

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

Appeal No.2010/4382/02

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

... **Appellant**

V/s

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

... **Respondent**

Public Information Officer cum Asstt Engineer
Municipal Corporation of Greater Mumbai
G/North Ward, Dadar, Mumbai – 400 028.

GROUND

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

Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant filed this second appeal before the commission. The appeal was heard on 17.03.2010. Appellant and respondents were present.

It transpired during the hearing that the appeal has been decided and order passed in appeal no 2010/4358/02 dated 24.02.2010. The case is therefore closed.

Order

The appeal is disposed off.

(Ramanand Tiwari)
State Information Commissioner, Mumbai

Place: Mumbai
Date: 17.03.2010.

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

Complaint No.2010/640/02

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

...Complainant

Vs

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

... Respondent

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 22.10.2009 passed in appeal no 2008/3480/02. The facts in brief are as follows: The complainant by his application dated 02.07.2009 had sought information in respect of his appeal for his eligibility before the Slum Rehabilitation Authority.

Not satisfied with responses from the Public Information Officer and First Appellate Authority the complainant filed appeal under section 19 (3) of the RTI Act, 2005. The commission by its order dated 22.10.2009 directed that information should be furnished within 30 days. The present complaint is against alleged non compliance of commissions order.

The complaint was fixed for hearing on 17.03.2010. The complainant and defendant were absent.

Case papers reveal that order dated 20.02.2010 has been passed in complaint no 2010/625/02 directing the Secretary SRA to hear the appeal and pass order. This complaint is therefore filed.

Order

The complaint is filed

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

Place: Mumbai
Date: 17.03.2010.

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

Complaint No.2010/636/02

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

...Complainant

Vs

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

... Respondent

GROUND

This complaint has been filed under section 18 of the Right to Information Act 2005 in the context of the commission's order dated 31.01.2009 passed in appeal no 2008/1516/02. The facts in brief are as follows: The present complainant had asked for a copy of the application submitted by the occupier of "Uncle's Kitchen" Hotel seeking building permission for construction and a copy of the permission granted.

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

The complaint was fixed for hearing on 17.03.2010. The complainant and defendant were absent.

Case papers reveal that a similar complaint no 2010/603/02 has been decided by the commission's order dated 20.02.2010. The present complaint is closed. The commission however is awaiting the defendant's response to and compliance of its order dated 20.02.2010. This complaint is therefore filed.

Order

The complaint is filed.

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

Place: Mumbai
Date: 17.03.2010.

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

Appeal No.2010/4373/02

**Shri. R.P. Yajurvedi (Rao)
J-220 Ansa Saki Vihar Rd,
Sakinaka, Andheri (E),
Mumbai – 400 059.**

... Appellant

V/s

**First Appellate Officer,
EE BP (City) II,
Office of the Dy EHE BP City,
Municipal Corporation of Greater Mumbai
F Ward Office, Mumbai.**

... Respondent

**Public Information Officer,
Office of the Dy EHE BP City,
Municipal Corporation of Greater Mumbai
F Ward Office, Mumbai.**

GROUNDS

This appeal has been filed under section 19(3) of the Right to Information Act, 2005. The appellant by his application dated 16.09.2009 had sought following information: - “Copies of the last proposal approved by the MCGM pertaining to newly inaugurated. Rejeev Gandhi Congress Office of Mumbai Regional Congress Committee near MCGM Office at Fort Mumbai.”

Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant filed this second appeal before the commission. The appeal was heard on 17.03.2010. Appellant was present but the respondent was absent.

The appellant has contended that he has not been furnished the required information. Since the respondent was not present it could not be verified. Case papers show that no information has been furnished. I therefore pass the following order.

Order

Information to be furnished within 15 days failing which action will be initiated under section 20 of the RTI Act, 2005.

(Ramanand Tiwari)
State Information Commissioner, Mumbai

Place: Mumbai
Date: 17.03.2010.

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

Appeal No.2010/4369/02

**Shri. Sanjraj Harishchandra Mangeshkar
Mahesh Kashinath Surve
82/F, Shneha CHS Ltd, Block No.2, Thakurwadi,
Dadar (E), Mumbai – 400 014.**

... Appellant

V/s

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

... Respondent

**Public Information Officer,
Cooperative Board – 1,
Mumbai Housing & Area Development Board,
Grihanirman Bhavan, Bandra (E), Mumbai – 400 051.**

GROUNDS

This appeal has been filed under section 19(3) of the Right to Information Act, 2005. The appellant by his application dated 15.09.2009 had sought information on an enquiry conducted against Akshya Cooperative Society, Tilak Nagar, Chembur, Mumbai. He wanted to know when was the enquiry ordered, who was the enquiry officer and also requested for a copy of the report.

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 17.03.2010. Appellant was present but the respondent was absent.

The appellant in his appeal has contended that he has not received the information he had sought. Since the respondent was absent it could not be verified. Case papers reveal that he has been furnished information on point no 1 & 2 but no information has

been furnished on point no-3. The First Appellate Authority in his order dated 23.11.2009 had also directed that information on point no 3 should be furnished within 15 days. The same does not seem to have been complied. I therefore pass the following order.

Order

PIO to furnish information within 7 days from the date of receipt of this order. He should also show cause why action should not be taken against him under section 20 of the RTI Act, 2005. His reply to reach the commission within 4 weeks.

(Ramanand Tiwari)
State Information Commissioner, Mumbai

Place: Mumbai
Date: 17.03.2010.

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

Appeal No.2010/4365/02

**Shri. R.P. Yajurvedi (Rao)
J-220 Ansa Saki Vihar Rd,
Sakinaka, Andheri (E),
Mumbai – 400 059.**

... Appellant

V/s

**First Appellate Officer cum Joint Director
Director of Technical Education,
Western Region Bandra (E),
Mumbai.**

... Respondent

**Public Information Officer,
Director of Technical Education,
Western Region Bandra (E),
Mumbai.**

GROUNDS

This appeal has been filed under section 19(3) of the Right to Information Act, 2005. The appellant by his application dated 22.09.2009 had sought following information: -

- a. Full text of Constitution of the Governing Body of the College as registered with DTE.
- b. Name provide of the member of the DTE on the Governing Body of the said college during the above period.
- c. Names, designation and type of representation of the members of the Governing Body of the said College as per DTE records.
- d. State the numbers of inspections carried out by DTE on various courses conducted by the college during the above period.

- e. Reports of various inspections carried out by DTE including those on behalf of AICTE for the above period Xerox copies to be provided.
- f. Xerox copies of the yearly returns filed by the college with DTE for the above period.

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 17.03.2010. Appellant and respondents were present.

The appellant has contended that full information has not been furnished to him. The respondent submitted that information pertaining to them has been furnished (Point no d & f) The Director Technical Education has been sent a copy of the application for the remaining points a required under section 6(3) of 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 not been furnished. The application was transferred to the DTE but information has not been received by the appellant. The commission takes a serious note of this and passes the following order.

