

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

Appeal No.2008/62/02

**Mr. Jitendra Shah
202 'A' Dhanraj Industrial Estate,
Sun Mill Road Lower Parel (W),
Mumbai 400 013.**

... Appellant

V/s

**First Appellate Officer or Chief Officer,
Palghar Nagar Parishad,
Palghar**

... Respondent

GROUNDS

This appeal has been filed Under Section 19(3) of the RTI Act, 2005. The appellant had sought information regarding reconstruction of the road from Civil Court Income tax to Chinchupada in Palghar Municipal Council. He has come in appeal as he has not been given the information. The hearing was fixed today. The appellant is absent but the respondent appeared and has given his submission in writing. He has shown to me a copy of the information furnished to the appellant. He also informs that the said road has been undertaken for reconstruction. In view of the above.

Order

The appeal is disposed off.

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

Place : Mumbai
Date : 06.05.2008

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

Appeal No.2008/61/02

Mr. Vilas Gangaram Shegale
13/14 Ramnath Gisavi Chawl, Adarshlen,
Khar (W), Mumbai – 400 051.

... **Appellant**

V/s

First Appellate Officer or Assistant,
Municipal Commissioner, ward Division Officer,
Santacruz, Mumbai.

... **Respondent**

GROUND

This appeal has been filed Under Section 19(3) of the RTI Act, 2005. The appeal was fixed for hearing today. The appellant is not present. The respondent in his submission has brought to my notice that this case has already been decided by Hon. Chief Information Commission. His appeal was allowed and PIO was directed to furnish the desired information. The respondent also added that the information has already been furnished. The RTI Act does not provide for appeal the order of the Chief Information Commissioner.

Order

The appeal is disposed off.

(Ramanand Tiwari)
State Information Commissioner, Mumbai

Place : Mumbai
Date : 06.05.2008

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

Appeal No.2008/2095/02

**Mr. Ramdas P.Chitrigi
C/o 2/31 Nidhi Apartments,
Liberty Garden, Road No.3,
Malad (W), Mumbai – 400 064.**

... Appellant

V/s

**First Appellate Officer or Chief Officer,
MHADA, Gruhnirman Bhavan,
3 Floor, Bandra, Mumbai – 400 051.**

... Respondent

GROUNDS

This appeal has been filed Under Section 19(3) of the RTI Act, 2005. The appellant is an exemployee of the Khadi and Village Industries Commission (KVIC) who was staying in a quarter allotted to him by the KVIC. These quarters were acquired by KVIC from MAHADA on payment of Rs.14,10,000/- in the year 1973. MAHADA had built these quarters for low income group.

The appellant had sought information from MAHADA on various points and papers show that MAHADA has replied to him also. People like the appellant have since been evicted from their quarters. The appellant and others feel that these quarters should have been permanently allotted to them. The crux of the whole issued is that KVIC is treating these quarters as staff quarters where as appellant and others have brought various regulations, circulars and irregularities to prove that these quarters were constructed by MAHADA as LIG quarters and they are qualified to be allotted.

After going through the papers on record and considering the pleadings of the respondent, I have come to the conclusions the issued involved are beyond the indent and scope of the RTI Act. I am therefore constrained to pass the following order.

Order

The appeal is disposed off.

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

Place : Mumbai
Date : 05.05.2008

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

Appeal No.2008/63/02

**Mr. Jagdish Bhogilal Shah
B/13 Rama bhuvan, 1st floor,
N.S.Rd. Mulund.**

... Appellant

V/s

**First Appellate Officer or Controller of
Rationing & Director of Civil Supplies,
Royal insurance Building, 5th floor,
14 J.T.Rd. Churchgate, Mumbai – 400 020.**

... Respondent

GROUNDS

This appeal has been filed Under Section 19(3) of the RTI Act, 2005. The appellant had sought information regarding his old ration card which contained names of his family members. The first Appellate Authority in his order dated 28.07.2006 directed the PIO to furnish to the appellant. The PIO by his letter information dated 03.08.2006 has given whatever information was available. The appellant is not present. I am constrained pass the following orders.

Order

The appeal is disposed off.

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

Place : Mumbai
Date : 05.05.2008

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

Appeal No.2008/56/02

**Mr. Bharat Jayantilal Furiya
Payal Shoes, Saraswati Chawl,
Opp. Madhuban Garden,
L.B.S. Marg, Bhandup (W),
Mumbai – 400 078.**

... **Appellant**

V/s

**First Appellate Officer or Dy. Collector SRA/CEOSRA
5th Floor, Grih Nirman Bhavan,
Bandra (E), Mumbai – 400 051.**

... **Respondent**

GROUND

This appeal has been filed Under Section 19(3) of the RTI Act, 2005. The appellant had sought information regarding action on his letters dated 30.12.2005 & 15.03.2006, It seems that the appellant through his advocate had written these letters to the slum Rehabilitation Authority and wanted certain information regarding SRA project SRA/CHE/913/S/Pl/Ae Shri. Krishna Griha Nirman Sanstha. The appeal does not contain any paper to show what information was sought & what replies were received. The appellant is also not present.

Order

The appeal is disposed off.

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

Place : Mumbai
Date : 03.05.2008

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

Appeal No.2008/59/02

**Smt. Laxmi Narayan Aadaval
Aadaval Plot, Mulund (E), Gokhale Marg,
Mulund (E), Mumbai – 400 078.**

... Appellant

V/s

**First Appellate Officer or Deputy Commissioner (Ward-6)
N Regional, Jawahar Mard,
Ghatkopar (W), Mumbai – 400 077.**

... Respondent

GROUND

This appeal has been filed Under Section 19(3) of the RTI Act, 2005. The appellant had sought information regarding an affidavit filed by Municipal Commissioner, Mumbai Municipal Corporation. The respondents have given papers showing that the information has been furnished to the appellant. Papers on record shows this issued has already been sorted out and order issued by Hon. CIC, SIC Maharashtra (13th July, 2006) I do not understand how can there be an appeal against an order already passed. This case therefore, in view of the fact that the Chief Information Commissioner has already passed an orders is closed.

Parties to be informed accordingly.

Order

The appeal is disposed off.

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

Place : Mumbai
Date : 05.05.2008

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

Appeal No.2008/65/02

**Mr. Manoj Khalatkar
103, MG Green, O.M.V. Road,
Behind Dosti Estate, Antop hill,
Mumbai – 400 037.**

... Appellant

V/s

**First Appellate Officer or Chief Engineer,
Mumbai (PWD), Regional Division,
Mumbai – 400 077.**

... Respondent

GROUNDS

This appeal has been filed Under Section 19(3) of the RTI Act, 2005. The appellant had sought information regarding Govt. instruction transferring ‘Y’ type quarter to Public Works Department. These quarters are normally allotted by the General Administration Department but the appellant’s contention is that quarter from ‘Y’ category are allotted by Public Works Department and the department must have proper authorization. The PIO in his letter dated 28.11.2006 has informed the Public Works Department that it has not been possible to locate such a circular and therefore it can not be furnished. The First Appellant Authority in his detailed order dated 08.12.2006 has ordered that General Administration Department’s letters dated 28.11.2006 should be given to the appellant. The Public Works Department has also produced some allotment letters from 1984 to show that PWD has been allotting this type of quarter for over 22 yrs. The available information has been brought to the appellant’s notice.

Order

The appeal is disposed off.

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

Place : Mumbai
Date : 06.05.2008

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

Appeal No.2008/53/02

**Mr. Pramod H. Rungtha
241/5, Yashodhan Sector,
R.D.P-5 Charkop Kandivali (W)
Mumbai – 400 067.**

... Appellant

V/s

**First Appellate Officer or Divisional Jt. Registrar,
Mumbai, Co-Op. Soc, Mumbai Divisional,
Malhotra House, Opp. G.P.O, Mumbai**

... Respondent

GROUNDS

This appeal has been filed Under Section 19(3) of the RTI Act, 2005. The appellant had sought information regarding Secretary and Manager of Shri. Rajashhani CHS, JB Nagar Andheri (East) Infact it is more in the nature of Complaint rather than seeking information. The Complaints require remedial measures by the District Deputy Registrar and the Society. The appeal was fixed today. The appellant did not turn up. The respondents were present. After going through the papers and pleadings I have come to the conduction that the remedial action sought by appellant is beyond the scope of RTI. I pass the following order.

Order

The appeal is disposed off.

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

Place : Mumbai
Date : 07.05.2008

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

Appeal No.2008/58/02

**Mr. Kishor Shinde
B.No.25 C, Room No.1342,
M.H.B. Colony, Khernagar Road No. 1,
Bandra (W), Mumbai – 400 051.**

... Appellant

V/s

**First Appellate Officer or Deputy Commissioner (Ward-3)
K-West Divisional Officer, Pali Ram Road,
Andheri (West), Mumbai – 400 058.**

... Respondent

GROUND

This appeal has been filed Under Section 19(3) of the RTI Act, 2005. The appellant had sought information regarding length and width of Bandra (E) Kherwadi Road No.2, has also wanted to know what area is occupied by shops whether shops have been constructed on drainage. There is nothing specific and it is more in the nature of questionnaire. The information sought is not about action taken or not taken by a Public authority.

The appeal was fixed on 05.05.2007 but the appellant remained absent. The PIO was present. In view of the above, I pass the following order.

Order

The appeal is disposed off.

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

Place : Mumbai
Date : 07.05.2008

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

Appeal No.2008/57/02

**Mr. Mukund Ranjitsing Rathod
A/19 Sai Niketan, Saibaba Complex,
Goregaon (E), Mumbai 400 063**

... Appellant

V/s

**First Appellate Officer or Chairman
Peoples Education Society, Anand Bhavan,
D.N. Road, Fort, Mumbai – 400 063.**

... Respondent

GROUNDS

This appeal has been filed Under Section 19(3) of the RTI Act, 2005. The appellant had sought information whether Mrs. Chitra A Salunkhe who filed a complaint against the appellant was given permission by the institution where she is working or not. The required information was handed over to the appellant in front of me.

Order

The appeal is disposed off.

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

Place: Mumbai
Date: 03.05.2008

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

Appeal No.2008/52/02

**Mr. Vinod Kumar L. Dhawan
101, Krishna Kuji CHS Ltd. Plot NO. 13,
L.T. Nagar Road No. 1, Off M. G. Road,
Goregaon (W), Mumbai – 400 062.**

... **Appellant**

V/s

**First Appellate Officer, Office of Charity Commissioner,
Mumbai Division, Mumbai.**

... **Respondent**

GROUNDS

This appeal has been filed Under Section 19(3) of the RTI Act, 2005. The appellant has sought the following information 1) Affidavit of Damodar D Mehta, Dated 2nd January, 2001 & (2) Damodar D Mehta's No objection letter dated 12.11.2001 to the Deputy / Assistant Charity Commission. The PIO has not passed any order. The First Appellant Authority has also not passed any orders. Hence this appeal.

It appears that the information sought is relating to Govarghannathjee Public Charitable Trust, P.T.R No. E-19896 (Mumbai). The appellant has been informed that the file was not traceable. This is not enough. The RTI Act will become totally useless if every PIO starts saying the information sought can not be given because the record was not available. Every record has a time limit Detailed procedure has been prescribed for retention and destruction of records. Records cannot be destroyed at will. And it happens responsibility will have to be fixed. So the records from which information could have been furnished has outlived its utility, then PIO must inform the appellant that his office was no longer under obligation to maintain that record. I would request the head of the office to initiate an enquiry and make all efforts to ensure that the appellant gets the information.

