by the appellant I have come to the conclusion that appellant is interested in getting the PIO

fined. He has calculated the amount also. According to him there has been delay of 70 days and he wants the appellant to pay Rs.17, 500/- I am however of the view that fines cannot be imposed mechanically. One must understand the circumstances under which information has not been furnished. Whether it is deliberate or with malafide intention to cause harassment to the appellant. I do not find any of the conditions fulfilled here. There seems no ground to believe that it was deliberate. I however warn the PIO to be careful in future otherwise he will be proceeded against under section 20 of the RTI Act 2005.

Order

The appeal is disposed off.

(Ramanand Tiwari)
State Information Commissioner, Mumbai

Place: Mumbai
Date: 06.06.2009.

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

Appeal No.2009/2705/02

**Shri.Govindrao Pujaji Wagh
15/2, Vasundhra Colony,
Opp. Gangabawadi, Bhavsinghpura Rd,
Aurangabad – 431 002.**

.... Appellant

V/s

**First Appellate Officer cum Chief Executive
Arey Colony, Goregaon, Mumbai – 400 065.**

.... Respondent

**Public Information Officer,
Arey Colony, Goregaon, Mumbai – 400 065.**

GROUNDS

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant by his application dated 17.04.2007 had sought information in respect of his application for sanction of pension. He has stated that he was in service from 12.11.1968 to 04.03.1983. He was also working in a semi govt. organization from 01.01.1989 to 01.02.1999. He wanted this to be added to his service and pensionary benefits given. He has been informed that he was not entitled to pension according to Maharashtra Civil Service Pension Rules 1982.

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 04.06.2009 through Video Conference. Appellant and respondent were present.

The appellant has contended that he is corresponding since 2005 but has not been given any reply. He wants his pension, gratuity and provident fund to be sanctioned.

The respondent's contention is that he has already been informed that according to rule 46 of the Maharashtra Civil Service (Pension) Rules 1982 he is not entitled to get any pensionary benefit.

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

is not mandated to redress grievances. It ensures furnishing of available information.

The same has been done in this case. I therefore decide to close the case.

Order

The appeal is disposed off.

(Ramanand Tiwari)
State Information Commissioner, Mumbai

Place: Mumbai
Date: 06.06.2009.

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

Appeal No.2009/2707/02

**Shri. Sarvottam Apsingekar
44/B, Rukmini Sadan, Swpan Nagari,
Garkheda, Aurangabad.**

.... Appellant

V/s

**First Appellate Officer,
Directorate of Prosecution,
Kutir No.6, Behind Yashodhan Building,
Mumbai – 400 020.**

.... Respondent

**Public Information Officer,
Directorate of Prosecution,
Kutir No.6, Behind Yashodhan Building,
Mumbai – 400 020.**

GROUND

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant by his application dated 20.05.2008 had sought information in respect of registry no 109 sent by the Accountant General, Nagpur. The appellate wanted to know whether this letter was received in the office of the asstt direct and govt. pleader, Aurangabad, who received that letter, whether it was entered in inward register and if yes on what date. He was relied that no such letter was received and no entry has been made in the inward registry.

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 04.06.2009 through Video Conference. Appellant and respondent were present.

The appellant has contended that the information furnished was wrong and with a view to put him to financial loss. The respondent however has argued that whatever has happened is serious warranting departmental enquiry but it was deliberately concealed was not proved.

After going though the case papers and considering the arguments advanced by parties it is clear that a serious lapse has occurred which led to incorrect information

furnished to the appellant. The First Appellate Authority admitted that there was a serious lapse but did not hold the PIO responsible because it was not done deliberately, I agree with his findings but this must be investigated and the appellant informed. I therefore close the case with the direction hope that the person responsible must be brought to book.

Order

The appeal is disposed off.

(Ramanand Tiwari)
State Information Commissioner, Mumbai

Place: Mumbai
Date: 06.06.2009.

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

Appeal No.2009/2708/02

**Shrimati. Devyani Dilip Choudhary
Flat No.12, Asaman B,
Bodhale Nagar, Pune Road,
Nashik – 422 006.**

.... Appellant

V/s

**First Appellate Officer cum Secretary
Maharashtra Public Service Commission,
Bank of India Building,
Mahatma Gandhi Marg,
Fort, Mumbai.**

.... Respondent

**Public Information Officer cum Dy. Secretary
Maharashtra Public Service Commission,
Bank of India Building,
Mahatma Gandhi Marg,
Fort, Mumbai.**

GROUNDS

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant had sought information relating to Maharashtra Engineering Service Examination, 1984 – persons recommended for class I and class II from open and reserved category and marks secured by them. She wanted department wise list. The Public Information Officer Maharashtra Public Service Commission refused to furnish the information as it was not likely to serve any public purpose. 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 04.06.2009 through Video Conference. Appellant and respondent were present.

The appellant has contended that she has been wrongly denied the information. Public Purpose may not be the only criterion for furnishing the information. The information asked for was for her personal use and she should be given the information.

The respondent's contention is that the information is pretty old and was likely to take a lot of time and energy to retrieve and furnish. It was not likely to serve any public purpose.

After going through the case papers and considering the arguments advanced by parties I have come to the conclusion that information has to be furnished. The only exemptions are shown in sections 8 and 9 of the RTI Act. The act is a citizen friendly and we have to make efforts to ensure that the required information is furnished even if the Public Authority has to spend more time and energy. I therefore direct that the information asked 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: 06.06.2009.

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

Appeal No.2009/2617/02

**Shri. Harish Trambak Tayde
K.N. Kolte, Rajesh Niwas,
Mahavir Nagar, Ward No.22,
Buldhana – 443 001.**

.... Appellant

V/s

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

.... Respondent

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

GROUND

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant by his application dated 03.01.2008 had sought information regarding his appointment as Senior Assistant (Accounts). This exam was conducted by Zilla Parishad, Buldana. The appellant had approached Rural Development Deptt but was informed that his application was sent to CEO, Zilla Parishad, Buldana. The First Appellate Authority by his order dated 23.09.2008 informed him that he has been replied by the CEO Zilla Parishad, Buldana.

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 26.05.2009. Appellant and respondent were present.

The appellant has contended that no action has been taken on his application dated 17.08.2007. The respondent has submitted that the appellant has been informed that his application has been sent to the Chief Executive Officer, Buldana for necessary action. According to the respondent CEO is the competent authority to deal with the subject. 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 respondents have taken correct decision to transfer the application under section 6(3) of the RTI Act. The appellant's expectation that his problem should be solved at

Mantralaya level is not according to the spirit of the RTI Act. I therefore pass the following order.

Order

The appeal is disposed off.

(Ramanand Tiwari)
State Information Commissioner, Mumbai

Place: Mumbai
Date: 05.06.2009.

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

Appeal No.2009/2697/02

**Shri. Rajendra Gururaj Bahire
Manik Nagar, Manik Chowk,
Osmanabad.**

.... Appellant

V/s

**First Appellate Officer cum Dy. Secretary
Food, Civil Supplies & Consumer Protection Department
Mantralaya, Mumbai – 400 032.**

.... Respondent

**Public Information Officer cum Under Secretary
Food, Civil Supplies & Consumer Protection Department
Mantralaya, Mumbai – 400 032.**

GROUNDS

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant by his application dated 30.05.2007 had sought information relating to the no of persons having one gas connection and two gas connection district wise, Govt. policy regarding quota for hawkers and retailers, no of bogus cards detected as a result of the drive taken by govt. and govt. policy regarding giving new permits for kerosene. The appellant also wanted to know supply of kerosene from November 2005 to May 2007 and issue related to Osmanabad district and distribution kerosene in the district.

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 04.06.2009 through Video Conference. The appellant did not turn up but the respondent was present.

The respondent has submitted that the information sought was voluminous and had to be collected from different desks. He had sought information on 16 points and copies of 21 govt. orders running into 147 pages. Since the information could not be furnished in time the same has been sent to the appellant free of cost.

In view of the respondent's submission and appellant's absence I have to the conclusion that information has been furnished. I pass the following order.

Order

The appeal is disposed off.

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

Place: Mumbai
Date: 06.06.2009.

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

Appeal No.2009/2736/02

**Shri. Ramchandra Dinkar Ratnparkhi
Ratnkunj Nivas, Jawahar Colony,
Nagpur Rd, Beed.**

.... Appellant

V/s

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

.... Respondent

**Public Information Officer cum Under Secretary
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 by his application dated 22.01.2007 had sought a list all cooperative societies notified under section 101 of the Maharashtra Cooperative Societies Act, 1960. He wanted copies of notification also. The PIO furnished information which according to the appellant was incomplete. The First Appellate Authority's decision has not been fully implemented.

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 04.06.2009 through Video Conference. Appellant and respondents were present.

The appellant has contended that he wanted the complete list of all societies and copies of all notifications. He has however been given part information.

The respondent's contention is that whatever information was available, has been furnished. They have been sending information as and when they located.

After going though the case papers and considering the arguments advanced by parties I have come to the conclusion that full information has not been furnished. The appellant has also not sought any specific information. In such cases respondents always feel that it could be dangerous to certify that all the information has been furnished. At

the same time it is also correct that notifications are done by govt. and not other agencies. It should therefore be readily available. I would therefore direct that all efforts should be made to trace as many notifications as possible and furnished to the appellant.

Order

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

(Ramanand Tiwari)
State Information Commissioner, Mumbai

Place: Mumbai
Date: 06.06.2009.

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

Appeal No.2009/2669/02

**Shri. Abdul Majid Musa Shaha
Room No.122, Killa Zopadpatti,
Raviwar Ward, Galli No.4,
Malegaon – 423 203.**

.... Appellant

V/s

**First Appellate Officer cum Dy. Secretary
Industries, Energy and Labour Department
Mantralaya, Mumbai – 400 032.**

.... Respondent

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

GROUNDS

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant by his application dated 16.01.2007 had sought information in respect of his application for enquiry against those who do not recover the arrears but still sanction new connection despite existing instruction to the contrary. The application was addressed to the Public Information Officer in the office of the Hon. Energy, Minister. The same was transferred to Maharashtra State Electricity Distribution Company at Bandra.

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 02.06.2009. 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 required information has been furnished. As stated by the respondent the Mahavitaran Malegaon had sent necessary information to the department and the same was sent to him by letter dated 28.07.2007. Thus information has been finally furnished. I therefore pass the following order.

Order

The appeal is disposed off.

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

Place: Mumbai
Date: 09.06.2009.

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

Appeal No.2009/2675/02

**Shri. Tulashi Maharumali
Mogham, Ta. Dhule – 424 308.**

.... Appellant

V/s

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

.... Respondent

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

GROUND

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant had sought information regarding his application for transfer to Dhule. He is working in Jalna and had requested for transfer to Dhule. This needed govt's intervention because he had not completed 10 years as required by existing instruction.

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 02.06.2009. Appellant and respondents were present.

The appellant has contended he has not received the information he had sought. The respondent has submitted that the information sought is voluminous and appellant should inspect – office record and select the documents he requires. Further discussion however revealed that his main point is transfer to Dhule. The respondent has stated that there are vacancies in Dhule. I would therefore recommend that his case should be considered for transfer to Dhule.

Order

The appeal is disposed off.

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

Place: Mumbai
Date: 09.06.2009.

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

Appeal No.2009/2673/02

**Kumari. Anuradha Ramdas Maghade
Shantaram J. Adhav
Hiren Park Building No.5,
Room No.5, 1st Floor, Khambalpada,
Dombiwali (E).**

.... Appellant

V/s

**First Appellate Officer cum Professor
Industrial Training Board,
374, Sane Guruji Marg, Mumbai – 400 011.**

.... Respondent

**Public Information Officer
Industrial Training Board,
374, Sane Guruji Marg, Mumbai – 400 011.**

GROUND

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant by his application dated 16.07.2007 had sought information relating to her application for pensionary benefits in respect of late Shri. Ramdas Maghade. The appellant has stated that she has furnished all necessary documents but did not get any response from authorities.

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 02.06.2009. The appellant did not turn up but the respondent was present.

The respondent has made written submission. It has been submitted by them that all formalities have been completed and pension sanctioned. He has submitted relevant papers for commission's record. In view of this I decide to close the case.

Order

The appeal is disposed off.

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

Place: Mumbai
Date: 09.06.2009.

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

Appeal No.2009/2699/02

**Shri. Nahushakumar Shamrao Selukar
Selukar Wada, Deshpande Galli, Dist. Beed.**

.... Appellant

V/s

**First Appellate Officer cum Dy. Secretary
Higher and Technical Education Department
Mantralaya, Mumbai – 400 032.**

.... Respondent

**Public Information Officer cum Under Secretary
Higher and Technical Education 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 15.10.2005 had sought information in respect of his application demanding action against teachers who indulge into private business. The application was addressed to the Chief Secretary and the same was transferred to the Department of Higher and Technical Education. The PIO, Higher and Technical Education sent information by his letter dated 18.03.2006. There is nothing on record to show that the First Appellate and passed any order.

Not satisfied with the responses form the Public Information Officer and the First Appellate Authority the appellant filed this second appeal before the Commission. The appeal was heard on 04.06.2009 through Video Conference. Appellant and respondents were present.

I have gone through the case papers. It is seen that the PIO has furnished the required information. The case is therefore closed.

Order

The appeal is disposed off.

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

Place: Mumbai
Date: 09.06.2009.

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

Appeal No.2009/2684/02

**Shri. Ramrao Dhansingh Rathod,
Ba. Deshmukh, Vimukat & Bhatkya Jamat Education Board,
Shivaji Nagar Tanda, Gangakhed, Dist. Parbhani.**

.... Appellant

V/s

**First Appellate Officer cum Under Secretary
Education Department,
Mantralaya, Mumbai – 400 032.**

.... Respondent

**Public Information Officer cum Desk Officer
Education 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 04.06.2008 had sought information relating to transfer of Sadguru Sanchareshwer Madhyamik Vidyalaya Nakhota, taluka Sonpeth, district Parbhani to Prayag Sevabhavi Sanstha Parbhani on June 2004. The appellant wanted copies of the permission taken from the old institution, consent of the management, Gram Panchayat resolution to that effect.

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 through Video Conference. Appellant and respondents were present.

The appellant has contended that he has not been furnished the information as requested by his letter dated 04.06.2008. The respondent has made written submission. It has been stated by them that the school was handed over to Prayag Sevabhavi Santha in the interest of students and in the light of the Hon High Court order. The appellant has been kept informed. Since the decision has been taken at the highest level and the appellate has been informed this appeal should be rejected.

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

obvious from the papers submitted by the appellant along with his appeal. This is also confirmed by the long submission made by the defendant. I therefore decide to close the case.

Order

The appeal is disposed off.

(Ramanand Tiwari)
State Information Commissioner, Mumbai

Place: Mumbai
Date: 09.06.2009.

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

Appeal No.2009/2613/02

**Shri. Kesharsingh Ginansingh Rajput
Satgaon Mahsla, Dist. Buldana.**

.... Appellant

V/s

**First Appellate Officer,
Office of the Police Director
Shahid Bhagat Singh Rd, Kulaba,
Mumbai – 400 001.**

.... Respondent

**Public Information Officer,
Office of the Police Director
Shahid Bhagat Singh Rd, Kulaba,
Mumbai – 400 001.**

GROUND

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant by his application dated 10.09.2008 had sought information regarding action taken on his representation dated 13.02.1997 submitted to Shri Rakesh Maria. 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 26.05.2009. Appellant was present but the respondent was absent.

The appellant has contended that he has not received any reply to his application dated 13.02.1997. The respondent was absent so it could not be verified. Case papers however, show that the PIO by his letter dated 21.10.2008 has already informed him that information cannot be furnished in the light of section 8(1) of the RTI Act. It is also seen that the appellant has presented multiple application on the same issue. His request for reinstatement has been finally rejected and appellant informed.

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 case deserves to be closed.

Order

The appeal is disposed off.

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

Place: Mumbai
Date: 05.06.2009.

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

Appeal No.2009/2682/02

**Dr. Mangesh Rangnathrao Thete
13, Sheetal Adarsh Housing Soc. New Cidco
Nashik – 422 209.**

.... Appellant

V/s

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

.... Respondent

**Public Information Officer cum Under Secretary
Public Health 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 17.06.2008 had sought information regarding his appointment in accordance with the recommendation made by the Maharashtra Public Service Commission.

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 through Video Conference. The appellant did not turn up but the respondent was present.

The respondent has submitted that the appellant wanted posting only at Nashik and not elsewhere. He has since been posted and the order in this regard has been issued on 28.01.2009. In view of the respondent's submission and the appellant's absence I am of the view that the case deserves to be closed.

Order

The appeal is disposed off.

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

Place: Mumbai
Date: 05.06.2009.

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

Appeal No.2009/2700/02

**Shri. Nahushakumar Shamrao Selukar
Selukar Wada, Deshpande Galli, Dist. Beed.**

.... Appellant

V/s

**First Appellate Officer cum Dy. Secretary
Industries, Energy and Labour Department
Mantralaya, Mumbai – 400 032.**

.... Respondent

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

GROUND

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant by his application dated 12.02.2006 had sought information relating to his petition addressed to the Hon Minister, Energy and chairman Maharashtra State Electricity Board and a copy endorsed to the then Secretary energy. He wanted to know what action has been taken on his petition.