Order

DTE to furnish information within 15 days and report compliance.

(Ramanand Tiwari)
State Information Commissioner, Mumbai

Place: Mumbai
Date: 17.03.2010.

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

Appeal No.2010/4381/02

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

... **Appellant**

V/s

First Appellate Officer cum Chief Officer
Mumbai Building repair & Reconstruction Board,
MHADA, Grihanirman Bhavan,
Bandra (E), Mumbai – 400 051.

... **Respondent**

Public Information Officer cum Executive Engineer
Mumbai Building repair & Reconstruction Board,
MHADA, Grihanirman Bhavan,
Bandra (E), Mumbai – 400 051.

GROUND

This appeal has been filed under section 19(3) of the Right to Information Act, 2005. The appellant by his application dated 26.10.2009 had sought a copy of the approved plan of the building known as Ebrahim Manzil, Opposite Farooque High School, S.V. Rd, Jogesghweri (W), Mumbai before repair, reconstruction and redevelopment bearing CTS No.298 299 and 300 of Oshiwara Village.

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 17.03.2010. Appellant was present but the respondent was absent.

The appellant has contended that he has not been given the required information. Since the respondent remained absent, it could not be verified. Case papers show that no information has been furnished. I therefore pass the following order.

Order

Information to be furnished within 15 days free of cost. PIO to show cause why he should not be penalized for violation of the RTI Act. His reply to come within 4 weeks.

(Ramanand Tiwari)
State Information Commissioner, Mumbai

Place: Mumbai
Date: 17.03.2010.

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

Appeal No.2010/4370/02

**Shri. Sanjraj Harishchandra Mangeshkar
Mahesh Kashinath Surve
82/F, Shneha CHS Ltd, Block No.2, Thakurwadi,
Dadar (E), Mumbai – 400 014.**

... Appellant

V/s

**First Appellate Officer cum Dy Chief Engineer (Bldg. Proposal)
Office of the Western Suburban, Near Raj legacy,
Paper Mill Compound, L.B.S. Marg,
Vikroli (W), Mumbai – 400 083.**

... Respondent

**Public Information Officer cum Executive Engineer (Bldg. Proposal)
Office of the Western Suburban, Near Raj legacy,
Paper Mill Compound, L.B.S. Marg,
Vikroli (W), Mumbai – 400 083.**

GROUNDS

This appeal has been filed under section 19(3) of the Right to Information Act, 2005. The appellant by his application dated 06.09.2009 had sought information redevelopment of Akshaya Cooperative Society building situated at CTS No 35 Part II, Tilak Nagar, Chembur, Mumbai. 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 17.03.2010. Appellant and respondents were present.

The appellant has contended that he has not been furnished the required information. He has alleged that he was asked to carry out inspection by the BMC's letter dated 10.09.2009 which was received by him on 11.11.2009 and this was done deliberately. He pleaded that he should be given the information free of cost.

The respondent submitted that the letter dated 10.09.2009 was sent the same day. He has produced an extract of his dispatch register in support of his submission. He also pointed out that the appellant was communicated to deposit Rs.754/- in the light of the order passed by the First Appellate Authority. The appellant has not deposited the required amount.

I have gone through the case papers and considering the arguments advanced by parties. There is nothing on record to prove that the letter dated 10.09.2009 was posted after two months. In the absence of anything to the contrary, the extract from the dispatch register was sufficient to prove that the letter was sent on 11.09.2009. There has been no delay on the part of the respondent and the appellant therefore is not entitled to get information free of cost. I therefore pass the following order.

Order

The appeal is dismissed.

(Ramanand Tiwari)
State Information Commissioner, Mumbai

Place: Mumbai
Date: 17.03.2010.

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

Complaint No.2010/655/02

**Shri. Bhushan Bhagwandas Ghodi (Patel)
Bhagwan House C/16, Chincholi Bandar Rd,
Malad (W), Mumbai – 400 064.**

...Complainant

Vs

**Public Information Officer,
MMRDA, Bandra-Kurla Complex,
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 15.04.2009 passed in appeal no 2009/1995/02. The facts in brief are as follows: The present complainant had sought information regarding road cutting through his property and also a copy of map no. 18, MUTP.

Not satisfied with responses from the Public Information Officer and First Appellate Authority the complainant filed appeal under section 19 (3) of the RTI Act, 2005. The commission by its order dated 15.04.2009 directed that the first appeal should be heard and order passed within 45 days. The present complaint is against alleged non compliance of commissions order.

The complaint was heard on 18.03.2010. Complainant and defendants were present.

The complainant has stated that the commission's order has not been complied. The respondent appeared totally blank. He did not seem to be knowing anything about the case or the order passed by the commission. I therefore pass the following order.

Order

The First Appellate Authority to let the commission know the circumstance under which he was not in a position to comply with the commission's order. His reply to reach commission within 4 weeks.

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

Place: Mumbai
Date: 19.03.2010.

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

Appeal No.2010/4384/02

**Shri. Dattatraya Vasudev Rangjekar
1/1 Chaitanya Nagar, Vakola Breeze,
Santacruz (E), Mumbai – 400 055.**

... **Appellant**

V/s

**First Appellate Officer cum Dy Secretary (7)
Finance Department,
Mantralaya, Mumbai – 400 032.**

... **Respondent**

**Public Information Officer cum Under Secretary (7)
Finance Department,
Mantralaya, Mumbai – 400 032.**

GROUND

This appeal has been filed under section 19(3) of the Right to Information Act, 2005. The appellant by his application dated 05.11.2009 had sought information relating to MHADA Resolution no 6290 dated 02.05.2008 regarding pension to those working in MHADA and a copy of the documents which formed the basis of the opinion given on file by Shri V.K. Agrawal ACS, Govt. of 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 18.03.2010. Appellant was present but the respondent was absent. He has requested for adjournment but the same is being rejected because the case is simple and no detailed argument is expected.

The respondent's contention is that he has not been given a copy of the documents which formed the basis of the opinion given by Shri V.K. Agrawal, ACS, Govt. of Maharashtra. The appellant has in his possession all relevant documents – nothings opinions and the decision. The appellant felt that the opinion given was not based on

facts which led to a wrong decision by Govt. The RTI Act does not empower the commission to examine the correctness or otherwise of the opinion given by an officer. It ensures furnishing of everything which is available on record. The same has been done and the case deserves to be closed. I therefore pass the following order.

Order

The appeal is disposed off.

(Ramanand Tiwari)
State Information Commissioner, Mumbai

Place: Mumbai
Date: 18.03.2010.