Order

In the light of the above observation I allow the appeal and direct the PIO to ensure that the required information is furnished to the appellant free of cost.

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

Place: Mumbai

Date: 08.05.2008

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

Appeal No.2008/76/02

**Mr. Ankur Rau Pawar
Darshnika Divisional, Maharashtra Shasan,
27, Barjorji Bhau Marg, Fort, Mumbai – 400 023.**

... **Appellant**

V/s

**First Appellate Officer or Deputy Secretary,
Tourism & Cultural Affairs Department
Mantralaya, Mumbai – 400 032.**

... **Respondent**

GROUND

This appeal has been filed Under Section 19(3) of the Right Information Act, 2005. The appellant has asked for the information regarding his request to Condon the break in service for 48 days. The appeal was fixed for hearing on 16.05.2005 and appellant as well as respondents was present. The respondents agreed that such a proposal is pending with them. It was sent to the finance department. The file has come back to Tourism and Department of Culture requesting to send the file of one Mr. MAKHARE which is similar to the appellant's case. The same has been requisitioned from the Department of Cooperation.

In view of the above it is clear that available information that is movements of file has been explained to the appellant. Nothing remains to be done.

Order

The appeal is disposed off.

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

Place: Mumbai
Date: 20.05.2008

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

Appeal No.2008/1914/02

**Mr. Vijay Trambak Gokhale
Parvati Nivas, Savarkar Road,
Dombivli (E) 421 201.**

... Appellant

V/s

**First Appellate Officer or Deputy Registrar,
Co-op-Societies, T Ward, A.C.C Compound,
J. S. D. Marg, Mulund (E), Mumbai – 400 080.**

... Respondent

GROUNDS

This appeal has been filed Under Section 19(3) of the Right Information Act, 2005. The appellant has sought Information regarding his request to the Society for refund of the amount of rebate in Municipal taxes in respect of his vacant flat. MCGM gives rebate in property tax if the flat has remained vacant. The MCGM has informed the appellant that his flat has been given the benefit and the Society has been informed. The Society however, has charged him at full rate. The case was fixed for hearing on 16.05.2008. Appellant as well as respondent are present. The facts are not disputed. The respondent has however, brought to the Commission's notice that the appellant has withdrawn his claim of refund and nothing needs to be done. The appellant admits withdrawing the claim but insists that it was conditional. This is really case of dispute to be resolved by the Deputy District Registrar of Cooperative Society. Information is available with the appellant.

In view of the above I pass the following order.

Order

The appeal is disposed off.

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

Place: Mumbai
Date: 20.05.2008

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

Appeal No.2008/77/02

**Mr. Ramchandra R. Sing
Tirupati Apartment, Devidayal Road,
Mulund (E), Mumbai – 400 080.**

... Appellant

V/s

**First Appellate Officer or Deputy Secretary,
General Administrative Department – 5,
Mantralaya, Mumbai – 400 032.**

... Respondent

GROUND

This appeal has been filed Under Section 19(3) of the Right Information Act, 2005. The appellant wanted the following information (Flag A) He was not satisfied with the replies received and hence this appeal.

The appeal was fixed for hearing today. Appellants and respondents were present. Letters from respondents on record show that available information has been furnished and the appellant has been assured of corrective measures if he pinpoints the lepers.

Order

The appeal is disposed off.

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

Place: Mumbai
Date: 20.05.2008

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

Appeal No.2008/74/02

Mr. Vilhasrao Bapurao Deshamukh
Room No. A/1, Shri Gurukrupa Chawl,
Hanuman Tekdi, Kajupada, Borivali (E),
Mumbai – 400 066.

... **Appellant**

V/s

First Appellate Officer or Assistant Commissioner of
Municipal Corporation, R-North Dahisar Divisional,
Municipal Corporation Office, Dahisar (W),
Mumbai – 400 068.

... **Respondent**

GROUNDS

This appeal has been filed Under Section 19(3) of the Right Information Act, 2005. The appeal was fixed for hearing today. The respondents are present. The appellant however, has communicated that he is not interested in pursuing the appeal. I pass the following order.

Order

The appeal is disposed off.

(Ramanand Tiwari)
State Information Commissioner, Mumbai

Place: Mumbai
Date: 16.05.2008

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

Appeal No.2008/1935/02

**Mr. Ansari Mahmood Parvaiz
19/23, Nai Chawl, 3rd Ghelabhai Street,
Mumbai – 400 008.**

... **Appellant**

V/s

**First Appellate Officer or the Secretary
Social welfare Ministry,
Mumbai – 400 032.**

... **Respondent**

GROUND

This appeal has been filed Under Section 19(3) of the Right Information Act, 2005. The appellant had sought the following information **1)** Furnish the meaning or/and profession related to the concern **2)** Caste/Class and included in the list of SC, ST, VJ, NT, OBC, SBC. **3)** Total number of Caste/Class Certificate issued all over Maharashtra in the Calendar year-2005. **4)** Total number of Caste/Class Certificate issued to Muslims only all over Maharashtra in the Calendar year-2005. **5)** Total number of Caste/Class Validity Certificate issued all over Maharashtra in the Calendar year-2005. **6)** Total number of Caste/Class Validity Certificate issued to Muslims only all over Maharashtra in the Calendar year-2005. The under Secretary Social Justice and special assistance has informed the commission that the information sought is not available with the department and has tried to guide the applicant as to where these could be made available. He has also informed the commission that the information available has been furnished. The appeal was fixed for hearing on 16.05.2008. The appellant is not present but respondents are present. After going through the papers and hearing the respondent it is clear that the information available has been furnished and those which are not available could not be furnished. The information pertains to the whole State and every district has the machinery to issue caste certificate. This will be easily available at the district level. Since this information is not held by the relevant Public Authority, I pass the following order.

Order

The appeal is disposed off.

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

Place: Mumbai
Date: 17.05.2008

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

Appeal No.2008/73A/02

**Vegan Inc. P.R.S. Legal
Adv. Sanjeev Poonalekar,
315, Biry House, 265 Perin Nariman Street,
Fort, Mumbai – 400 001.**

... Appellant

V/s

**First Appellate Officer or Chairman / Secretary
BED/DED College, Swayam Sidhi Mitra Sangh
College of Education, Bhiwandi-Kalyan Road, Thane.**

... Respondent

GROUNDS

This appeal has been filed Under Section 19(3) of the Right Information Act, 2005. The appellant has sought information regarding Trustees, Teachers, and Recognition of the Institution, College and Hostel etc. The case was fixed for hearing on 16.05.2008. The appellant is not present but the respondent is present. The respondent's plea is that they are not covered under the Act. They have given detail submission to the commission. It was pointed out to them that the Department of Education Govt. of Maharashtra itself has clarified that all education institutions whether aided or not aided are covered under the Act. The information sought by the appellant are relevant and is supposed to be with the institution. It may sound inconvenient to the respondent as we are used to keep such information with us otherwise. This is a typical case where information sought is simple and likely to cause no adverse impact on the institution. The reluctance is not proper and goes against the spirit of the Act.

After going through the papers and considering the pleading I am of the view that the information sought should be furnished. I pass the following order.

Order

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

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

Place: Mumbai
Date: 17.05.2008

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

Appeal No.2008/79/02

**Mr. Laxman Datatraya Chavan
4, Chavan Mestri Chawl,
Near Ekrup Jim, Tembipada,
Tembipada Road, Bhandup (W),
Mumbai – 400 078.**

... Appellant

V/s

**First Appellate Officer, Office of Executive Engineer
Eshwar Nagar, Mahrshi V. R. Shinde Marg,
Bhandup, Mumbai – 400 078**

... Respondent

**Public Information Officer, Office of Executive Engineer
Eshwar Nagar, Mahrshi V. R. Shinde Marg,
Bhandup, Mumbai – 400 078**

GROUND

This appeal has been filed Under Section 19(3) of the Right Information Act, 2005. The appellant has sought information regarding electric connection to some buildings from his Chawl without permission. The Public Information Officer Replies and First Appellant Authority order have not satisfied the appellant. Hence this appeal. The case was fixed on 20.05.2008. The appellant is present but the respondent is absent. Appellant has not enclosed a copy of the PIO's order. It is not possible for me to find out what information has been furnished by the PIO.

Order

The appeal is disposed off.

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

Place: Mumbai
Date: 20.05.2008

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

Appeal No.2008/109/02

**Smt. Bharti Anand Kuvelkar
C-9, Woltas Co-op. Hsg. Society
Shivsrushthi, Nehru Nagar, Kurla (E),
Mumbai – 400 024.**

... Appellant

V/s

**First Appellate Officer or Deputy Commissioner of Police
Zone 6, R. C. Marg, Chembur,
Mumbai – 400 071.**

... Respondent

**Public Information Officer or Assistant Commissioner of Police
East Regional Control Division, Chembur,
Mumbai – 400 071.**

GROUNDS

This appeal has been filed Under Section 19(3) of the Right Information Act, 2005. The appellant has sought information regarding FIR 179/06 Dated 19.08.2008 and papers related to it like statement report or any other relevant papers. This request has been refused both at the end of Public Information Officer and First Appellate Authority. Hence this appeal. The appeal was fixed today. The appellant remained. Absent the respondent has given his submission in writing. According to him the charge sheet has been filed in the court of law and the appellant will get a set of all papers.

I have gone through the papers and also considered the pleadings of the respondent. The application as well as the First appeal has been rejected on the ground that the information if furnished may impede the process of investigation or apprehension or prosecution of affection (Section 8(h), RTI Act 2005). This ground is no longer relevant since the investigation is over and charge sheet has been filed. I therefore order the following.

Order

The appeal is allowed. The appellant should be furnished the information sought by him with 30 days.

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

Place: Mumbai

Date: 20.05.2008

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

Appeal No.2008/81/02

**Mr. Sunilkumar Indramal Gupta
Parshiwadi, Ramprasad Varma Chawl,
Room No. 3, Ghatkopar (W),
Mumbai – 400 086.**

... Appellant

V/s

**First Appellate Officer or Deputy Commissioner of Police
Zone 6, R. C. Marg, Chembur,
Mumbai – 400 071.**

... Respondent

**Public Information Officer or Assistant Commissioner of Police
East Regional Control Division, Chembur,
Mumbai – 400 071.**

GROUND

This appeal has been filed Under Section 19(3) of the Right Information Act, 2005. The appellant has sought information regarding FIR 186/04 and non arrest of Mrs. Meena Hazari Singh and Pinki Hazari Singh despite proof and evidence. The Public Information Officer has informed the appellant that they did not find enough proof to detain these persons but charge sheet has been filed and the case is sub judice. The case was fixed for today and both appellant and respondents are present.

After considering the written submission and also considering the arguments advanced by them I have come to conclusion that the appellants expectation is beyond the realm of RTI Act. It is not practically possible to ask the police why some one has not been arrested. In any case the matter a sub judice.

Order

The appeal is disposed off.