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 04.06.2009 through Video Conference. The appellant did not turn up but the respondent was present.

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

The respondent's contention is that he has been asked to get in touch with the Maharashtra State Electricity Distribution company.

After going through the case papers and considering the arguments advanced by parties I have come to the conclusion that information has not been furnished. It is not enough to say that he should get in touch with the Maharashtra State Electricity Distribution company. The application was presented to govt. and the govt. owes at least a reply to him. It also appears from case papers that govt. had asked for report but had not received the same. This is very serious. How can a subordinate office not send its

report to govt. The case has not been taken seriously and smacks of deliberate violation of the RTI Act 2005. I therefore order that information should be furnished within 30 days failing which action will be initiated against the PIO under section 20 of the RTI Act 2005.

Order

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

(Ramanand Tiwari)
State Information Commissioner, Mumbai

Place: Mumbai
Date: 06.06.2009.

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

Appeal No.2009/2686/02

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

.... Appellant

V/s

**First Appellate Officer,
Maharashtra State Electricity Board,
Prakashgad, Bandra, Mumbai – 400 051.**

.... Respondent

**Public Information Officer,
Maharashtra State Electricity Board,
Prakashgad, Bandra, 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 13.08.2008 had sought information in respect of employees who do not wear uniform, action taken against them, amount spent on providing uniform, no of persons who draw pay from one place but work at another place and monthly expenditure on such employees.

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 03.06.2009 through Video Conference. The appellant did not turn up but the respondent was present.

The respondent has submitted that the appellant could have filed the first appeal before the Managing Directory of the Holding company. The appeal has been presented directly to the commission. He has also submitted that information on some points have been sent but most of the points are vague and not specific.

After going though the case papers and considering the arguments advanced by the respondent I have come to the conclusion that the First Appellate Authority must hear the first appeal and decide the case. Case papers show that there is a copy of the first appeal under section 19(1) but the respondent says that no appeal was filed. It is therefore directed that a copy of this file may be sent to the Managing Director Holding Company, Prakashgad, Bandra East, Mumbai who will hear the appeal within 45 days.

The appellant will be free to approach the commission if she is not satisfied with the decision of the First Appellate Authority.

Order

The appeal is disposed off.

(Ramanand Tiwari)
State Information Commissioner, Mumbai

Place: Mumbai
Date: 05.06.2009.

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

Appeal No.2009/2710/02

**Shri. Sandeep Bhagwanrao Kale
489, Samrtha, N-1 F, Behind Garware Stadium,
Cidco, Augangabad – 431 003.**

.... Appellant

V/s

**First Appellate Officer,
Maharashtra Pollution Control Board,
Kalptaru Point Building, 2nd Floor,
Opp. Sine planet Cinema,
Sion (E), Mumbai – 400 022.**

.... Respondent

**Public Information Officer cum Law Officer,
Maharashtra Pollution Control Board,
Kalptaru Point Building, 2nd Floor,
Opp. Sine planet Cinema,
Sion (E), Mumbai – 400 022.**

GROUND

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant by his application dated 01.09.2009 had sought list of employees / officers from reserved categories and copies of their caste validity certificates, roster as certified by the Divisional Commissioner, Konkan Division final seniority list and whether the Board is authorized to appoint without caste validity certificate roster and seniority list.

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 04.06.2009. Appellant and respondents were present.

The appellant has contended that he was not given information in time. He was not given information even by the extended time limit.

The respondent's contention is that since the information was not received in time, it could not be furnished. The PIO had written to the Sr. administrative officer, Maharashtra pollution Control Board and had reminded also but the information did not come in time.

After going through the case papers and considering the arguments advanced by parties I have come to the conclusion that information was not furnished in time. It is true that the delay was not caused by the PIO. The person responsible for delay is the administrative officer, Maharashtra Pollution Control Board may kindly get it enquired as to why the information was not sent to the PIO in time and take appropriate action against the officer concerned.

Order

Appeal is disposed off.

(Ramanand Tiwari)
State Information Commissioner, Mumbai

Place: Mumbai
Date: 06.06.2009.

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

Appeal No.2009/2710/02

**Shri. Sandeep Bhagwanrao Kale
489, Samrtha, N-1 F, Behind Garware Stadium,
Cidco, Augangabad – 431 003.**

.... Appellant

V/s

**First Appellate Officer,
Maharashtra Pollution Control Board,
Kalptaru Point Building, 2nd Floor,
Opp. Sine planet Cinema,
Sion (E), Mumbai – 400 022.**

.... Respondent

**Public Information Officer cum Law Officer,
Maharashtra Pollution Control Board,
Kalptaru Point Building, 2nd Floor,
Opp. Sine planet Cinema,
Sion (E), Mumbai – 400 022.**

GROUND

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant by his application dated 01.09.2009 had sought list of employees / officers from reserved categories and copies of their caste validity certificates, roster as certified by the Divisional Commissioner, Konkan Division final seniority list and whether the Board is authorized to appoint without caste validity certificate roster and seniority list.

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 04.06.2009. Appellant and respondents were present.

The appellant has contended that he was not given information in time. He was not given information even by the extended time limit.

The respondent's contention is that since the information was not received in time, it could not be furnished. The PIO had written to the Sr. administrative officer, Maharashtra pollution Control Board and had reminded also but information did not come in time.

After going through the case papers and considering the arguments advanced by parties I have come to the conclusion that information was not furnished in time. It is true that the delay was not caused by the PIO. The person responsible for delay is the administrative officer, Maharashtra Pollution Control Board may kindly get it enquired as to why the information was not sent to the PIO in time and take appropriate action against the officer concerned.

Order

Appeal is disposed off.

(Ramanand Tiwari)
State Information Commissioner, Mumbai

Place: Mumbai
Date: 06.06.2009.

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

Appeal No.2009/2672/02

**Shri. Sagar Balasaheb Sanap
Saisagar Niwas Engineering College Rd,
Loni Dist. Ahamednagar.**

.... Appellant

V/s

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

.... Respondent

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

GROUND

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant by his application dated 01.09.2008 had sought information in respect of the letter written by Under Secretary, Rural Development Govt. of Maharashtra. The appellant had addressed a letter to the Hon Minister, Rural Development and the same was sent to the Chief Executive Officer, Zilla Parishad, Ahamednagar for necessary action. The appellant wanted to know what action taken / report has been submitted to govt.

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 02.06.2009. Appellant and respondents were present.

The appellant has contended that he has not received any information. He also alleges that the Chief Executive Officer, Zila Parishad has failed to give him the information.

The respondent's contention is that the matter pertains to Zilla Parishad, Ahmednagar. In fact the dispute is regarding calculation of property tax and this can be tackled at the local level and not at Mantralaya.

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

is not who would correct the assessment. The real issue is what action has been taken by the CEO Ahmednagar and the appellant is entitled to know. Since the Under Secretary RDD by his letter dated 17.06.2006 had also sought a report from the CEO, he should have the information with him I therefore direct that action taken by the CEO must be furnished to the appellant. I therefore pass the following order.

Order

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

(Ramanand Tiwari)
State Information Commissioner, Mumbai

Place: Mumbai
Date: 06.06.2009.

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

Appeal No.2009/2665/02

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

.... Appellant

V/s

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

.... Respondent

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

GROUNDS

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant by his application dated 06.01.2008 had sought the following information: - Documents relating to penal action taken during the last 10 years against those responsible for violation of the statutory provisions where by minor forest produce have to be given free in the areas under joint forest management programme but are being sold out. He wanted forest division wise benefits given and action taken against those who denied these benefits.

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 02.06.2009. The appellant did not turn up but the respondent was present.

The respondent has submitted that the appellant was informed that the information required was not available at govt. level and his application was sent to the Principal Chief conservator of forest under section 6(3) of the Right to Information Act 2005. The appellant was not satisfied and he preferred the first appeal. The first appeal was dismissed because the appellant remained absent. In the meantime the PIO in the officer of the Principal Chief conservator of Forest informed him by his letter dated

05.07.2008, 17.07.2008 and 22.07.2008 to deposit Rs.606/- to facilitate furnishing of the information. The appellant has preferred the second appeal against the order of the First Appellate Authority for not furnishing the information and directing him to the Principal Chief conservator of Forest.

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 information has to be furnished by the Public Authority who is holding the information. The application was correctly forwarded to the Principal Chief conservator of Forest. The fact the PIO in the office of the Principal Chief conservator of Forest offered the information goes to prove the existence of information with him. The insistence of getting information from the public authority who does not have the information is not correct. Thus in view of the submission made by the respondent and the appellant's absence. I pass the following order.

Order

The appeal is dismissed.

(Ramanand Tiwari)
State Information Commissioner, Mumbai

Place: Mumbai
Date: 06.06.2009.

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

Appeal No.2009/2709/02

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

.... Appellant

V/s

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

.... Respondent

**Public Information Officer cum Under Secretary
School Education & Sports 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 21.12.2008 had sought a copy of the minutes of the meeting chaired by the Hon Minister of State for Education Shri. Hasan Musrif and action taken on the points.

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 04.06.2009 through Video Conference. Appellant and respondents were present.

The appellant has contended that he did not receive the required information. The respondent submitted that the minutes had gone for approval to the Hon Minister and the same has come duly approved. It has names of those who attended and points on which action needs to be taken.

After going though the case papers and considering the arguments advanced by parties I have come to the conclusion that information should be sent to the appellant free pf cost.

Order

The appeal is dismissed.

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

Place: Mumbai
Date: 06.06.2009.

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

Appeal No.2009/2615/02

**Shri. Janardan Dattatray Sali
Vasantao Tulshiram Talbe Bojnalaye,
Dist. Buladana**

.... Appellant

V/s

**First Appellate Officer cum Dy Director
Directorate of Vocational Education & Training,
Mahanagarpalika Marg, Mumbai – 400 001.**

.... Respondent

**Public Information Officer,
Directorate of Vocational Education & Training,
Mahanagarpalika Marg, Mumbai – 400 001.**

GROUND

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant by his application dated 25.9.2007 had sought information relating to the trades / courses which have been discontinued by the Directorate of Vocational Education Training govt. of Maharashtra. The appellant had sought information on 13 points. The First Appellate Authority by his letter dated 10.03.2008 informed the appellant that some information has already been furnished and the balance was being communicated by the order under reference.

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 04.06.2009 through Video Conference. Appellant and respondents were present.

The appellant has contended that he received information on 18.03.2008 and that too incomplete and misleading.

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

After going through the case papers and considering the arguments advanced by parties I have come to the conclusion that information has been furnished. However there has been delay. The application was presented on 25.09.2007 and the order passed by the First Appellate Authority is dated 10.03.2008. It seems that the PIO just did not

bother to reply. This is serious. I therefore order that the PIO should send his explanation as to why action under section 20 of the RTI Act should not be initiated against him. His reply to reach the commission within 4 weeks.

Order

The appeal is disposed off.

(Ramanand Tiwari)
State Information Commissioner, Mumbai

Place: Mumbai
Date: 06.06.2009.

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

**Appeal No.2009/2757/02
Appeal No.2009/2758/02**

**Shri.Anil Krushanrao Patil
Indira Nagar, Bhadgaon Rd,
Pachola – 424 201.**

.... Appellant

V/s

**First Appellate Officer cum Managing Director
Maharashtra Electricity Distribution Company Ltd,
Prakashgad, Bandra, Mumbai.**

.... Respondent

**Public Information Officer,
Public Administration Division,
Maharashtra Electricity Distribution Company Ltd,
Prakashgad, Bandra, Mumbai.**

GROUND

These appeals have been filed under section 19(3) of the Right to Information Act 2005. The appellant by his application dated 17.11.2006 had sought information on 19 points. This was related to his claim for compensation because of an accidental fire. The claim had to be considered / granted by the Maharashtra Electricity Distribution Company. The PIO by his order dated 15.01.2007 furnished part information. The first appeal was filed on 25.12.2006. No order seems to have passed by the First Appellate Authority.

Not satisfied with the responses from the Public Information Officer and the First Appellate Authority the appellant filed this second appeal before the Commission. The appeal was heard on 10.06.2009 through Video Conference. Appellant and respondents were present.

The appellant has contended that he has not been given justice. He has also stated that he has been given misleading information and the PIO needs to be penalized for that.

The respondent's contention is that the required information has been furnished. His claim was considered and he has been paid Rs.32, 621/- as compensation. The appellant is also in receipt of the enquiry report submitted by the inspector. It has been

stated by them that there have been no attempt to mislead the appellant. The commission was also informed that the appellant has gone to consumer court for higher compensation.

After going through the case papers and considering the arguments advanced by parties I have come to the conclusion that desired information has been furnished. The appellant was asked clearly what was the information sought by him. He had a large no of supplementaries to ask. He has pointed out that the MSEDCL informed him that the inspector who was supposed to enquire into the complaint was informed by telegram but actually no telegram was sent. The respondent clarified that the telegram was written but it was sent by a messenger. I do not see any serious discrepancy. The main issue is whether the inspector was informed or not and the answer is yes. Similarly the appellant is aggrieved that although the compensation recommended from the lower level was 1,03000 he was paid only Rs.3, 262/-. The respondent should be furnished a copy of the noting where by the amount has been reduced. My conclusion is that what the appellant is interested in is not so much information but arbitration. He wants higher compensation. The commission is not mandated to award compensation. I therefore decide to close the case.

Order

The appeal is disposed off.

(Ramanand Tiwari)
State Information Commissioner, Mumbai

Place: Mumbai
Date: 10.06.2009.

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

Appeal No.2009/2768/02

**Shri. Abdul Mahid Dulhare
S.N.54, Room No.60,
Rahul Nagar, Malegaon,
Ta. Malegaon, Dist. Nasik.**

.... Appellant

V/s

**First Appellate Officer,
Education & Sport Department,
Mantralaya, Mumbai – 400 032.**

.... Respondent

**Public Information Officer,
Education & Sport Department,
Mantralaya, Mumbai – 400 032.**

GROUNDS

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant by his application dated 07.04.2006 had sought the following information in respect of Maharashtra Education Service class III (Administration) in the office of the Deputy Director, Nasik. He wanted their seniority list as on 07.01.1995, their educational qualification, caste certificate, caste validity certificate and copy of the appointment letter. He had also asked information regarding Shri Shantaram Dusane, his qualification and copies of service books of all employees / officers.

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 10.06.2009 through Video Conference. The appellant did not turn up the respondent was present.

The respondent has made submission in writing. They have stated that both the PIO and the First Appellate Authority have disposed off the application and the first appeal within the time prescribed in the Act. It has been submitted that required information has also been furnished. They have submitted a copy for commission's record.

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

appellant's absence and respondent's submission I decide to close the case. I therefore pass the following order.

Order

The appeal is disposed off.

(Ramanand Tiwari)
State Information Commissioner, Mumbai

Place: Mumbai
Date: 10.06.2009.

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

Appeal No.2009/2764/02

**Shri. Hemchandra Kale
31 Samrth Colony, M.J. Rd,
Jalgaon, Dist. Jalgaon.**

.... Appellant

V/s

**First Appellate Officer,
Vidhanmandal Sachivalaya,
Vidhan Bhavan, Mumbai.**

.... Respondent

**Public Information Officer,
Vidhanmandal Sachivalaya,
Vidhan Bhavan, Mumbai.**

GROUNDS

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant by his application dated 12.02.2008 had sought information relating to assurances given in the Vidhan Parishad by Hon Chief Minister Hon Forest Minister and Hon Minister of state for forest on behalf of the department of forest since the creation of Maharashtra and the first session. The appellant was informed by the PIO by his letter dated 04.03.2008 that he should inspect the documents and select the ones he required. The appellant, however, replied he had not applied for inspection but for information. He was thereafter informed that he should deposit Rs.1930/- to facilitate furnishing of the required information. The appellant filed the first appeal. Since the appellate remained absent on the date of hearing, the appeal was dismissed.

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 10.06.2009 through Video Conference. The appellant did not turn up but the respondent was present.

The respondent has submitted that the appellant has not responded to the PIO's communication requesting to deposit Rs.1930/-

After going though the case papers and arguments advanced by the respondent it is clear that the appellant does not seem to be interested in getting the information. Thus

in view of the respondent's submission and the appellant's absence I decide to close the case. I pass the following order.

Order

The appeal is dismissed.

(Ramanand Tiwari)
State Information Commissioner, Mumbai

Place: Mumbai
Date: 10.06.2009.

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

Appeal No.2009/2600/02

**Shri. Jayavant Madhukar Mishra
Falt No. 16, Jawahar Colony,
Jalagaon, Ta. Deoli, Dist. Wardha.**

.... Appellant

V/s

**First Appellate Officer,
Chief Officer, Nagar Parishad,
Pulagaon, Ta.Deoli. Dist. Wardha**

.... Respondent

**Public Information Officer,
Chief Officer, Nagar Parishad,
Pulagaon, Ta.Deoli. Dist. Wardha**

GROUND

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant had sought information relating to the caste certificate, caste validity certificate, service book, death certificate and mothers school leaving certificate in respect of Shri. H.G. Thakur, Clerk in the office of the Municipal Council Pulagaon Deoli, Wardha.