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

Appeal No.2010/4393/02

**Shri. Sarosh N Gandhi
111-121 Umbargaon Bldg,
Room No.12, 1st Floor,
Dr. Ambedkar Rd, Parel,
Mumbai – 400 012.**

... Appellant

V/s

**First Appellate Officer cum Executive Engineer
Municipal Corporation of Greater Mumbai
F/South Ward Office,
Room No.32, 2nd Floor, Dr. Ambedkar Rd,
Parel, Mumbai – 400 012.**

... Respondent

**Public Information Officer cum Asstt Engineer (B & F)
Municipal Corporation of Greater Mumbai
F/South Ward Office,
Room No.32, 2nd Floor, Dr. Ambedkar Rd,
Parel, Mumbai – 400 012.**

GROUNDS

This appeal has been filed under section 19(3) of the Right to Information Act, 2005. The appellant by his application dated 24.06.2009 had sought action taken report on his complaint of leakage in his gallery caused by Shri Madan Shivram Giramkar, Flat No. 16 A and D.L. Shah, Flat No.16 B, Umbargaon Bldg, Dr Ambedkar Rd, Mumbai.

Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant filed this second appeal before the commission. The appeal was heard on 18.03.2010. Appellant and respondent were present.

The appellant contended that his grievance has not been redressed. He has stated that the inspection carried out by the BMC staff revealed no leakage but this was because of dry season. The situation becomes worse during rainy season.

The respondent submitted that there was no leakage. It was also submitted that this was a cess building and repairs if any have to be carried out by MHADA.

After going through the case papers and considering the arguments advanced by parties I have come to the conclusion that what the appellant wanted was not information but redressal of his grievance. There is nothing wrong in that except that the commission is not the right forum for that. Inspection has been carried out and he has been informed that there was no leakage. The case deserves to be closed.

Order

The appeal is disposed off.

(Ramanand Tiwari)
State Information Commissioner, Mumbai

Place: Mumbai
Date: 18.03.2010.

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

Appeal No.2010/4383/02

Shri. M.P. Raj
Panckamal CHS Ltd,
Hira Nagar, Nahur,
Goregaon, Mulund Link Rd,
Mulund (W), Mumbai – 400 080.

... **Appellant**

V/s

First Appellate Officer cum Dist Dy Registrar
Co-op Society (2) Western Suburban, Mumbai.
Kokan Bhavan, 2nd Floor, Navi Mumbai – 400 614.

... **Respondent**

Public Information Officer cum Dy Registrar
Co-op Society, T Division, Mumbai.

GROUND

This appeal has been filed under section 19(3) of the Right to Information Act, 2005. The appellant by his application dated 02.04.2009 had sought information relating to Panchkamal Cooperative Housing Society Ltd, Hiranagar, Goregaon Mulund Link Rd, Mulund (W), Mumbai. He had sought information on 25 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 18.03.2010. Appellant was represented by Shri. Jacob Verghese but the respondent was absent.

It transpired during the hearing that the case has already decided by Hon Chief Information Commissioner, Maharashtra and his order dated 31.10.2009 is on record. There is therefore no point in hearing the same appeal again. I therefore pass the following order.

Order

The appeal is dismissed.

(Ramanand Tiwari)
State Information Commissioner, Mumbai

Place: Mumbai
Date: 18.03.2010.

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

Appeal No.2010/4399/02

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

... Appellant

V/s

**First Appellate Officer cum Dy 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 03.11.2009 had wanted to know whether the construction carried out by M/s Ramesh Stores in the common house gully of Fardeen Mansion and Cadeel Queen situated at 19/9A, Veer Savarkar Marg, Mahim, Mumbai is legal / illegal, authorized/ unauthorized. He wanted to know what action has been taken in case the structure was illegal.

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 18.03.2010. The appellant did not turn up but the respondent was present.

The respondent submitted that since the information pertained to the Municipal Corporation of Greater Mumbai the same was sent to them under intimation to the

appellant as required under the RTI Act. It is therefore concluded that the action taken by the respondent was correct and the case deserves to be closed.

Order

The appeal is dismissed.

(Ramanand Tiwari)
State Information Commissioner, Mumbai

Place: Mumbai
Date: 18.03.2010.

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

Appeal No.2010/4397/02

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

... Appellant

V/s

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

... Respondent

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

GROUNDS

This appeal has been filed under section 19(3) of the Right to Information Act, 2005. The appellant by his application dated 03.11.2009 had sought information relating to an application made by his client M/s Famous Dairy Shop No.3 Liza Apartments, Marol Maroshi Rd, Andheri (E), Mumbai to Mr. V.D. Tapase, the Assistant Commissioner of the Police Andheri Division requesting to grant them Eating House licence and delete the name of Mrs. Mumtazben Meredia and substitute the name of Iqbal Jalaluddin Meredia.

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 18.03.2010. The appellant did not turn up but the respondent was present.

The respondent submitted that since the information pertained to the ACP, Andheri, the application has been sent to him under intimation to the appellant as required under the RTI Act. Since the action taken is correct, I decide to close the case.

Order

The appeal is dismissed.

(Ramanand Tiwari)
State Information Commissioner, Mumbai

Place: Mumbai
Date: 18.03.2010.

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

Appeal No.2010/3534/02

**Shri. Dilip Nanavati
Ratna, 32, Jaihind Soc., N.S. Rd 11,
JVPD Scheme, Vile Parle (W),
Mumbai – 400 049.**

... Appellant

V/s

**First Appellate Officer,
P.D. Hinduja National Hospital & Medical Research Center,
Veer Savarkar Marg, Mahim, Mumbai – 400 016.**

... Respondent

**Public Information Officer,
P.D. Hinduja National Hospital & Medical Research Center,
Veer Savarkar Marg, Mahim, Mumbai – 400 016.**

GROUNDS

This appeal has been filed under section 19(3) of the Right to Information Act, 2005. The appellant by his application dated 30.03.2009 had sought information relating to PD Hinduja National Hospital and Medical Research Centre managed by the National Health and Education Society. He sought information regarding no of free beds, total revenue of the hospital and amount of commission paid to doctors.

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 18.03.2010. The appellant did not turn up but the respondent was present.

The respondent has submitted that the hospital is run by a registered trust and Trusts are not covered under the RTI Act. It has been contented by them that they are not covered by the definition of 'Public authority' as defined under section 2(h) of the RTI Act as they are not substantially financed by govt. It has been brought to the

commission's notice that the Hon High Court of judicature at Bombay, Nagpur Bench at Nagpur in writ petition no 5294 of 2008 has concluded that public trusts are not covered under the definition of the public authority.

I have gone through the case papers and also considered the arguments advanced by the respondent. It is clear from the judgment cited by the respondent that public trusts are not covered under the RTI Act. I therefore pass the following order.

Order

The appeal is dismissed.

(Ramanand Tiwari)
State Information Commissioner, Mumbai

Place: Mumbai
Date: 18.03.2010.