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

Place: Mumbai

Date: 20.05.2008

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

Appeal No.2008/75/02

**Mr. Pandurang Shankar Satav
Room No. 4, Building No. 1,
Unit No. 6, Aarey Milk Colony,
Mumbai – 400 065.**

... Appellant

V/s

**First Appellate Officer or General Manager
Greater Mumbai Milk Scheme,
Warli, Mumbai – 400 071.**

... Respondent

**Public Information Officer or Dairy Manager
AAREY Milk Colony, AAREY, Mumbai – 400 065.**

GROUNDS

This appeal has been filed Under Section 19(3) of the Right Information Act, 2005. The appellant has sought information regarding recovery of water charges from residents of AAREY Milk Colony. The appellant has contended that these employees who stay in quarters of Worli and Kurla Milk Scheme are not required to pay where as those staying in AAREY Milk Colony have to pay. There can be no two sets of guidelines for residents of Warli, Kurla and AAREY because they belong to the same department. The appeal was fixed for hearing on 16.05.2008. Appellants and respondent are present. The appellant reiterated his stand. The respondents however informed the commission that water charge from the appellant others there are recovered according to Govt. resolution no. AAMC1088/14833331/PADV8 dated 05.02.91 & M 30/381/42/2004/ PADV8 dated 11.08.2004. This information has already been furnished to the appellant. In the view of the fact that available information has already been furnished the Commission cannot take remedial measures which Govt. alone is competent to do.

Order

The appeal is disposed off.

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

Place: Mumbai

Date: 16.05.2008

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

Appeal No.2008/82/02

**Mr. Anilkumar Indramal Gupta
Parshiwadi Ramprasad Varma Chawl,
Room no. 3, Ghatkopar (W),
Mumbai – 400 086.**

... **Appellant**

V/s

**First Appellate Officer or Assistant Commissioner
N Region, 1st Floor, Jawahar Marg,
Ghatkopar (W), Mumbai – 400 077.**

... **Respondent**

**Public Information Officer or Assistant Engineer,
(B & E) N Region 1st Floor, Jawahar Marg,
Ghatkopar (W), Mumbai – 400 077.**

GROUND

This appeal has been filed Under Section 19(3) of the Right Information Act, 2005. The appellant has sought information regarding his petition submitted to different authorities on different dates. The appellant authority in his order dated 08.12.2006 has given elaborate replies. The PIO in his order dated 11.09.2006 has also furnished the available information. The appeal was fixed today and the appellant was present but nobody represented the respondent. After going through the papers I have come to the conclusion that information available has already been furnished.

Order

The appeal is disposed off.

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

Place : Mumbai
Date : 20.05.2008

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

Appeal No.2008/67/02

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

... Appellant

V/s

First Appellate Officer or Dy. Register of Society,
Malhotra House, GPO, Mumbai – 400 001.

... Respondent

Public Information Officer or Dy. Register of Society,
G/south Ward, Mumbai – 400 001.

GROUNDS

This appeal has been filed Under Section 19(3) of the Right Information Act, 2005. The appellant has sought information regarding Network CHS. Prabhadevi. The appeal was fixed for hearing today. The appellant is absent. The respondent is present. He has made his written submission. It appears from papers that some information has been furnished but the balance is yet to be given. The appeal papers show that information has not been furnished. The respondent has pointed out that the appellant has been called on 29.05.2008 for inspection and required information will be furnished. In view of the above I pass the following order.

Order

The appeal is disposed off.

(Ramanand Tiwari)
State Information Commissioner, Mumbai

Place: Mumbai
Date: 21.05.2008

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

Appeal No.2008/110/02

**Smt. Shweta Bhalchandra Jichkar,
21-8/166, Govt. Colony
Bandra (W), Mumbai – 400 051.**

... Appellant

V/s

**First Appellate Officer or Chief Engineer,
Mumbai (PWD), Regional Dept.
Marzban Road, Fort, Mumbai – 400 001.**

... Respondent

**Public Information Officer or Assistant Chief Engineer,
Mumbai (PWD), Regional Dept.
Marzban Road, Fort, Mumbai – 400 001.**

GROUND

The appellant had sought information Under Section 6(1) of the Right to Information Act 2005. The PIO by his order dated 02.11.2006 decided her application. The appellant preferred the First appeal Under Section 19(1) of the RTI Act. This appeal before the First appellant was preferred on 10.11.2006. The appellant has submitted a copy to the Commission with a request to send it to the appropriate appellate authority. While this remained pending with the Commission, the first appellate authority has passed his order dated 05.12.2008. In fact the appellate can approach the Commission only against this order. Now in view of the fact that the first appellate authority has decided the appeal it would serve no purpose if the appeal as requested is sent to him for decision.

The appeal against the order of the PIO is not maintainable. The appellant if so desires can approach the Commission under Section 19(3) of the RTI against the order of the First appellant authority. The appeal is not maintainable.

Order

The appeal is disposed off.

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

Place : Mumbai
Date : 21.05.2008

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

Appeal No.2008/68/02

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

... **Appellant**

V/s

**First Appellate Officer or Dy. Suptd Police Vasai,
Office of Suptd Police, Dist. Thane**

... **Respondent**

Public Information Officer or Dy. Suptd Police Vasai.

GROUNDS

This appeal has been filed Under Section 19(3) of the Right Information Act, 2005. The appellant has sought information regarding his complaint against Shri. Sharad Ramchandra Jadhav. According to the appellant Shri. Jadhav has furnished wrong information to the returning officer during Municipal election of Nalasopara Municipality. According to the appellant Shri. Jadhav had furnished wrong information about his residence and therefore he had lodged a complaint.

The appeal was fixed for hearing today. The appellant has remained absent. The respondent has requested for adjournment.

I have gone through the papers on record. I feel that neither the absence of the appellant nor the inability of the respondent to be present has much relevance to the facts. The complaint by the appellant has been attended to and information has already been furnished. The Police very clearly say that the allegation was found to be not based on facts and they have therefore closed the case. There is no denial of information or any reluctance on the respondent's part. Following order is passed.

Order

The appeal is disposed off.

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

Place: Mumbai
Date: 21.05.2008

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

Appeal No.2008/1933/02

**Smt. Kirti B. Soni,
Kirti Arts, 20 Neelkanth Parab Chawl,
Poddarwadi, Shahaji Raje Marg,
Koldongri, Vile Parle (E),
Mumbai – 400 057.**

... **Appellant**

V/s

**First Appellate Officer, Chief Executive Officer
slum Rehabilitation Authority
5th Floor, Griha Nirman Bhavan,
Bandra (E) Mumbai – 400 051**

... **Respondent**

**Public Information Officer or Assistant Engineer
slum Rehabilitation Authority
5th Floor, Griha Nirman Bhavan,
Bandra (E) Mumbai – 400 051**

GROUND

This appeal has been filed Under Section 19(3) of the Right Information Act, 2005. The appellant has sought information regarding Building No. 7 of the SRA Scheme at Poddarwadi (Andheri East). Not happy with the decision of the PIO and the First Appellate Authority, he has filed this appeal. The case was the fixed for hearing on 20.05.2008. Both parties were present. The respondent has submitted their point of view in writing. The appellant has made oral submission. The appellant did not seem to be satisfied with the information furnished so far.

After going through the papers on record and submission made by parties. I have come to the conclusion that the required information has been furnished and no intervention is required

Order

The appeal is dismissed.

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

Place: Mumbai
Date: 23.05.2008

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

Appeal No.2008/86/02

**Smt. Sreeram Iyer,
RNA Heights, Jogeshwari – Vikhroli Link Road,
Andheri (E), Mumbai – 400 093.**

... Appellant

V/s

**First Appellate Officer, Director (Engg. Services)
Municipal Corporation of Greater Mumbai,
Municipal Head Office-Annex,
3er Floor, Mahapalika Marg, Mumbai – 400 001.**

... Respondent

**Public Information Officer or Executive Chief Engineer,
Western Suburbs, Babha Hospital Building,
1st Floor, R. L. Patkar Marg, Bandra, Mumbai – 400 050.**

GROUNDS

This appeal has been filed Under Section 19(3) of the Right Information Act, 2005. The appellant has sought information as to why occupancy certificate has not been issued to his building. The reply by both Public Information Officer as well as the First Appellant Authority is that occupancy certified has not been granted as the site office constructed by the developer in the stilt portion of the building is not demolished. It is against this order that the present appeal has been filed. It was fixed for hearing on 22.05.2008. The appellant remained absent. The PIO is present. After going through the papers I have come to conclusion that required information has been furnished. The RTI Act does not provide for remedial measure that is demolition of the site office to facilitate grant of occupancy certificate. The appellant may have to follow up with the concerned for demolition of the site office. The information required has been furnished. I pass the following order.

Order

The appeal is disposed off.

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

Place: Mumbai
Date: 23.05.2008

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

Appeal No.2008/2035/02

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

... **Appellant**

V/s

**First Appellate Officer (Dy. Collector)
SRA 5th Floor, MHADA Bldg.,
Bandra (E), Mumbai – 400 051.**

... **Respondent**

**Public Information Officer or CEO – SRA,
SRA 5th Floor, MHADA Bldg.,
Bandra (E), Mumbai – 400 051.**

GROUND

This appellant had sought information Under Section 6(1) of the Right to Information Act 2005. He does not seem to have got the reply. The First Appellant Authority also has not decided the appeal and Appellant has finally come in for the 2nd Appeal under Section 19(3) of the RTI Act. The case was fixed for hearing on 22.05.2008. Appellant is absent. The respondent is also absent.

I have gone through the papers on record and have come to the conclusion that appellant's application has not been taken seriously. The information sought must be furnished within 30 days and compliance sent to the Commission. The PIO is also directed to explain why action under Section 20(1) should not be taken against him.

Order

The appeal is allowed.

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

Place: Mumbai
Date: 23.05.2008

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

Appeal No.2008/85/02

Mr. Pramod Rajaram Pawar
120/60, Rajgad, B Wing, Tatanagr Road,
Mankhurd, Mumbai – 400 043.

... **Appellant**

V/s

First Appellate Officer,
Mumbai metropolitan region Development Authority
(MMRDA) Bandra-Kurla Complex,
Bandra (E), Mumbai – 400 051.

... **Respondent**

Public Information Officer,
Mumbai metropolitan region Development Authority
(MMRDA) Bandra-Kurla Complex,
Bandra (E), Mumbai – 400 051.

GROUND

This appeal has been filed Under Section 19(3) of the Right Information Act, 2005. The appellant has sought copies of various documents leading to demotion of sadaguru Sadan Vachanalaya and Study Centre. It is not known whether PIO or the First Appellant Authority has decided the case. The case was fixed for hearing on 22.05.2005. Neither the appellant nor the respondent is present. After going through the papers on record I have come to the conclusion that information sought is simply and straight forward. The appellant deserves the information

Order

Appeal is allowed. Appellant should be provided the required information within 30 days.

(Ramanand Tiwari)
State Information Commissioner, Mumbai

Place: Mumbai
Date: 23.05.2008

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

Appeal No.2008/96/02

**Mr. Chandrakant Ganpati Kamble
Tadadev, Varli, Mumbai.**

... Appellant

V/s

**First Appellate Officer or Police Deputy General of Police (Add)
Office of Director General of Police, Mumbai.**

... Respondent

**Public Information Officer,
Office of Director General of Police,
Shahid Bhagatsing Marg, Kulaba, Mumbai.**

GROUND

This Complaint has been filed by Shri Chandrakant Ganpati Kamble. The complaint had sought information under Right to Information Act 2005. The PIO by his letter dated 16.10.2006 has Communicated to him the information cannot furnished in view of the provisions Section 8(1) (e). The First Appellant Authority by his order dated 14.12.2006 has furnished the information. The appellant is not satisfied and preferred to complain.

