

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

Appeal No.2008/3657/02

**Shri. L.S. Kolhe
Kopargaon Indira Path,
Kopargaon, Dist. Ahamednagar 423 601.**

... **Appellant**

V/s

**First Appellate Office,
Urban Development,
Mantralaya, Mumbai – 400 032.**

... **Respondent**

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

GROUND

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant by his application dated 13.10.2008 had sought information in respect of Shri B.D. Sanap, the then Municipal Commissioner, Ahmednagar Municipal Corporation, Ahmednagar. He wanted to know whether it was true that Shri Sanap made a dummy candidate to sit for the MS-CIT exam for him.

Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant filed this second appeal before the Commission. The appeal was heard on 25.11.2009. The appellant did not turn up but the respondent was present.

It has been submitted that the application was originally filed with the Department of Higher & Technical Education. This was sent to the Urban Development Department which has not been accepted by them.

It therefore seen that the information has not yet been furnished. It is therefore directed that information available on record should be sent to the appellant by registering post and free of cost.

Order

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

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

Place: Mumbai
Date: 25.11.2009.

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

Appeal No.2008/3648/02

Shri. Pramod C. Narwade
Naik Nagar, Soni Video Rd, Nanded,
Dist. Nanded – 431 605.

... **Appellant**

V/s

First Appellate Office
Higher & Technical Education Deptt.
Mantralaya, Mumbai – 400 032.

... **Respondent**

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

GROUND

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant by his application dated 04.08.2008 had sought information relating to the Maharashtra Knowledge Corporation Ltd and its various aspects.

Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant filed this second appeal before the Commission. The appeal was heard on 25.11.2009. The appellant did not turn up but the respondent was present.

The respondents have submitted that information has been furnished by the PIO's letter dated 06.10.2008. In view of the appellant's absence and respondent's submission, I decide to close the case.

Order

The appeal is disposed off.

(Ramanand Tiwari)
State Information Commissioner, Mumbai

Place: Mumbai
Date: 25.11.2009.

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

Appeal No.2008/3646/02

**Shri. Ansari Ezaz Ahamd Mo. Farooq
74/4/63, Ansar Colony,
Malegaon, Dist. Nashik.**

... Appellant

V/s

**First Appellate Office,
School Education & Spots Deptt,
Mantralya, Mumbai – 400 032.**

... Respondent

**Public Information Officer,
School Education & Spots Deptt,
Mantralya, Mumbai – 400 032.**

GROUND

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant by his application dated 30.05.2009 had sought information in respect of his complaint against Anjuman Tarakki-E-Talim, Malegaon. He wanted to know what action has been taken on his complaint.

Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant filed this second appeal before the Commission. The appeal was heard on 25.11.2009. Appellant and respondents were present.

The appellant has contended that he has not been furnished the required information. The respondent has submitted that a report has been called from the Education Officer (Secondary) Nashik and the same is awaited.

After going through the case papers and considering the arguments advanced by parties I have come to the conclusion that information has not been furnished. The Education Officer should be asked to submit his report and the appellant may be informed suitably.

Order

Appeal is allowed. Information to be furnished by PIO within 60 days.

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

Place: Mumbai
Date: 25.11.2009.

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

Appeal No.2008/3652/02

**Dr. Nanda B. Bhaskarwar
Plot No.4 Sai Sagar, Jivan Vihar Soc.,
Jai Bhawani Rd, Nashik Rd – 422 102.**

... **Appellant**

V/s

**First Appellate Office,
Directorate of Technical Education,
Maharashtra State, 3, Mahapalika Marg,
Post Box No.1967, Mumbai – 400 001.**

... **Respondent**

**Public Information Officer,
Directorate of Technical Education,
Maharashtra State, 3, Mahapalika Marg,
Post Box No.1967, Mumbai – 400 001.**

GROUND

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant by his application dated 09.02.2009 had sought the following information: -

“In an affidavit filed before the Hon’able High Court in writ petition 548 of 2005 by Pramod A. Naik Jt. Director, Regional Office, Nashik. Para 5 read as: I further say that as far as Shri Sanjay Pramod Anantwar, Shri Ashok P. Pingle is concerned there has been certain discrepancy at the time of calculating the date of implementation of selection grade. I say that their discrepancy is concerned it shall be cleared while granting senior scale and selection grade. In this context: -

- a) Whether the Said discrepancy has been cleared
- b) If yes details of the order passed.
- c) If not isn’t it a violation of the said Court order in writ petition No.548 of 2005.”

Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant filed this second appeal before the Commission. The appeal was heard on 25.11.2009. Appellant and respondents were present.

The appellant has contended that he has not been furnished information in time causing him mental agony. He wanted the PIO to be penalized. The respondent submitted that information has been furnished. It has been admitted by them that it was furnished late because the file was misplaced and order was issued only after the file was located. They have apologized for the delay.

After going through the case papers and considering the arguments advanced by parties I have come to the conclusion that information has been furnished. As explained by the respondent this has not affected the appellant as the order was effective with retrospective date. It is true that the delay has caused mental agony to the appellant for which the respondent has apologized. I see no deliberate attempt to deny or delay the information. I therefore pass the following order.

Order

Appeal is disposed off.

(Ramanand Tiwari)
State Information Commissioner, Mumbai

Place: Mumbai
Date: 25.11.2009.

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

Appeal No.2008/3655/02

Shri. L.S. Kolhe
Kopargaon Indira Path,
Kopargaon, Dist. Ahamednagar 423 601.

... **Appellant**

V/s

First Appellate Office cum Registrar General
Hon High Court, Mumbai,
Mumbai – 400 032.

... **Respondent**

Public Information Officer cum Dy Registrar
Hon High Court, Mumbai,
Mumbai – 400 032.

GROUND

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant by his application dated 16.01.2009 had sought a copy of the order passed by the Hon High Court in Rodye Vs MSEB.

Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant filed this second appeal before the Commission. The appeal was heard on 25.11.2009. The appellant did not turn up but the respondent was present.

It has been submitted by the respondent that the required information has already been sent. A copy of the same was given for commission's record. Thus in view of the appellant's absence and the respondent's absence and the respondent submission I decide to close the case.

Order

The appeal is disposed off.

(Ramanand Tiwari)
State Information Commissioner, Mumbai

Place: Mumbai
Date: 25.11.2009.

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

**Appeal No.2008/3653/02
Appeal No.2008/3654/02**

**Shri. Pandharinath B. Bodke
Post. Chincoli, Ta. Sinner,
Dist. Nashik.**

... **Appellant**

V/s

**First Appellate Office cum Joint Secretary
General Administrative Deptt.
9th Floor, New Administrative Bldg,
Opp. Mantralaya, Mumbai – 400 032.**

... **Respondent**

**Public Information Officer cum Under Secretary
General Administrative Deptt.
9th Floor, New Administrative Bldg,
Opp. Mantralaya, Mumbai – 400 032.**

GROUND

These appeals have been filed under section 19(3) of the Right to Information Act 2005. The appellant by his application dated 05.03.2009 had sought information relating to his complaint against Shri V.B. Borge, State Information Commissioner, Aurangabad Division.

Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant filed this second appeal before the Commission. The appeal was heard on 25.11.2009. Appellant and respondents were present.

The appellant has contended that he was not satisfied with the information furnished to him. Respondents submitted that whatever information was available on record, has been given to the appellant.

I have gone through the case papers and also considered the arguments advanced by parties. The appellant has been explained the provisions of the RTI Act and procedure being following by the General Administrative Department. My conclusion is that available information has been furnished. I therefore pass the following order.

Order

The appeal is disposed off.

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

Place: Mumbai
Date: 25.11.2009.

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

**Appeal No.2008/3669/02
Appeal No.2008/3670/02**

**Shri. Manohar Kishanrao Padalkar
52, Shrinagar, Near Ulkanagari,
Garkheda Compound, Aurangabad.**

... **Appellant**

V/s

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

... **Respondent**

**Public Information Officer,
Public Health Deptt.
Mantralaya, Mumbai – 400 032.**

GROUNDS

These appeals have been filed under section 19(3) of the Right to Information Act 2005. The appellant by his application dated 28.05.2009 had sought information in respect of his petition requesting for sanction of pension. The appellant was working in the Department of Health (Malaria Eradication) and resigned after serving for ten years. He feels that he is entitled to get pension. He wanted to know what has happened to his petition.

Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant filed this second appeal before the Commission. The appeal was heard on 26.11.2009. Appellant and respondents were present.

The appellant has contended that he has not been furnished the required information. The respondent has submitted that the appellant wanted govt's opinion on the issue which does not constitute information. The appellant has contested and stated that 'opinion' sought is information.

I have gone through the case papers and also considered the arguments advanced by parties. The appellant is interested in getting his pension sanctioned. He has quoted many instances where pension has been sanctioned despite the fact that the person concerned had completed 10 years service. He has also cited some court rulings. It is only in the last part of his application that he wanted to know what was govt's response to all those citations. The PIO and the First Appellate Authority have over emphasized this points and ignored his main contention. It is nobody's case that he should be sanctioned pension. Facts and circumstances of cases cited could also be different. The appellant nevertheless deserve reply to his petition. His petition has to be examined and

information furnished to him. The same has not been done. I therefore pass the following order.

Order

The appeal is allowed and orders of the PIO and the First Appellate Authority are set aside. The PIO is directed to inform the appellant what action has been taken on his petition for sanctioning pension. This should be done within 60 days.

(Ramanand Tiwari)
State Information Commissioner, Mumbai

Place: Mumbai
Date: 25.11.2009.

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

Appeal No.2009/3677/02

Shri. Mardankha Haidarkha Khan
Behind Islampura Suryawanshi Building,
Amalner, Dist. Jalgaon.

.... Appellant

V/s

First Appellate Officer cum Secretary
State Information Commission,
13th Floor, New Administrative Building,
Opp. Mantralaya, Mumbai – 400 0032.

.... Respondent

Public Information Officer cum Desk Officer
State Information Commission,
13th Floor, New Administrative Building,
Opp. Mantralaya, Mumbai – 400 0032.

GROUNDS

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant by his application dated 18.09.2008 had sought information relating his second appeal disposed off on 29.07.2008. The appellate has stated that no notice was issued to him and under which rule such a procedure has been followed. The PIO by his letter dated 03.10.2008 informed him that the information sought is in the nature of seeking opinion and the appellant was notified through commission's A'Bad office. No order seems to have been passed by the First Appellate Authority.

Not satisfied with the responses form the Public Information Officer and the First Appellate Authority the appellant filed this second appeal before the Commission. The appeal was heard on 25.11.2009. Appellant was absent. Respondents were present.

The respondents stated that the information has been furnished except where opinion was sought.

After going through the case papers and considering the arguments advanced by parties I have come to the conclusion that information has been furnished. A special disposal drive was taken to reduce the pendency. The appellant admits having received the notice dated 04.07.2007 for the hearing. Since it was a special drive no fixed procedure was followed the basic idea being to facilitate furnishing of information 50 cases were listed. The appellant's query about who was more efficient is irrelevant and not mandated to be answered under the RTI Act. All kinds of methods like special drive, Video Conferencing and normal hearing are used to ensure that pendency is reduced and citizens get information as fast as possible. In view of the above pass the following order.

Order

The appeal is disposed off.

(Ramanand Tiwari)
State Information Commissioner, Mumbai

Place: Mumbai

Date: 27.11.2009.

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

Appeal No.2008/3668/02

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

... **Appellant**

V/s

**First Appellate Office,
Office of the Hon Chief Minister
Maharashtra State,
6th Floor, Mantralya, Mumbai – 400 032.**

... **Respondent**

**Public Information Officer,
Office of the Hon Chief Minister
Maharashtra State,
6th Floor, Mantralya, Mumbai – 400 032.**

GROUND

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant by his application dated 29.03.2008 had sought information in respect of his transfer and issues related to that.

Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant filed this second appeal before the Commission. The appeal was heard on 26.11.2009. Appellant was present but the respondent was absent.

It has been stated by the respondent that the appellant as requested by him has been transferred to Pune. The commission is not mandated to undertake case of transfer or related issue. The appellant has been given the posting of his choice but he has not joined. I decide to close the case.

Order

Appeal is disposed off.

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

Place: Mumbai
Date: 27.11.2009.

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

Appeal No.2008/3662/02

**Shri. Shabir Ahmad A. Rahman Ansari
C/o A.Nasir Shamsul Arif Room No. 3198,
Galli No.2, Akabar Chowk, Sona Auto Parts,
Dhule.**

... **Appellant**

V/s

**First Appellate Office,
Municipal Corporation
Establishment Division,
Mumbai.**

... **Respondent**

**Public Information Officer,
Municipal Corporation
Establishment Division,
Mumbai.**

GROUNDS

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant by his application dated 03.05.2008 had sought information in respect of Mrs Rukhsana Sheikh working as staff Nurse in TB Hospital, Shivadi. He had sought copies of service book, her attendance, absence etc.

Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant filed this second appeal before the Commission. The appeal was fixed for hearing on 26.11.2009. Appellant and respondents were present.

I have gone through the case papers. It is revealed that the appellant was informed that the information was ready and he should send draft / money order in the name of Municipal Corporation of Greater Mumbai. He had sent draft in the name of TB Hospital, Shivadi which was not acceptable. In view this I decide to close the case.

Order

Appeal is disposed off.

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

Place: Mumbai
Date: 27.11.2009.

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

Appeal No.2008/3666/02

**Shri. Sanjay P. Warudekar
Matru Chhaya Dalalwadi,
Aurangabad.**

... Appellant

V/s

**First Appellate Office,
Maharashtra State Road Transfer Board,
Maharashtra Transport Bhavan,
Dr. Anandrao Nayai Marg,
Mumbai – 400 008.**

... Respondent

**Public Information Officer,
Maharashtra State Road Transfer Board,
Maharashtra Transport Bhavan,
Dr. Anandrao Nayai Marg,
Mumbai – 400 008.**

GROUNDS

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant by his application dated 02.04.2007 had sought information relating to appointment of those who have undergone apprenticeship training with the Maharashtra State Rd transport corporation. They wanted to know how many such appointments have been made, the ratio between those recruited from the open market and from amongst apprentices, whether court orders have been implemented.

Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant filed this second appeal before the Commission. The appeal was heard on 26.11.2009. Appellant and respondents were present.

The appellant has contended that the required information has not been furnished. He has also resented that he was asked to collect this information from Divisions. The respondent submitted that details regarding appointment of helpers are available with Divisions only. They also stated that information regarding implementation of courts order / Govt. order has been furnished.

I have gone through the case papers and also considered the arguments advanced by parties. It is very clear that MSRTC was not giving direct employments to those

trained under the apprenticeship scheme by the MSRTC. It is also known that there have rulings and govt. directions. In an earlier case on the same issue, the commission examined relevant papers and concluded that govt. direction has not been complied. The MSRTC informed the commission that they have changed their policy and necessary circular has been issued. It has been made clear by them that they were not implementing this policy earlier. The commission cannot take up the issue as to why did they not do what they have done now. Appellant has been made aware of the omission as well as commission. The commission decides to close the issue as the information stands furnished.

Order

Appeal is disposed off.

(Ramanand Tiwari)
State Information Commissioner, Mumbai

Place: Mumbai
Date: 26.11.2009.

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

Appeal No.2008/3661/02

**Shri. Hari Kadu Surlkar
M. Mandave, Post. Mandve Khard,
Taluka Jamner, Dist. Jalgaon.**

... Appellant

V/s

**First Appellate Office,
Tribal Development Department,
Mantralaya,
Mumbai – 400 008.**

... Respondent

**Public Information Officer,
Tribal Development Department,
Mantralaya,
Mumbai – 400 008.**

GROUND

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant by his application dated 21.08.2008 had sought the following information Govt of India published the list of scheduled Tribes in Maharashtra in 1950, 1956 and 1976. The appellant wanted copies of recommendations made by Govt. of Maharashtra in this behalf.

Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant filed this second appeal before the Commission. The appeal was heard on 26.11.2009. Appellant and respondents were present.

The appellant has contended that he has been deliberately denied the information. The respondent submitted that the Department of Tribal Development came into being in 83 and these papers are not available with them. They stated that those could be available with the Department of Social Justice. They therefore expressed their inability to furnish the required information.

After going through the case papers and considering the arguments advanced by parties I have come to the conclusion that information has not been furnished. It transpired during the hearing that the appellant was particularly interested in knowing the background of exclusion of 'KOLI' as a scheduled Tribe. The respondent volunteered to

facilitate inspection of documents with them on the issue. I therefore pass the following order.

Order

Appeal is allowed. Inspection to be facilitated on 03.12.2009.

(Ramanand Tiwari)
State Information Commissioner, Mumbai

Place: Mumbai
Date: 26.11.2009.

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

Appeal No.2008/3712/02

**Shri. Noor Mohammad Sheikh Mohammad
Dangpura Yawal,
At Post – Yamal,
Dist. Jalgaon.**

... Appellant

V/s

**First Appellate Office,
State Information Commission,
New Administrative Bldg.,
13th Floor, Madam. Cama Rs,
Opp. Mantralaya, Mumbai – 400 032.**

... Respondent

**Public Information Officer,
State Information Commission,
New Administrative Bldg.,
13th Floor, Madam. Cama Rs,
Opp. Mantralaya, Mumbai – 400 032.**

GROUND

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant had sought advice / opinion in respect of the problem faced by him. He had bought some land which turned out to be less in area than what has been shown in the documents. The land is short by 8/9 gunthas. It seems that he was advised by the commission to approach civil court. He wanted to know under what law he has to approach civil court.

Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant filed this second appeal before the Commission. The appeal was heard on 30.11.2009. The appellant did not turn up but the respondents were present.

I have gone through the case papers. The problem faced by the appellant is neither rare nor unusual. The remedy however does not lie with the information commission. The Public Information Officer has correctly informed him that he should consult some legal professional. The appellant has either not understood the RTI Act or has deliberately tries to seek the remedy not available under the RTI Act. The Public Information Officer's order is correct and I confirm the same.

Order

Appeal is disposed off.

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

Place: Mumbai
Date: 30.11.2009.

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

Appeal No.2008/2909/02

Shri. Mukesh Ramani
Shop No.5 & 6 Alankar Bhavan,W
1132/2 Shiv Ajinagar,
Next to Latit Mahal Restaurant,
Opp. HDFC Bank,
Fergusson College Rd,
Pune – 411 016.

... **Appellant**

V/s

First Appellate Office,
Maharashtra Industrial Development Corporation Board Ltd,
(MIDC), “Udyog Sarathi”
Mahakali Caves Rd, Andheri (E),
Mumbai – 400 099.

... **Respondent**

Public Information Officer,
Maharashtra Industrial Development Corporation Board Ltd,
(MIDC), “Udyog Sarathi”
Mahakali Caves Rd, Andheri (E),
Mumbai – 400 099.

GROUND

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant by his application dated 24.04.2008 had sought the following information regarding Osmanabad Airstrip Tender for setting up a Flying Training School / Academy.

Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant filed this second appeal before the Commission. The appeal was fixed for hearing on 09.11.2009. Appellant and respondents were absent.

Case papers show that the appeal was fixed for hearing on 21.07.2009, 10.09.2009 and 09.11.2009. Neither Party ever turned up. The case is therefore closed.

Order

Appeal is disposed off.

(Ramanand Tiwari)
State Information Commissioner, Mumbai

Place: Mumbai
Date: 30.11.2009.

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

Appeal No.2008/2877/02

**Shri. Nipun Mathkar
B-5, Jivadani Krupa Chawl,
Ramchandra Jadhav wadi, Vijay Nagar,
Nala Sopara (E),
Thane – 401 208.**

... **Appellant**

V/s

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

... **Respondent**

**Public Information Officer cum Desk Officer (E-1)
Revenue & Forest Deptt.,
Mantralaya, Mumbai – 400 032.**

GROUND

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant by his application dated nil had sought information in respect of illegal recruitment made by the Department of Revenue and Forest and action initiated against those responsible.

Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant filed this second appeal before the Commission. The appeal was fixed for hearing on 09.11.2009. Appellant and respondents were absent.

In view of parties absence despite notice, the case is closed.

Order

Appeal is disposed off.

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

Place: Mumbai
Date: 30.11.2009.

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

Appeal No.2008/3577/02

**Shri. Ajay Marathe
504/ New Sarvodaya Cooperative Housing Board,
Sector No.4, Flat No.29 B,
Vashi, Navi Mumbai – 400 703.**

... **Appellant**

V/s

**First Appellate Office cum Dy Police Commissioner
Anti Terrorist Squad's, Nagpada, Mumbai – 400 008.**

... **Respondent**

**Public Information Officer cum Asstt Police Commissioner
Anti Terrorist Squad's, Nagpada, Mumbai – 400 008.**

GROUNDS

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant by his application dated 12.05.2009 had sought information in respect of Anti Terrorist Squad's application to MOCCA Court requesting for dropping proceedings against Shri Sadeque Sheikh. The PIO by his letter dated 09.07.2009 informed him that information could not be furnished as the matter was sub judice.

Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant filed this second appeal before the Commission. The appeal was heard on 04.11.2009. Appellant and respondents were present.

The appellant has contended that he has not been given complete information specially copy of the ATS's application to the court and information relating to ATS staff.

The respondent's contention is that available information has been furnished whatever has been denied is in accordance with the RTI Act.

After going through the case papers and considering the arguments advanced by parties I have come to the conclusion that copy of the report submitted by the ATS to the court should be given in view of the fact that the court has accepted the request of the police and it was no longer sub judice. Other information – assets of ATS staff list of

persons working in ATS for more than 3 years and related matters have been rightly denied. I therefore pass the following order.

Order

Appeal is partially allowed. Information to be furnished by PIO within 15 days.

(Ramanand Tiwari)
State Information Commissioner, Mumbai

Place: Mumbai
Date: 30.11.2009.

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

Appeal No.2008/3620/02

**Shri. V.V. Kanuga
262, Clover Park View,
Koregoan Park,
7th Lane, Pune – 411 001.**

... Appellant

V/s

**First Appellate Office cum Dy Secretary
Higher & Technical Education Deptt.,
Mantralaya, Mumbai – 400 032.**

... Respondent

**Public Information Officer cum Under Secretary
Higher & Technical Education Deptt.,
Mantralaya, Mumbai – 400 032.**

GROUNDS

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant has not made clear as to what information has been sought. Documents are deficient. No copy of original application and order, no copy of the first appeal or order if any. Application does not bear stamp as required. Under these circumstances I decide to close the case.

Order

Appeal is disposed off.

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

Place: Mumbai
Date: 30.11.2009.

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

Appeal No.2008/3604/02

**Shri. Dr. Prasad R. Joshi
59/1, Sukhniwas, Ganpati Chowk,
Agra Rd, Kalyan (W),
Dist. Thane – 421 301.**

... Appellant

V/s

**First Appellate Office cum Asstt Municipal Corporation Commissioner
Municipal Corporation of Greater Mumbai,
F/North Ward, 96, Bhaudaji Rd,
Matunga, Mumbai – 400 019.**

... Respondent

**Public Information Officer cum Health Officer
Municipal Corporation of Greater Mumbai,
F/North Ward, 96, Bhaudaji Rd,
Matunga, Mumbai – 400 019.**

GROUND

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant by his application dated 28.11.2008 had sought information in respect of registration of Seth Ranchoddas Barjeewan Das Ayurved Dharmarth Rugnalaya near Sion Railway Station Sion (E), Mumbai under the Bombay Nursing Homes Act, 1949.

Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant filed this second appeal before the Commission. The appeal was heard on 06.11.2009. Appellant and respondents were present.