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

Appeal No.2010/4360/02

**Shri. Saidur Rehman
182, Dhabbu Street,
Near Saifee Masjid,
Null Bazar, Mumbai – 400 003.**

... Appellant

V/s

**First Appellate Officer cum Education Inspector
North Zone 'L' Ward, 159 'B' wing,
Administrative Bldg, Chemburkar Marg,
Chembur (E), Mumbai – 400 071.**

... Respondent

**Public Information Officer cum Dy Education Inspector
North Zone 'L' Ward, 159 'B' wing,
Administrative Bldg, Chemburkar Marg,
Chembur (E), Mumbai – 400 071.**

GROUNDS

This appeal has been filed under section 19(3) of the Right to Information Act, 2005. The appellant by his application dated 12.05.2009 had sought information regarding action taken on his complaint dated 20.04.2009. The complaint was about promotion of Shri Shaikh Mohammad Yunus Abdul Sattar as a teacher. He has alleged that Shri. Sattar did not have the required qualification. He claimed to be possessing different qualifications at different points of time.

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 17.03.2010. Appellant was present but the respondent was absent.

The appellant has contended that he has not been given the required information. His main point has been that Shri Sattar did not possess a BA degree and he cannot be appointed as a teacher without having BA degree. Since the respondent has remained

absent, the commission had no input from his side. Thus in the absence of the respondent and the submission made by the appellant. I pass the following order.

Order

The PIO is directed to furnished copies of the degrees of BA, B Com & B P Ed of Shri Sattar to the appellant within 15 days from the date of receipt of this order.

(Ramanand Tiwari)
State Information Commissioner, Mumbai

Place: Mumbai
Date: 18.03.2010.

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

Appeal No.2010/4415/02

**Shri. Suresh Gawade & Other
Shop No.40, Shastri Nagar,
Municipal Market, Bandra (E),
Mumbai – 400 051.**

... 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.**

GROUNDS

This appeal has been filed under section 19(3) of the Right to Information Act, 2005. The appellant had sought information regarding his complaint against East West Builders. The appellant has alleged violations of Development Control Rules while implementing the Slum Rehabilitation Scheme on plot bearing CTS No.629 (Part) Survey No.34 (Part) Bandra. He has sought regularization from govt. The appellant wants copies of correspondence in this regard.

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 22.03.2010. Appellant and respondents were present.

The appellant has contended that he has not been given copies of documents he had sought. The respondent submitted that the file along with correspondence has been submitted to Hon Chief Minister and no decision has been taken.

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

Order

The appellant should be communicated govt. decision and should be given copies of correspondence after the Govt. decision has been taken.

(Ramanand Tiwari)
State Information Commissioner, Mumbai

Place: Mumbai
Date: 23.03.2010.

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

Appeal No.2010/4414/02

**Shri. Arvind Mestry
15, 9/9, Lakdiwala Chawl,
Plot No.273/274, Jawahar Rd,
Ghatkopar (E), Mumbai – 400 077.**

... Appellant

V/s

**First Appellate Officer cum Executive Engineer
Slum Rehabilitation Authority (SRA),
Grihanirman Bhavan, Bandra (E),
Mumbai – 400 051.**

... Respondent

**Public Information Officer cum Asstt Engineer
Slum Rehabilitation Authority (SRA),
Grihanirman Bhavan, Bandra (E),
Mumbai – 400 051.**

GROUNDS

This appeal has been filed under section 19(3) of the Right to Information Act, 2005. The appellant by his application dated 31.07.2009 had sought the following information relating to the Slum Rehabilitation Scheme on plot bearing CTS No.5808 (Part) 274 Jawahar Rd, Ghatkopar (E), Mumbai Viz Nalanda CHS.

1. Notice under section 53(1) of Maharashtra Regional Town Planning Act, 1966 to unauthorized constructions of Gr+1 storied Temporary Transist Camp by Ex. Engineer SRA.
2. Application stating reasons for constructing unauthorized Transist Camp submitted by Architect for regularizing unauthorized structure of Transist Camp.
3. Copy of policy decided by SRA for regularizing unauthorized Temporary Transist Camp by charging Penalty.
4. As build plan submitted by Architect or Scheme u/r.
5. Payment receipt of penalty paid by Architect of Scheme u/r.

6. Permission issued by SRA to Developer to occupy one of the unit in unauthorized Temporary Transist Camp.

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 22.03.2010. Appellant and respondents were present.

The appellant has contended that he was furnished the information late. The respondent submitted that it was late by 5 days on account of the fact that a reference was made to the developer who had objected to the disclosure. They contended that it was not deliberate and there was no intention to delay or deny the information.

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

Order

The appeal is disposed off.

(Ramanand Tiwari)
State Information Commissioner, Mumbai

Place: Mumbai
Date: 23.03.2010.

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

Appeal No.2010/4418/02

**Shri. Khan Ayyub
D/A1/12, Mirza Galib Rd,
Cheeta Camp, Trombay,
Mumbai – 400 088.**

... **Appellant**

V/s

**First Appellate Officer cum Education Inspector
Education Department
North Zone Division,
Chembur, Mumbai.**

... **Respondent**

**Public Information Officer,
Education Department
North Zone Division,
Chembur, Mumbai.**

GROUND

This appeal has been filed under section 19(3) of the Right to Information Act, 2005. The appellant by his application dated 05.10.2009 had sought copies of documents submitted by NESWAT for sanction of Junior College at CTS No.152/A Cheeta Camp, Trombay, Mumbai.

Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant filed this second appeal before the commission. The appeal was heard on 22.03.2010. Appellant was present but the respondent was absent.

The appellant has contended that he has not been furnished the information. Since the respondent was absent it could not be verified. Case papers reveal that no information has been furnished. I therefore pass the following order.

Order

Information to be furnished within 15 days from the date of receipt of this order failing which. Action under section 20 of the RTI Act will be initiated.

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

Place: Mumbai
Date: 23.03.2010.

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

Appeal No.2010/4419/02

**Shri. Vinod Dhekane
Siddhivinayak Chawl, Shivshakti Colony,
Laxman Nagar, Kurar, Malad (E),
Mumbai – 400 097.**

... Appellant

V/s

**First Appellate Officer,
Kala Vidya Mandir,
Institute of Technology Poly Technic,
Malvani, Malad (W), Mumbai – 400 095.**

... Respondent

**Public Information Officer cum Principal
Kala Vidya Mandir,
Institute of Technology Poly Technic,
Malvani, Malad (W), Mumbai – 400 095.**

GROUNDS

This appeal has been filed under section 19(3) of the Right to Information Act, 2005. The appellant by his application dated 22.11.2008 had sought information relating the free ship form submitted to the Kalavidyamandir Institute of Technology, Malvani, Malad (W), Mumbai. He wanted to know whether the form had been sent the Social Welfare Officer for processing.

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 22.03.2010. Appellant and respondents were present.

It was disclosed during the hearing that the information has already been furnished. The appellant however was not satisfied because the Social Welfare Officer has informed him that the application was not received by them. The respondent however insisted that the proposal was pending with the Finance Department.

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

Order

The appeal is disposed off.