The hearing was fixed on 23.05.2008. The appellant has remained absent. The respondent is present. It appears from the complaint that they are very general in nature, partly advisory and nonspecific. The first appellant authority's order is elaborate and comprehensive. It appears that whatever information was available has been furnished. I see no reason to intervene.

Order

The complaint is filed.

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

Place: Mumbai

Date: 23.05.2008

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

Appeal No.2008/114/02

**Mr. Ganesh Bhumyya Battu
529/16, Subhash Nagar, New Mil Road,
Kurla (W), Mumbai – 400 070.**

... **Appellant**

V/s

**First Appellate Officer or Deputy Commissioner,
Zone – 6, Office of Mumbai,
Chembur, Mumbai – 400 071.**

... **Respondent**

**Public Information Officer or Assistant Police Commissioner
East regional Division,
Chembur, Mumbai – 400 071.**

GROUND

This appeal has been filed Under Section 19(3) of the Right Information Act, 2005. The appellant has asked for a copy of the complaint against him on the basis of which his statement was recorded and a report sent to higher authority. The PIO by his letter dated 18.04.2006 informed the appellant that the information was not available and therefore cannot be furnished. But another letter dated 29.04.2006 information has been partly furnished and partly denied. The First Appellant Authority has confirmed the PIO's findings. The appellant is not satisfied and hence this appeal.

The appeal was fixed on 23.05.2008. Appellant and respondents are present. Both have given their written submissions. The appellant has reiterated that he must get a copy of the complaint which formed basis of his superiors report against him. The respondent, however, wants some more time to go into the details of the case. The appellant has agreed to it. I therefore pass the following order.

Order

Appeal is allowed. Appellant must be given the information sought by him within 30 days

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

Place: Mumbai
Date: 23.05.2008

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

Appeal No.2008/90/02

**Mr. Gulam Varish R. Shaikh
Janta Seva Mandal, Opposite Shankar Dairy Farm,
Laxmi Bag, Sion, Mumbai – 400 022.**

... **Appellant**

V/s

**First Appellate Officer or Assistant Commissioner,
G/North Division, Office of Municipal Corporation,
Harishchandra Yevale Marg, Mumbai – 400 028.**

... **Respondent**

**Public Information Officer or Senior Colony Officer,
G/North Division, Office of Municipal Corporation
Harishchandra Yevale Marg, Mumbai – 400 028.**

GROUNDS

This appeal has been filed Under Section 19(3) of the Right Information Act, 2005. The appellant has sought information regarding the rehabilitation project undertaken by Shiva Shahi Prkalp. He has been furnished information and he has paid Rs. 14601 for that. One his main grievance is that the MCGM recognizes his unit as commercial and has proposed to handover to him commercial space. He feels that his unit is residential cum commercial and he should be allowed such unit which can be used as residential cum commercial. He also feels that he has not got all the information he wanted. He has therefore filed this appeal.

The appeal was fixed for hearing on 23.05.2008. Appellant and respondent was present. The appellant feels that MCGM is not cooperating. The officer represented MCGM has volunteered to facilitate inspection of files so that the appellant can ask for any additional information which he requires.

I have gone through the papers on record and also considered the pleadings. As far the first main issue-whether he should be given commercial or commercial cum residential space is concerned it is beyond commissioner's jurisdiction. If he is not happy with classification of his unit he can approach higher authority and plead his case. His

desire to have additional information can be satisfied by allowing him the inspection of relevant files. I therefore pass the following order.

Order

The appeal is partially allowed. The PIO to facilitate the appellant inspection of relevant files and also furnish the information required by him.

(Ramanand Tiwari)
State Information Commissioner, Mumbai

Place: Mumbai
Date: 23.05.2008

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

Appeal No.2008/92/02

**Mr. Datatraya Shivram Chawan
129/6, Dhanshri – A, Le Dilip Gupte Road,
Mahim, Mumbai – 400 016.**

... Appellant

V/s

**First Appellate Officer or Police Superintendent
Office of Police Superintendent,
Ratnagiri.**

... Respondent

**Public Information Officer or Deputy Divisional Police Officer
Ratnagiri.**

GROUNDS

This appeal has been filed against the order of the First Appellant Authority who has denied information to the appellant. The appellant had filed a complaint against one Mr. Ramchandra Vishram Tambe. This complaint was in connection with a land dispute between the appellant and Mr. Tambe. They were both called at the Police Station and the matter was sorted out amicably. The appellant feels that Mr. Tambe was given some kind of warning and he wants a copy of that warning.

The case was fixed for hearing on 23.05.2008. Appellant and respondent are present. The respondent has given written submission. It has been pleaded by them that this information cannot be given according to provisions Section 8(1) (h). The appellant has pleaded that the case does not fit into 8(1) (h) as no investigation is pending and the matter stands closed.

I have gone through the paper on record and considered the submission made by both the parties I have come to the conclusion that it does not into 8(1) (h) as furnishing of information is not likely to impede the porous of investigation. The matter as admitted by both stands closed. I therefore feel that the information sought must be furnished to the appellant.

Order

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

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

Place: Mumbai
Date: 23.05.2008

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

Appeal No.2008/115/02

**Mr. Natwarlal Bhanji Laxman
Hindu, Adult, 11-A, Gulmohar,
1st Floor, S. V. Road,
Khar (W), Mumbai – 400 052.**

... Appellant

V/s

**First Appellate Officer or Dy. Comm. Of Police,
Chatrapati Shivaji Mandai, 3rd Floor,
M. R. A. Marg, Mumbai.**

... Respondent

**Public Information Officer or Asst. Commissioner of Police,
Police Commissioner's Compound,
Mumbai – 400 001.**

GROUNDS

This appeal has been filed under Section 19(3) of the Right to Information Act 2005 against the order of the First Appellant Authority dated 01.08.2006. The appellant had lodged a complaint with the Economic offences Wing, Crime Branch CID, Mumbai. The Economic offences Wing investigated the case and came to the conclusion that complaints do not disclose commission of any cognizable offences and the dispute is of civil nature. The appellants has sought information regarding closure of the case. He wants all statements of witnesses recorded by the concerned investigating officer, the basis on which an opinion had been formed that his complaints did not disclose any criminal offences and that the matter was essentially of a civil nature. The PIO has denied this information quoting Section 8(1) (d). The First Appellant Authority has confirmed this order. This appeal has been preferred against this order.

The appeal was fixed on 26.05.2008. The appellant has remained absent. The respondents were present. They have reiterated their stand.

I have gone through the papers on record and also considered their oral submission. My conclusion is that the information sought is not covered under Section 8(1) (d) of the Right to Information Act. Section 8(1) (d) says that there shall be no

obligation to give any citizen information including commercial confidence, trade secrets or intellectual property the disclosure of which would harm the competitive position of a third party etc. this is a case where investigation is over and the Economic Wing itself has come to the conclusion that the issues involved are essentially of civil nature. I see no reason to deny the information to the appellant.

Order

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

(Ramanand Tiwari)
State Information Commissioner, Mumbai

Place: Mumbai
Date: 26.05.2008

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

Appeal No.2008/69/02

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

... Appellant

V/s

**First Appellate Officer or Director (ESNP),
3rd Floor, Mumbai Municipal Corporation
Extention Building, V.T
Mumbai.**

... Respondent

**Public Information Officer or Dy. Chief Engineer,
Building Proposals (City), E Division, 3rd Floor,
Shaikh Hafijuddin Marg, Byculla. Mumbai – 400 008.**

GROUNDS

This appeal has been filed under Section 19(3) of the Right to Information Act 2005. The appellant had sought information certified copies of property bearing Plot No 750 (Bliss CHS) Plot 743 (Blossom CHS Plot No. 745 (Ram Bhavan) and Gopal Sadan. The PIO & the First Appellant Authority have informed him that although plans for development of these plots have been granted occupancy any certificates have not been issued. It has been pointed out that staying in building without occupancy certificate can be regularized by imposing a fine of Rs 50 per square meter. The case was fixed for hearing on 21.05.2008. The appellant and the First Appellant Authority have remained absent. The PIO was present.

I have gone through the case papers and have come to the conclusion that the appellant has been provided with the information sought by him. The RTI Act requires furnishing of available information and does not envisage either generation or interpretation of information or taking up of remedial measures. I pass the following order.

Order

The appeal is dismissed.

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

Place: Mumbai

Date: 26.05.2008

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

Appeal No.2008/129/02

**Mr. Chandrakant G. Kamble
Tadadev, Varli, Mumbai.**

... **Appellant**

V/s

**First Appellate Officer or Police Deputy General of Police (Add)
Office of Director General of Police, Mumbai.**

... **Respondent**

**Public Information Officer,
Office of Director General of Police,
Shahid Bhagatsing Marg, Kulaba, Mumbai.**

GROUNDS

This appeal has been filed under Section 19(3) of the Right to Information Act 2005. The appellant has sought information regarding different aspects of police administration, the need to bring transparency and objectivity. He also wanted copies of notings which has been denied. The First Appellant Authority has passed an elaborate order and dealt with every issue raised by the appellant. He has also volunteered to facilitate inspection of notings by the appellant. The case was fixed on 21.05.2008. The appellant has remained absent and the First Appellant Authority has sought exemption from appearance. The PIO was present.

I have gone through the case papers and come to the conclusion that the orders passed by the PIO and the First Appellant Authority do not need any intervention. The information sought is by and large, Subjective, advisory and vague. They have been dealt within the best possible manner I pass the following order.

Order

The appeal is dismissed.

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

Place: Mumbai
Date: 26.05.2008

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

Appeal No.2008/80/02

**Mr. Kamlakar Sukhdev Darvade
General Secretary,
Maharashtra O. B. C. Group, Mumbai.**

... Appellant

V/s

**Joint Sales Tax Commissioner,
5th floor, Sale Tax Office, Mazgaon,
Mumbai – 400 010.**

... Respondent

**Public Information Officer or Joint Sales Tax Commissioner,
4th floor, Sale Tax Office, Mazgaon,
Mumbai – 400 010.**

GROUNDS

This appeal has been filed under Section 19(3) of the Right to Information Act 2005. The appellant has sought information regarding evasion of sales tax and investigation against some parties. The PIO has informed him that the information sought by the appellant falls within the ambit section 8(1) (h) where as some of the issues do not pertain to the departments. The First Appellant Authority has confirmed the order. The case was fixed on 20.05.2005 for hearing. Appellants and respondents were present. After going through the case papers and considering the pleadings of parties I have come to the conclusion that the orders passed by the PIO and the First Appellant Authority are in order. The appellant has been asking the same information in fact he has been attaching a photocopy of the same petition in all his appeals. These is no need to intervene.

Order

The appeal is dismissed.

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

Place: Mumbai
Date: 26.05.2008

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

Appeal No.2008/1934/02

Smt. Anandi Ramchandran
Flat No. 22, A-wing, Takshila Build. No. 29,
Co-operative Housing Society Ltd,
Mahakali Caves Road, Andheri (E),
Mumbai – 400 093.

... **Appellant**

V/s

First Appellate Officer or Asst. Mum. Commissioner
K-East Ward, Azad Road, Gundavali, Andheri (E),
Mumbai – 400 069.

... **Respondent**

Public Information Officer or Assistant Engineer (Build & Factory)
K-East Ward, Azad Road, Gundavali, Andheri (E),
Mumbai – 400 069.