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

Order

Required information including audit / inspectors reports to be furnished within 15 days failing which action under section 20 of the RTI Act 2005 will be initiated.

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

Place: Mumbai
Date: 30.11.2009.

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

Appeal No.2008/3605/02

**Shri. Ravi Josef
304, Om Chintamani CHS,
Rajshri Path Cross Rd No.2,
Dombivali (E), Thane – 421 201.**

... Appellant

V/s

**First Appellate Office cum Duyam Registrar
Joint District Registrar, Mumbai City No.1,
Old Custom House, Ground Floor,
Shahid Bhagat Singh Rd, Fort,
Mumbai – 400 023.**

... Respondent

**Public Information Officer cum Joint Duyam Registrar
Joint District Registrar, Mumbai City No.1,
Old Custom House, Ground Floor,
Shahid Bhagat Singh Rd, Fort,
Mumbai – 400 023.**

GROUND

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant by his application dated 22.10.2009 had sought the following information: -

- a. The reason why the above mentioned document has not been returned till date.
- b. Normally how long does it take to return the duly registered documents.

Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant filed this second appeal before the Commission. The appeal was heard on 06.11.2009. Appellant and respondents were present.

The appellant has contended that despite being called to collect the document, the same was not handed over to him. The respondent showed willingness to hand over immediately as the same has been kept ready. It was handed over to the appellant after the hearing was over. I therefore pass the following order.

Order

The appeal is disposed off.

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

Place: Mumbai
Date: 30.11.2009.

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

Appeal No.2008/3606/02

Shri.Deepak B. Kamble
Mahavir Nagar No.1,
Co-op. Hsg.Soc., 'D' Wing,
Room No.303, Kharagpada,
Kalyan (W).

... **Appellant**

V/s

First Appellate Office cum Executive Engineer
(Bhandup Division),
Maharashtra State Electricity Dist. Co. Ltd.,
Ishwar Nagar, M.V. Shinde Marg,
Bhandup, Mumbai – 400 078.

... **Respondent**

Public Information Officer cum Dy Executive Engineer
(Bhandup Division),
Maharashtra State Electricity Dist. Co. Ltd.,
Ishwar Nagar, M.V. Shinde Marg,
Bhandup, Mumbai – 400 078.

GROUND

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant by his application dated 11.07.2008 had sought information relating to his appointment, leave taken by him, no of employees who went on medical leave and related issues. He had sought information on 46 points and mostly related to himself and in the nature of questions.

Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant filed this second appeal before the Commission. The appeal was heard on 06.11.2009. The appellant did not turn up but the respondent was present.

Case papers reveal that the PIO by his letter dated 15.04.2009 has furnished the available information. It is also revealed that the appellant did not attend hearing before the First Appellate Authority. Moreover the information sought is personal and has no content of public interest. I therefore pass the following order.

Order

The appeal is disposed off.

(Ramanand Tiwari)
State Information Commissioner, Mumbai

Place: Mumbai
Date: 30.11.2009.

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

Appeal No.2008/3615/02

**Shri. Vikrant Y. Valkar
Laxmibaug (Tamboli Niwas),
Katemanvali, Vithalwadi,
Kalyan (E) 421 306.**

... **Appellant**

V/s

**First Appellate Office cum Dean
Sir J.J. Hospital,
Byculla, Mumbai – 400 008.**

... **Respondent**

**Public Information Officer cum Administrative Officer
Sir J.J. Hospital,
Byculla, Mumbai – 400 008.**

GROUNDS

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant by his application dated 28.01.2009 had sought information in respect of his fathers admission to J.J. Hospital and discharge from there between Jan, 1988 to July, 1988. He wanted to have copies of relevant documents. He has been informed by the Hospital authorities that records do not show any entry relating to his fathers admission / discharge.

Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant filed this second appeal before the Commission. The appeal was heard on 06.11.2009. Appellant and respondents were present.

It was decided during the hearing before the commission that the appellant shall visit the hospital on 10.11.2009 inspects available documents and PIO will furnish copies of selected documents. I therefore pass the following order.

Order

The appeal is disposed off.

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

Place: Mumbai
Date: 30.11.2009.

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

Appeal No.2008/3154/02

**Shri. Macchindra N. Karalkar
Hajrabai House, Room No.5,
Irla Society Rd,
Vile Parle (W), Mumbai – 400 056.**

... **Appellant**

V/s

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

... **Respondent**

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

GROUNDS

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant by his application dated 02.06.2009 had sought copies of complete file relating to Hotel Suruchi Pure Veg and Sapphire the fly shop. The appellant has alleged encroachment on compulsory open space and other irregularities.

Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant filed this second appeal before the Commission. The appeal was heard on 10.11.2009. The appellant did not turn up but the respondent was present.

After going through the case papers and considering the arguments advanced by the respondent. I pass the following order.

Order

Appellant should be allowed inspection of relevant documents and furnished copies of the selected documents. PIO to write to appellant within 15 days from the receipt of this order.

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

Place: Mumbai
Date: 30.11.2009.

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

Appeal No.2008/3556/02

**Shri. Pandurang B. Benke
801/B, Rajeshri Tower,
Near Pratap Cinema,
Kolbad, Thane (W), 400 601.**

... **Appellant**

V/s

**First Appellate Office cum Superintendent Engineer
Mumbai Division Electricity Board,
Administrative Bldg,
3rd Floor, Ramkrushan Chemburkar Marg,
Mumbai – 400 071.**

... **Respondent**

**Public Information Officer cum Secretary
Electricity Licences Board, PWD Sankul,
Near Bhavans College, Andheri (W),
Mumbai – 400 058.**

GROUND

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant by his application dated 20.08.2008 had sought information relating to Electricity Licences from April, 2007 to June, 2007 and July, 2007 to Sept, 2007, Oct, 2007 to Dec, 2007 and Jan, 2008 to March, 2008.

Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant filed this second appeal before the Commission. The appeal was heard on 10.11.2009. Appellant and respondents were present.

The appellant has contended that information has not been furnished. The respondent submitted that available information has been furnished. I have heard parties and conclude that information has been furnished. I therefore pass the following order.

Order

The appeal is disposed off.

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

Place: Mumbai
Date: 30.11.2009.

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

Appeal No.2008/3071/02

**Shri. Moh. Yusuf Faruq Khan
B-8, Mustfa Chawl,
Achanak Nagar, Mumbra,
Dist. Thane – 400 612.**

... Appellant

V/s

**First Appellate Office cum Secretary
SRA, MHADA, Bnadra (E),
Mumbai – 400 051.**

... Respondent

**Public Information Officer cum Chief Engineer
(Engineer Board),
SRA, MHADA, Bnadra (E),
Mumbai – 400 051.**

GROUNDS

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant by his application dated 05.08.2008 had sought information relating to the building constructed by MHADA since its inception. He wanted details of buildings constructed with amenities for the disabled. He also wanted information in respect of encroachment and details of reservation for and allotment to the disabled category.

Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant filed this second appeal before the Commission. The appeal was heard on 09.11.2009.

It transpired during the hearing that the First Appellate Authority for has not heard the appeal and passed any order. I therefore pass the following order.

Order

The appeal is remanded to the First Appellate Authority hearing and passing appropriate order.

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

Place: Mumbai
Date: 30.11.2009.

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

Appeal No.2008/3609/02

**Shri. Ishwarbhai Hankare
6, Rajgruh CHS Board,
Shivaji Nagar, Waldhuni,
Kalyan.**

... **Appellant**

V/s

**First Appellate Office cum Joint Secretary
Home Deptt,
Mantralaya, Mumbai – 400 032.**

... **Respondent**

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

GROUND

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant by his application dated 22.10.2008 had sought information in respect of Mrs Chitkala Zutshi – details of salary and T.A. received by her during April, 2008 to Dec, 2008 and details of her income tax return and assets held.

Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant filed this second appeal before the Commission. The appeal was heard on 06.11.2009. The appellant did not turn up but the respondent was present.

Respondent by his letter dated 23rd Jan, 2009 furnished the required information. In view of appellant's absence and respondent's submission the case is closed at our end.