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 25.05.2009. The appellant did not turn up but the respondent was present.

The respondent submitted that part information has been furnished and the rest is being traced out. It is also seen that the appellant has not attached required documents like copy of his application for information, order if any, copy of his first appeal and order if any. The appellant's approach seems casual. In view of his absence and respondent's submission and also deficiencies as pointed. I decide to close the case.

Order

The appeal is dismissed.

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

Place: Mumbai
Date: 11.06.2009.

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

Appeal No.2009/2759/02

**Shri. Hemchandra Kale
31, Samrth Colony, M.J. Rd,
Jalgaon, Dist. Jalgaon.**

.... Appellant

V/s

**First Appellate Officer,
Information & Public Relation,
Mantralaya, Mumbai – 400 032.**

.... Respondent

**Public Information Officer,
Information & Public Relation,
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 26.04.2008 had sought information in respect of advertisements released by Govt. of Maharashtra, all govt. Corporations and Boards to all editions of 'Lokmat' published from different districts. He wanted information as on date of application. The PIO by his letter dated 06.05.2008 informed him that the information should be available in all the districts from where the paper is published. The appellant was not satisfied and he filed the first appeal dated 09.05.2008. The appeal does not seem to have been decided as the appellant has not enclosed a copy of the order.

Not satisfied with the responses form the Public Information Officer and the First Appellate Authority the appellant filed this second appeal before the Commission. The appeal was heard on 10.06.2009. The appellant did not turn up but the respondent was present.

The respondent has contended that they have already replied to the appellant. It was not possible for them to collect information from different district officers compile them and furnish to the appellant. They however stated that they have compiled the information at the Head Quarters for the year 2007 – 2008 and same can be furnished.

After going through the case papers and considering the by parties I have come to the conclusion that it is not expected that that head office will collect, compile and furnish the required information. The RTI Act ensures furnishing of available information with the public authority. Since the respondent has stated that information for 2007 – 2008 is available, this may be sent to the appellant free of cost. I therefore pass the following order.

Order

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

(Ramanand Tiwari)
State Information Commissioner, Mumbai

Place: Mumbai
Date: 11.06.2009.

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

Appeal No.2009/2765/02

**Shri. Hemchandra Kale
31, Samrth Colony, M.J. Rd,
Jalgaon, Dist. Jalgaon.**

.... Appellant

V/s

**First Appellate Officer,
Officer of the Governor,
Raj Bhavan, Malbar Hill,
Mumbai – 400 035.**

.... Respondent

**Public Information Officer,
Officer of the Governor,
Raj Bhavan, Malbar Hill,
Mumbai – 400 035.**

GROUNDS

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant by his application dated 17.03.2008 had sought information regarding action taken by the office of H E the Governor of Maharashtra on his complaints against Shri Sambhaji Neelkantha Desai, Dy. Registrar, North Maharashtra University, Jalgaon. The PIO by his letter dated 03.04.2008 informed him that his application under RTI Act does not reveal any details of the complaint – date or subject. He was requested to furnish the same to enable to PIO to look into the matter. He was also informed that the audit reports of different depatts could be obtained from the University. The appellant was not satisfied and he preferred the first appeal. The First Appellate Authority by his order dated 15.05.2008 confirmed the order passed by the PIO.

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 10.06.2009 through Video Conference. The appellant did not turn up but the respondent was present.

The respondent has submitted that the appellant has been informed in time but has not approached them and has filed the second appeal instead.

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. I have gone through his application and seen that the application does not reveal any details of the complaint made. In view of the appellant's absence and respondent's submission I decide to close the case. I pass the following order.

Order

The appeal is dismissed

(Ramanand Tiwari)
State Information Commissioner, Mumbai

Place: Mumbai
Date: 11.06.2009.

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

Appeal No.2009/2800/02

**Shri. Sadashiv Nikam
Technical Housing Society,
Flat No. A Ward, Sane Guruji Bus Stop,
Kolhapur.**

.... Appellant

V/s

**First Appellate Officer,
Higher & Technical Education,
Mantralaya, Mumbai – 400 032.**

.... Respondent

**Public Information Officer,
Higher & Technical Education,
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 10.12.2007 had sought information in respect of his application / complaint dated 19.08.2007. He wanted to know what action was taken on the complaint if no action was taken then whether those responsible have been taken to task. He also wanted to know why Mr. M.G. Patil is posted at Kolhapur for a long time.

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 16.06.2009. Appellant and respondent were present.

The appellant has contended that he was furnished vague information and that too after the stipulated time limit was over. The respondent in his written submission has stated that his application was received on 20.12.2007 and he was sent information on 18.01.2008. He was asked to pay Rs.9 for copy of the notings regarding transfer of Mr. M.G. Patil. It has also been stated that since information was already furnished, no hearing was fixed for the first appeal.

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's letter dated 18.01.2008 has given pointwise reply. Satisfaction is subjective. The PIO

has also volunteered to furnish the notings regarding Mr. Patil's transfer. I see no attempt to conceal or deny the required information. I therefore close the case.

Order

The appeal is disposed off.

(Ramanand Tiwari)
State Information Commissioner, Mumbai

Place: Mumbai
Date: 17.06.2009.

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

Appeal No.2009/2803/02

**Shri. Keshav Angatrao Panchal
169, Chitrakut Building, Near S.T. Bus Stop,
Behind Bhosle Girni, Old Solhapur-4.**

.... Appellant

V/s

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

.... Respondent

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

GROUNDS

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant by his application dated 01.07.2007 had sought information relating to the circumstances under which an employee can be permitted to be suspended, the officer who has to be approached by the aggrieved employee. He has also wanted information regarding balance in his provident fund how much money he can withdraw and to whom he should apply.

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 16.06.2009. The appellant did not turn up but the respondent was present.

The respondent has submitted that the appellant has been furnished information by the Divisional Social Welfare Officer under his letter dated 10.09.2007 since the appellant was not present it could not be verified.

After going through the case papers and considering the arguments advanced by parties I have come to the conclusion that complete information has not been furnished. I have gone through the case papers and it is seen that para 3 of his application dated 01.07.2008 has not been replied. The appellant has asked for specific information in regard to his provident fund account and it is necessary to furnish the required

information. It is however directed that information should be furnished in respect of his account only and not in respect of Shri Nanavare Prakash Uttreshwer as this would constitute third party information. I pass the following order.

Order

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

(Ramanand Tiwari)
State Information Commissioner, Mumbai

Place: Mumbai
Date: 16.06.2009.

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

Appeal No.2009/2802/02

**Shri. Keshav Angatrao Panchal
169, Chitrakut Building, Near S.T. Bus Stop,
Behind Bhosle Girni, Old Solapur-4.**

.... Appellant

V/s

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

.... Respondent

**Public Information Officer,
Social Welfare 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 01.11.2007 had sought information in respect of his application against Shri. Manohar Kawle, District Social Welfare Officer, Solapur and National Association for the Blind, Solapur Branch. The appellant wanted action to be taken against Shri. Kawle and administrator appointed on the NAB's Solapur Branch.

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 16.06.2009. The appellant did not turn up but the respondent was present.

The respondent has contended that the appellant's application was sent to the Chief Executive Officer, Zilla Parishad, Solapur for necessary action. His appeals have been heard by the Divisional Social Welfare Officer and also by the commissioner. They have disposed off his appeal.

After going though the case papers and considering the arguments advanced by parties I have come to the conclusion that the information sought does not fit into the definition of information under the RTI Act. The appellant has demanded certain action against the Social Welfare Officer and against the Solapur Branch of National

Association for the blind. The RTI Act ensures furnishing of available information. It is not expected to generate information and furnish. The application and appeals have been rightly disposed off.

Order

The appeal is disposed off.

(Ramanand Tiwari)
State Information Commissioner, Mumbai

Place: Mumbai
Date: 16.06.2009.

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

Appeal No.2009/2664/02

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

.... Appellant

V/s

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

.... Respondent

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

GROUNDS

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant by his application dated 30.12.2007 had sought the following information regarding action taken by the Revenue & Forest Department on petitions / demi officials letters advance copies endorsed by the appellant between January, 1989 to November, 2007.

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 02.06.2009. The appellant did not turn up but the respondent was present.

It has been contended by respondents that it was difficult for them to comprehend the precise nature of information sought. They requested the appellant explain the issues but did not receive any reply. They also collected some information and intimated to the appellant to send Rs.6, 256/- and this was not complied with. Since the appellant was not present this could not be verified.

After going though the case papers and considering the arguments advanced by parties I have come to the conclusion that the information sought by the appellant is non specific and broad. In fact it attracts section 7(9) of the RTI Act which clearly says that the information sought need not be furnished if it was likely to divert disproportionately

the resources of the public authority. The public authority in this case has tried to understand and respond but the appellant did not respond. In view of the appellant's absence and respondent's submission I decide to close the case.

Order

The appeal is dismissed.

(Ramanand Tiwari)
State Information Commissioner, Mumbai

Place: Mumbai
Date: 17.06.2009.

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

Appeal No.2009/2801/02

**Shri. Sadashiv Dattatray Nikam
Technical Housing Soc. Flat No.14,
A Ward, Vashi Rd, Kolapur.**

.... Appellant

V/s

**First Appellate Officer cum Director
Education & Training Directorate,
3, Mahanagarpalika Marg, Tapal Peti No. 10036,
Mumbai – 400 001.**

.... Respondent

**Public Information Officer cum Assit. Director
Education & Training Directorate,
3, Mahanagarpalika Marg, Tapal Peti No. 10036,
Mumbai – 400 001.**

GROUND

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant by his application dated 25.06.2007 had sought information relating to his complaint dated 14.03.2007 and action taken on that. The PIO asked him to deposit Rs.15/- and inform him top that the information could be sent. The appellant preferred the first appeal case papers do not show whether the first appeal was heard and order passed.

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 16.06.2009. Appellant and respondents were present.

The appellant has contended that he was not furnished information in time. He should not have been made top pay Rs.15/- because he was entitled to receive information free of cost.

The respondent's contention is that his application for information was dated 25.06.2007 and they informed him by their letter dated 19.07.2007. This was done within the time stipulated in the RTI Act.

After going though the case papers and considering the arguments advanced by parties I have come to the conclusion that the appellant was informed within the time

stipulated under the RTI Act. It may not be possible to complete the process of estimation, receipt by the appellant depositing money by him and furnished of information within the stipulated time of 30 days. I am however of the view that the Act is citizen friendly and the PIO is directed to send a copy of the enquiry report to the appellant free of cost. This should be done within 15 days. I therefore close the case.

Order

The appeal is disposed off.

(Ramanand Tiwari)
State Information Commissioner, Mumbai

Place: Mumbai
Date: 16.06.2009.

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

ComplaintNo.2009/258/02

**Shri Kushal Govind Gamare
Saiprerana Co-op Board Ltd,
Flat No.244, Room No.24, Sector 2,
Charkop, Kandivali (W),
Mumbai – 400 067.**

...Complainant

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

...Respondent

GROUNDS

This complaint has been filed under section 18 of the Right to Information Act 2005 in the context of the commission's order dated 31.12.2008 passed in appeal no.2008/1511/02. The facts in brief are as follows: The appellant in above appeal had sought copies of the bond furnished under section 73(1) of the Maharashtra State Cooperative Societies Act, 1960, Minutes of the annual general meeting 2007 and audited statement for the year 2005-2006 & 2006-2007. The PIO asked the appellant to collect the information from the society. The appellant went in appeal. The First Appellate Authority did not pass any order. The appellant filed second appeal under section 19(3) of the RTI Act. The commission directed the First Appellate Authority to hear the appeal and pass order. This complaint is against non compliance of commission's order.

The complaint was fixed for hearing on 19.06.2009. The complainant was present but the defendant was absent.

The complainant has stated that he has neither got the information nor was heard by the First Appellate Authority.

After considering the arguments advanced by the complainant and going through the file I have come to the conclusion that the First Appellate Authority has not only failed to comply the commission's order but has also not cared to be present at the time of hearing. This is a fit case of recommending disciplinary action against him. However,

as natural justice demands, he should explain his conduct within 4 weeks. The PIO is hereby directed to furnish information within 15 days. These information are supposed to be with him. In case they are not with him, he should get it from the society and furnish to the complainant.

Order

Complaint is allowed. The PIO and the First Appellate Authority to send their explanation / compliance within the stipulated time.

(Ramanand Tiwari)
State Information Commissioner, Mumbai

Place: Mumbai
Date: 19.06.2009

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

Appeal No.2009/2817/02

**Shri. Vidyadhar Keshavchandra Doshi,
Jeevan-Tara, 126, Morarji Peth,
Sarswati Chowk, Solapur – 413 001.**

.... Appellant

V/s

**First Appellate Officer,
Office of the State Information Commission /01,
13th Floor, New Administrative Building,
Mantralaya, Mumbai – 400 032.**

.... Respondent

**Public Information Officer,
Office of the State Information Commission /01,
13th Floor, New Administrative Building,
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 22.11.2007 had sought information whether District Central Cooperative Banks come under the purview of Right to Information Act, 2005. He was informed that the Act does not apply to District Central Cooperative 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 heard on 18.06.2009. The appellant did not turn up but the respondent was present.

The appellant has contended that he wanted to be informed whether the RTI Act was applicable to District Central Cooperative Banks. The respondent has submitted that the Chief Commissioner in his order dated 08.08.2006 held that the RTI Act was applicable to District Central Cooperative Banks. The order is exhaustive and detailed. The order however was challenged in the High Court of Judicature at Bombay, Bench Aurangabad and final order has not yet been passed.

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

earlier. Since the matter is complicated and no final order has been passed, it would serve the ends of justice if a copy of the order passed by the Chief Information Commissioner, Maharashtra along with a copy of the Hon High Court order are sent to the appellant.

Order

Appeal is disposed off.

(Ramanand Tiwari)
State Information Commissioner, Mumbai

Place: Mumbai
Date: 22.06.2009.

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

Appeal No.2009/2127/02

Shri. Suresh C. Gandhi
116, Mahavir Sadan, Bhuleshwar Rd,
3rd Floor, Room No.11, Mumbai – 400 002.

.... Appellant

V/s

First Appellate Officer cum Dy. C.E.
(South) MHADA, Engineer, Rajmahal, Tardeo,
Mumbai – 400 034.

.... Respondent

Public Information Officer cum Executive Engineer,
MHADA, Ropalane, Chandanwadi, Mumbai – 400 002.

GROUND

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant by his application dated 18.09.2008 had sought information relating building no 122-140 Bhuleshwer Rd, Bhagatwadi, Mumbai and Sagar Bhuvan (Mahavir Sadan) 116 Bhuleshwer Rd opposite Kalutar Khana, Mumbai.

Not satisfied with the responses form the Public Information Officer and the First Appellate Authority the appellant filed this second appeal before the Commission. The appeal was heard on 23.06.2009. Appellant and respondents were present.

The appellant has contended that he has received the required information and wanted to withdraw the appeal.

Order

Request granted. Appeal disposed off.

(Ramanand Tiwari)
State Information Commissioner, Mumbai

Place: Mumbai
Date: 23.06.2009.

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

Appeal No.2009/2841/02

**Shri.Satyawan Sitaram Rasam
Building No.81/2249, Kannamwar Nagar No.2,
Vikroli (E), Mumbai – 400 083.**

.... Appellant

V/s

**First Appellate Officer cum Dy. Chief Engineer,
Mumbai Board, MHADA, Bandra (E),
Mumbai – 400 051.**

.... Respondent

**Public Information Officer cum Executive Engineer,
Ghatkopar, Mumbai Board, MHADA, Grihanirman Bhavan,
Mumbai – 400 051.**

GROUND

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant by his application dated 21.08.2007 had sought information in respect of structures on a piece of land next to the shopping centre, Kannamwar Nagar No.1. This land was reserved for a court building and had to be vacated for making it available for the purpose for which it was reserved. The appellant wanted to know details like encroachment, authorized structures etc.

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 26.06.2009. The appellant did not turn up but the respondent was present.

The respondent submitted that it took some time to collect the information. The same is ready now. It is therefore directed the required information should be sent to the appellant free of cost and by registered post.

Order

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

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

Place: Mumbai
Date: 23.06.2009.

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

Appeal No.2009/2163/02

**Shri. Chandrakant Marchant
Rane Building & Khambata Chawl,
Dr. E Moses Rd, Worli,
Mumbai – 400 018.**

.... Appellant

V/s

**First Appellate Officer,
Mumbai Repair & Reconstruction Board,
Grihanirman Bhavan, Kalanagar, Bandra (E),
Mumbai – 400 051.**

.... Respondent

**Public Information Officer cum Dy Engineer
Mumbai Repair & Reconstruction Board,
Grihanirman Bhavan, Kalanagar, 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 05.09.2008 had sought a copy of the report in respect of site visit Dy Chief Officer MBRRB on 05.01.2008 as mentioned in the report of the Executive Engineer FS-GS Div/MBRRB dated 24.01.2008.