GROUND

This appeal has been filed under Section 19(3) of the Right to Information Act 2005. The appellant has sought information regarding action taken on his complaint dated 19.12.2005, 31.12.2005 and 21.02.2006. These complaints related to illegal extension and encroachment made in Takshila building. The PIO does not seem to have responded. The First Appellate Authority has also not done anything. The case was fixed on 22.05.2008. Neither the appellant nor the respondent turned.

I have gone through the papers on record and have come to the conclusion that information is pointed and simple. The appellant has not been furnished the required information is a matter of serious concern. I pass the following order.

Order

The PIO to furnish information to the appellant within 30 days and report compliance to the commission.

(Ramanand Tiwari)
State Information Commissioner, Mumbai

Place: Mumbai
Date: 26.05.2008

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

Appeal No.2008/1928/02

Mr. Anil Hamir Wasia
254 Girnar CHS Ltd.
New Link Road Oshiwara Park,
Oshiwara, Jogeshwari (W)
Mumbai – 400 102.

... Appellant

V/s

First Appellate Officer or Chief Officer,
Mumbai Housing and Area Development Board,
Griha Nirman Bhavan, 3rd floor,
Bandra (E), Mumbai – 400 069.

... Respondent

Public Information Officer or Joint Chief Officer,
Mumbai Housing and Area Development Board,
Griha Nirman Bhavan, 3rd floor,
Bandra (E), Mumbai – 400 069.

GROUND

This appeal has been filed under Section 19(3) of the Right to Information Act 2005. The appellant has sought information regarding his complaint removal of encroachment on RG-3, RG-4, and RG-5 having CTS no. 96(P), 27(P), 26(P), 12(P), 11, 29, 32, 38, 28, 55(P) 34(P), 13(P). The case was fixed for hearing on 22.05.2008. The Appellant did not turn up. The respondent has given a copy of the information furnished to the appellant on 20.07.2006. After going through the papers on record I have come to the conclusion that the required information has been furnished. It does not fall within the purview of the RTI Act to take correctional measures (in his case removal of encroachment). I therefore pass the following orders.

Order

The appeal is disposed off.

(Ramanand Tiwari)
State Information Commissioner, Mumbai

Place: Mumbai

Date: 26.05.2008

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

Appeal No.2008/97/02

**Mr. Abdul Rehman Khan
Lala Pathan Compound, Kajupada,
Borivali (E), Mumbai – 400 066.**

... **Appellant**

V/s

**First Appellate Officer or Office Clerk,
Superintend Land Survey, Office of Suburban Dist.,
Administrative Bldg., 10th floor,
Bandra (E), Mumbai – 400 069.**

... **Respondent**

**Public Information Officer or City Survey Officer,
Borivali (W), Mumbai – 400 069.**

GROUND

This appellant had sought information regarding City Survey Office Borivali, the state of document shifted, list of document made and maintained etc. Information according to the PIO has been furnished. The appellant was not satisfied and should have filed the first appeal under Section 19(1) of the Right to Information Act. The appellant has directly preferred the second appeal under Section 19(3). This is not maintainable. He should approach the First Appellate Authority and if not satisfied with his order can prefer the second appeal.

Order

This appeal is dismissed not maintainable.

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

Place: Mumbai
Date: 26.05.2008

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

Appeal No.2008/93/02

**Mr. Kamlakar Sukhdev Darvade
General Secretary,
Maharashtra O. B. C. Group, Mumbai.**

... **Appellant**

V/s

**First Appellate Officer or Joint Sales Tax Commissioner,
4th floor, Sale Tax Office, Mazgaon,
Mumbai – 400 010.**

... **Respondent**

**Public Information Officer or Joint Sales Tax Commissioner,
4th floor, Sale Tax Office, Mazgaon,
Mumbai – 400 010.**

GROUNDS

This appeal has been filed under Section 19(3) of the Right to Information Act 2005. The appellant has sought information regarding sales tax recovery, investigation, enforcement etc. This information has been, according to the appellant, denied to him. The First Appellant Authority has partly modified the order but that has not satisfied the appellant. He has therefore filed this appeal.

The appeal was fixed for hearing on 26.05.2006. Appellants and respondents were present. They have made their oral submissions.

I have gone through the papers on record and also considered their oral submissions. The information sought is too general and broad. The respondent has also pleaded that it is not possible for them to furnish information relating to cases when investigation is going on. The appellant has also sought information regarding dummy traders. Such information is not possible to furnish. Under the Act only such information is required to be supplied which already exists and is held by the public authority or held under its control. It is beyond the scope of the Act to create information or to interpret information or to solve the problems raised by the applicant to furnish replies to hypothetical questions.

After going through the papers on record I have come to the conclusion that this is no need to interfere with the findings of the First Appellant Authority. I pass the following order.

Order

The appeal is dismissed the order of the First Appellant Authority is confirmed.

(Ramanand Tiwari)
State Information Commissioner, Mumbai

Place: Mumbai
Date: 26.05.2008

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

Appeal No.2008/99/02

**Mr. Kamlakar Sukhdev Darvade
General Secretary,
Maharashtra O. B. C. Group, Mumbai.**

... Appellant

V/s

**First Appellate Officer or Joint Sales Tax Commissioner,
4th floor, Sale Tax Office, Mazgaon,
Mumbai – 400 010.**

... Respondent

**Public Information Officer or Joint Sales Tax Commissioner,
4th floor, Sale Tax Office, Mazgaon,
Mumbai – 400 010.**

GROUND

This appellant had sought information under Section 6(1) of the RTI Act 2005. The PIO has partly allowed his application but partly denied under Section 8(1) (h). The First Appellant Authority has by and large confirmed the order of the PIO. The appellant is not satisfied with his decision and hence this appeal under Section 19(3) of the Act.

The appeal was fixed for hearing on 26.05.2008. Appellant and respondent were present. The respondents have pleaded that information regarding pending cases / cases under investigation would not be in Public interest. The appellant has reiterated his stand that he required this information to expose the department.

I have gone through the case papers. The information sought is very general and non specific. The appellant may be guided by his desire to root out corruption in the department but his weapon has to be sharp and pointed. It is not required under the Act to create information or to interpret information or to solve the appellant's problem therefore feel that there is no need to intervene in the order passed by the PIO or the First Appellate Authority.

Order

The appeal is disposed off.

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

Place: Mumbai

Date: 26.05.2008

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

Appeal No.2008/100/02

**Mr. Satyavijay V. Gavde
A/9, Dipanjli So. Shahaji Raje Marg,
Vile Parle, Mumbai – 400 057.**

... Appellant

V/s

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

... Respondent

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

GROUND

This appeal has been furnished under Section 19(3) of the Right to Information Act 2005. The appellant has sought information regarding enquiry against Mr. Sheshrao Sangle which was ordered by the Hon High Court, Mumbai. The PIO has furnished the information stating that the enquiry has been conducted and report submitted to Hon High Court. The First Appellant Authority confirmed the PIO's order. The appellant is not satisfied. Hence this appeal. The case was fixed on 26.05.2008. The appellant has remained absent. Respondents are present. I have gone through the case papers and come to the conclusion that information has been furnished.

Order

The appeal is dismissed off.

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

Place: Mumbai
Date: 26.05.2008

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

Appeal No.2008/121/02

**Mr. Vilhasrao Bapurao Deshamukh
Room No. A/1, Shri Gurukrupa Chawl,
Hanuman Tekdi, Kajupada, Borivali (E),
Mumbai – 400 066.**

... **Appellant**

V/s

**First Appellate Officer or Deputy Chief Engineer
SRA 5th Floor, MHADA Bldg.,
Bandra (E), Mumbai – 400 051.**

... **Respondent**

**Public Information Officer,
SRA 5th Floor, MHADA Bldg.,
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 sought information regarding SRA proposal on survey no. 193/5 and part of city survey no 2331, Mauje Dahisar. The PIO has informed him that no such proposal has been approved. The First Appellant Authority by his letter dated 26.012.2008. has disposed off his appeal. The case was fixed for hearing on 27.05.2008. The appellant did not turn up. The PIO is present. He has shown his willingness to furnish the information. The appellant may approach the PIO under Section 6(1) the Right to Information Act.

Order

The appeal is disposed off.

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

Place: Mumbai
Date: 26.05.2008

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

Appeal No.2008/91/02

**Smt. Nisha Narayan Baraskar
Room No. A/1, Shri Gurukrupa Chawl,
Hanuman Tekdi, Kajupada, Borivali (E),
Mumbai – 400 066.**

... Appellant

V/s

**First Appellate Officer or Director,
Information and Public relation Dept.,
Mantralaya, Mumbai – 400 032.**

... Respondent

**Public Information Assistant Director,
Information and Public relation Dept.,
Mantralaya, Mumbai – 400 032.**

GROUND

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant has sought information regarding department's action on her representation to Hon Minister of State. The appellant was proceeded against departmentally and has been awarded punishment she represented to the Minister of State. The file has been processed but the final decision has not yet been communicated to her. The case was fixed for hearing on 27.05.2008. Appellant & respondents are present. The request is very simply. I am of the view that information should be furnished.

Order

The appeal is allowed. Information to be furnished within 6 weeks.

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

Place: Mumbai
Date: 27.05.2008

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

Appeal No.2008/120/02

**Mr. Vilhasrao Bapurao Deshamukh
Room No. A/1, Shri Gurukrupa Chawl,
Hanuman Tekdi, Kajupada, Borivali (E),
Mumbai – 400 066.**

... Appellant

V/s

**First Appellate Officer or Deputy Commissioner (Revenue),
Divisional Commissioner, Konkan Division,
1st floor, Konkan Bhavan, Navi Mumbai – 400 614.**

... Respondent

**Public Information officer or Chitnis (Revenue),
Divisional Commissioner, Konkan Division,
1st floor, Konkan Bhavan, Navi Mumbai – 400 614.**

GROUND

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant's application was disposed of by the PIO because it did not fit into the definition of 'information.' The First Appellate Authority under his order dated 13.12.2006 has dismissed the appeal on the ground that the appellant has not sought any information but raised some queries which do not under the scope of information. Hence this appeal. It was fixed on 27.05.2008. The appellant's absent. The respondents, PIO & First Appellate Authority are present. They have reiterated their stand. After going through the case papers, I have come to the conclusion that the queries raised by the appellant whether a company can buy agricultural land does not fit into the definition of information as such. Although some people can say that the definition does include the word "opinion" and "advice" in the definition. But these opinion or device according to me are those rendered on files. This dose not means the information seekers can ask opinion or advice of the public authorities.

Order

The appeal is disposed off.

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

Place: Mumbai

Date: 27.05.2008

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

Appeal No.2008/118/02

**Mr. Virendra Khanna
B-13/4, maitri Park Co-op.Hsg.Soc.Ldt,
Chembur, Mumbai – 400 071.**

... **Appellant**

V/s

**First Appellate Officer or Director (Eng Ser & Proj.),
3rd floor, Municipal Corporation of Greater Mumbai,
Head Office, Annex Build. Mumbai – 400 001.**

... **Respondent**

**Public Information officer or Chief Engineer (Development),
4th floor, Municipal Corporation of Greater Mumbai,
Head Office, Annex Build. Mumbai – 400 001.**

GROUNDS

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant has sought information regarding the existing instruction for changing fee for inspection of documents. He has been given a copy of the schedule of rates prescribed by the Municipal Commissioner. The appellant, however, wants nothings on files leading to the fixation of rates which the MCGM has not been able to provide because they have not been able to lay their on hands. Not being satisfied, the appellant has come before the commission. The case was fixed on 27.05.2008. Appellants and respondents were present. The appellant's contention is that MCGM has not notified these rates in the Gazette and they should charge the rates prescribed under rules made under RTI Act. The respondents have drawn my attention to rules 4(A) (a) which says that for providing information, the fee shall be charged according to the rates already fixed by the department postal charges. The respondents contended that they are doing the same.