Order

The appeal is disposed off.

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

Place: Mumbai
Date: 30.11.2009.

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

Appeal No.2008/3586/02

**Shri. Shivlal R. Pethad
C/29, Vijay Smruti,
19 Rd, Dr. Ramjibhai Pethad Chowk,
Chembur, Mumbai – 400 077.**

... Appellant

V/s

**First Appellate Office cum Duyam Registrar & Administrative Officer
Office of the Duyam Registrar Mumbai City,
Mumbai – 400 023.**

... Respondent

**Public Information Officer cum Joint District Registrar,
Desk-2, Office of the Duyam Registrar Mumbai City,
Mumbai – 400 023.**

GROUNDS

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant by his application dated 07.05.2009 had sought the following information: -

“Original sale deed documents registered on 25.06.1991 of Shri Nani Devrajan not received till today.

As to why the original documents not delivered and when do you intend to delkver same documents registration m-4624 503680/P budget /3142/91.

Let me have the receipt acknowledgement, and if not delivered ple. Let me know when do you intend to deliver same.”

Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant filed this second appeal before the Commission. The appeal was heard on 04.11.2009. The appellant did not turn up but the respondent was present.

It is seen that the appellant was informed by the PIO’s letter dated 06.06.2009 that the documents was not available and efforts were being made to trace it. The First Appellate Authority by his order dated 16.07.2009 has explained the latest position. Thus as far as information is concerned, it stands furnished.

Order

The appeal is disposed off.

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

Place: Mumbai
Date: 30.11.2009.

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

Appeal No.2008/3580/02

**Shri. Surendra G. Dhavad
A/16/3, Govt Colony,
Bandra (E), Mumbai – 400 051.**

... Appellant

V/s

**First Appellate Office cum Additional Director
Industrial Security & Health Directorate,
Commerce Centre, 5th Floor, Taddev,
Mumbai – 400 034.**

... Respondent

**Public Information Officer cum Dy. Director
Industrial Security & Health Directorate,
Commerce Centre, 5th Floor, Taddev,
Mumbai – 400 034.**

GROUND

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant by his application dated 16.06.2009 had sought information in respect of the action taken on his claim for payment of arrears of salary and allowances. The appellant was under suspension from 29.10.1996 to 05.07.2008. He was subsequently reinstated and the period of suspension was treated as duty. He has preferred his claim for payment of arrears.

Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant filed this second appeal before the Commission. The appeal was fixed for hearing on 04.11.2009. Appellant and respondent were absent.

The appellant has contended that he has not been furnished the required information. The respondent however has given detailed explanation showing the information has been furnished. I am therefore closing the case.

Order

The appeal is disposed off.

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

Place: Mumbai
Date: 30.11.2009.

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

Appeal No.2008/3614/02

**Shri. Chandrakant J. Dond
501, Kaveri Apt.,
Santoshi Mata Rd, Near HDFC Bank,
Kalyan (W), Thane – 421 301.**

... Appellant

V/s

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

... Respondent

**Public Information Officer cum Desk Officer (9),
Revenue & Forest Deptt.,
Mantralaya, Mumbai – 400 032.**

GROUNDS

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant by his application dated 01.04.2009 had sought a copy of GAD Resolution dated 06.06.2002.

Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant filed this second appeal before the Commission. The appeal was fixed for hearing on 06.11.2009. The appellant did not turn up but the respondent was present.

Case papers reveal that required information has been furnished. I therefore pass the following order.

Order

The appeal is disposed off.

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

Place: Mumbai
Date: 30.11.2009.

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

Appeal No.2008/3613/02

Shri. Vijay Hari Bhosle
1701, Rambha Kunj, Methal Nagar,
Ambarnath (W), Thane – 421 505.

... **Appellant**

V/s

First Appellate Office,
Mumbai Housing & Area Development Board,
Bandra, Mumbai – 400 051.

... **Respondent**

Public Information Officer cum Estate Manager (5)
Mumbai Housing & Area Development Board,
Bandra, 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 in respect of gala no B 2/7 to B 2/12 Dyaneshwernager, Sewari, Wadala, Mumbai. The appellant was given inspection of relevant files. He says that he was satisfied with the inspection except in respect of gala no B 2/7. He wanted that MHADA should be directed to search the relevant file and furnish information.

Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant filed this second appeal before the Commission. The appeal was fixed for hearing on 06.11.2009. Appellant and respondents were present.

Case papers reveal that MHADA by its letter dated 17.11.2008 informed the appellant that documents in respect of gala no B-2/7 were available from 1990 on wards. It was allotted in the name of Shri Shivaram Mohan Bhonsale and was transferred in his wife's name with effect from 06.04.2005.

After going through the case papers and considering the arguments advanced by parties I have come to the conclusion information has been furnished. The appellant however wanted documents from 1952. It is therefore directed that the PIO should undertake diligent search and furnish necessary information after the file is traced.

Order

The appeal is allowed. Information to be furnished by PIO after the documents are traced.

(Ramanand Tiwari)
State Information Commissioner, Mumbai

Place: Mumbai
Date: 30.11.2009.

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

Appeal No.2008/3621/02

**Shri. Uday Shankar Shulk
19-Yashodan, 3rd Floor,
Dinsha Wacha Rd, Churchgate,
Mumbai – 400 020.**

... Appellant

V/s

**First Appellate Officer cum Registrar
University of Mumbai,
R.No.109, University Bldg,
M.G.Rd, Mumbai – 400 32.**

... Respondent

**Public Information Officer cum Exam Controller
University of Mumbai,
R.No.109, University Bldg,
M.G.Rd, Mumbai – 400 32.**

GROUND

This appeal has been filed under section 19(3) of the Right to Information Act 2005. Case papers reveal that required documents have not been enclosed. There is no copy of the application, first appeal and orders if any. Required stamp has also not been fixed.

Order

Appeal is dismissed.

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

Place: Mumbai
Date: 30.11.2009.

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

Appeal No.2008/3619/02

**Shri. Jagdish D. Torpe
25/A, Torpe House, 1st Floor,
Tejpal Scheme, 5th Rd,
Vile Parle (E), Mumbai – 400 057.**

... **Appellant**

V/s

**First Appellate Office,
Dy Registrar, Cooperative Board,
K/East Wadala Truck Terminal,
A-1 Bldg, Wadala (E), Mumbai – 400 037.**

... **Respondent**

**Public Information Officer cum Dy Registrar,
Cooperative Board,
K/East Wadala Truck Terminal,
A-1 Bldg, Wadala (E), Mumbai – 400 037.**

GROUNDS

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant by his application dated 29.04.2009 had sought information regarding action taken on his notice under section 80 of the code of Civil Procedure. He had sent the notice to the Chief Secretary, Govt. of Maharashtra who in turn sent it to the District Deputy Registrar, Cooperative Societies because it related to a cooperative Housing Society.

Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant filed this second appeal before the Commission. The appeal was heard on 07.11.2009. Appellant and respondents were present.

The appellant has contended that no information has been furnished despite the fact that 60 days have already gone. The respondent by his letter dated 18.11.2008 have advised the appellant to approach the Hon High Court.

After going through the case papers and considering the arguments advanced by parties I have come to the conclusion that appellant has been properly informed. It is clear from the respondent's submission that he in his judgment has not taken any action.

This itself is information and the appellant is free to draw whatever inferences he may

like to draw. The application lacks clarity and appellant is advised to be focused and specific. I decide to close the case.

Order

The appeal is disposed off.

(Ramanand Tiwari)
State Information Commissioner, Mumbai

Place: Mumbai
Date: 30.11.2009.

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

Appeal No.2008/3559/02

**Shri. Arun Bhattacharyya
363/ Big Splash, Sector 17,
Vashi, Navi Mumbai – 400 703.**

... Appellant

V/s

**First Appellate Office,
Office of the Hon. Chief Secretary,
Mantralaya, Mumbai – 400 032.**

... Respondent

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

GROUND

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant by his application dated 06.03.2009 had sought information regarding action taken on his application dated 09.02.2009 requesting for promulgation of an amnesty scheme for granting NOC by Cidco for transfer of flats of cooperative Housing Societies.

Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant filed this second appeal before the Commission. The appeal was fixed for hearing on 10.11.2009. Appellant and respondents were absent.

After going through the case papers I have come to the conclusion that no information has been furnished. The appellant is entitled to know what action has been taken on his application. I therefore pass the following order.

Order

The appeal is allowed. Information to be furnished by PIO within 30 days from the receipt of this order. Failing which action under section 20 of the RTI Act 2005 will be initiated.

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

Place: Mumbai
Date: 30.11.2009.

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

Appeal No.2008/3555/02

**Shri. Lalit I. Khilnani
10, Seven Stores, 24th Rd,
Khar (W), Mumbai – 400 052.**

... Appellant

V/s

**First Appellate Office cum Dy Police Commissioner
Zone-12, Thakur Village,
Kandivali (E), Mumbai – 400 101.**

... Respondent

**Public Information Officer cum Assitt Police Commissioner,
North Control Desk.
Thakur Village,
Kandivali (E), Mumbai – 400 101.**

GROUND

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant by his application dated 26.03.2009 had sought information whether any action had been taken by the Senior Inspector of Police Kurar Police Station on complaints dated 30.06.2008, 03.07.2008 and 18.12.2008 filed by the appellant against Mohammed Hanif and his brother for offences committed by them. The PIO by his order dated 06.04.2009 furnished the information. The First Appellate Authority by his order dated 09.06.2009 confirmed the order.

Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant filed this second appeal before the Commission. The appeal was heard on 13.11.2009. Appellant and respondents were present.

After going through the case papers and considering the arguments advanced by parties I have come to the conclusion that information has been furnished. The appellant was not satisfied because he expected a particular type of action. The RTI Act ensures furnishing of available information. It cannot direct action to be taken in a particular manner. I therefore pass the following order.

Order

The appeal is disposed off.

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

Place: Mumbai
Date: 30.11.2009.

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

Appeal No.2008/3107/02

Shrimati. Kavita Rajendra Malushte
F-317, Priti Apt, Yari Rd, Versova,
Andheri (W), Mumbai – 400 061.

... **Appellant**

V/s

First Appellate Office,
Shikshan Shulka Samiti,
Higher & Technical Education Institutions,
Room No.305, 3rd Floor, Govt. Polytechnic Bldg,
49, Kherwadi, Ali Yawar Jung Marg,
Bandra (E), Mumbai – 400 051.

... **Respondent**

Public Information Officer,
Shikshan Shulka Samiti,
Higher & Technical Education Institutions,
Room No.305, 3rd Floor, Govt. Polytechnic Bldg,
49, Kherwadi, Ali Yawar Jung Marg,
Bandra (E), Mumbai – 400 051.

GROUND

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant by his application dated 10.12.2008 had sought information in respect of additional fee charged by Parshwanath College of Engineering. The appellant had asked for a copy of the undertaking given by the College on a stamp paper of Rs.50/- for charging fee for the year 2004-2005 and a copy of the DS Pandit Report.

Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant filed this second appeal before the Commission. The appeal was heard on 10.11.2009. The appellant did not turn up but the respondent was present.

Case papers reveal that the information has not been furnished. I therefore pass the following order.

Order

Information to be furnished within 30 days from the date of receipt of this order failing which action under section 20 of the RTI Act will be initiated.

(Ramanand Tiwari)
State Information Commissioner, Mumbai

Place: Mumbai
Date: 30.11.2009.

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

Appeal No.2008/3625/02

**Shri. Tanveer Ahmed Ansari,
U.T. No.4118, Central Jail,
Thane.**

... Appellant

V/s

**First Appellate Office cum Joint Secretary
Home Deptt.
Mantralaya, Mumbai – 400 032.**

... Respondent

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

GROUNDS

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant by his application dated 31.03.2007 had sought the following information: -

- a) Copy of the order, passed by the Director General of Police, Maharashtra State, Mumbai on 12.07.2006, transferring / entrusting of the investigation of 7 offences of Railway bomb blasts, that accused on 11.07.2006, in Mumbai to Anti Terrorism Squad, Mumbai.
- b) Whether the said order dated 12.07.2006, was passed by the DGP, pursuant to any order / directive from the Home Deptt govt. of Maharashtra? if yes, kindly furnish copy of such order from the Home Deptt or from any other authority.
- c) The provision of the Criminal Procedure Code, or of any other Law/Act, that empowers the DGP to pass such order.

Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant filed this second appeal before the Commission. The appeal was heard on 07.11.2009. The appellant did not turn up but the respondent was present.

I have gone through the case papers. It is seen that the PIO by his letter dated 24.04.2007 denied information under section 8(1) of the RTI Act 2005. The First Appellate Authority by her order dated 11.07.2007 confirmed the PIO's order. Taking into account the background of the case and relevant circumstances, I do not feel the necessity of interfering with the orders passed by the PIO and the First Appellate Authority.

Order

Appeal is dismissed.

(Ramanand Tiwari)
State Information Commissioner, Mumbai

Place: Mumbai
Date: 30.11.2009.

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

Appeal No.2008/3392/02

**Shri. Kiran Manohar Shardul
Finance Deptt. Mantralaya,
Mumbai – 400 032.**

... Appellant

V/s

**First Appellate Office,
Maharashtra Public Service Commission,
Bank of India Bldg,
Fort, Mumbai – 400 32.**

... Respondent

**Public Information Officer,
Maharashtra Public Service Commission,
Bank of India Bldg,
Fort, Mumbai – 400 32.**

GROUNDS

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant by his application dated 18.03.2009 had sought inspection of his evaluated answer books for the Limited Department Exam 2004 for Clerks conducted by the Maharashtra Public Service Commission.

Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant filed this second appeal before the Commission. The appeal was fixed for hearing on 09.10.2009. Appellant and respondents were absent.

Case papers reveal that the MPSC by its letter dated 22.04.2009 informed the appellant that relevant documents were destroyed on 04.09.2008 and the required information could not be furnished. In view of this I decide to close the case.

Order

Appellant is disposed off.

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

Place: Mumbai
Date: 30.11.2009.

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

Appeal No.2008/3622/02

**Shri. Narendra B. Sawant
11/345, Sahakar Nagar-3,
Chembur, Mumbai – 400 071.**

... Appellant

V/s

**First Appellate Office cum Asstt Commissioner
Charity Commissioner,
Public Board, Mumbai Division,
Worli, Mumbai – 400 018.**

... Respondent

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

GROUND

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant by his application dated 19.05.2009 had sought information relating to Sai Krupa Sanstha Regd No F 2301.

Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant filed this second appeal before the Commission. The appeal was fixed for hearing on 07.11.2009. Appellant was present but the respondent was late.

The respondent has made written submission containing the information required by the appellant. It seems that the PIO instead of furnishing information to the appellant has submitted the same to the commission. This is not done. I therefore pass the following order.

Order

The appeal is allowed. Information to be furnished within 15 days from the date of receipt of this order. PIO to show cause why action under section 20 of the RTI Act should not be initiated against him. His reply to reach the commission within 4 weeks from the date of receipt of this order.

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

Place: Mumbai
Date: 30.11.2009.

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

Appeal No.2008/3716/02

**Shri. Chandrakant B. Adasule
Shahu Chowk, Latur, Dist. Latur.**

... Appellant

V/s

**First Appellate Office cum Dy Director
Nagarparishad Prashasan Sanchlanalaya,
Govt. Transport Service Bldg,
3rd Floor, Sir Pochkhanwala Rd,
Worli, Mumbai – 400 030.**

... Respondent

**Public Information Officer cum Asstt Director
Nagarparishad Prashasan Sanchlanalaya,
Govt. Transport Service Bldg,
3rd Floor, Sir Pochkhanwala Rd,
Worli, Mumbai – 400 030.**

GROUNDS

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant by his application dated 01.06.2008 had sought information relating to the posts and pay scales of City Engineer and Deputy Engineer / Asstt Engineer sanctioned for 'A' class Municipalities.

Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant filed this second appeal before the Commission. The appeal was fixed for hearing on 30.11.2009. Appellant and respondents were present.

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

After going through the case papers and listening to parties I have come to the conclusion that information has been furnished. The appellant sought information regarding pay scales of City Engineer Dy Engineer / Asstt Engineer as contained in UD's letter dated 14.08.1990. Respondents say that pay scales are not mentioned in the said letter. The appellant is not satisfied but the information stands furnished. I close the case.

Order

The appeal is disposed off.

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

Place: Mumbai
Date: 30.11.2009.

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

Appeal No.2008/3710/02

**Shri.Suresh Ruggir Gosavi
Saibaba Colony, Balkanji Bari Rd,
Hospital Aria, Ulhasnagar-
Dist. Thane.**

... **Appellant**

V/s

**First Appellate Office cum Dy Commissioner
Division Caste Verification Committee No.1,
Nashik Division, Nashik.**

... **Respondent**

**Public Information Officer cum Secretary
Division Caste Verification Committee No.1,
Nashik Division, Nashik.**

GROUNDS

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant by his application dated 01.11.2009 had sought information regarding documents submitted by Shrimati Shakunlata Patil to the Caste Verification Committee for getting her caste revalidated.

Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant filed this second appeal before the Commission. The appeal was fixed for hearing on 30.11.2009. Appellant was present but the respondent was absent.

After going through the case papers and listening to the appellant I have come to conclusion that information has not been furnished. I therefore pass the following order.

Order

The PIO to allow inspection of documents and furnish copies of selected documents. This has to be done within 15 days from the receipt of this order

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

Place: Mumbai
Date: 30.11.2009.

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

Appeal No.2008/3588/02

**Shri. Abdul Gafur Khan Hunshal
Hotel President, Maharashtra Nagar,
Bandra (E), Mumbai – 400 051.**

... **Appellant**

V/s

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

... **Respondent**

**Public Information Officer cum Asstt Police Commissioner
Officer of Western Control Desk, Bandra (E),
Mumbai.**

GROUND

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant by his application dated 01.04.2009 had sought information relating to demolition of 7 huts on CTS 629, Maharashtra Nagar, Ambedkarnagar. The PIO furnished the information by his letter dated 09.05.2009. The appellant preferred the first appeal and the First Appellate Authority by his order dated 30.07.2009 directed that information on point no 1 and 3 should be furnished. The same has been done by the PIO's letter dated 03.08.2009.

Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant filed this second appeal before the Commission. The appeal was heard on 04.11.2009. Appellant and respondents were present.

The appellant has contended that he was not satisfied with the information furnished to him. He stated that he wanted copies of the requisition letter from the tahsildar and the Deputy Collector.

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

Order

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

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

Place: Mumbai
Date: 30.11.2009.

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

Appeal No.2008/3594/02

**Shri. Ramjan Ali Naik
C-3, Room No.104, MMRDA Colony,
Wadala Truck Terminal Rd,
Kokari Agar, Mumbai – 400 037.**

... **Appellant**

V/s

**First Appellate Office,
Mumbai Nagari Parivahan Project,
Mumbai Metropolitan Region Development Authority
Bandra-Kurla Complex,
Bandra (E), Mumbai – 400 051.**

... **Respondent**

**Public Information Officer,
Mumbai Nagari Parivahan Project,
Mumbai Metropolitan Region Development Authority
Bandra-Kurla Complex,
Bandra (E), Mumbai – 400 051.**

GROUNDS

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant by his application dated 10.07.2009 had sought information relating to MUTP-2- huts demolished on Sewari to Chunabhati Rd, Representation by affected persons, decision by the Grievance Redressal Committee and related issues.

Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant filed this second appeal before the Commission. The appeal was heard on 04.11.2009. The appellant did not turn up but the respondent was present.

Case papers reveal that the appellant by the PIO's letter dated 28.07.2009 has been asked to deposit Rs.2264/- and collect the available information. The First Appellate Authority has also confirmed the order. I therefore pass the following order.

Order

The appeal is dismissed.

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

Place: Mumbai
Date: 30.11.2009.

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

Appeal No.2008/3592/02

**Shrimati. Pranali Dhayalkar
23/39, Dislie Rd, BDD Chawl,
N.M.Joshi Marg, Mumbai – 400 013.**

... Appellant

V/s

**First Appellate Office cum Dy Secretary
Law & Judicial Deptt.,
Mantralaya, Mumbai – 400 032.**

... Respondent

**Public Information Officer cum Desk Officer
Law & Judicial Deptt.,
Mantralaya, Mumbai – 400 032.**

GROUNDS

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant by his application dated 30.06.2009 had sought information relating to the judicial proceeding filed before Hon'ble Supreme Court of India, Hon'ble High Court at Bombay Hon'ble Industrial Court, Hon City Civil and Sessions Court, Hon Maharashtra Administrative Tribunal by citizens of India against Ministry of Public Works Deptt.

Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant filed this second appeal before the Commission. The appeal was heard on 04.11.2009. Appellant and respondents were present.

Case papers show that the respondent has transferred the application to the PWD under section 6(3) of the RTI Act under intimation to the appellant. I therefore pass the following order.

Order

The appeal is disposed off.

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

Place: Mumbai
Date: 30.11.2009.

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

Appeal No.2008/3595/02

**Shri. Dyanoba Thombre
Bldg No.94/1523, HIG MHADA Colony,
Near Birla Collage, Kalyan (W),
Dist Thane.**

... **Appellant**

V/s

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

... **Respondent**

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

GROUND

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant by his application dated 03.07.2009 had sought information relating to the release of security deposit and Retention money for the work of 192 houses under VAMBAY scheme at Idgah Rd, Slaughter House, Bhiwandi, Thane.

Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant filed this second appeal before the Commission. The appeal was heard on 04.11.2009. The appellant did not turn up but the respondent was present.

The respondent however has submitted in writing that he has received the information and the case may be closed.

Order

Request granted. Case closed.

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

Place: Mumbai
Date: 30.11.2009.

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

Appeal No.2008/3623/02

**Shri. Shriram Arjun Pawar
C-704, Olympic,
Lodha Paradise, Majiwada,
Thane (W) – 400 601.**

... Appellant

V/s

**First Appellate Office cum Assessor & Collector
Municipal Corporation of Greater Mumbai,
Old Bldg, Ground Floor, Fort, Mumbai – 400 001.**

... Respondent

**Public Information Officer,
Municipal Corporation of Greater Mumbai,
Old Bldg, Ground Floor, Fort, Mumbai – 400 001.**

GROUNDS

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant by his application dated 25.11.2008 had sought the following information: -

In the context of a departmental enquiry against the appellant, the final order mentioned that Photocopies of documents were provided to him and they were certified by the competent authority where as some other documents mentioned that Photocopies were not certified. The appellant wanted to know which version was correct.

Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant filed this second appeal before the Commission. The appeal was heard on 07.11.2009. Appellant and respondents were present.

After going through the case papers and considering the arguments advanced by parties I have come to the conclusion that relevant information has been furnished. Respondents submitted that whatever documents were available on record, have been furnished to the appellant. They were not in a position to clarify as to which version was correct. It is however clear that there is a contradiction between the two versions. This has been brought to the notice of the appellant under the RTI Act. The Act does not mandate the Commission to clarify which version was correct. The appellant is free to draw adverse inference for his benefit. I therefore close the case.

Order

Request granted. Case closed.

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

Place: Mumbai
Date: 30.11.2009.

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

Complaint No.2009/417/02

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

... Complainant

V/s

**Public Information Officer cum Dy Collector
E.N.C Room No 68,
Bandra (E), Mumbai – 400 051.**

... Respondent

GROUND

This complaint has been filed under section 18 of the Right to Information Act 2005 in the context of the commission's order dated 17.03.2009 passed in appeal no.2008/2072/02. The facts in brief are as follows: - The complainant's land was notified as slum and photopasses were issued to the occupants. He approached the Slum Tribunal which declared that the land should be excluded from declaration of slum. He also received one letter dated 29.05.2007 saying that the action of cancelling photopasses was being taken. The appellant applied under the RTI Act to know what action has been taken.