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 23.06.2009. Appellant was present but the respondent was absent.

The appellant has contended that he has not been given a copy of the report he had asked for. It is however seen that the Public Information Officer under his letter dated 21.11.2008 has informed the appellant that the report dated 24.01.2008 was available on record which mentioned about the visit on 05.01.2008. He further mentions that no other report on site visit of the Executive Engineer FS-GS Div/MBRRB dated 05.01.2008 other than the letter dated 24.01.2008 which was already furnished to the appellant was available.

It is thus seen that the appellant has been given a copy of the report dated 24.01.2008 and the MBRRB has denied existence of any report after the site visit on

05.01.2008. The available information has thus been furnished. I therefore pass the following order.

Order

The appeal is disposed off.

(Ramanand Tiwari)
State Information Commissioner, Mumbai

Place: Mumbai
Date: 23.06.2009.

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

Appeal No.2009/2833/02

Shri. Rizwan Moh. Yusuf Sheikh
Sindhi Colony, 18 A/1,
Gala No.5, Near S.I.S. College,
Rd No.24, Sion (W), Mumbai – 400 022.

.... Appellant

V/s

First Appellate Officer cum Dy Commissioner
Municipal Corporation, 6th Floor,
Mumbai – 400 001.

.... Respondent

Public Information Officer cum Assit Commissioner
Municipal Corporation, F/South Division Building,
3rd Floor, Dr. B.A.Rd, Parel, Mumbai – 400 012.

GROUND

Appellant & Respondent absent. Appellant's appeal is also defective. Copies of required documents like application for information copy of the First Appeal not submitted. Case papers show information has been furnished.

Order

The appeal is disposed off.

(Ramanand Tiwari)
State Information Commissioner, Mumbai

Place: Mumbai
Date: 24.06.2009.

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

Appeal No.2009/2509/02

**Shri. Aikala Hayaram Shetty
Station Rd, Aurangabad.**

.... Appellant

V/s

**First Appellate Officer cum Dy. Chief Engineer,
Municipal Corporation Mahanagar Palika,
Dr. Ambedkar Market Bldg, 1st Floor,
Narayan Joshi Cross Rd,
Near Kandiwali Rly Station (W),
P & K Wards Mumbai – 400 067.**

.... Respondent

**Public Information Officer cum Executive Engineer,
Municipal Corporation Mahanagar Palika,
Dr. Ambedkar Market Bldg, 1st Floor,
Narayan Joshi Cross Rd,
Near Kandiwali Rly Station (W),
P & K Wards Mumbai – 400 067.**

GROUND

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant by his application dated 23.05.2008 had sought information relating to Jagdamba Commercial Complex on CTS No.307/64 at Valnai, Link Rd, Malad (W), Mumbai. The appellant has sought information regarding building completion and related matters.

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 14.05.2009. Appellant and respondents were present.

The appellant has contended that he has been misled by the Public Information Officer and the First Appellate Authority did not hear the appeal.

The respondent's contention is that information has been furnished. He has made written submission. It has also been stated that the amount of Rs.40/- sent by the appellant was insufficient and he was informed to deposit Rs.1840/- for certified copies of the documents required by him.

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.

There is nothing wrong in the PIO's suggestion that the appellant should inspect the document if he so desired. It is clear from the submission made by the respondent that there was no attempt to deny or conceal the information. It has also been contended by the respondent that the same information was sought by Smt. Malathi J. Shetty wife of the appellant and the same has been furnished and copies will be provided to the appellant on payment of prescribed charge.

Order

The appeal is disposed off.

(Ramanand Tiwari)
State Information Commissioner, Mumbai

Place: Mumbai
Date: 29.06.2009.

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

Appeal No.2009/2509/02

**Shri. Aikala Hayaram Sheety
Station Rd, Aurangabad.**

.... Appellant

V/s

**First Appellate Officer cum Dy. Chief Engineer,
Municipal Corporation Mahanagar Palika,
Dr. Ambedkar Market Bldg, 1st Floor,
Narayan Joshi Cross Rd,
Near Kandiwali Rly Station (W),
P & K Wards Mumbai – 400 067.**

.... Respondent

**Public Information Officer cum Executive Engineer,
Municipal Corporation Mahanagar Palika,
Dr. Ambedkar Market Bldg, 1st Floor,
Narayan Joshi Cross Rd,
Near Kandiwali Rly Station (W),
P & K Wards 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 23.05.2008 had sought information relating Jagdamba Commercial Complex on CTS No.307/64 at valnai, Link Rd, Malad (W), Mumbai. The appellant has sought information regarding building completion and related matters.

Not satisfied with the responses form the Public Information Officer and the First Appellate Authority the appellant filed this second appeal before the Commission. The appeal was heard on 14.05.2009. Appellant and respondents were present.

The appellant has contended that has been misled by the Public Information Officer and the First Appellate Authority did not hear the appeal.

The respondent's contention is that information has been furnished. He has made written submission. It has also been stated that the amount of Rs.40/- sent by the appellant was insufficient and he was informed to deposit Rs.1840/- for certified copies of the documents required by him.

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.

There is nothing wrong in the PIO's suggestion that the appellant should inspect the document if he so desired. It is clear from the submission made by the respondent that there was no attempt to deny or conceal the information. It has also been contended by the respondent that the same information was sought by Smt. Malathi J. Sheety wife of the appellant and the same has been furnished and copies will be provided to the appellant on payment of prescribed charge.

Order

The appeal is disposed off.

(Ramanand Tiwari)
State Information Commissioner, Mumbai

Place: Mumbai
Date: 29.06.2009.

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

ComplaintNo.2009/282/02

**Dr. Shri. Vinodkumar Dhavan
101, Krishana Kunj CHS Ltd, Plot No.13,
L.T Nagar Rd No.1, Off. M.G. Rd,
Goregaon (W), Mumbai – 400 062.**

...Complainant

**First Appellate Authority,
The Executive Engineer (P-Ward)
Building Proposals Dept.
Municipal Corporation & Greater Mumbai,
Municipal Market Bldg,
Kandivali (W), Mumbai.**

...Respondent

GROUND

This complaint has been filed under section 18 of the Right to Information Act 2005 in the context of the commission's order dated 14.09.2008 passed in appeal no.2008/799/02. The facts in brief are as follows: The appellant had sought information regarding additions and alterations to the college building on plot bearing CTS No 896 of village Pahadi Goregaon S.V. Rd, Goregaon (W), Mumbai. He was not satisfied with response from the PIO and the First Appellate Authority and preferred the second appeal. The commission by its order dated 14.09.2008 directed that the Executive Engineer, Building proposal to get the alleged irregular construction/ construction beyond the approved plan verified and inform the complainant. The present complaint is against alleged non compliance of the commission order.

The complainant has stated that he has received the information and the case may be closed.

Order

Complaint is closed.

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

Place: Mumbai
Date: 30.06.2009

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

ComplaintNo.2009/280/02

**Shri. Vaman Gangaram Kaviskar
237/239, Bal Dandevate Smurti,
N.M.Joshi Marg, Mumbai – 400 013.**

...Complainant

**First Appellate Authority cum Chief Fire Brigade Officer,
Mumbai Fire Brigade Dept.
10 Sheikh Hafizudin Marg, Byculla,
Mumbai – 400 008.**

...Respondent

GROUND

This complaint has been filed under section 18 of the Right to Information Act 2005 in the context of the commission's order dated 31.01.2009 passed in appeal no.2008/1774/02. The facts in brief are as follows: - The complainant by his application dated 26.02.2008 had sought information regarding procedure being followed for promotion of technical staff in the Fire Brigade Dept. He was not satisfied with responses from the PIO and the First Appellate Authority and preferred appeal under section 19(3) of the Right to Information Act 2005. The commission by its order dated 31.01.2009 directed that information should be furnished within 15 days. The present complaint is against alleged non compliance of the commission order.

The complainant has stated that the information furnished was defective and not factual. The opponent explained that there have been some unintentional typing error which has been since corrected. He handed over a copy of the corrected information.

After considering the arguments advanced by parties and going through the file I have come to the conclusion that information has been furnished. Taking into the volume of information sought, some discrepancies are bound to occur. The opponent has faithfully corrected and handed over to the complainant. The opponent has also been directed to clarify any issue which the complainant may like to seek. In the light of this I decide to close the case.

Order

The case is closed.

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

Place: Mumbai
Date: 30.06.2009.

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

ComplaintNo.2009/143/02

**Shri. Swapnil Satish Kokal
4/12, Vivekanand CHS. Ltd.
T.H.Kataria Marg, Mahim,
Mumbai – 400 016.**

...Complainant

**Public Information Officer cum Divisional Social Welfare Officer
6th Floor, Kokan Bhavan,
Navi Mumbai.**

...Respondent

GROUNDS

This complaint has been filed under section 18 of the Right to Information Act 2005 in the context of the commission's order dated 18.07.2008 passed in appeal no.2008/515/02. The facts in brief are as follows: - The appellant had sought information regarding action taken on his application for caste verification. He was not satisfied with responses from the Public Information Officer and the First Appellate Authority. He approached the commission under section 19(3) of the Right to Information Act, 2005. The commission ordered that the information should be furnished within 45 days and without charging any money. The present complaint is against alleged non compliance of the commission's order dated 18.07.2009.

The complaint was fixed for hearing on 30.6.2009. The complainant and defendant were absent. The complainant's another complaint was heard on 25.6.2009. The opponent reported that information has already been furnished. He submitted a copy for commission's record. I therefore decide to close the case.

Order

Complaint is dismissed.

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

Place: Mumbai
Date: 30.06.2009.

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

Appeal No.2009/1882/02

**Shri. Khalid Ahmed Nawabali Subhedar
G – 23, Mahindra Park,
L.B.S.Marg,
Ghatkopar, Mumbai – 400 086.**

.... Appellant

V/s

**First Appellate Officer cum Asstt. Commissioner
Municipal Corporation of Greater Mumbai,
M /East Ward,
Chembur, Mumbai – 400 071.**

....Respondent

**Public Information Officer cum Asstt. Engineer
(Building & factories)
Municipal Corporation of Greater Mumbai,
M /East Ward,
Chembur, Mumbai – 400 071.**

GROUNDS

This appeal has been filed under section 19 (3) of the Right to Information Act 2005. The appellant had sought information regarding his application for repair permission to the structure on plot no.18, Janata Timber Market, Opposite Bhujbal Wadi, Ghatkopar Mankhurd Link Road, Govandi, Mumbai.

Not satisfied with the reply 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 22.6.2009. Appellant and respondents were present.

The appellant has contended he has not been given the information sought by him.

The respondent's contention is that the file has been processed and permission will be granted. The permissible height is 12 feet only. It was however agreed that this 12 feet will be after leaving two feet from the plinth.

After going through the case papers and considering the arguments advanced by the parties I have come to the conclusion that appellant has been informed correctly. The PIO however is cautioned that the permission should be expedited as it has remained pending for a long time.

Order

The appeal is disposed off.

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

Place: Mumbai
Date: 29.06.2009.

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

ComplaintNo.2009/146/02

**Shri. Swapnil Satish Kokal
4/12, Vivekanand CHS. Ltd.
T.H.Kataria Marg, Mahim,
Mumbai – 400 016.**

...Complainant

**Public Information Officer cum Divisional Social Welfare Officer
6th Floor, Kokan Bhavan,
Navi Mumbai.**

...Respondent

GROUNDS

This complaint has been filed under section 18 of the Right to Information Act 2005 in the context of the commission's order dated 18.07.2008 passed in appeal no.2008/515/02. The facts in brief are as follows: - The appellant had sought information regarding action taken on his application for caste verification. He was not satisfied with responses from the Public Information Officer and the First Appellate Authority. He approached the commission under section 19(3) of the Right to Information Act, 2005. The commission ordered that the information should be furnished within 45 days and without charging any money. The present complaint is against alleged non compliance of the commission's order dated 18.07.2009.

The complaint was fixed for hearing on 30.6.2009. The complainant and defendant were absent. The opponent reported that information has already been furnished. He submitted a copy for commission's record. I therefore decide to close the case.

Order

Complaint is dismissed.

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

Place: Mumbai
Date: 30.06.2009.

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

Appeal No.2009/2787/02

**Shri.Chandrakant Devram Kamble
442, Juna Bazar Khadki,
Pune 411 003.**

.... Appellant

V/s

**First Appellate Officer cum Executive Engineer
Office of the Executive Engineer, Mumbai (PWD)Board,
25 Marzban Road, Fort, Mumbai – 400 001.**

....Respondent

**Public Information Officer cum Dy Engineer
Dy Division (PWD), Near Bhavans College,
Andheri (W), Mumbai.**

GROUNDS

This appeal has been filed under section 19 (3) of the Right to Information Act 2005. The appellant by his application dated 28.07.2008 had sought information relating to 2059 govt. Offices and 2216 residential flats. The information related to the period 2005 to 2008 when Mr. S.S. Deshmukh was working in the Mumbai Central PWD Division. He has sought details like sanctioned grant, expenditure, whether excess amount has been spent etc.

Not satisfied with the reply 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 12.06.2009. Appellant and respondents were present.

The appellant has contended that he had not received the information he had asked for. The respondent has submitted that the range of information was very broad and appellant was requested to inspect the documents and copies of selected documents would be supplied.

After going through the case papers and considering the arguments advanced by the parties I have come to the conclusion that information has not been furnished. It is therefore ordered that required information should be furnished free of cost and sent to

the appellant by registered post. Needless to say that non compliance would lead to action under section 20 of the RTI Act.

Order

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

(Ramanand Tiwari)
State Information Commissioner, Mumbai.

Place: Mumbai
Date: 29.06.2009.

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

Appeal No.2009/2789/02

**Shri. Shivaji Bapurao Shinde
Dy Divisional Police Officer,
Patan Division, Patan, Dist. Satara.**

.... Appellant

V/s

**First Appellate Officer cum Sub Registrar
Stamp Collector, Andheri, MMRDA Building,
1st Floor, Bandra – Kurla Complex, Bandra (E),
Mumbai – 400 051.**

....Respondent

**Public Information Officer cum Joint Sub Registrar
Office of the Joint Registrar, Andheri,
No.3, Family Court Building, Ground Floor,
Bandra – Kurla Complex, Bandra (E),
Mumbai – 400 051.**

GROUND

This appeal has been filed under section 19 (3) of the Right to Information Act 2005. The appellant by his application dated 23.04.2008 had sought the information relating to the transfer of flat no 7, Plot No.72, Tarangini Cooperative Housing Society, Ambivali, Andheri (West), Mumbai. The appellant wanted to know whether ownership details were verified before the transaction was registered, whether no objection was obtained from the society, dues cleared and other related issues.

Not satisfied with the reply 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 12.06.2009. Appellant and respondents were present.

The appellant has contended that the information furnished was vague, misleading and not based on facts.

The respondent's contention is that factual information has been furnished. He has submitted his written say. It is detailed and exhaustive. He denies any attempt to mislead the appellant.

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

that the appellant wants this transfer to be cancelled. The respondent has informed that they are not competent to do the same. Respondents have also submitted that the registration was effected on the basis of the order passed by the Family Court, Bandra. A copy of the order forms part of their submission. They have also stated that society has certified the ownership of the flat. It is thus seen that the appellant has been given all available information. The appellant wants arbitration and not information. The RTI Act ensures furnishing of available information. I therefore pass the following order.

Order

The appeal is dismissed.

(Ramanand Tiwari)
State Information Commissioner, Mumbai.

Place: Mumbai
Date: 29.06.2009.

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

Appeal No.2009/2793/02

**Secretary, Sonamata Samaj Seva Sangh,
15, Medical CHS. Tilak Nagar, Vijapur Rd,
Solapur – 4.**

.... Appellant

V/s

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

....Respondent

**Public Information Officer,
Social Justice & Special Assistance Department
Mantralaya, Mumbai – 400 032.**

GROUNDS

This appeal has been filed under section 19 (3) of the Right to Information Act 2005. The appellant by his application dated 23.09.2008 had sought the information in respect of his appeal pending before the Hon Minister for social justice, Govt. of Maharashtra.

Not satisfied with the reply 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 12.06.2009. Appellant and respondents were present.

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

The respondent's contention is that the appellant had approached govt. against the decision of the commissioner refusing to grant permission to his school for disabled. The appeal was heard by the Hon Minister on 08.11.2006. Deficiencies pointed out were rectified and the school was inspected. The report has been submitted to the Hon Minister. He is yet to give his decision. The available information has thus been furnished. I therefore decide to close the case.

Order

The appeal is disposed off.

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

Place: Mumbai
Date: 30.06.2009.

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

Appeal No.2009/2791/02

**Secretary, Sonamata Samaj Seva Sangh,
15, Medical CHS. Tilak Nagar, Vijapur Rd,
Solapur – 4.**

.... Appellant

V/s

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

....Respondent

**Public Information Officer,
Social Justice & Special Assistance 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 04.11.2008 had sought the information relating to the order passed by the Human Rights Commission, Maharashtra directing to expedite his case pending before the Hon Minister for Social Justice.

Not satisfied with the reply 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 12.06.2009. Appellant and respondents were present.