I have gone through the case papers on record and also considered the arguments advanced by both parties. I have come to the conclusion that although appellants contention is logical that after the RTI has come into being rates prescribed under rules

should only be chargeable but the fact remains that the rules themselves prescribe the existing rates fixed by the department. I am of the view that the information under the RTI Act has been furnished.

Order

The appeal is disposed off.

(Ramanand Tiwari)
State Information Commissioner, Mumbai

Place: Mumbai
Date: 27.05.2008

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

Appeal No.2008/119/02

**Mr. Keshav M. Devaria
Plot no. 2, Acharya Wadi,
Vadavili Village Road,
Vadavili Village, Chembur,
Mumbai – 400 074.**

... Appellant

V/s

**First Appellate Officer or Registrar,
University of Mumbai,
Fort Campus, Mumbai – 400 0032.**

... Respondent

**Public Information officer or OFFG. Controller of Examination,
University of Mumbai, Examination Section,
M.J.Phule Bhavan, Vidyanagri, Mumbai – 400 098.**

GROUNDS

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

Certified true copies of the university recommended synoptic answers for the following subject for the 3 year LL.B VI semester & 5 year LL.B X semester examination held in the year April to May 2006.

- 1) ALTERNATE DISPUTE RESOLUTION
- 2) INDIAN EVIDENCE ACT.
- 3) BANKING AND NEGOTIABLE INSTRUMENT ACT.
- 4) INSURANCE.
- 5) INTELLECTUAL PROPERTY RIGHTS.
- 6) CONFLICT OF LAW.
- 7) LAW RELATING TO WOMEN AND CHILDREN. AND
- 8) LAW AND MEDICINE.

The Public Information Officer has informed the appellant that copies of synoptic answers can not be supplied as synoptic answers to question papers are being prepared by

the concurred question setter for the use of examiners/ Moderators only for assessment / moderation of answer boor's which is treated as confidential in nature and can not be made available. The first appeal filed by the appellant under Section 19(1) has been rejected because the appellant failed to appear. Hence this appeal.

The appeal was fixed for hearing on 27.05.2008. Appellants and respondents were present. The appellant has repeated his demand and insisted on getting the information. The respondents have expressed their inability to furnish the information. The respondents, however, has taken a new stand during the arguments and have said that synoptic answers are not retained / preserved and not submitted to the university and they are therefore not held or is under the control of the university.

I have gone through the papers on record and also considered the pleadings of parties. It is not possible to agree with the respondent's argument that synoptic answers are confidential. They have themselves admitted that even copies of answer boor's can be furnished. The real issue is if these documents are not retained / preserved, it is not possible to furnish copies. The commission expects and facilitate & furnishing whatever is available and can not do anything about whatever is not available. I am constrained pass the following order.

Order

The appeal is disposed off.

(Ramanand Tiwari)
State Information Commissioner, Mumbai

Place: Mumbai
Date: 27.05.2008

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

Appeal No.2008/126/02

Smt. Kanchan Krushna Bapadekar
2/33, Mayur Soc., Chawl no.2, College Len,
Dadar, Mumbai – 400 028.

... **Appellant**

V/s

First Appellate Officer or Director (Engineering service & Project),
Municipal Corporation of Greater Mumbai,
3rd floor, Mumbai – 400 001.

... **Respondent**

Public Information officer or Deputy Chief Engineer (Building)
City Information Officer, Byculla, Mumbai – 400 008.

GROUNDS

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant had sought information regarding further occupancy certificate given to the building under construction on CTS no 825, Worli. He also wanted a copy of the rules/ regulations for allowing construction of telecom towers on buildings. The PIO has informed him that he can get the documents required on payment of prescribed fee. In his order on the first appeal filed by the appellant, it has been ordered that the appellant should be furnished copies of the documents on payment of the prescribed fee.

The appeal was fixed on 29.05.2008. Appellant and PIO was present.

I have gone through the case papers and also considered their oral submissions. The fact that information has been volunteered fulfils the requirement under the RTI Act. The respondent's point that telecom towers have been fixed without members consent can be clarified when he gets a copy of the corporation's regulation in this regard. Respondents other grievances that why should he pay exorbitant amount for a two page document it is difficult to remedy as the rates are fixed by the corporation and has the prosecution section 4 A(Q) of the RTI Act. In view of the above I pass the following orders.

Order

The appeal is disposed off.

(Ramanand Tiwari)
State Information Commissioner, Mumbai

Place: Mumbai
Date: 29.05.2008

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

Appeal No.2008/108/02

**Mr. Prafulkumar Lokhande
Chairman, Anand Foundation,
Haridarshan, Chhatrapati Shivaji Complex,
Road no. 1, Near Avadhut Nagar,
Dahisar (E), Mumbai – 400 068.**

... **Appellant**

V/s

**First Appellate Officer or Deputy Municipal Commissioner,
Municipal Corporation of Greater Mumbai,
Old Building, 6th floor, Mumbai – 400 001.**

... **Respondent**

**Public Information officer, Asstt. Engineer,
Room no. 46, 1st floor, Municipal Corporation of Greater Mumbai,
Old Building, 6th floor, Mumbai – 400 001.**

GROUNDS

This application has been filed under section 19(3) of the Right to Information Act 2005. The appellant had sought the following information (1) whether Mumbai Municipal Corporation has given NOC for the construction of the Tapari in front of DWARKESH Building CTS no. 1335 SN 61-65 Chhatrapati Shivaji Complex, Road no. 1, Dahisar (East).

(2) Whether the tapari has been constructed in accordance with the approved plan.

(3) Has the provision of drains for the tapari been made.

(4) Building permission on CTS no 1335 SN 61-65 has been given for how many floors.

(5) Whether the said land is under reservation and whether reservation has been deleted.

It appears from case papers that appellant had run from pillar to post to approach the PIO who could furnish the desired information. He finally went in appeal under section 19(1) of the Right to Information Act. The First Appellant Authority by his order dated 04.11.2006 directed the PIOs to furnish the required information.

The PIO and AE (Building and factories) R north ward informed the appellant that action under 351 of the MMC Act was imitated but the party has brought court injunction restraining corporation from demolition of the structure. PIO & Dy. Chief Engineer (BP) was by his letter dated 18.11.2006 has also informed the appellant that the plans for construction of building of ground + 1st floor are approved by this office on

22.08.2005 for permissible FSI and commencement certificate is granted up to plinth level. He was also informed that the plot was reserved for Public Housing / High density housing and the development permission issued by the (DP) on 28.12.2004 for the reservation.

The appeal was fixed for hearing on 29.05.2008. The appellant remained absent. The first appellant has been represented.

I have gone through the case papers. It is clear that the information required has been furnished. The delay could have been avoided. The fact, however, remains that nothing remains to be done. In view of the above I pass the following orders.

Order

The appeal is disposed off.

(Ramanand Tiwari)
State Information Commissioner, Mumbai

Place: Mumbai
Date: 29.05.2008

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

Appeal No.2008/1930/02

**Mr. Gaurang Vora
Plot 275/3, Gope Nivas, Dr. B. A. Road,
Sion (E), Mumbai – 400 022.**

... **Appellant**

V/s

**First Appellate Officer or BMC Office,
F/North Ward, Bhau Daji Road,
Matunga, Mumbai – 400 019.**

... **Respondent**

**Public Information officer or BMC Office,
F/North Ward, Bhau Daji Road,
Matunga, Mumbai – 400 019.**

GROUNDS

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant had requested for providing information on Suo moto basis as per chapter II section 4 of the RTI Act. 2005. The papers do not reveal how the matter has moved. It is, however, seen that by their letter dated 03.03.2008 the appellant authority & Asstt. Commissioner, F/North has informed & furnished to the appellant a copy of the information.

The appeal was fixed for hearing on 29.05.2008. The appellant could not attend but has sent his representative duly authorized. The appellant's contention is that the MCGM has failed to discharge its duties by not providing the information as expected.

After going through the case papers and considering the written submission I have come to the conclusion that the information has been furnished although very late.

Order

The appeal is disposed off.

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

Place: Mumbai

Date: 29.05.2008

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

Appeal No.2008/139/02

**Mr. Shamrao Narayan Dhanorkar
8, Sanjeevani, 5th floor,
Tejas Nagar, Reynolds Colony,
Wadala (E), Mumbai – 400 037.**

... Appellant

V/s

**First Appellate Officer or Dy. Collector,
Mumbai City, Collector Office,
Mumbai – 400 001.**

... Respondent

**Public Information officer or Tahsildar,
Mumbai City, Collector Office,
Mumbai – 400 001.**

GROUND

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant had sought information regarding the document submitted by him for caste certificate no. MAG/CC/ST.F 519/98 dated 13.05.1998 issued to him. The PIO in his order dated 31.05.2006 informed him that since the information pertains to 98, he would take about a month and information would be furnished as soon as it is located. These are no order from the First Appellant Authority. Hence this appeal. The appeal was fixed on 30.05.2008. Appellant and respondent are present. The appellant informs me that he has got the information he wanted and is not interested in pursuing the appeal.

Order

The appeal is disposed off.

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

Place: Mumbai

Date: 30.05.2008

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

Appeal No.2008/104/02

**Mr. Kiran Shrikrishna Gosavi
B/15, Suvarna Amrut CHS LTD.,
Opp. Ganga Jamuna Cinema Tardeo,
Mumbai – 400 007.**

... **Appellant**

V/s

**First Appellate Officer or Joint Municipal Commissioner,
(Improvements), 3rd floor, Annex Bldg.
B.M.C. Head Office, Mahpalika Marg,
Mumbai – 400 001.**

... **Respondent**

**Public Information officer or Assistant Commissioner (Estate),
2nd floor, Chatrapati Shivaji Maharaj Market,
Palton Road, Mumbai – 400 001.**

GROUND

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

- 1) Certified true xerox copy of the Agreement to Lease or Lease Deed in favour of the “Executive Board of Methodist Church in Southern Asia”.
- 2) Certified true xerox copy of the Terms & Conditions of allotment of the above property by M.C.G.M.
- 3) User of the land as per lease Agreement or Agreement to lease.
- 4) Certified true xerox copy of the plan showing the boundaries of the above property leased to “The Executive Board of Methodist Church in Southern Asia”.
- 5) Period of Lessee.
- 6) Name of the present L as on date of the above Lessee as on date of the above mentioned property.
- 7) Whether Lease Deed executed and date of execution.

The PIO by his order dated 14.06.2006 furnished some information and informed the appellant that the balance will be furnished after tracing out relevant papers. The

First Appellant Authority ordered that the information must be furnished within 3 weeks from his order. Not satisfied with the order of the First Appellant Authority, the appellant has filed this appeal.