(Ramanand Tiwari)
State Information Commissioner, Mumbai

Place: Mumbai
Date: 23.03.2010.

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

Appeal No.2010/4420/02
Appeal No.2010/4424/02

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

... Appellant

V/s

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

... Respondent

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

GROUNDS

These appeals have been filed under section 19(3) of the Right to Information Act, 2005. The appellant by his application dated 29.06.2009 had sought information regarding action taken on the complaint lodged against Shri Anil Khoje, Asstt Municipal Commissioner, K/West and Dr Dangle, Medical Officer, Health, K/West. He had sought permission under section 197 of the Cr PC to prosecute them.

Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant filed this second appeal before the commission. The appeal was heard on 22.03.2010. Appellant and respondents were present.

It was disclosed during the hearing that the application has been transferred to the Department of Urban Development because the matter pertained to the Municipal Corporation of Greater Mumbai. The case is therefore closed.

Order

The appeals are disposed off.

(Ramanand Tiwari)
State Information Commissioner, Mumbai

Place: Mumbai
Date: 23.03.2010.

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

Appeal No.2010/4421/02

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

... **Appellant**

V/s

First Appellate Officer cum Dy Chief Municipal Commissioner
(Education), F/South, Municipal Corporation,
Parel, Mumbai.

... **Respondent**

Public Information Officer cum Administrative Officer
(Education), P/South, Municipal Corporation,
Parel, Mumbai.

GROUND

This appeal has been filed under section 19(3) of the Right to Information Act, 2005. The appellant by his application dated 12.08.2010 had sought information relating to Mrs. Sayeeda Shabbir Deshmukh, Municipal Teacher, Nehrunagar Municipal School, Kurla (E), Mumbai.

Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant filed this second appeal before the commission. The appeal was heard on 22.03.2010. Appellant and respondents were present.

It transpired during the hearing that although the appellant has the required information in his possession, his grievance that he is not getting the rent for his room from Mrs. Deshmukh's husband has not been sorted out. The RTI Act ensures furnishing of available information and the same has been done. The case is closed.

Order

The appeal is disposed off.

(Ramanand Tiwari)
State Information Commissioner, Mumbai

Place: Mumbai
Date: 23.03.2010.

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

Appeal No.2010/4423/02

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

... **Appellant**

V/s

First Appellate Officer cum Asstt Commissioner
Municipal Corporation of Greater Mumbai,
L Ward, Office Kurla (W), Mumbai – 400 070.

... **Respondent**

Public Information Officer cum Asstt Engineer (B & F)
Municipal Corporation of Greater Mumbai,
L Ward, Office Kurla (W), Mumbai – 400 070.

GROUND

This appeal has been filed under section 19(3) of the Right to Information Act, 2005. The appellant by his application dated nil had sought information regarding status of his application on behalf his client Mr. Shabir Ahmed Hamid Hussain in respect of the structure on plot bearing survey no 6, CTS 110 Part 111 (part) at Khirani Rd, Yadav Nagar, Shakinaka, Mumbai seeking permission to repair his office structure and boundary wall.

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 22.03.2010. Appellant was present but the respondent was absent.

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

Order

The appeal is allowed. Action taken on the application should be communicated within 15 days from the date of receipt of this order.

(Ramanand Tiwari)
State Information Commissioner, Mumbai

Place: Mumbai
Date: 23.03.2010.

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

Appeal No.2010/4416/02

**Shri. Mankar Shivsharan
Majestic Amdar Niwas,
S.B.S. Rd, Opp Regal Cinema,
Colaba, Mumbai – 400 039.**

... **Appellant**

V/s

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

... **Respondent**

**Public Information Officer,
Public Works 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 14.12.2009 had requested that the information furnished to him in compliance of the commission's order dated 28.08.2009 was not certified. It did not have a covering note also. In fact it is appeal format but I am taking it as a complaint. The appellant / complaint has approached the Department of Public Works requesting for a direction to the PIO to certify the documents. The representative of the PWD submitted that the appellant / complainant should approach the PIO directly.

After going through the case papers and considering the arguments advanced by parties I have come to the conclusion that the PIO has handled this case casually. There should have been a covering note along with the information. This case came to the commission more than once and information was not easily forthcoming. Taking into account the background of the case. I pass the following order.

Order

The PIO to certify the information furnished to the complainant within 15 days failing which action under section 20 of the RTI Act will be initiated.

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

Place: Mumbai
Date: 23.03.2010.

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

Appeal No.2010/4438/02

**Shri. Rajesh Thakur
Bldg no.60 Room no.1971,
Nehru Nagar, Kurla (E),
Mumbai – 400 024.**

... Appellant

V/s

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

... Respondent

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

GROUNDS

This appeal has been filed under section 19(3) of the Right to Information Act, 2005. The appellant by his application dated 09.06.2009 had sought information regarding action taken on his complaint dated 07.05.2009 against functioning of Nehru Nagar Ratnadeep Cooperative Housing Society, Bldg No.60, Neharu Nagar, Kurla (E), Mumbai.

Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant filed this second appeal before the commission. The appeal was heard on 20.03.2010. Appellant and respondents were present.

The appellant has contended that he has not been given the required information. The respondent submitted that enquiry has been ordered under section 79 of the Maharashtra Cooperative Societies Act, 1960 and appellant has been kept informed.

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

Order

The appeal is disposed off.

(Ramanand Tiwari)
State Information Commissioner, Mumbai

Place: Mumbai
Date: 23.03.2010.

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

**Complaint No.2010/557/02
Complaint No.2010/558/02**

**Shri. Rajesh Thakur
Bldg no.60 Room no.1971,
Nehru Nagar, Kurla (E),
Mumbai – 400 024.**

...Complainant

Vs

**Public Information Officer cum Dy Registrar
Co-op Officer-1, Mumbai Housing & Area Development Board,
Grihanirman Bhavan, Bandra (E),
Mumbai – 400 051.**

... Respondent

GROUND

These complaints have been filed under section 18 of the Right to Information Act 2005 in the context of the commission's order dated 13.02.2009 and 31.03.2009 passed in appeal no 2009/1749/02 and 2009/1968/02. The facts in brief are as follows: The present complainant had sought information regarding action taken on his complaint against Nehrunagar Ratnadeep Cooperative Housing Society, Nehrunagar, Kurla (E), Mumbai.

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

The complaint was fixed for hearing on 20.03.2010. Complainant and defendants were present.

It transpired during the hearing that an enquiry has been ordered under section 79 of the Maharashtra Cooperative Societies Act, 1960 and the complainant has been informed.

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

Order

The complaints are filed

(Ramanand Tiwari)
State Information Commissioner, Mumbai

Place: Mumbai
Date: 20.03.2010.