The appellant has contended that he has not been furnished the required information. The respondent has submitted that available information has been furnished. The appeal is still pending with Hon Minister for Social Justice.

After going through the case papers and considering the arguments advanced by the parties I have come to the conclusion that available information has been furnish. The commission is not mandated to direct the govt. to do a thing or not to do. It ensures furnish of available information. I therefore close the case.

Order

The appeal is disposed off.

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

Place: Mumbai
Date: 30.06.2009.

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

Appeal No.2009/2792/02

**Secretary, Sonamata Samaj Seva Sangh,
15, Medical CHS. Tilak Nagar, Vijapur Rd,
Solapur – 4.**

.... Appellant

V/s

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

....Respondent

**Public Information Officer,
Social Justice & Special Assistance Department
Mantralaya, Mumbai – 400 032.**

GROUNDS

This appeal has been filed under section 19 (3) of the Right to Information Act 2005. The appellant by his application dated 23.09.2008 had sought the information in respect of his appeal pending before the Hon Minister for social justice, Govt. of Maharashtra.

Not satisfied with the reply 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 12.06.2009. Appellant and respondents were present.

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

The respondent's contention is that the appellant had approached govt. against the decision of the commissioner refusing to grant permission to his school for disabled. The appeal was heard by the Hon Minister on 08.11.2006. Deficiencies pointed out were rectified and the school was inspected. The report has been submitted to the Hon Minister. He is yet to give his decision. The available information has thus been furnished. I therefore decide to close the case.

Order

The appeal is disposed off.

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

Place: Mumbai
Date: 30.06.2009.

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

Appeal No.2009/2206/02

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

.... Appellant

V/s

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

....Respondent

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

GROUNDS

This appeal has been filed under section 19 (3) of the Right to Information Act 2005. The appellant had sought the information regarding his complaints against his tenants who have unauthorizedly repaired / reconstructed their tenements. According to him this was demolished in 1988 but they have reconstructed.

Not satisfied with the reply 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 15.04.2009. Appellant was present but the respondent was absent.

The appellant has contended that he wanted action by would office H/East. Since the respondent was not present it could not be verified.

After going through the case papers and considering the arguments advanced by the parties I have come to the conclusion that this not an application for information. The appellant has grievances which he wants to be sorted out. Case papers show exchange of letters between MCGM officials and the appellant. There are papers relating to court

cases and notices by advocates. In brief the appellant wants redressal of his grievances and intervention by the commission. The commission is not mandated to redress grievances. I therefore decide to close the case.

Order

The appeal is disposed off.

(Ramanand Tiwari)
State Information Commissioner, Mumbai.

Place: Mumbai
Date: 30.06.2009.

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

Appeal No.2009/1632/02

**Shri. Nagorao Pundalikrao Dhonge
Flat No.117, Rashtrasant Nagar,
Zingabai Takali, Godhani Rd, Nagpur 30.**

.... Appellant

V/s

**First Appellate Office cum Assit Labour Commissioner
Office of the Labour Commissioner,
Commerce Centre, Taddeo,
Mumbai – 400 034.**

.... Respondent

**Public Information Officer,
Office of the Labour Commissioner,
Commerce Centre, Taddeo,
Mumbai – 400 034.**

GROUND

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 information relating to the action taken by the Principal Secretary, Industries, Energy and Labour Department for revision of wage agreement in respect of textile and soot Girani workers of Vidarbha.

Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant filed this second appeal before the Commission. The appeal was heard on 31.01.2009. The respondent was present but the appellant did not turn up.

The appellant has contended that he has not received the information he had sought. The respondent has stated that relevant papers were not available and therefore information could not be furnished.

After going through the case papers and considering the arguments advanced by parties it is seen that the appellant has written letters to the Hon Chief Minister dated 24.11.2000, to the Principal Secretary on 29.11.2000, to Labour Secretary, Govt. of India on 28.11.2000. He has also given reference to meetings he attended in this connection. It is not very clear as to what information is sought. It is however seen that letter dated 15.04.2008 from the assistant commissioner enclosing copies of letters dated 01.06.2000

and 04.04.2008 has been sent to the appellant. The Public Information Officer has rightly advised him to send the details so that it could be attended to I therefore pass the following order.

Order

The appeal is disposed off.

(Ramanand Tiwari)
State Information Commissioner, Mumbai

Place: Mumbai
Date: 30.06.2009.

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

Appeal No.2009/2580/02

**Shri.R. B. Mohekar
Administrative Build,
Ground Floor, Room No.4,
Chandrapur, Ta. Dist. Chandrapur – 442 401.**

.... Appellant

V/s

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

.... Respondent

**Public Information Officer cum Under Secretary
Agriculture, Animal Husbandry,
Dairy Development and Fisheries Department,
Mantralaya, Mumbai – 400 032.**

GROUNDS

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant by his application dated 12.07.2007 had sought information relating to promotion as Sr. Class I and rules relating to holding additional charge. He had sought information on 11 points.

Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant filed this second appeal before the Commission. The appeal was heard on 21.05.2009. The appellant did not turn up but the respondent was present.

After going through the case papers and considering the arguments advanced by parties I have come to the conclusion that information has not been furnished. I therefore direct that information should be furnished within 30 days failing which action under section 20 of the RTI Act, 2005 will be initiated the person. I pass the following order.

Order

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

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

Place: Mumbai
Date: 29.06.2009.

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

Appeal No.2009/2431/02

**Shri. Tukaram B. Vaidy
Sofrania T-402, Near Kumar IT,
Kumar City, Kalyaninagar, Pune.**

.... Appellant

V/s

**First Appellate Office,
Public Health Department,
Mantralaya, Mumbai – 400 032.**

.... Respondent

**Public Information Officer,
Commissioner of State Labour Vima Yojana
N.M. Joshi Marg, Parel, Mumbao – 400 013.**

GROUND

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant by his application dated 22.07.2007 had sought information relating to the punishment given to him after a departmental enquiry. He feels that he has been punished twice for the same offence.

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 12.05.2009. The appellant did not turn up but the respondent was present.

After going through the case papers and considering the arguments advanced by the respondent I have come to the conclusion the appeal deserves to be disposed. The quantum of punishment, its adequacy or otherwise are matters beyond the scope of RTI Act. In any case the commission cannot provide relief as the same is not expected and the RTI. I would advise the appellant to approach the competent authority to get his grievance redressed. The case is closed at the commission's level.

Order

The appeal is disposed off.

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

Place: Mumbai
Date: 29.06.2009.

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

Appeal No.2009/2223/02

**Shri. Tukaram V. Kavade
17/A, C-3 Build, Suryloknagari,
Vedwadi, Haspasar, Pune – 411 013.**

.... Appellant

V/s

**First Appellate Office cum Joint Secretary
Revenue Department,
Mantralaya, Mumbai – 400 032.**

.... Respondent

**Public Information Officer cum Establishment Officer
Revenue 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 by his application dated 18.10.2007 sought information relating to Gunthewari. He had reasied 11 queries and wanted answers to them. The Public Information Officer and the First Appellate Authority have concluded that the appellant wanted his questions to be answered which was not expected under the RTI Act, 2005.

Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant filed this second appeal before the Commission. The appeal was heard on 04.05.2009.

After going through the case papers it seen that the orders passed by the PIO and the First Appellate Authority are correct. Questions are not expected to be answered under the RTI Act. The appellant however has been furnished information relating to Guthewari. I therefore pass the following order.

Order

The appeal is disposed off.

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

Place: Mumbai
Date: 29.06.2009.

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

Appeal No.2009/2426/02

**Shri. Namdeo Pundalik Kolhe
Rajesambhaji Colony, P.No.25, 26,
Jalgaon Rd, Post. Harsul,
Aurangabad.**

.... Appellant

V/s

**First Appellate Office,
Office of the Charity Commissioner,
Maharashtra Stated Mumbai,
Charity Commissioner Bhavan,
83, Dr. Annei Besant Rd, Worli,
Mumbai – 400 018.**

.... Respondent

**Public Information Officer,
Office of the Charity Commissioner,
Maharashtra Stated Mumbai,
Charity Commissioner Bhavan,
83, Dr. Annei Besant Rd, Worli,
Mumbai – 400 018.**

GROUND

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant by his application dated 29.10.2007 had sought information regarding action taken on his complaints against son. S.A. Padalkar.

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 12.05.2009.

The appellant has contended that he has not been furnished all the information he had asked for. He has alleged that the PIO and the First Appellate Authority have not taken his application seriously. He has requested for action against them. There is nothing on record to show respondent's response.

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

Order

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

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

Place: Mumbai
Date: 29.06.2009.

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

Appeal No.2009/1633/02

**Shri. Nagorao Pundalikrao Dhonge
Flat No.117, Rashtrasant Nagar,
Zingabai Takali, Godhani Rd, Nagpur 30.**

.... Appellant

V/s

**First Appellate Office,
Office of the Labour Commissioner,
Commerce Centre, Taddeo,
Mumbai – 400 034.**

.... Respondent

**Public Information Officer cum Labour Officer
Office of the Labour Commissioner,
Commerce Centre, Taddeo,
Mumbai – 400 034.**

GROUND

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 information relating to the action taken by the Principal Secretary, Industries, Energy and Labour Department for revision of wage agreement in respect of textile and soot Girani workers of Vidarbha.

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 18.05.2009. The respondent was present but the appellant did not turn up.

The appellant has contended that he has not received the information he had sought. The respondent has stated that relevant papers were not available and therefore information could not be furnished.

After going through the case papers and considering the arguments advanced by parties it is seen that the appellant has written letters to the Hon Chief Minister dated 24.11.2000, to the Principal Secretary on 29.11.2000, to Labour Secretary, Govt. of India on 28.11.2000. He has also given reference to meetings he attended in this connection. It is not very clear as to what information is sought. It is however seen that letter dated 15.04.2008 from the assistant commissioner enclosing copies of letters dated 01.06.2000

and 04.04.2008 has been sent to the appellant. The Public Information Officer has rightly advised him to send the details so that it could be attended to I therefore pass the following order.

Order

The appeal is disposed off.

(Ramanand Tiwari)
State Information Commissioner, Mumbai

Place: Mumbai
Date: 30.06.2009.

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

Appeal No.2009/2805/02

**Shri.Saleem Shaikh
(Advocate & Social Activist)
Office No.95 (1st Floor),
East Street Galleria, 2421,
Camp, Pune – 411001.**

.... Appellant

V/s

**First Appellate Officer cum Dy. Secretary,
General Administration Department,
Establishment – 21,
Mantralaya, Mumbai.**

....Respondent

**Public Information Officer cum Under Secretary
General Administration Department,
Establishment – 21,
Mantaralya, Mumbai.**

GROUND

This appeal has been filed under section 19 (3) of the Right to Information Act 2005. The appellant by his application dated 10.6.2008 had sought the following information:-

- 1) List of names of Private Secretaries (PSs) / Personal Assistants (Pas) / Officers on Special Duty (OSDs) etc. to Chief Minister / Cabinet Ministers / Ministers of State and with their dates of joining with Chief Minister / Ministers.
- 2) List of names of Private Secretaries (PSs) / Personal Assistants (Pas) / Officers on Special Duty (OSDs) etc. to Chief Minister / Ministers who have been transferred after completing their three years tenures and details of their NEW POSTINGS made under Maharashtra Government Servants Regulation of Transfers and Prevention of Delay in Discharge of Official Duties Act, 2005.
- 3) List of names of Private Secretaries (PSs) / Personal Assistants (Pas) / Officers on Special Duty (OSDs) etc. who are with Chief Minister / Ministers with more than year's tenure.
- 4) Details of reasons for NOT TRANSFERRING of Private Secretaries (PSs)/ Personal Assistants (Pas) / Officers On Special Duty (OSDs) etc. to Chief Minister / Ministers after completing 3 years tenures from their present posts as per the provisions of Maharashtra Government Servants Regulation

of Transfers and Prevention of Delay in Discharge of Official Duties Act, 2005.

Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant filed this second appeal before the Commission. The appeal was heard on 16.6.2009.

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

The respondent has made written submission. It has been stated by them that the required information has been furnished. He has submitted a copy of the information furnished to the appellant. They have also stated that they were not in a position to reply to the appellant's question as to why officers who completed their tenure have not been transferred.

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 fact the respondent has furnished detailed information. Govt. Resolutions have also been enclosed. It is not necessary to respond to the questions as to why those who have completed their tenure have not been transferred. The RTI Act ensures furnishing of available information. The information which does not exist cannot be furnished. No information is expected to be generated under the RTI Act. Public Information Officers are not expected to communicate reason as to why a certain thing was done or not done. I therefore pass the following order

Order

The appeal is disposed off.

(Ramanand Tiwari)
State Information Commissioner, Mumbai.

Place: Mumbai
Date: 16.06.2009.

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

Appeal No.2009/2806/02

**Shri.Baig Saleem Razak
Rathi:- C -4303, Circle No.52,
Kolhapur Central Prison,
Kolhapur Road,
Kolhapur – 416007.**

.... Appellant

V/s

**First Appellate Officer cum Dy. Commissioner of Police
Zone 3,
Mumbai.**

....Respondent

**Public Information Officer cum Asstt. Commissioner of Police
Central Control Room, Central Region Zone,
Bawla Compound,
Dr.B.A.Road, Byculla (E),
Mumbai.**

GROUND

This appeal has been filed under section 19 (3) of the Right to Information Act 2005. The appellant was released on furlough leave from 14.8.2007 to 29.8.2007 from the Central Prison, Kolhapur where he is undergoing life imprisonment. He has sought information whether any offence or complaint has been registered against him for breach of conditions and whether he attended Byculla Police Station as per terms and conditions.

Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant filed this second appeal before the Commission. The appeal was heard on 16.6.2009. Appellant did not turn up but the respondent was present.

The respondent has submitted that the required information has been furnished by the Public Information Officer under his letter dated 30.1.2008. It has also been clarified that the appellant's application dated 3.10.2007 addressed to the Senior Police Inspector, Byculla was not under Right to Information Act and was therefore not taken cognizance of.

It has been stated by them that there was no attempt to deny or conceal the 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. It is also clear from the submission made by respondents that there was no attempt to deny the information. I therefore, pass the following order.

Order

The appeal is disposed off.

(Ramanand Tiwari)
State Information Commissioner, Mumbai.

Place: Mumbai
Date: 16.06.2009.

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

Appeal No.2009/2807/02

**Shri.Shridhar Govind Vaidya
Secretary TAFNAP,
64/1, Baba Jaragnagar, Opp. Margai Patsanstha,
Kolhapur – 416007.**

.... Appellant

V/s

**First Appellate Officer cum Director of Technical Education
Directorate of Technical Education,
Mumbai.**

....Respondent

**Public Information Officer
Directorate of Technical Education,
Mumbai.**

GROUNDS

This appeal has been filed under section 19 (3) of the Right to Information Act 2005. The appellant by his application dated 31.1.2006 had sought the following information:-

- 1) As per the Fifth Pay Commission, whether the recommended Pay scales & Service Conditions are applicable to non-teaching staff of un-aided Polytechnics in Maharashtra or not.
- 2) If the pay scales and service conditions of the Fifth Pay Commission are applicable to the non-teaching staff of unaided Polytechnics, then a copy of the Government Resolution in this regard.
- 3) If the pay scales and service conditions of the Fifth Pay Commission are not applicable to the non-teaching staff of unaided Polytechnics, then a copy of the Government Resolution regarding the pay scale and service conditions applicable to the non-teaching staff of the Polytechnics in Maharashtra State.

Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant filed this second appeal before the Commission. The appeal was heard on 16.6.2009.

Appellant and respondents were present. The appellant at the outset stated that he has received the information and was not interested in pursuing the matter. He requested for closure of the case. Request granted.

Order

The appeal is disposed off.

(Ramanand Tiwari)
State Information Commissioner, Mumbai.

Place: Mumbai
Date: 16.06.2009.

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

Appeal No.2009/2808/02

Shri.Shridhar Govind Vaidya
Secretary TAFNAP,
64/1, Baba Jaragnagar, Opp. Margai Patsanstha,
Kolhapur – 416007.

.... Appellant

V/s

First Appellate Officer cum Director of Technical Education
Directorate of Technical Education,
3, Mahapalika Marg,
Mumbai.

....Respondent

Public Information Officer
Directorate of Technical Education,
3, Mahapalika Marg,
Mumbai.

GROUNDS

This appeal has been filed under section 19 (3) of the Right to Information Act 2005. The appellant by his application dated 2.3.2006 had sought the following information :-

As per the procedure prescribed by the Govt. to start a Polyclinic, the Govt. takes undertaking from the management, that they are agree with all the terms and conditions laid down by Govt. and AICTE. This undertaking is in the form of agreement between the management and the D.T.E.(Ref. GR No. Approval – 2005/ (874/05) / T.E. – 6dated 29 October, 2005)

Copies of the agreements between management and DTE for all the Polytechnics in Maharashtra.

Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant filed this second appeal before the Commission. The appeal was heard on 16.6.2009.

Appellant and respondents were present. The appellant at the outset stated that he has received the information and does not want to pursue the case. He requested that the case may be closed.