The appeal was fixed for hearing on 30.05.2006. The appellant did not turn up. The PIO and the first appellant were present. It has been brought to my notice during the hearing that the papers have since been traced and the required information has been given to the appellant. The Asstt. Commissioner (Estate) has communicated this to the commission. In view of the above the case is closed at our end.

Order

The appeal is disposed off.

(Ramanand Tiwari)
State Information Commissioner, Mumbai

Place: Mumbai
Date: 30.05.2008

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

Appeal No.2008/112/02

**Mr. Pramod H. Roongta
241/5, Yashodhan, Plot no. 241,
Sector 3, Charlop,
Kandivli (W), Mumbai – 400 067.**

... Appellant

V/s

**First Appellate Officer or Director (E.S. & P),
Mumbai Municipal Corporation,
Mumbai – 400 001.**

... Respondent

**Public Information officer or Dy. Chief Engineer,
Mumbai Municipal Corporation,
Warli, Mumbai.**

GROUNDS

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant wanted information regarding construction of the proposed bridge between Charkop (Sector 4 RDP 7) MHADA layout (Near Vishal Building, Plot no. 130, Sapana Plot no 4 and landmark Plot no 2) and Chikuwadi on 60 feet DP Road. The chief Officer, MHADA Board by his letter dated 31.07.2006 informed the appellant that this proposed bridge can not be constructed by MHADA and he may contact MCGM. The MCGM also wrote to him that he should contact MHADA.

The appeal was fixed for hearing on 22.05.2008. The appellant did not turn up. The PIO was present. The commission has been informed by the MCGM in writing that the proposed bridge has been included in the Municipal budget of 2008-2009. Thus the crucial question of the appellant gets answered.

Order

In view of the above the appeal is disposed off.

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

Place: Mumbai

Date: 30.05.2008

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

Appeal No.2008/128/02

Mr. Ansari M. Pervaiz
BAUG-E ANSAR
19/23, 3rd Ghelabal Street,
Madanpura, Mumbai – 400 008.

... Appellant

V/s

First Appellate Officer, Divisional Caste verification
Committee, Konkan Bhavan,
6th floor, Room no. 71,
Belapur, Navi Mumbai – 400 614.

... Respondent

Public Information officer or Divisional Caste verification
Committee, Konkan Bhavan,
6th floor, Room no. 71,
Belapur, Navi Mumbai – 400 614.

GROUND

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

Total Number of applications received for caste verification and total Number of applications received for caste verification from Muslims only.

The papers show no movement either at the level of PIO or the First Appellate Authority. The only explanation seems to be that neither of them have cared to respond. This is very serious and needs to be curbed.

The hearing was fixed on 30.05.2008. Neither the appellant nor the PIO or the First Appellate Authority turned up. I would have dismissed the appeal in the normal course. But taking into account the fact that the information sought is simple, pointed and straight and that too has been totally ignored, I pass the following order.

Order

The appeal is allowed. PIO is directed to furnish the required information within 30 days failing which action under section 20 of the RTI Act will be initiated against him.

(Ramanand Tiwari)
State Information Commissioner, Mumbai

Place: Mumbai

Date: 31.05.2008

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

Appeal No.2008/123/02

**Kumari. Rupali Anandrao Jawalkar
Gurunanak Nagar, Samajmandir Chawk,
Pantnagar, Ghatkopar (E), Mumbai – 400 075.**

... Appellant

V/s

**First Appellate Officer or Deputy Police Commissioner,
Zone-6, Chembur, Mumbai – 400 071.**

... Respondent

**Public Information officer or Asst. Police Commissioner,
East Regional Division,
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 a complaint lodged by Mr. Raut, Entrainment Inspector in the office the Tahisildar, Kurla against one Mr. Vimal Balbhim Nagane, Who was alleged to be telecasting cable service unauthorisedly.

The appeal was fixed for hearing on 30.05.2008. The appellant has remained absent. The First Appellant Authority has been represented. I have gone through the case papers. The PIO and the First Appellant Authority have denied information under section 8(1) (J). The section reads as follows: - Information which relates to personal information the disclosure of which has no relationship to any public activity or interest, or which would cause unwarranted invasion of the privacy of the individual unless the Central Public Information Officer or the State Public Information Officer or the appellant authority, as the case may be is, satisfied that the larger public interest justifies the disclosure of such information.

This complaint was lodged on 20.07.2006 with Pantnagar Police Station. The appellant wants certified copies of action report. The PIO in his order dated 18.08.2006 has denied the information under section 8(1) (J) of the RTI Act. The appellant authority has also denied information on the same ground. Hence this appeal.

A careful reading of the section makes it clear that none of the conditions applies in this case. The Information sought is not personal like somebody's confidential report or health report or report sent to govt. regarding his property. The PIO and the First Appellant Authority have given the impression that it does not serve any purpose. It is difficult to agree. A crime is alleged to have been committed. A complaint has been lodged by a public servant and a citizen wants to know what action has been taken. Even section 8(1) (J) says that such information can be furnished if the PIO or the appellate authority is satisfied that the larger Public interest justifies the disclosure of such information. It is not personal and in no way invades the privacy of the person complained against. In any case the appellant only wants to know what action has been taken. In the light of the above I pass the following orders.

Order

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

(Ramanand Tiwari)
State Information Commissioner, Mumbai

Place: Mumbai
Date: 31.05.2008

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

Appeal No.2008/134/02

**Mr. Navinchandra Kirapashankar Upadhyay
C-40, laxmikrupa Building,
Saibaba Grihnirman Sanstha Ltd.,
Daftari service Road, National Hay way,
Shantaram Pada, Malad, (E), Mumbai – 400 091.**

... Appellant

V/s

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

... Respondent

**Public Information officer or Finance Controller
Finance Department,
5th Floor, Griha Nirman Bhavan,
Bandra (E) Mumbai – 400 051**

GROUNDS

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant had sought information regarding maintenance deposit made by the developer of DHANJIWADI GRUHNIRMAN SANSTHA. The PIO by his letter dated 29.08.2006 informed him that information required can be obtained from his office on payment of Rs 4/ any day from Monday to Friday between 3 to 4 pm. The appellant was not satisfied and had filed the first appeal under section 19(1) of the RTI Act 2005. He did not get any response and so he has filed this appeal.

The appeal was fixed for hearing on 30.05.2008. Appellant and respondents were present. The appellant has pleaded that he has not been given full information. The respondents have pleaded that the information available has been furnished.

I have gone through the case papers and also considered the arguments advanced by parties. Records show that the information required has been received by the appellant and his acknowledgement is on record. It is possible that he wants the latest information;

for which he will have to approach the PIO afresh. I feel that as far as this appeal is concerned, my conclusion is that the information has been furnished.

Order

The appeal is disposed off.

(Ramanand Tiwari)
State Information Commissioner, Mumbai

Place: Mumbai
Date: 31.05.2008

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

Appeal No.2008/88/02

**Mr. Vinodkumar L. Dhawan
101, Kishna Kunj CHS. Ltd., Plot No.13,
L.T.Nagar Road No.1, Off M.G.Road,
Goregaon (W), Mumbai – 400 062.**

... Appellant

V/s

**First Appellate Officer or Assistant Commissioner,
P/S ward, M.C.G.M, Mithanagar,
Goregaon (W), Mumbai – 400 062.**

... Respondent

**Public Information officer, (AEBF),
Office of the Assistant Commissioner,
P/S ward, M.C.G.M, Mithanagar,
Goregaon (W), Mumbai – 400 062.**

GROUND

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant had sought the following information (1) Reasons for the failure to recover demolition charges amounting to Rs. 89, 000/- from Damodar D Mehta owner / builder / developer of the said property (2) Action taken against the said owner / builder – promoter / developer for giving the premises earmarked for shifting the laundry on the ground floor, to person other than laundry in violation of O.C. conditions (3) whether your office has directed the concerned department to assess / recover the property tax for flat no. 602 by including the area of open terrace (at 6th floor) which is unauthorizedly amalgamated and used by the owner of the said flat. The reply given by the PIO did not satisfy the appellant and he preferred the first appeal under section 19(1) of the RTI Act. Since he did not get any response he filed this 2nd appeal. In the meantime the First Appellate Authority passed his order which also did not satisfy the appellant. He therefore continued to pursue the second appeal.

The appeal was fixed for hearing on 23.05.2008. Appellants and respondents were present. There seems no change in the situation and their response remains the same. I

have gone through the papers and come to the conclusion that the case has not been

handled with care. I am not able to understand why it should take two years to obtain the legal opening and process a file to find out whether property tax has been levied and recovered for the terrace allegedly amalgamated without permission. After considering the above, I pass the following order.

Order

The PIO must furnish the required information within 30 days failing which action under section 20 of the RTI will be initiated against him.

(Ramanand Tiwari)
State Information Commissioner, Mumbai

Place: Mumbai
Date: 31.05.2008

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

Appeal No.2008/1931/02

**Mr. Macchindra N. Karalkar
B, Hazarabai House, Room No. 5,
Iria Society Road, Vile Parle (w),
Mumbai – 400 056.**

... Appellant

V/s

**First Appellate Officer or CEO-SRA,
5th floor, MHADA Bldg,
Bandra (E), Mumbai – 400 051.**

... Respondent

**Public Information officer or (Dy. Collector)
5th floor, MHADA Bldg,
Bandra (E), Mumbai – 400 051.**

GROUNDS

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant had sought information regarding Patel Wadi Ekata Rahiwasi Sahakari Grahniraman Santha Mayadit. The PIO has replied that this information is available with the society and appellant should approach the society. In fact they have the required information. Papers do show any proof of the information having been furnished.

The appeal was fixed on 29.05.2008. The appellant did not turn up. The PIO was present. The PIO's contention is that flat allotment is done by the society and the information was not available with the PIO. I find it difficult to agree. The RTI Act is very clear - it is obligatory on the part of the Public Authority to furnish the information if it is held by him or held under his control. Even if the required information is not available with the PIO it is certainly held under his control. The required information must be furnished.

Order

The appeal is allowed. Appellant should be provided with the required information within 30 days.

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

Place: Mumbai

Date: 31.05.2008

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

Appeal No.2008/1932/02

**Mr. Macchindra N. Karalkar
B, Hazarabai House, Room No. 5,
Iria Society Road, Vile Parle (w),
Mumbai – 400 056.**

... **Appellant**

V/s

**First Appellate Officer or CEO-SRA,
5th floor, MHADA Bldg,
Bandra (E), Mumbai – 400 051.**

... **Respondent**

**Public Information officer or (Dy. Collector)
5th floor, MHADA Bldg,
Bandra (E), Mumbai – 400 051.**

GROUND

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant had sought information regarding allotment of flats in Garib Mazdoor Co-operative Housing Welfare Society (Juhu Taj Society) North South Road No.10, behind Dakshina Park JVPD Scheme Juhu, Mumbai. It seems that the PIO has informed the commission that society is being asked to furnish the information to the appellant. The information does not seem to have been furnished.

The appeal was fixed for hearing on 29.05.2008. The appellant and the First appellant were absent. The PIO was Present.

I have gone through the case papers. I have come to the conclusion that appellant must be given the information. I do not accept the plea of the PIO that they do not have this information and directing the appellant to approach the society. The RTI Act is very clear that it is obligatory on the part of the Public authority who holds the information or under whose control the information is available to furnish the same. Conclusion is that the required information is under the control of the PIO and must be furnished to the appellant.