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

**Appeal No.2010/4427/02
Appeal No.2010/4428/02**

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

... Appellant

V/s

**First Appellate Officer cum Asstt Municipal Commissioner
Municipal Corporation of Greater Mumbai,
R/South Ward Office, M.G.X. Rd No.2,
Kandivali (W), Mumbai – 400 067.**

... Respondent

**Public Information Officer cum Medical Officer (Health)
Municipal Corporation of Greater Mumbai,
R/South Ward Office, M.G.X. Rd No.2,
Kandivali (W), Mumbai – 400 067.**

GROUND

These appeals have been filed under section 19(3) of the Right to Information Act, 2005. The appellant by his application dated 09.06.2009 had sought information relating to issuances of licences under section 394 of the MMC Act, 1888 NOC of Fire Officer, NOC from Environment & sanitation department. The information pertained to 14 hotels / restaurants.

Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant filed this second appeal before the commission. The appeal was heard on 20.03.2010. Appellant and respondents were present.

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

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

After going through the case papers and considering the arguments advanced by parties I have come to the conclusion that information has been furnished. There are documentary evidences on record to show that information has been furnished. I therefore pass the following order.

Order

Appeals are disposed off.

(Ramanand Tiwari)
State Information Commissioner, Mumbai

Place: Mumbai
Date: 23.03.2010.

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

**Appeal No.2010/4486/02
Appeal No.2010/4425/02**

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

... Appellant

V/s

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

... Respondent

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

GROUND

These appeals have been filed under section 19(3) of the Right to Information Act, 2005. The appellant by his application dated 04.09.2009 had sought information regarding his client's complaint against Mrs. Najma Banoo Mohamed Kaizer for wrongfully taking possession of the room no 515, Building no 13, Avad Society Ram Mandir Rd, Goregaon (W), Mumbai.

Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant filed this second appeal before the commission. The appeal was heard on 23.03.2010. Appellant and respondents were present.

The appellant has contended that he was not satisfied with the information and no action has been taken against Shri Mohamed Kaizer Shaikh Ramzan Ahmed. The respondent submitted that the dispute is between husband and wife the matter was

enquired into and it was concluded that this was a civil matter. A copy of the statement recorded has also been provided.

After going through the case papers and considering the arguments advanced by parties I have come to the conclusion that available information has been provided. The case therefore deserves to be closed. I therefore pass the following order.

Order

Appeals are disposed off.

(Ramanand Tiwari)
State Information Commissioner, Mumbai

Place: Mumbai
Date: 23.03.2010.

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

Appeal No.2010/4488/02

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

... Appellant

V/s

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

... Respondent

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

GROUNDS

This appeal has been filed under section 19(3) of the Right to Information Act, 2005. The appellant by his application dated 21.07.2008 had sought information relating to the construction of a compound wall around Galaxy Heights Towers ABC & D wings.

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 23.03.2010. Appellant and respondents were present.

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

The respondent's contention is that there was a proposal to construct compound wall but the same has not yet been done. He also submitted that occupancy certificate will not be granted unless the wall was constructed. He offered to furnish a copy of the approved plan to the appellant.

After going through the case papers and considering the arguments advanced by parties I have come to the conclusion that a copy of the approved plan should be furnished to the appellant within 15 days from the date of receipt of this order.

Order

Appeal is disposed off.

(Ramanand Tiwari)
State Information Commissioner, Mumbai

Place: Mumbai
Date: 23.03.2010.

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

Appeal No.2010/4485/02

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

... Appellant

V/s

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

... Respondent

**Public Information Officer,
Urban 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 06.12.2009 had sought information regarding his complaint against M/s Ayesha Tower CHS situated near MTNL Office on S.V. Rd, Jogeshweri (W), Mumbai. He wanted to know how permission was granted to the owner / occupier of flat no 2301 & 2302 for fixing split AC outdoor units.

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 23.03.2010. Appellant and respondents were present.

The appellant has contended that he had not received the information he had sought. The respondent submitted that his application was transferred to the Municipal Corporation of Greater Mumbai as it pertained to them.

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 and appellant has been correctly informed. I therefore pass the following order.

Order

Appeal is disposed off.

(Ramanand Tiwari)
State Information Commissioner, Mumbai

Place: Mumbai
Date: 23.03.2010.

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

Appeal No.2010/4487/02

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

... Appellant

V/s

**First Appellate Officer cum Law Officer
Municipal Corporation of Greater Mumbai,
(Head Office), Mahapalika Marg,
Mumbai.**

... Respondent

**Public Information Officer cum Legal Assistant
Municipal Corporation of Greater Mumbai,
L Ward Office, Kurla (W), Mumbai – 400 070.**

GROUND

This appeal has been filed under section 19(3) of the Right to Information Act, 2005. The appellant by his application dated 14.12.2009 had sought information in the form of legal opinion whether any Municipal employee can demand / receive House Rent Allowance though the House / Room / Residence is not in her name but in the name of her husband.

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 23.03.2010. Appellant and respondents were present.

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

The respondent's contention is that the opinion sought does not fall within the definition of information as defined under section 2(f) of the RTI Act.

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. Opinion under section 2 (f) simply means opinion recorded on file. No opinion can be sought under the RTI. A copy of the opinion recorded on file can be obtained. The Law Officer has correctly denied the information.

Order

Appeal is disposed off.

(Ramanand Tiwari)
State Information Commissioner, Mumbai

Place: Mumbai
Date: 23.03.2010.

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

Appeal No.2010/4413/02

**Dr. M.S. Ghawte
Dr. Ghawte Bldg,
Second Rahodi,
Near Koliwada,
Thane – 400 601.**

... **Appellant**

V/s

**First Appellate Officer cum Executive Health Officer
Municipal Corporation of Greater Mumbai,
F/S Ward Office Bldg, Above Kirti Mahal Hotel,
Parel (E), Mumbai – 400 012.**

... **Respondent**

**Public Information Officer cum Dy. Executive Health Officer
Municipal Corporation of Greater Mumbai,
F/S Ward Office Bldg, Above Kirti Mahal Hotel,
Parel (E), Mumbai – 400 012.**

GROUND

This appeal has been filed under section 19(3) of the Right to Information Act, 2005. The appellant sought information regarding action taken on his representation dated 23.02.2004 addressed to the Municipal Commissioner, MCGM.

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 22.03.2010. The appellant did not turn up but the respondent was present.

It transpired during the hearing that the PIO has furnished information by her letter dated 17.08.2010. The case is therefore closed.

Order

Appeal is disposed off.

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

Place: Mumbai
Date: 23.03.2010.

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

Appeal No.2010/4477/02

**Shri. Jay Kishor Sharma
14/14, Officer's Flats,
Mumbai Central, Western Railway,
Mumbai.**

... Appellant

V/s

**First Appellate Officer cum Add. Collector
The Collector Mumbai Suburban District,
10th Floor, Administrative Bldg,
Govt. Colony, Bandra (E),
Mumbai – 400 051.**

... Respondent

**Public Information Officer cum Land Acquisition Officer
The Collector Mumbai Suburban District,
10th Floor, Administrative Bldg,
Govt. Colony, Bandra (E),
Mumbai – 400 051.**

GROUND

This appeal has been filed under section 19(3) of the Right to Information Act, 2005. The appellant by his application dated 06.09.2009 had sought a copy of the Land Acquisition Award with reference to revenue department order no 978, Bombay Castle, 23.03.1920.