Order

Request granted. Appellant disposed off.

(Ramanand Tiwari)
State Information Commissioner, Mumbai.

Place: Mumbai
Date: 16.06.2009.

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

Appeal No.2009/2809/02

Shri.Shridhar Govind Vaidya
Secretary TAFNAP,
64/1, Baba Jaragnagar, Opp. Margai Patsanstha,
Kolhapur – 416007.

.... Appellant

V/s

First Appellate Officer cum Director of Technical Education
Directorate of Technical Education,
3, Mahapalika Marg,
Mumbai.

....Respondent

Public Information Officer
Directorate of Technical Education,
3, Mahapalika Marg,
Mumbai.

GROUNDS

This appeal has been filed under section 19 (3) of the Right to Information Act 2005. The appellant by his application dated 2.3.2006 had sought the following information:-

- 1) Is there any prescribed procedure / Act / Rule regarding shifting of a Polytechnic from existing place to any other place?
- 2) Copy / copies of any notification of AICTE / G.R., regarding procedure for shifting of a Polytechnic.
- 3) Is there any prescribed procedure / Act / Rule regarding transfer of a management of a Polytechnic?

Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant filed this second appeal before the Commission. The appeal was heard on 16.6.2009.

Appellant and respondents were present. The appellant at the outset stated that he has received the required information and was not interested in pursuing the case. He wanted the case to be closed.

Order

Request granted. Appellant disposed off.

(Ramanand Tiwari)
State Information Commissioner, Mumbai.

Place: Mumbai
Date: 16.06.2009.

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

Appeal No.2009/2788/02

**Shri. Deepak C. Jadhav
1107, Brahma Garden,
Bund Garden Road,
Pune – 411001.**

.... Appellant

V/s

**First Appellate Officer cum Joint Secretary
Revenue and Forest Department,
Government of Maharashtra,
Mantralya, Mumbai.**

....Respondent

**Public Information Officer
Revenue and Forest Department,
Government of Maharashtra,
Mantralya, Mumbai.**

GROUND

This appeal has been filed under section 19 (3) of the Right to Information Act 2005. The appellant by his application dated 18.8.2008 had sought information relating to refund of Stamp Duty under the provisions of Bombay Stamp Act 1958 with respect to cases pending with stamp office prior to amendment of 9.6.2008 to Rule 22 A of Bombay Stamp Rules 1939. He wanted to know whether deduction should be 2% or 10% in cases pending prior to 9.6.2008.

Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant filed this second appeal before the Commission. The appeal was heard on 12.6.2009.

Appellant and respondents were present. The appellant has contended that he has not been furnished the information as desired by him. He has alleged that the information has not been furnished parawise as demanded.

The respondent's contention is that available information has been furnished. It has been stated that questions are not expected to be replied under the RTI Act.

After going through the case papers and considering the arguments advanced by parties I have come to the conclusion that information has been furnished. It is seen from the case papers that the Bombay Stamps (Amendment) Rules 2008 came into force on 9.6.2008 and the amount to be retained by govt. was raised from 2% to 10%. Representations were received by govt. as what happens to pending cases. There was no doubt about cases received after 9.6.2008. But there was scope for interpretation regarding pending cases. It was decided by govt. that the revised rate will apply to

pending cases. The question probably haunting the appellant is the logic of govt. decision. The papers relating to the process of decision making have also been furnished to the appellant. The appellant has however not got the answer as to why did the govt. decide the way it was decided. This is something not to be answered under the RTI Act. The RTI Act ensures furnishing of available information. Answer to question 'why' are not information within the meaning of definition of information Public authorities are not expected to communicate reason as to why a certain thing was done or not done. Such justifications are within the domain of adjudicating authorities and cannot be classified as information. I therefore, come to the conclusion that available information has been furnished. I therefore, pass the following order.

Order

Appellant dismissed.

(Ramanand Tiwari)
State Information Commissioner, Mumbai.

Place: Mumbai
Date: 16.06.2009.

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

Appeal No.2009/2776/02

**Shri.Haji Mohammed Farukh Nisar Ahmed Shaikh
526, New Pachha Peth,
Solapur – 413005.**

... Appellant

V/s

**First Appellate Officer cum Dy. Secretary
Desk – J-5,
Revenue & Forest Department,
Mantralya, Mumbai – 400 032.**

....Respondent

**Public Information Officer cum Under Secretary
Desk – J-5,
Revenue & Forest Department,
Mantralya, 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 26.7.2008 had sought the following information relating to surevey no.6167, Sidheshwar Peth, Solapur. The Collector Solapur by his order dated 27.7.2008 converted this land into N.A.Tenants who were occupying the land complained to govt. in Revenue & Forest Department and the collectors order was stayed. The file is pending with Hon. Minister of state for Revenue. The appellant wanted to know why the file is pending for a longtime, when it was likely to be disposed off and how many such cases are pending before the Hon. Minister.

Not satisfied with the responses from the Public Information Officer and the First Appellate Authority the appellant field this second appeal before the Commission. The appeal was heard on 11.6.2009 through video conference.

Appellant and respondents were present. The appellant has contended that he has been given incomplete and evasive replies. He has also requested that the information was not furnished in time. He has also been denied information on the ground that it has been sought in question form.

The respondent's contention is that the application for information was sent to the Hon Minister of state and the same was received in the office of the Public Information Officer on 5.9.2008. He replied on 18.9.2008 and there was no delay on his part. The information was received by the appellant on 30.9.2008. It has also been submitted that it was not possible to reply to the appellant's question as to how and under what rule the application has been transferred by the Hon Minister to Hon. Minister of State. They

have also regretted their inability to indicate the probable date of disposal by the Hon. Minister of State.

After going through the case papers and considering the arguments advanced by parties I have come to the conclusion that part information has been furnished. It is correct that the Public Information Officer cannot indicate the probable date of disposal of the case by the Hon. Minister. It is also correct that many of the information has been sought in question form which the Public Information Officer was not obliged to answer. The RTI Act ensures furnishing of available information and it is not mandated to furnish reply to hypothetical questions. It is however seen that the Public Information Officer could have furnished the no. of pending appeals before the Hon. Minister of State. This is a matter of record and must be furnished. I therefore direct that the same be furnished to the appellant free of cost. I see no attempt to conceal or deny the information and the question of penalty does not arise. The application was required to be presented to the Public Information Officer and not to the Hon. Minister. The delay is caused because of wrong presentation.

Order

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

(Ramanand Tiwari)
State Information Commissioner, Mumbai.

Place: Mumbai
Date: 16.06.2009.

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

Complaint No.2009/218/02

**Shri. Anwar Bagwan
B -2/42, Ambavatika, Nimb Road,
Kondhwa, Pune – 411 048.**

.... Complainant

V/s

**Public Information Officer cum Charity Commissioner
Office of the Charity Commissioner,
Dr.Annie Besant Road,
Worli, Mumbai – 400 011.**

..... Respondent

GROUNDS

This complaint has been filed under section 18(1) of the Right to Information Act 2005. The complainant by his application dated 9.7.2007 had sought following information :-

- 1) Copy of By-laws of Karimbai Ibrahim Khoja Orphanage, which was situated at Malbar Hill, Mumbai.
- 2) In which year Antilia Commercial Pvt. Ltd., acquired or purchased the 4,532 sq. ft. orphanage plot in Malbar Hill, provide the copies of all relevant documents, mentioning the name of Vendee and Vendor.
- 3) When Karimbhai Ibrahim Khoja Orphanage authority enter into deal with Antilia Commercial Pvt. Ltd ? Whether authority published notice in the local newspapers with regard to deal ? Provide the copy of newspaper.
- 4) To whom Wak Board issue N.O.C. in respect of deal with Antilia Commercial Pvt.Ltd., provide copy of N.O.C.
- 5) What parameters and criteria opt to sale Wakf property? Provide rules and regulations prescribed by Wakf Board.
- 6) Sri.Karimbhai Ibrahim Khoja orphanage propose sale of 4,532 sq.mt.plot to Antilia Commercial Pvt.Ltd., in the year 2002 with considerable amount of Rs.21 crore by the way of Auction. Provide the detailed information who participated in Auction, Provide list of same, while action called; provide the copy of newspaper which was published by Orphanage.
- 7) The Maharashtra Wakf Board, when issued N.O.C. for deal transactions. The Board has received Rs.16 Lakhs from Antilia Commercial Pvt.Ltd., whether it is true or untrue. If true provide the copy of receipt.

- 8) Whether Wakf Board have power or authority to sale, Wakf property. Under which provision of law they referred for sale of Orphanage Land.
- 9) Provide the list of Wakf Boards Assets across the Maharashtra State i.e. moveable, immovable, land mosque, orphanage, schools, institutions etc.
- 10) Whether Charity Commissioner of Mumbai have authority to issue N.O.C. for any deal transaction. If not; what action has been taken against Charity Commissioner? Provide details.
- 11) If Department of Revenue rejected the N.O.C., which was issued by Charity Commissioner, Mumbai, then how this deal in between Karimbhai Khoja Orphanage and Antilia Commercial Pvt.Ltd., valid, please give your opinion.

The Public Information Officer by his letter dated 1.12.2007 informed him that information on points no.1,2,3,4 and 6 was not available in the file transferred to the Wakf Board by the Charity Commission. Information on remaining points was furnished by the Public Information Officer.

Not satisfied with responses from the Public Information Officer and the First Appellate Authority the complainant filed this second appeal before the Commissioner. The appeal was heard on 18.6.2009.

The Complainant and the opponent were present. The complainant has contended that he has been given only part information. The representative of the Charity Commissioner's Office has submitted that since the file itself has been transferred to the Wakf Board, he was not in a position to furnish any information.

After going through the case papers and considering the arguments advanced by parties I have come to the conclusion that the complainant should be allowed inspection of the file in the custody of the Wakf Board. The complainant may inspect the file and identify the documents required by him and the same should be furnished on payment of usual charges. I therefore, pass the following order.

Order

The complained is allowed. Information to be furnished by Public Information Officer within 30 days. A copy of this order should be sent to the Officer, Wakf Board, Aurangabad for information and necessary action.

(Ramanand Tiwari)
State Information Commissioner, Mumbai.

Place: Mumbai
Date: 16.06.2009.

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

Appeal No.2009/2551/02

**Smt.Manisha Mahesh Mule
Near Ramnagar Manohar Municipal High school,
Gondia – 441614.**

.... Appellant

V/s

**First Appellate Officer cum Dean
Sir J.J. Group of Hospitals,
Mumbai – 400 008.**

....Respondent

**Public Information Officer
Sir J.J. Group of Hospitals,
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 27.2.2007 had sought utilisation certificate for Rs.15,000/- sent to J.J.Hospital by Zilla Parishad, Gondia on behalf of the appellant for treatment in the said hospital. The appellant also wanted her discharge certificate from the hospital.

Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant filed this second appeal the commission. The appeal was heard on 20.5.2009 through video conference.

The appellant has contended that she has not been given the required information. There have been reminders from Zilla Parishad, Gondia but the information was yet to be received.

The respondent's contention is that this money has already been refunded to the appellant as she had cleared her bill. It was not possible to issue a separate utilisation certificate for Rs.15, 000/-. It was also submitted by them that discharge certificate has already been issued.

After going through the case papers and considering the arguments advanced by parties it is revealed that the money has already been refunded to the appellant. The appellant admits this. The fact however remains that Zilla Parishad, Gondia which had sanctioned the amount must have something on record to show that the money has been

used for the purpose for which it was given. After discussion with parties it was decided that J.J.Hospital will issue a receipt / certificate to the effect that Rs15,000/- was received by the hospital on behalf of the appellant from Zilla Parishad Gondia. Parties agreed.

Order

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

(Ramanand Tiwari)
State Information Commissioner, Mumbai.

Place: Mumbai
Date: 16.06.2009.

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

Complaint No.2009/247/02

**Dr. Shri. Shrikant Prabhu
B – 23, Udyan Prabha,
Tejpal Scheme Road No.2,
Vile Parle (East),
Mumbai – 400 057.**

.... Complainant

V/s

**Public Information Officer cum Dy. Registrar
Co-operative Housing Societies Ltd.,
Mumbai Housing & Area Development Authority,
Grihnirman Bhavan,
Bandra (East),
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 11.7.2008 passed in appeal no.2008/463/02. The facts in brief are as follows:

The complainant by his application dated 24.7.2006 had sought information relating to Shastri Nagar Dwarka Co-operative Housing Society Ltd., Building No.7 Shastrinagar, Goregaon (W), Mumbai. He was not satisfied with responses from the Public Information Officer and the First Appellate Authority. He preferred the 2nd appeal before the Commission. The Commission by its order dated 11.7.2008 directed that the Public Information Officer should comply with the instruction of the First Appellate Authority and furnish information within 30 days. The present complaint is against alleged non compliance of the Commission's order.

The complaint was heard on 20.6.2009. Complainant and defendants were present. The complainant has stated that the Commission's order has not been complied with. The Public Information Officer has neither followed the instruction of the First Appellate Authority nor has he furnished the information in accordance with the Commission's order. The opponent has stated that information was furnished by Public Information Officer's letter dated 3.1.2007.

He has also stated the First Appellate Authority's direction has been complied. The list of auditors on the panel has been complied but not displayed on the board because of its volume.

After considering the arguments advanced by parties and going through the file I have come to the conclusion that complete information has not been furnished. My conclusion is that the First Appellate Authority's instruction has been complied. It is enough to keep the information ready and accessible. The fact that it could not be displayed on the board because of its volume is understandable. It is however seen that information on point no.3, 5, 6, 7 & 8 has not been furnished. The Public Information Officer needs to explain why it was not done and why he should not be penalised under section 20 of the RTI Act. I therefore pass the following order.

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. His reply to come within 4 weeks.

(Ramanand Tiwari)
State Information Commissioner, Mumbai.

Place: Mumbai
Date: 20.06.2009.

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

Complaint No.2009/1927/02

**Dr. Shri. Shrikant Prabhu
B – 23, Udyan Prabha,
Tejpal Scheme Road No.2,
Vile Parle (East),
Mumbai – 400 057.**

.... Complainant

V/s

**Public Information Officer cum Dy. Registrar
Co-operative Housing Societies Ltd.,
Mumbai Housing & Area Development Authority,
Grihnirman Bhavan,
Bandra (East),
Mumbai – 400 051.**

..... Respondent

GROUNDS

This complaint has been filed under section 18 of the Right to Information Act 2005 in the context of the Commission's order dated 11.7.2008 passed in appeal no.2008/1927/02. The facts in brief are as follows:

The complainant had filed an appeal under section 19(3) of the Right to Information Act 2005. He had sought information on 7 points. The appeal was heard on 22.5.2008. The Public Information Officer or the First Appellate Authority was not present. The commission by its order dated 21.6.2008 directed the Public Information Officer to furnish the information within 30 days. He was also asked explain why action under section 20 of the RTI should not be initiated against him. The present complaint is against alleged non-compliance of the Commission's order.

The complaint was heard on 20.6.2009. Complainant and defendants were present. The complainant has stated that the information furnished the Dy. Registrar's letter dated 31.7.2008 was incorrect and he wanted action against him. He produced a copy of the letter dated 18.8.2006 addressed to him. The information contained in this letter does not tally with the information furnished under letter dated 31.7.2008.

The defendant's contention was that letter dt.31.7.2008 was written on the basis of the information available in his office. He also pointed out that if the complainant had in his possession the required information there was no need to ask it again. He also stated that documents might have been destroyed between the first letter and the second letter.

After considering the arguments advanced by parties and going through the file I have come to the conclusion that information furnished by letter dated 31.7.2008 is prima facie incorrect. The letter dated 18.8.2006 says that Shri. P.G.Desai was appointed authorised officer 4 times during 2004-2005 and 12 times during 2005-2006. Shri. Desai was also appointed election officer 2 times during 2004-2005 and 13 times during 2005-2006. Similarly Shri.C.K.Chauhan was appointed authorised officer once during 2005-2006. This is in contradiction to the information contained in the letter dated 31.7.2008. While I appreciate the opponent's contention that the motive of asking for the same information time and again is inexplicable the fact remains that truth should always remain truth. It is necessary to find out the reasons for the information furnished under dated 31.3.2008. I therefore pass the following order.

Order

The complaint is allowed. A show cause notice should be issued to the officer who wrote the letter dated 31.7.2008 why action under section of the RTI Act should not be taken against him. His reply to reach the commission within 4 weeks.

(Ramanand Tiwari)
State Information Commissioner, Mumbai.

Place: Mumbai
Date: 20.06.2009.

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

Complaint No.2009/289/02

**Shri. Edwin D'souza
C/108, Versova Jupiter Co-op.Hsg. Societies Ltd.
Lokhandwala Complex,
4th Cross Road,
Andheri (W),
Mumbai – 400 053.**

.... Complainant

V/s

**Public Information Officer cum Dy. Registrar
Co-operative Societies, K / West,
Grihnirman 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 7.10.2008 passed in appeal no.2008/964/02. The facts in brief are as follows:

The appellant by his application dated 6.8.2007 had sought copies of audited balance sheet / PL account and audit memorandum for 2003-2004, 2004-2005 and 2005-2006 in respect of Versova Jupiter CHS Ltd., Hiranandani Estate Lokhandwala Complex, 4th Cross Road, Andheri (W), Mumbai. The Commission ordered that information should be furnished within 30 days. The complaint is against alleged non compliance of Commissions order.