Order

The appeal is allowed. The appellant any must be given the information required within 30 days failing which action under section 20 of the RTI will be initiated.

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

Place: Mumbai

Date: 31.05.2008

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

Appeal No.2008/138/02

**Mr. Mehmood Mehboob Shaikh
Room No. 7, Dost Mohammed Chawl,
Behind Gausia Masjid,
Nityanand Nagar, Ghatkoper(W),
Mumbai – 400 086.**

... **Appellant**

V/s

**First Appellate Officer or Dy. Collector (Entertainment Tax)
Mumbai Suburban District, New Administrative Building,
10th floor, Bandra (E), Mumbai.**

... **Respondent**

**Public Information officer or Entertainment Tax Officer,
Mumbai Suburban District, New Administrative Building,
10th floor, Bandra (E), Mumbai.**

GROUNDS

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

- (1) Copy of my complaint letter dated 02.01.2006 with the remarks of Collector, Mumbai Suburban District and Addl. Collector (Enc), Mumbai Suburban District Thereon
- (2) Survey Report of Sun Video Cable Carried out on my aforesaid complaint letter dated 02.01.2006.
- (3) Customer list filed by the following cable operators:-
 - (i) Satish Cable, Ghatkopar (W), Mumbai
 - (ii) Intect Cable, Ghatkopar (W), Mumbai.
 - (iii) Ghatkopar Cable, Ghatkopar (W), Mumbai.
 - (iv) Ganesh Cable, Ghatkopar (W), Mumbai.
 - (v) Raj Cable, Ghatkopar (W), Mumbai.
 - (vi) Sun Video Cable, Ghatkoper (W), Mumbai.

The appellant has not attached copies of any order either from the PIO or from the appellant authority. This gave the impression that his application has not been attended to

papers, however, reveal that the required information has been furnished. The

Entertainment tax Officer from the office of the Additional Collector, Mumbai Suburban district by his letter dated 24.04.2008 has informed the commission that appellant's application has been attended to and information furnished. He has attached copies of his letters to the appellant. In view of the above, the appeal does not survive.

Order

The appeal is disposed off.

(Ramanand Tiwari)
State Information Commissioner, Mumbai

Place: Mumbai
Date: 31.05.2008

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

Appeal No.2008/111/02

Mr. G. G. Salunke

**1/3, Dahisar Shramik Sahakari Grihnirman Santha,
Sham N. Dube Marg, Chunbhatti, Dahisar (E)**

Mumbai – 400 068.

... Appellant

V/s

**First Appellate Officer or Director (Engineering Service Project),
Municipal Corporation, Greater Mumbai,**

**Mahapalika Chief Office, 3rd floor,
Mahapalika Marg, Mumbai – 400 001.**

... Respondent

**Public Information officer or Deputy Chief Engineer,
West Region, P. R. Division, Ambedkar Market Building,
1st floor, Kandivali (W), Mumbai – 400 067.**

GROUND

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant had sought information from the Public Information officer whether commencement certificate in respect of the second slab of building No. 6 and occupancy certificate in respect of building No. 9 in his Society have been issued or not. The appellant had also filed an appeal under section 19((1) of the RTI Act and the First Appellate Authority by his order dated 08.11.2006 has upheld the decision of the PIO. The appellate is not satisfied with this decision and hence this appeal. The case was fixed today and neither the appellant nor the respondents are present. After going through the papers on record. I feel this is no need to intervene. The first appellate authority under his letter dated 08.011.2006 has granted the plea of the appellant. The appellant should pursue with the PIO.

Order

The appeal is disposed off.

(Ramanand Tiwari)

State Information Commissioner, Mumbai

Place: Mumbai

Date: 31.05.2008

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

Appeal No.2008/71/02

**Mr. Kamlakar Shenoy
2/13, Adinath CHS. Opp. Ely Kadoorie School,
Mazgaon, Mumbai – 400 010.**

... Appellant

V/s

**First Appellate Officer or Deputy Police Commissioner,
Office of Police Commissioner,
Mumbai – 400 001.**

... Respondent

**Public Information officer or Assistant Police Commissioner (Crime)
Office of Police Commissioner,
Mumbai – 400 001.**

GROUND

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

- 1) Inspection and certified copy of work done and files noting.
- 2) When did my application reach which officer, for how long did it stay with that officer and what did he/she do during that period?
- 3) Please give the names and designation of the officials who were supposed to take action on my application?
- 4) Certified copy of the reasoned order along with documents and provisions of law (quoting relevant sections) relied upon to come to the conclusion that PSI Kondiram Patil has not committed any illegal act and professional misconduct and or other offences as stated in my complaint.
- 5) Date and copy of panchanama or case dairy disclosing recovery of original documents mentioned in Remand Application fated 07.01.2002.
- 6) Reason thereof furnished by PSI Londiram Patil.
 - (i) For filing affidavit dated 06.02.2002 opposing my application for cancellation of bail of the accused in Mumbai High Court.
 - (ii) For not clarifying in the affidavit before the High Court the Contradictory remarks of the Hon. Metropolitan Court regarding recovery of original documents in Remand application dated 07.02.2002 and case dairy dated 05.01.2002 and 06.02.2002.
- 7) Reasons thereof to inform me vide letter dated 05.01.2002 that the enquiry is kept in abeyance as the investigation is on especially when my complaint was

pertaining to period January-February 2002 that is 3 years prior to this letter.

Please quote sections and provision of law relied upon.

- 8) Reasons thereof to inform me vide letter dated 14.02.2006 that the enquiry was not conducted as the matter was subjudiced before the Hon. High Court. Please quote section and provision of law relied upon.
- 9) Reasons thereof to complete the enquiry as informed to me vide letter dated 25.08.2006 after taking a stand vide letter date 14.02.2006 that the matter is subjudiced. Please quote sections and provision of law relied upon.
- 10) Reasons thereof not to inquire into letter dated 18.02.2002 addressed to Jt.CP.

The PIO in his order dated 29.09.2006 denied the information quoting section 8 of the RTI Act and 172(2) (3) of the Cr Pc. He preferred appeal under section 19(1) of the RTI Act. First Appellate Authority by his order dated 17.10.2006 directed that the appellant should be provided with certified copies of enquiry report and office nothings. It is against this order that the appellant has preferred this second appeal.

The case was fixed for hearing 21.05.2006. The appellant did not turn up. The PIO was present. In his written submission the PIO has informed the commission that the order of the First Appellate Authority has been implemented and information has been furnished to the appellant on 24.11.2006. He has shown to me the acknowledgement by the appellant.

In view of the above I have come to the conclusion that nothing remains to be done.

Order

The appeal is disposed off.

(Ramanand Tiwari)
State Information Commissioner, Mumbai

Place: Mumbai
Date: 31.05.2008

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

Appeal No.2008/2042/02

**Mr. Usuf Tamboli
Shahin Manjil, Chowdhry Dispensary,
Opp.Shamma Sairy, Gaondevi Dongari,
Andheri (W), Mumbai – 400 058.**

... **Appellant**

V/s

**First Appellate Officer or Assistant Municipal Commissioner,
Municipal Corporation, K/West wards Office,
Andheri (W), Mumbai – 400 058.**

... **Respondent**

**Public Information officer or Assistant Engineer,
(Building & Factories)
Municipal Corporation, K/West wards Office,
Andheri (W), Mumbai – 400 058.**

GROUND

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant had sought information regarding shed constructed at Neptune Adhesive Chemical CNG filling station, opposite Excel Industries, S.V Road, Jogeshwari (West) Mumbai. The PIO informed him that monsoon shed permission is given by his office and he could obtain a copy of the same after payment of Rs. 2/- per page. The First Appellate Authority in his ex-parte order has confirmed the PIO order and also cautioned him to respond in time.

The appeal was fixed for hearing on 22.05.2008. The appellant did not turn; he never turned up before the first appellate authority also.

In view of the above I pass the following order.

Order

The appeal is dismissed.

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

Place: Mumbai
Date: 31.05.2008

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

Appeal No.2008/127/02

**Mr. Gajanan Vithal Malap
New Samadhan Dattaguru Soc. SRA,
a/403 Sena Bapat marg, Dadar
Mumbai – 400 028.**

... Appellant

V/s

**First Appellate Officer or Deputy District Officer,
(Encroachment) City Office, Shahid Bhagatsingh Marg,
Fort, Mumbai – 400 001.**

... Respondent

**Public Information officer or Nayab Tahsildar,
Dharavi Division, City Office, Old Custom House,
Fort, Mumbai – 400 001.**

GROUND

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant had sought information regarding copies of proof on the basis of which annexure II has been prepaid for New Samadhan Dattaguru Co-operative Society, Plot No. 10, Sanapati Bapat Marg, Mumbai. The PIO has given him the list of persons whose names are there in annexure II but could not furnish copies of proof which formed the basis for their inclusion in the list. The first appellate authority also has not been able to help the appellant.

The appeal was fixed for hearing on 29.05.2005. Appellant and PIO were present. The appellant pleaded that he must be furnished copies of the documents which formed the basis for inclusion of member in the list of eligible persons. The respondent has pleaded that since it is not available they could not furnish the same.

It has been explained to me that collector is responsible for preparing annexure II if the encroachment happens to be on govt. line. This responsibility shifts to MGCN if the land belongs to them. This list is sent to SRA for further action. I have also been given to understand that it is only annexure to II which is sent to SRA and related papers are retained by the organization the possibility of its getting displaced can not be ruled out once the list is sent to SRA. The fact, however, remains that this is the most important

document. It is also a fact that in a large no of cases, disputes arise and I can not understand how such disputes will be resolved if the proof itself is missing. It is necessary that govt. issued directions for its preservation at least for a limited period.

RTI is supposed to enable citizens to access available information. If the information is not available for whatever reason it is difficult to do anything. In view of the above discussion. I have no way but to close the case.

Order

The appeal is disposed off.

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

Place: Mumbai
Date: 31.05.2008

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

Appeal No.2008/72/02

**Smt. Jayshri Chandrakant Deekshit
Saibaba Mandir Road, Borivali (W),
Mumbai – 400 092.**

... Appellant

V/s

**First Appellate Officer, Tahsildar Office,
Dahanu, Dist. Thane**

... Respondent

**Public Information officer, Tahsildar Office,
Dahanu, Dist. Thane**

GROUND

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant had sought information regarding entry No. 3746 dated 31.07.2001 of Village Ambemora, Taluka. Jawahar District. Thane. The additional Collector, Tahsildar Jawahar by his order dated 17.01.1998 had permitted 13020 m2 of land out of 111/2+4 & 36/9 for non agricultural use. An area of 3973 m2 was kept aside as garden & play ground in accordance with Town Planning regulations. This can not be sold out. This land was, however, sold out Village record corrected accordingly. The main contention of the appellant is that the area having been shown as non-agriculture and reserved for garden / play ground can not be sold out as agricultural land.

The case was fixed for hearing on 16.05.2008. Appellants and respondents were present. The respondent have agreed that whatever has happened was not in accordance with law and the Tahsildar has already recommended to the SDO to cancel the disputed entry. The Tahsildar was directed to furnish a copy of his recommendation and order of the SDO if any. The Tahsildar has complied with and a copy of his report and the SDO's order cancelling the entry are now on record. The appellant has achieved her ultimate objective. She may obtain a copy of the order from the SDO.

Order

The appeal is disposed off.

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

Place: Mumbai

Date: 31.05.2008