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 23.03.2010. The appellant did not turn up but the respondent was present.

The respondent submitted that the file was retrieved from the Archives and shown to the appellant. He however did not get the information he was looking for. He was not satisfied and wanted a copy of the award as requested.

After going through the case papers and considering the arguments advanced by parties I have come to the conclusion that available information has been furnished. The RTI Act ensures furnishing of available information and not what the appellant expected. The respondent has job an excellent work by locating the file and retrieving it from the archives. Such exemplary efforts are not common. In the light of these observations I conclude that information has been furnished and the case deserves to be closed. I pass the following order.

Order

Appeal is dismissed.

(Ramanand Tiwari)
State Information Commissioner, Mumbai

Place: Mumbai
Date: 23.03.2010.

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

Appeal No.2010/4475/02

**Shri. G.R. Dalmia
Director, Rajat Sales Pvt. Ltd.,
C-15, Krishnalaya, Sion Duncan RD,
Mumbai – 400 022.**

... Appellant

V/s

**First Appellate Officer,
Office of the Superintendent,
St. George's Hospital,
Mumbai – 400 001.**

... Respondent

**Public Information Officer,
Office of the Superintendent,
St. George's Hospital,
Mumbai – 400 001.**

GROUNDS

This appeal has been filed under section 19(3) of the Right to Information Act, 2005. The appellant by his application dated 20.11.2008 had sought information regarding the tender documents he had submitted to in the office of the Superintendent St. George's Hospital, Mumbai. He wanted to know the status – a) whether still pending or decided or cancelled b) if pending why still pending for more than 2 ½ yrs c) If decided in whose favour, which model and at what price d) If cancelled – when cancelled & why refund of EMD Rs.5000 not returned.

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 23.03.2010. Appellant and respondents were present.

The appellant has contended that he has not been furnished the required information. The respondent's contention was that the appellant's tender form was not received and therefore information could not be furnished.

After going through the case papers and considering the arguments advanced by parties I have come to the conclusion that information has not been furnished. The commission is not convinced by the respondent's argument that the tender was not received. The appellant has shown the acknowledgement. Case papers also show that a reference has been made to the Director of Industries seeking his guidance – whether the tender should be accepted or otherwise. In addition to that the respondent seems to be casual about informing the appellant about the current status. I therefore pass the following order.

Order

Appeal is allowed. PIO to furnish information regarding status of the tender and also refund of the EMD within 30 days from the date of receipt of this order failing which action under section 20 of the RTI Act will be initiated.

(Ramanand Tiwari)
State Information Commissioner, Mumbai

Place: Mumbai
Date: 23.03.2010.

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

Appeal No.2010/4476/02

Shri. G.R. Dalmia
Director, Rajat Sales Pvt. Ltd.,
C-15, Krishnalaya, Sion Duncan RD,
Mumbai – 400 022.

... **Appellant**

V/s

First Appellate Officer,
Municipal Corporation of Greater Mumbai,
Mahanagarpalika, Office of the Assessor & Collector,
BMC Head Office, Old Bldg, Ground Floor,
Mahapalika Marg, Mumbai – 400 001.

... **Respondent**

Public Information Officer cum Dy Assessor & Collector,
Municipal Corporation of Greater Mumbai,
Mahanagarpalika, Office of the Assessor & Collector,
BMC Head Office, Old Bldg, Ground Floor,
Mahapalika Marg, Mumbai – 400 001.

GROUNDS

This appeal has been filed under section 19(3) of the Right to Information Act, 2005. The appellant by his application dated 26.11.2008 had sought following information: -

- a) Whether the above mentioned goods of D.V. Binoculars belonging to the D.G.M.S., Mumbai – 1 (A State Govt. Unit) & imported for them into the city by the couriers M/s Aramex Air-Cargo service from Santacruz Air-Cargo Warehouse are liable for levy of actroi duty & whether the action taken by the concerned official is correct.
- b) If yes, then what are the documents still required for exemption from Octroi Duty.
- c) If Not, then i) Remedial steps proposed to be taken by the Office of the Chief Assessor & Collector to avoid recurrence of such a blunder & ii) Arrangement for

speedy refund of Octroi – Duty of Rs.34, 226/- wrongly collected from M/s Rajat Sales Pvt. Ltd.

- d) Certified True –Copies of any inter-related documents in the above matter may please be provided for which extra payment in already made in advance.

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 23.03.2010. Appellant and respondents were present.

The appellant has contended that he has not received the information he had sought. The respondent submitted that information has been furnished. This is basically a dispute regarding recovery of octroi on binoculars imported for the Director General of Police. The appellant is of the view that octroi should not have been levied where as the department is of the view that octroi has been correctly recovered.

After going through the case papers and considering the arguments advanced by parties I have come to the conclusion that available information has been furnished. The appellant also brought to the commission's notice that his application for refund is also pending with the respondent. I therefore pass the following order.

Order

Decision regarding refund of octroi to be communicated to the appellant within 30 days from the date of receipt of this order.

(Ramanand Tiwari)
State Information Commissioner, Mumbai

Place: Mumbai
Date: 23.03.2010.

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

Appeal No.2010/4473/02

**Shri. Saifuddin Attarwala
Gala No.19, Second Floor,
Shri Ram Industrial Estate,
Kale Marg, Bail Bazar,
Kurla (W), Mumbai – 400 070.**

... Appellant

V/s

**First Appellate Officer cum Executive Engineer
Municipal Corporation of Greater Mumbai
L Ward, Kurla (W), Mumbai – 400 070.**

... Respondent

**Public Information Officer cum Asstt Engineer
Municipal Corporation of Greater Mumbai
L Ward, Kurla (W), Mumbai – 400 070.**

GROUNDS

This appeal has been filed under section 19(3) of the Right to Information Act, 2005. The appellant by his application dated 24.09.2009 had sought information on the following points: -

- A) Procedure for the issue of factory permits as per the Act followed by the Factory Department.
- B) Documents reqd. for the issue of factory permit.
- C) Procedure to cancel/ revoke the factory permit as per the act and as practiced by factory department 'L' Ward.
- D) How many factory permits have been revoked cancelled by the 'L' Ward Municipal Authorities?
- E) Procedure followed by the Authorities while cancellation of the said permits.

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 23.03.2010. Appellant and respondents were present.

The appellant has contended that he was not satisfied with the information furnished to him. The respondent submitted that available information has been furnished.