The complaint was fixed for hearing on 25.6.2009. The defendant was present but the complainant did not turn up.

The defendant has submitted that the administrator took over the society on 16.9.2008. The society had not got its accounts audited from 2004-2005 to 2007-2008. The same has been got done by the Administrator and was placed in the annual general body meeting dated 28.6.2009. Copies were circulated to members including the complainant. The defendant therefore submitted that the order stands complied. Since these reports were not available earlier, the Public Information Officer should not be fined.

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

Order

The case is disposed off.

(Ramanand Tiwari)
State Information Commissioner, Mumbai.

Place: Mumbai
Date: 25.06.2009.

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

Appeal No.2009/2817/02

Shri. Vidyadhar Kesharchand Doshi
Jivan-tara, 126, Morarji Peth,
Saraswati Chowk,
Solapur – 413001.

.... Appellant

V/s

First Appellate Officer
State Information Commission
13th Floor, New Administrative Bldg.,
Opp.Mantralaya,
Mumbai – 400 039.

....Respondent

Public Information Officer
State Information Commission
13th Floor, New Administrative Bldg.,
Opp.Mantralaya,
Mumbai – 400 039.

GROUND

This appeal has been filed under section 19 (3) of the Right to Information Act 2005. The appellant by his application dated 22.11.2007 had sought information from the office of the Maharashtra Information Commission whether filing of second appeal is permissible without filing the first appeal.

Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant filed this second appeal before the commission. The appeal was heard on 18.6.2009.

It seems that the Public Information Officer as well as the First Appellate Authority have not passed any order. It is therefore directed that the Public Information Officer should respond to the appellant within seven days and report compliance.

Order

The appeal is disposed off.

(Ramanand Tiwari)
State Information Commissioner, Mumbai.

Place: Mumbai
Date: 16.06.2009.

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

Appeal No.2009/2777/02

**Shri. Vihar Durve
573/1,
Pawan Vihar, Near Sai Pump,
J.M. Road,
Deccan, Pune – 411004.**

.... Appellant

V/s

**First Appellate Officer
State Information Commission
13th Floor, New Administrative Bldg.,
Opp.Mantralaya,
Mumbai – 400 039.**

....Respondent

**Public Information Officer
State Information Commission
13th Floor, New Administrative Bldg.,
Opp.Mantralaya,
Mumbai – 400 039.**

GROUNDS

This appeal has been filed under section 19 (3) of the Right to Information Act 2005. The appellant by his application dated 14.11.2008 had sought the following information:-

- 1) Total number of pendency with Each State Information Commissioner from assuming office.
- 2) Name & date of occupation and period up to which each state information commissioner have been appointed. Copies of appointment letter period up to which they were appointed & procedure followed to appoint each state information commissioner.
- 3) AREA WISE Total No. of RTI Applications Received Disposed off penalty levied on Public Information Officer with their names and amount office.
- 4) Penalty imposed by information are mentioned on confidential report of erring Public Information Officers.
- 5) How much time requires on an average to dispose of an appeal.
- 6) How each to information commissioner is tacking hose pendency.
- 7) All details about Total RTI Application received, disposed off, penalties levied (amount, names of erring Public Information Officer & office & entry in confidential report)
- 8) Area wise in details yearly expenditure of each information commissioner.

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 11.6.2009.

Appellant and respondents were present. The appellant has contended that he has not been furnished the required information. The respondent submitted that some information was furnished and the balance was ready with them. After hearing both parties it was ordered that the remaining information should be furnished after the hearing was over. Both parties agreed.

Order

The appeal is disposed off.

(Ramanand Tiwari)
State Information Commissioner, Mumbai.

Place: Mumbai
Date: 16.06.2009.

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

Complaint No.2009/248/02

**Dr. Shri. Shrikant Prabhu
B – 23, Udyan Prabha,
Tejpal Scheme Road No.2,
Vile Parle (East),
Mumbai – 400 057.**

.... Complainant

V/s

**Public Information Officer cum Dy. Registrar
Co-operative Societies, K / West,
Grihnirman 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 11.7.2008 passed in appeal no.2008/492/02. The facts in brief are as follows:

The complainant by his application dated 9.10.2006 had sought the following information:-

- a. Particulars and the decision of the hearing held on 16.12.2004 vide your office letter जा.क्र.मुख्य अधिकारी /मुंबई मंडळ / १५२८ / ०४ दिनांक ३०/११/२००४
Exhibit – I.
- b. Report submitted to Upa-Lokayukta Maharashtra State to the Complaint No. 2234/2006 (टे. -१४) dated 14/07/2006. Exhibit – II.
 - 1) Provide him the status of the said complaint vis-à-vis report.
 - 2) Chronological order the detailed progress of the said complaint vis-à-vis report with the remarks, note /s and observation/s made by the concerned person/s and the action taken by the concerned person at his/ her level at each stage. i.e. When did that complaint reached particular Officer / person? How long it was lying with him/ her without any action /cognizance on it? The reason / constraint of not taking any action / cognizance on it.

The complainant was not satisfied with responses from the Public Information Officer and the First Appellate Authority. He therefore, filed the IInd appeal. The commission by its order dated 11.7.2008 directed the Public Information Officer to

furnish the information within 30 days. The present complaint is against alleged noncompliance of commission's order.

The complaint was heard on 20.6.2009. Complainant and defendants were present. The complainant has stated that he did not receive the information as per commission's direction. The respondent has submitted that the appellant inspected the documents and copies of selected documents have been furnished. They also stated that there has been overlapping of replies because of the no. of applications / appeals filed by the complaint against the same society.

After considering the arguments advanced by parties and going through the file I have come to the conclusion that no information with reference to the complaints application dated 9.10.2006 has been furnished. It has to be understood by the Public Information Officer that furnishing information in response to one application does not automatically exempt him from furnishing information in response to another application on the same subject. Each application has to be treated separately. I therefore pass the following order.

Order

Complaint is allowed. A show cause notice should be issued to the Public Information Officer why action under section of the RTI Act should not be taken against him. His reply to reach the commission within 4 weeks.

(Ramanand Tiwari)
State Information Commissioner, Mumbai.

Place: Mumbai
Date: 20.06.2009.

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

Appeal No.2009/2825/02

**Shri. Maruti P. Bhosale
51/1120, Azad Nagar – 3,
Vira Desai Road,
Andheri (W),
Mumbai – 400 058.**

.... Appellant

V/s

**First Appellate Officer cum Estate Manager
Estate Manager – 2,
Mumbai Housing Authority,
Grihnirman Bhavan,
Bandra (E), Mumbai – 400 051.**

....Respondent

**Public Information Officer cum Estate Manager
Estate Manager – 2,
Mumbai Housing Authority,
Grihnirman Bhavan,
Bandra (E), Mumbai – 400 051.**

GROUNDS

This appeal has been filed under section 19 (3) of the Right to Information Act 2005. The appellant by his application dated 12.12.2007 had sought information relating to building no.51, Veera Desai Road. The information sought related to its conveyance, recovery of lease rent, officers in charge of recovery and the case no.476/04 and 477/04 pending in the city civil court.

Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant filed this second appeal before the commission. The appeal was heard on 24.6.2009.

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

The respondent has submitted that information has been furnished. They have furnished a copy to the commission. In view of appellant's absence and respondent submission, I decide to close the case.

Order

The appeal is disposed off.

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

Place: Mumbai
Date: 16.06.2009.

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

Appeal No.2009/2143/02

**Shri. Indrabahadur Sharma
10, Sharma Chawl,
Andheri Kurla Road,
Krishna Nagar, Marol Naka,
Andheri (E), Mumbai – 400 059.**

.... Appellant

V/s

**First Appellate Officer cum Education Inspector,
K / P Ward, Ismail Yusuf College,
Education Department,
Jogeshwari (E), Mumbai.**

....Respondent

**Public Information Officer cum Principal
Shriniwas Bagarka Junior College,
J.B.Nagar,
Andheri (E), Mumbai – 400 059.**

GROUNDS

This appeal has been filed under section 19 (3) of the Right to Information Act 2005. The appellant by his application dated 16.5.2008 had sought the following information:-

- 1) Whether permission for unaided Jr. college is granted
- 2) How many lecturers the head master / head mistress is supposed to take for reaching per week.
- 3) Whether the head mistress Smt. Vanashree Valecha takes the required lecturers every week.
- 4) The salary of Smt. Vanashree Valecha Head Mistress is paid by the state government.
- 5) Whether the head mistress is permitted to take up Additional employment / professional duties and responsibilities other than that of head mistress
- 6) Has the department granted permission to head Mistress Smt. Vanashree Valecha to take up a job as Director of education (or by any other nomenclature) of Shri. Rajasthani Seva Sangh with substantial Salary / honorarium.
- 7) Whether the department has granted permission to Shri. Ghanshyamdas Poddar Vidyalaya to run the eighth standard classes at Gundavali Municipal School. Please provide a copy of permission.

Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant filed this second appeal before the commission. The appeal was fixed for hearing on 26.3.2009. The appeal was fixed for hearing on 26.3.209. The appellant wrote a letter to the commission (dt 25.3.2009) that he had to go somewhere and hearing should be adjourned. Since there was not much time left, the respondent attended the hearing on 26.06.2009. The hearing as desired by the appellant was adjourned. It was fixed for hearing on 22.6.2009. The appellant sent a fax on 22.6.2009 seeking an adjournment. The respondents had already come. The request for adjournment is rejected and case closed.

Order

Appeal is dismissed.

(Ramanand Tiwari)
State Information Commissioner, Mumbai.

Place: Mumbai
Date: 16.06.2009.

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

Appeal No.2009/2837/02

**Shri. Sanjay Gangaram Pawar
Amba Chawl Wadi,
Jahangir Merwanji Path,
Parel, Mumbai – 400 012.**

.... Appellant

V/s

**First Appellate Officer
Slum Rehabilitation Authority,
5th Floor, Grihnirman Bhavan,
Bandra (E), Mumbai – 400 051.**

....Respondent

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

GROUNDS

This appeal has been filed under section 19 (3) of the Right to Information Act 2005. The appellant by his application dated 29.10.2007 had sought information in respect of the proposal dated 28.2.2001 for redevelopment, submitted by Amba Chawl Wadi Co-operative Housing Society (proposed). The appellant wanted copies of orders, notings and related documents.

Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant filed this second appeal before the Commission. The appeal was heard on 24.6.2009.

Appellant and respondents were present. The appellant has contended that he has not been furnished the required information. He was also not facilitated the inspection of relevant documents. He has alleged that the Public Information Officer was avoiding to give the relevant information.

The respondent explained the background of the case. According to them the land belongs to MCGM. A proposal to redevelop the land was submitted on behalf of M/s. Mahalaxmi Co-operative Housing Society (proposed) Annexure II was also issued by the Ward Officer F/S ward on 19.11.1997. They also submitted that there have been disputes between Ambawadi Chawl Rahiwasi Seva Sangh and developers of the scheme. They fought upto Supreme Court. As far as appellant's application was concerned, it was referred to the MCGM as they are the owners of the land. The Asstt. Commissioner F / South by his letter dated 21.3.2008 has sought further guidance from the SRA. It has

also been stated that the issue is also pending with the High Power Committee. Copies of these communications are with the appellant.

In the light of the above discussion, it is clear that the appellant is fully informed. I therefore decide to close the case.

Order

Appeal is disposed off.

(Ramanand Tiwari)
State Information Commissioner, Mumbai.

Place: Mumbai
Date: 25.06.2009.

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

Appeal No.2009/2601/02

Shri. Jaywant Madhukar Mishra
Plot No. 16, Jawahar Colony,
Pulgaon, Tal - Deoli,
Dist. – Wardha – 442302.

... Appellant

V/s

First Appellate Officer cum Chief Officer
Nagar Parishad, Pulgaon,
Tal. – Deoli,
District – Wardha – 442302.

...Respondent

Public Information Officer Chief Officer
Nagar Parishad, Pulgaon,
Tal. – Deoli,
District – Wardha – 442302.

GROUNDS

This appeal has been filed under section 19 (3) of the Right to Information Act 2005. The appellant had sought information relating to the Deputy Director, Municipal Administrator's letter, prepared 8 months before pension papers, writ no. 2930/4, Municipal Councils resolution dated 6.11.2004 and information in respect of the Chief Officer and head master.

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 25.5.2009.

The appellant did not turn up but the respondent has contended that the information has been furnished but there was delay because the staff was busy in tackling water scarcity problem.

After going through the case papers and considering the arguments advanced by parties I have come to the conclusion that information has been furnished. There was no deliberate attempt to deny the information. The appellant has also not taken care to ensure that the second appeal is filed properly. He has not enclosed copies of required documents – copy of the application for information the Public Information Officer order if any, copy of the first appeal and order if any. The appeal has been presented in a casual manner. In view of the above discussion I close the case.

Order

Appeal is dismissed.

(Ramanand Tiwari)
State Information Commissioner, Mumbai.

Place: Mumbai
Date: 17.06.2009.

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

Appeal No.2009/2775/02

**Shri. Pandharinath Bandal
79 / 4+5, Bhagirathi Niwas,
Kothrud,
Behind P.S.T. Depot,
Kothrud, Pune – 400 029.**

.... Appellant

V/s

**First Appellate Officer
Office of the Governor's Secretary,
Rajbhavan,
Malbar Hill,
Mumbai – 400 035.**

....Respondent

**Public Information Officer
Office of the Governor's Secretary,
Rajbhavan,
Malbar Hill,
Mumbai – 400 035.**

GROUND

This appeal has been filed under section 19 (3) of the Right to Information Act 2005. The appellant by his application dated 22.10.2008 had sought information in respect of his complaint dated 22.10.2008 and action taken on that. He wanted details like statements recorded, punchnama and order passed. Similarly the appellant had sought salary details of Shri. Devendra Khade, Under Secretary in the Raj Bhavan and also his property returns and income tax returns. The Public Information Officer by his letter dated 15.12.2008 informed him that information on point 1 & 2 was expected from the Home Department and papers have been sent to them. Information on remaining points was sent except those which are personal.

Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant filed this second appeal before the Commission. The appeal was heard on 16.6.2009.

Appellant and respondents were present. The appellant has contended that there has been delay in furnishing the required information and the Public Information Officer should be penalised. The respondent had no credible reply. I therefore, order that the

Public Information Officer should submit his explanation as to why action under section 20 of the RTI Act should not be taken against him. His explanation to reach the commission within 4 weeks.

Order

The appeal is disposed off.

(Ramanand Tiwari)
State Information Commissioner, Mumbai.

Place: Mumbai
Date: 17.06.2009.

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

Appeal No.2009/2839/02

Shri. Vishwas Vasant Tamhankar
Tagore Nagar Chawl No.156,
Room No. 2585,
Group No. 5-B,
Vikroli (E), Mumbai – 400 083.

.... Appellant

V/s

First Appellate Officer cum Dy.Commissioner of Police
Office of the Sashstra Police & Dungal Niyantarak Pathak
Naigaon, Mumbai – 400 014.

....Respondent

Public Information Officer cum Asstt. Commissioner of Police
Administration,
Office of the Sashstra Police & Dungal Niyantarak Pathak
Naigaon, Mumbai – 400 014.

GROUNDS

This appeal has been filed under section 19 (3) of the Right to Information Act 2005. Appellant has pleaded for action against the Public Information Officer for not furnishing information within 30 days. Respondent submits that the appellant had asked for information on 39 points. Its range was also very wide. It took sometime to collect the information. I do not see any attempt to conceal, deny or delay the information. Information has been furnished. This not a fit case for penalising Public Information Officer.

Order

The appeal is disposed off.

(Ramanand Tiwari)
State Information Commissioner, Mumbai.

Place: Mumbai
Date: 17.06.2009.

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

Appeal No.2009/2643/02

**Shri. Omprakash Gopikishan Sharma
Civil Line, Main Road,
At Post – Mangalrulpir, Dist. – Washim.**

.... Appellant

V/s

**First Appellate Officer cum Director
Nagar Parishad,
Directorate, Worli,
Mumbai.**

....Respondent

**Public Information Officer cum Director
Nagar Parishad,
Directorate, Worli,
Mumbai.**

GROUND

This appeal has been filed under section 19 (3) of the Right to Information Act 2005. The appellant by his application dated 23.5.2008 had sought information relating of the appellant's application for directing the Municipal Council Mangrulpir, District Washim to follow govt. instruction to reserve 10% of commercial galas for educated unemployed. The application was sent to Director Municipal Administration and applicant was informed. The DMA however has not furnished any information to the appellant.

Not satisfied with responses from the Public Information Officer and the First Appellant Authority the appellant filed this second appeal before the commission. The appeal was heard on 28.5.2009.

The appellant did not turn up but the respondent was present. It is seen from case papers that information has not been furnished. The appellant wanted to know what action has been taken on his application. It is therefore directed that the required information must be furnished failing which action under section 20 will be taken against the Public Information Officer. I therefore pass the following order.

Order

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

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

Place: Mumbai
Date: 30.06.2009.

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

Appeal No.2009/2695/02

**Shri. Ramchandra Dinkar Ratnaparkhi
Ratnakunj Niwas,
Jawahar Colony,
Nagar Road, Beed – 431122.**

.... Appellant

V/s

**First Appellate Officer cum Secretary
State Information Commission,
New Administrative Bldg.,
Mumbai – 400 032.**

....Respondent

**Public Information Officer cum Desk Officer
State Information Commission,
New Administrative Bldg.,
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 24.5.2008 had sought information relating to the Maharashtra State Information Commission. He wanted information on 23 points. The Public Information Officer by his letter dated 28.5.2008 furnished information on 5 points and forwarded his application to the General Administration Department for remaining points. The appellant preferred appeal under section 19(1) of the RTI Act and the First Appellate Authority confirmed the Public Information Officer's order.

Not satisfied with the responses from the Public Information Officer and the First Appellate Authority the appellant filed his second appeal before the commission. The appeal was heard on 4.6.2009.

It appears from case papers that the information sought by the appellant is very comprehensive. Many of the queries are not information according to the RTI Act. It is also seen that his application which was forwarded to the GAD has been disposed off. The First Appellate Authority has also passed his order dated nil. This has been received by the appellant on 10.11.2008.

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 decide to close the case.

Order

The appeal is disposed off.

(Ramanand Tiwari)
State Information Commissioner, Mumbai.

Place: Mumbai
Date: 29.06.2009.

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

Appeal No.2009/2559/02

**Shri.Sanjay Manoharrao Warujkar
At Post- Shankarpur,
Tal. – Chimur,
District – Chandrapur.**

.... Appellant

V/s

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

....Respondent

**Public Information Officer cum Principal Secretary
Home 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 6.12.2008 had sought information relating to Shri. Bhaurao Gaikwad who was sent to jail in 1993 and has disappeared since then. A magisterial enquiry was ordered and jail officials were found responsible for disappearance. The appellant wanted to know what action has been taken against them. He wanted copies of reports sent by the collector Chandrapur and Divisional Commissioner Nagpur. He was informed that his application was sent to the Inspector General of Police and he should get in touch with him.

Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant filed this second appeal before the commission. The appeal was heard on 22.5.2009.

The appellant did not turn up but the respondent was present. The appellant has contended he has not been furnished the required information. The respondent stated that his papers have been sent to the Inspector General of Prisons.

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

furnished. The RTI Act clearly says that information has to be furnished by public authority who holds it or under whose control it is held. It is seen from case papers that papers have been moving from one desk to another desk. This can go endlessly without information being furnished to the appellant. This is likely to defeat the whole purpose of the RTI Act. I am therefore of the view that someone has to take responsibility. I therefore order that the Home Department will arrange to furnish the following information:-

- 1) Copies of the magisterial enquiry report
- 2) Divisional Commissioners recommendation for financial help.

It is being clarified that the commission's order is confined to furnishing of available information and we are not mandated to order payment of compensation etc. I therefore pass the following order.

Order

Appeal is allowed. Information to be furnished within 30 days. He was informed by the Public Information that his application was sent to Inspector General of Prisons and the appellant should get in touch with him.

(Ramanand Tiwari)
State Information Commissioner, Mumbai.

Place: Mumbai
Date: 29.06.2009.

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

Appeal No.2009/2578/02

**Shri.Manohar Marotrao Dhakate
Anchaleshwar Ward,
Near Balaji Mandir,
Chandrapur.**

.... 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 by his application dated 1.8.2007 had sought information regarding classification of 'Gond' as a schedule tribe. The appellant's contention is that the list published by Govt. of India does not include 'Gond' as a scheduled tribe. The entry there is 'Gond Rajgond'. He has pointed out that despite this 'gond' has been classified as tribe.

Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant filed this second appeal before the commission. The appeal was heard on 21.5.2009.

Appellant and respondents were present. The appellant has contended that Govt. of Maharashtra cannot make any changes in the list and the power rests with the Parliament.

The respondent's contention is that the Govt. of India by their communication dated 15.7.2007 clarified that 'Gond' and 'Rajgond' are separate tribes and the Govt. of Maharashtra accordingly issued instruction.

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 am aware

that the information furnished has not satisfied the appellant. He is raising the basic issue whether Govt. of India itself can amend the list without being authorised by the Parliament. The issue is no doubt interesting and academically sound but goes beyond the scope of RTI Act. The Act mandates furnishing of available information and no interpretation is expected. Despite being impressed by the appellant's academic enquiry I decide to close the case.

Order

Appeal is disposed off.

(Ramanand Tiwari)
State Information Commissioner, Mumbai.

Place: Mumbai
Date: 29.06.2009.

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

Appeal No.2009/2451/02

**Shri.Ramesh Madhukar Salwe
Surji Vallabhdas Chawl,
(Shivprasad Shankar Chawl),
Vikhroli (E),
Mumbai – 400 083.**

.... Appellant

V/s

**First Appellate Officer
M.M.R.D.A,
Bandra Kurla Complex,
Mumbai – 400 051.**

....Respondent

**Public Information Officer
M.M.R.D.A,
Bandra Kurla Complex,
Mumbai – 400 051.**

GROUND

This appeal has been filed under section 19 (3) of the Right to Information Act 2005. The appellant by his application dated 12.11.2008 had sought information in respect of officers who approved the list of Project affected persons prepared by SPARC. The appellant wanted to know about the names finalised in respect of map no.7, 8 and 9 of Godrej Road, Indira Nagar, Vikhroli (E) and Haryali Village, Vikhroli (E).

Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant filed this second appeal before the commission. The appeal was heard on 23.6.2009.

Appellant and respondents were present. The appellant has contended that he has not been furnished the required information. His main point is that the list is prepared by the NGO and MMRDA approves it. He wanted to know who are the high level officials associated with the process.

The respondent's contention is that SPARC prepared the Baseline Survey Report and MMRDA approved it. He also described the procedure of processing the file.

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 not enough to explain to the appellant. There has to be a set procedure. The appellant needs to be informed I therefore pass the following order.

Order

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

(Ramanand Tiwari)
State Information Commissioner, Mumbai.

Place: Mumbai
Date: 29.06.2009.

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

Complaint No.2009/197/02

**Shri. Edwin D'souza
C/108, Versova Jupiter Co-op.Hsg. Societies Ltd.
Lokhandwala Complex,
4th Cross Road,
Andheri (W),
Mumbai – 400 053.**

.... Complainant

V/s

**Public Information Officer cum Dy. Registrar
Co-operative Societies, K / West,
Grihnirman 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 7.10.2008 passed in appeal no.2008/964/02. The facts in brief are as follows:

The appellant by his application dated 6.8.2007 had sought copies of audited balance sheet / PL account and audit memorandum for 2003-2004, 2004-2005 and 2005-2006 in respect of Versova Jupiter CHS Ltd., Hiranandani Estate Lokhandwala Complex, 4th Cross Road, Andheri (W), Mumbai. The Commission ordered that information should be furnished within 30 days. The complaint is against alleged non compliance of Commissions order.

The complaint was fixed for hearing on 1.7.2009. The defendant was present but the complainant did not turn up.

The defendant has submitted that the administrator took over the society on 16.9.2008. The society had not got its accounts audited from 2004-2005 to 2007-2008. The same has been got done by the Administrator and was placed in the annual general body meeting dated 28.6.2009. Copies were circulated to members including the complainant. The defendant therefore submitted that the order stands complied. Since these reports were not available earlier, the Public Information Officer should not be fined.

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

Order

The case is disposed off.

(Ramanand Tiwari)
State Information Commissioner, Mumbai.

Place: Mumbai
Date: 01.07.2009.

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

Appeal No.2009/2614/02

**Shri. Pitambar Totaram Choudhary
Shivneri Chowk,
Vishnuwadi,
Buldhana – 443001.**

.... Appellant

V/s

**First Appellate Officer cum Addl. Superintendent of Police
Anticorruption Bureau,
Madhu Industrial Estate,
1st Floor, Pandurang Budhkar Marg,
Lower Parel, Mumbai – 400 013.**

....Respondent

**Public Information Officer cum Dy. Superintendent of Police
Anticorruption Bureau,
Madhu Industrial Estate,
1st Floor, Pandurang Budhkar Marg,
Lower Parel, Mumbai – 400 013.**

GROUND

This appeal has been filed under section 19 (3) of the Right to Information Act 2005. The appellant by his application dated 14.8.2008 had sought information regarding action taken on his complaint dated 25.3.2008. He also wanted information in respect of his complaint dated 13.5.2008 against Shri. H.M.Jadhav, Dy. Superintendent of Police, ACB, Buldhana. He has also sought information regarding action taken on his complaint dated 1.7.2008. The Public Information Officer by his letter dated 4.9.2008 furnished the required information.

The appellant was not satisfied and filed appeal dated 22.9.2008. There is nothing on record to show that the First Appellate Authority has passed any order.

Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant filed his second appeal before the commission. The appeal was heard on 26.5.2009.

Appellant and respondent were present. The appellant has contended that the Public Information Officer did not furnish information within 30 days as stipulated. The First Appellate Authority did not decide the appeal.

The respondent's contention is that information was furnished in time. The appellant's application was dated 14.8.2008 and information was furnished by the Public Information Officer's letter dated 4.9.2008.

After going through the case papers and considering the arguments advanced by parties I have come to the conclusion that information has been furnished in time. It is true that the First Appellate Authority does not seem to have passed any order. I have gone through the application written by the appellant to the DGP, ACB Maharashtra, Mumbai. It is very elaborate. It also reveals the background of the application for information. I am however of the view that the RTI Act has to be followed in letter and spirit. The First Appellate Authority should have heard the appeal and given his reasoned order. The same has not been done and the appellant has been deprived of one more chance of getting information. I therefore order that the appeal should be heard by the First Appellate Authority. I therefore pass the following order.

Order

The case remanded to the First Appellate Authority who will hear the appellant and pass his reason order within 45 days.

(Ramanand Tiwari)
State Information Commissioner, Mumbai.

Place: Mumbai
Date: 29.06.2009.

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

Appeal No.2009/2309/02

**Shri. Hemant Maniklal Chajed
6, Mahavir Society,
Mohadi Road,
Jalgaon – 425001.**

.... 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 by his application dated 17.12.2007 had sought information relating to forest land from 1981 to November 2007 in the proforma enclosed by him. He had also sought information and documents regarding transfer of all Gazatted Officers from 2004 to November 2007. The Public Information Officer in the office of the Chief Secretary by his letter dated 17.12.2007 informed him that his application was transferred to the General Administration Department and the Forest Department as the information sought was available with them. The appellant was not satisfied and preferred the first appeal. The First Appellate Authority by his order dated 31.1.2008 disposed off his appeal.

Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant filed his second appeal before the commission. The appeal was heard on 8.5.2009.

The appellant did not turn up but the respondent was present. It has been stated that the application was sent to the department concerned in accordance with section 6 (3) of the Right to Information Act, 2005. The Chief Secretary's Office did not have the required information and application was forwarded to the concerned department under intimation to the appellant.

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

Order

The appeal is disposed off.

(Ramanand Tiwari)
State Information Commissioner, Mumbai.

Place: Mumbai
Date: 30.06.2009.

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

Complaint No.2009/279/02

**Shri. Divakar R. Kotian
Shop No. 4/10, Mohammed Munir Chawl,
Rajashri Shahu Maharaj Marg,
Saiwadi, Andheri (E),
Mumbai – 400 069.**

.... Complainant

**V/s
Public Information Officer cum Executive Engineer
M.M.R.D.A.,
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 15.12.2008 passed in appeal no.2008/1429/02. The appellant by his application dated 25.1.2008 had sought the following information:-

- i) Names of Officials of Engineering Dept appointed for Demolition Squad on 14.1.2008 for demolition at 4/10, Mohd. Jan Munir Chawl, Rajarshi Shahu Maharaj Marg, Teli Galli, Andheri (E), Mumbai – 400 069.
- ii) Timing of their Official Duties on 14.01.2008.
- iii) Copy of Application made by MMRDA for police protection for demolition at above said address on 14.1.2008.

Not satisfied with the responses from the Public Information Officer and the First Appellate Authority, he preferred the second appeal before the commission. The commission by its order dated 15.12.2008 directed that information should be furnished on point no.3 within 15 days. The present complaint is against alleged non compliance of the commission's order.

The complaint was heard on 30.6.2009. The defendant was present but the complainant did not turn up. The complainant had complained that he has been given information regarding MMRDA's letter for police help to remove encroachment on N.S.Phadake Marg where as he wanted a copy of the letters sent to police for removal of encroachment on Rajarshi Shahu Maharaj Marg.

The defendant's contention was that there are no separate letters and a copy of the letter sent to the police has been furnished to the complainant. He explained through a

sketch that police help was sought for removal of encroachment around Teli Galli, Chowk.

In view of the opponent's submission and complainant's absence, I decide to close the case. I pass the following order.

Order

The complaint is dismissed.

(Ramanand Tiwari)
State Information Commissioner, Mumbai.

Place: Mumbai
Date: 30.06.2009.

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

Complaint No.2009/252/02

**Dr. Shri. Shrikant S. Prabhu
B – 23 “Udyan Prabha”,
Tejpal Scheme Road No.2,
Vile Parle (E),
Mumbai – 400 057.**

.... Complainant

V/s

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

..... Respondent

GROUND

This complaint has been filed under section 18 of the Right to Information Act 2005 in the context of the Commission's order dated 31.12.2008 passed in appeal no.2008/1398/02. The facts in brief are as follows:

The complainant by his application dated 28.12.2007 had sought copy of the 'no objection' issued for redevelopment of Shastrinagar Dwarka Co-operative Society, Shastrinagar, Goregaon, Mumbai, roznama of hearing dated 5.12.2007 and information regarding appointment of Shri. Surendra More on various societies. Not satisfied with responses from the Public Information Officer and the First Appellate Authority, the complainant filed an appeal under section 19(3) of the RTI Act. The commission by its order dated 31.12.2008 directed that the First Appellate Authority should hear the first appeal and pass necessary order. The present complaint is against alleged non compliance of commission's order.

The complaint was heard on 20.6.2009. Complainant and defendants were present. The complainant has stated that he has not received the information he had wanted. The defendant has made written submission. He has submitted that according to the direction of the commission, the first appeal was heard. The complainant was also given inspection of documents. Copies of available documents have been furnished.

After considering the arguments advanced by parties and going through the file I have come to the conclusion that the commission's directions have been complied and information furnished. It is possible that the complainant did not get what he wanted but

the RTI Act ensures furnishing of available information and not what the complainant expected. In view of this I decide to close the case.

Order

The complaint is disposed off.

(Ramanand Tiwari)
State Information Commissioner, Mumbai.

Place: Mumbai
Date: 29.06.2009.

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

Complaint No.2009/327/02

**Shri. Mohansigh Shankar Rajput
M.T. Property Chawl No.1,
Room No. 21,
Dr. E.Mojes Road, Worli Naka,
Mumbai.**

.... Complainant

V/s

**Public Information Officer cum Dy. Engineer
Public Work Department (P.W.D.),
Sub Division -1,
Worli, Mumbai – 400 018.**

..... Respondent

GROUND

This complaint has been filed under section 18 of the Right to Information Act 2005 in the context of the Commission's order dated 9.4.2009 passed in appeal no.2009/2183/02. The facts in brief are as follows:

The complainant had sought names of contractors' names of works, estimated cost technical approval, sanction no from measurement book no.3389. Not satisfied with 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. The commission by its order dated 9.4.2009 directed that the information should be furnished within 30 days. The present complaint is against alleged non compliance of the commission's order.

The complaint was heard on 2.7.2009. Complainant and defendants were present. The complainant has stated that he has received the information although after making complaint. He however wanted the case to be closed. I therefore pass the following order.

Order

The complaint is disposed off.

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

Place: Mumbai
Date: 29.06.2009.

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

Appeal No.2009/1882/02

Shri. Khalid Ahmed Nawabali Subhedar
G – 23, Mahindra Park,
L.B.S.Marg,
Ghatkopar, Mumbai – 400 086.

.... Appellant

V/s

First Appellate Officer cum Asstt. Commissioner
Municipal Corporation of Greater Mumbai,
M /East Ward,
Chembur, Mumbai – 400 071.

....Respondent

Public Information Officer cum Asstt. Engineer
(Building & factories)
Municipal Corporation of Greater Mumbai,
M /East Ward,
Chembur, Mumbai – 400 071.

GROUNDS

This appeal has been filed under section 19 (3) of the Right to Information Act 2005. The appellant had sought the information regarding his application for repair permission to the structure on plot no.18, Janata Timber Market, Opposite Bhujbal Wadi, Ghatkopar Mankhurd Link Road, Govandi, Mumbai.

Not satisfied with the reply 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 22.6.2009.

Order

The appeal is disposed off.

(Ramanand Tiwari)
State Information Commissioner, Mumbai.

Place: Mumbai
Date: 30.06.2009.