After going through the case papers and considering the arguments advanced by parties I have come to the conclusion that available information has been furnished. It appears that the appellant's permit K 4624 issued under section 390 of the MMC Act has been revoked on the ground that he was using more area than mentioned in the permit and was manufacturing fans which was not permitted. The information sought relates to cancellation, procedure followed and no of permits cancelled in the ward. Case papers reveal that he has been furnished information on all points. He wanted answer to queries like whether the procedure prescribed was followed. He also disputes the respondent's contention. The RTI Act does not mandate the commission to arbitrate. The case is pending in the court of law. As far as information is concerned my conclusion is that it stands furnished. The case is therefore closed.

Order

Appeal is disposed off.

(Ramanand Tiwari)
State Information Commissioner, Mumbai

Place: Mumbai
Date: 23.03.2010.

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

Appeal No.2010/4474/02

Shri. Suresh Kaginkar
3/101, Mangeshwer Housing Soc. Ltd.,
N.M Joshi Marg, Mumbai – 400 013.

... Appellant

V/s

First Appellate Officer cum Joint Chief Officer
Mumbai Repair & Reconstruction Board,
Grihanirman Bhavan, Bandra (E),
Mumbai – 400 051.

... Respondent

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

GROUND

This appeal has been filed under section 19(3) of the Right to Information Act, 2005. The appellant sought a copy of the rent receipt in respect of room no 64 building no 2 Jijamata Transit Camp, Kalachowki, Mumbai.

Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant filed this second appeal before the commission. The appeal was heard on 23.03.2010. Appellant was present but the respondent was absent.

The appellant has contended that he has not been given the information he had sought. Since the respondent remained absent in could not be verified. Thus in view of the respondent's absence and the appellant's submission I pass the following order.

Order

Information sought to be given within 15 days from the date of receipt of this order.

(Ramanand Tiwari)
State Information Commissioner, Mumbai

Place: Mumbai
Date: 23.03.2010.

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

Appeal No.2010/4451/02

Shri.Ramesh Pillewar
Lokgram G-2/501, Ganga CHS,
Hajimlan Rd, Kalyan (E) – 421 306.

... **Appellant**

V/s

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

... **Respondent**

Public Information Officer,
Revenue & Forest 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 14.10.2009 had sought information regarding action taken on his various applications complaining against officers of the Land Records Department. He made complaint to the Chief Secretary which was forwarded to the Revenue and Forest Department. He has been informed that the intended correction of records is possible under the Maharashtra Land Revenue code 1966.

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 23.03.2010. Appellant and respondents were present.

It was disclosed during the hearing that his case has already been decided and the commission passed its order dated 15.07.2008. He was again advised the approach the appropriate authority for getting his grievance sorted out. The case is therefore closed.

Order

The appeal is disposed off.

(Ramanand Tiwari)
State Information Commissioner, Mumbai

Place: Mumbai
Date: 23.03.2010.

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

Appeal No.2010/4472/02

Shri.Ramesh Pillewar
Lokgram G-2/501, Ganga CHS,
Hajimlan Rd, Kalyan (E) – 421 306.

... **Appellant**

V/s

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

... **Respondent**

Public Information Officer cum Desk Officer
Revenue & Forest 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 14.10.2009 had sought information relating to his complaint against the Chief Officer Pawani, district Bhandara for granting permission for construction without verifying relevant 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 23.03.2010. Appellant and respondents were present.

It was disclosed during the hearing that this was enquired into by the Director, Municipal Administrator and it was concluded that the co was not at fault. A copy of the report was handed over to the appellant at the time of hearing. The case is therefore closed.

Order

The appeal is disposed off.

(Ramanand Tiwari)
State Information Commissioner, Mumbai

Place: Mumbai
Date: 23.03.2010.

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

Appeal No.2010/557/02

**Shri. Rajesh Thakur
Bldg no.60 Room no.1971,
Nehru Nagar, Kurla (E),
Mumbai – 400 024.**

... Appellant

V/s

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

... Respondent

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

GROUNDS

This appeal has been filed under section 19(3) of the Right to Information Act, 2005. The appellant by his application dated 09.06.2009 had sought information regarding action taken on his complaint dated 07.05.2009 against functioning of Nehru Nagar Ratnadeep Cooperative Housing Society, Bldg No.60, Neharu Nagar, Kurla (E), Mumbai.

Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant filed this second appeal before the commission. The appeal was heard on 20.03.2010. Appellant and respondents were present.

The appellant has contended that he has not been given the required information. The respondent submitted that enquiry has been ordered under section 79 of the Maharashtra Cooperative Societies Act, 1960 and appellant has been kept informed.

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

Order

The appeal is disposed off.

(Ramanand Tiwari)
State Information Commissioner, Mumbai

Place: Mumbai
Date: 23.03.2010.

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

Appeal No.2010/3549/02

Shri. Subhashchandra Desai
12 A (B) Shantiniketan Co.op. HSG. Soc. Ltd
Ext. M.G. Rd, Behind Vohra Colony,
Kandivali (W), Mumbai – 400 067.

... **Appellant**

V/s

First Appellate Officer cum Dy Police Commissioner
Zone – 12, Dahisar (E), Mumbai.

... **Respondent**

Public Information Officer cum Asstt Police Commissioner
North Control Desk, Mumbai.

GROUNDS

This appeal has been filed under section 19(3) of the Right to Information Act, 2005. The appellant by his application dated 08.08.2009 had sought information relating to a wide range of issues and has made many recommendations.

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 08.03.2010. Appellant and respondents were present.

It transpired during the hearing that the appellant has not sought any specific information. The respondent has been advised to consider his recommendations. The case is closed as no specific information has been sought.

Order

The appeal is disposed off.

(Ramanand Tiwari)
State Information Commissioner, Mumbai

Place: Mumbai
Date: 08.03.2010.

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

Appeal No.2010/4375/02

**Shri. Sanjraj Harishchandra Mangeshkar
82/F, Snehal CHS, (Multani Mention)
Block No.2, Thakurwadi,
Mumbai Marathi Granthasangrahalaya Marg,
Dadar (E), Mumbai – 400 014.**

... **Appellant**

V/s

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

... **Respondent**

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

GROUND

This appeal has been filed under section 19(3) of the Right to Information Act, 2005. The appellant has not enclosed a copy of the original application for obtaining information. It however appears that he wants PIO & the First Appellate Authorized to be penalized because they did not furnish information in time.

The appeal was heard on 19.03.2010. Appellant and respondents were present.

Since a copy of the application is not on record it is not possible to find out the date of application and the date on which the appellant received the information. Case papers show that he has been furnished a copy of the MCGM's notice under section 354 A of the BMC Act and also a copy of the order passed by the Joint Registrar, Cooperative Societies under section 152 of the MCS Act, 1960. In case the appellant has any

grievance the commission is not the right place to get them sorted out. In the light of the above observation, I decide to close the case.

Order

The appeal is disposed off.

(Ramanand Tiwari)
State Information Commissioner, Mumbai

Place: Mumbai
Date: 25.03.2010.