Not satisfied with responses from the Public Information Officer and First Appellate Authority the complainant filed appeal under section 19(3) of the RTI Act, 2005. The commission by its order dated 17.03.2009 directed that information should be furnished within 30 days. The present complaint is against alleged non compliance of commission's order.

The complaint was heard on 18.11.2009. Complainant and defendants were present.

The complainant has stated that the commission's order has not been complied. The respondent submitted that the process has been initiated. They have by their letter dated 14.05.20209 informed the commission what action was being taken.

After considering the arguments advanced by parties and going through the file I have come to the conclusion that commission's order has been complied. It is not possible for the commission to order cancellation within a stipulated time. The fact that the process has been initiated and complaint informed shows that the commission's order has been taken in the right spirit. I therefore pass the following order.

Order

Complaint is filed.

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

Place: Mumbai
Date: 30.11.2009.

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

Complaint No.2009/472/02

**Shri. Sanjay Pangam
Hashu Niwas, 402 B Wing,
28th x 25th Rd,
Bandra (W), Mumbai – 400 050.**

... Complainant

V/s

**Public Information Officer cum Dy Registrar
Cooperative Board, H (W) Division,
Sahakar Bazaar, 4th Floor, Bandra (W),
Mumbai – 400 050.**

**Public Information Officer cum Cooperative Officer
Office of the Dy Registrar, Cooperative Board, H (W) Division
Sahakar Bazaar, 4th Floor, Bandra (W),
Mumbai – 400 050.**

... Respondent

GROUND

This complaint has been filed under section 18 of the Right to Information Act 2005 in the context of the commission's order dated 31.08.2009 passed in appeal no.2008/3140/02. The facts in brief are as follows: - The present complainant by his application dated 04.03.2009 had sought information relating to Hashu Niwas CHS. He wanted information in respect of proceeding before the Dy Registrar, H/West Ward, Bandra (W) under section 101 of the Maharashtra Cooperative Societies Act 1960 against 13 members. The complainant had sought inspection of file no 28/2007 to 40/2007.

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

The complaint was fixed for hearing on 20.11.2009. The complainant and defendant were absent.

Case papers show that commission's order has not been complied. The complainant states that he has not been allowed inspection despite his reminder dated 17.09.2009. I therefore pass the following order.

Order

The complaint is allowed. The PIO to show cause why he should not be fined @ Rs.250/- per day for not allowing inspection and non compliance of commission's order. His reply to reach the commission within 4 weeks.

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

Place: Mumbai
Date: 31.11.2009.

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

**Appeal No.2008/3444/02
Appeal No.2008/3445/02**

**Shri. William F D'souza
A-16, Goodwill Mansion, Anna Louis CHS,
Beat No.11 Tagore Nagar P.O. Vikhroli (E),
Mumbai – 400 083.**

... Appellant

V/s

**First Appellate Office cum Chief Engineer (Deve Plan)
Municipal Corporation of Greater Mumbai,
(Bldg. Proposal), Eastern Suburbs,
Near Raj Legacy Bldg,
Paper Mill Compound LBS Marg,
Vikhroli (W), Mumbai – 400 083.**

... Respondent

**Public Information Officer cum Executive Engineer
Municipal Corporation of Greater Mumbai,
(Bldg. Proposal, E.S.), Eastern Suburbs,
Near Raj Legacy Bldg,
Paper Mill Compound LBS Marg,
Vikhroli (W), Mumbai – 400 083.**

GROUNDS

These appeals have been filed under section 19(3) of the Right to Information Act 2005. The appellant by his application dated 02.06.2009 had sought copies of occupation certificate and completion certificate in respect of Anna Louis Cooperative Housing Society CTS No.280, File 48-5.

Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant filed this second appeal before the Commission. The appeal was heard on 26.10.2009. Appellant and respondents were present.

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

I have gone through the case papers. It seems that occupation permission was given to the building on 26.08.96 with the following conditions.

1. That certificate under OOC. 270A of the Mumbai Municipal Corporation at shall be submitted within 3 months.

2. That the plot under reference shall be conveyed in the memo of the society of all flat mambo to before asking for NCC.
3. Shat a copy of registration of the society shall be submitted before asking for NCC.

The appellant had approached the National Consumer Disputes Redressal Commission, New Delhi which ordered that the administrator of the Cooperative Society to arrange execution of the sale deed after the completion / occupation certificate from, the competent authority is obtained. As seen earlier the MCGM has put a condition that building completion certificate would not be issued unless the society in registered and plot conveyed. Case papers also show clarification from the National Consumer Disputes Redressal Commission as well as MCGM's DP Deptt. that issuance of completion certificate has nothing to do with conveyance or registration of society. I therefore pass the following order.

Order

The appeals are allowed. PIO to arrange to provide a copy of the building completion certificate. This should be done within 30 days.

(Ramanand Tiwari)
State Information Commissioner, Mumbai

Place: Mumbai
Date: 30.11.2009.

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

Complaint No.2009/467/02

**Shri. Premchandra Shivnath Bagoriya
Plot No.90, Kherwadi,
Bandra (E), Mumbai – 400 051.**

... Complainant

V/s

**Public Information Officer cum Engineer
(B & F), Municipal Corporation of Greater Mumbai,
H/E, 137, TPS-5, 2nd Rd,
Prabhat Colony, Santacruz,
Mumbai – 400 055.**

... Respondent

GROUND

This complaint has been filed under section 18 of the Right to Information Act 2005 in the context of the commission's order dated 11.08.2009 passed in appeal no.2008/3053/02. The facts in brief are as follows: - The present complainant by his application dated 20.08.2008 had sought information regarding action taken on his complaint against Shri Sanjay Lokhande who had put up an iron ladder in front of his house.

Not satisfied with responses from the Public Information Officer and First Appellate Authority the complainant filed appeal under section 19(3) of the RTI Act, 2005. The commission by its order dated 11.08.2009 directed that information should be furnished within 30 days. The present complaint is against alleged non compliance of commission's order.

The complaint was fixed for hearing on 19.11.2009. The complainant was present but the defendant was absent.

The complainant has stated that no information has been furnished in compliance of the commission's order. In view of the appellant's submission and respondent's absence I pass the following order.

Order

The complaint is allowed. The PIO to show cause why he should not be fined @ Rs.250/- per day according to section 20 of the RTI Act, 2005 for non compliance of commission's order. His reply to reach the commission within 4 weeks from the date of receipt of this order.

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

Place: Mumbai
Date: 30.11.2009.

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

Complaint No.2009/433/02

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

... **Complainant**

V/s

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

... **Respondent**

GROUND

This complaint has been filed under section 18 of the Right to Information Act 2005 in the context of the commission's order dated 30.12.2009 passed in appeal no.2008/1477/09. The facts in brief are as follows: - The present complainant had sought information regarding his petition for payment of interest on his gratuity which was paid late.

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

The complaint was fixed for hearing on 18.11.2009. Complainant and defendants were present.

The complainant has stated that commission's order has not been complied. It has also been alleged that it has taken five months to decide the case. Defendants have submitted that the Board had rejected his request for payment of interest. It was placed before the Board again and the Board was pleased to sanction payment of interest. The same has been paid to the complainant.

I have gone through the case papers and also considered the arguments advanced by parties. I have come to the conclusion that the commission's order has been complied.

Order

Complaint is dismissed.

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

Place: Mumbai
Date: 30.11.2009.

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

Complaint No.2009/405/02

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

... **Complainant**

V/s

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

... **Respondent**

GROUND

This complaint has been filed under section 18 of the Right to Information Act 2005 in the context of the commission's order dated 31.01.2009 passed in appeal no.2008/1611/09. The facts in brief are as follows: - The present complainant had sought information regarding Collector's permission before giving flats on Leave and Licence basis. The complainant suspected that some members were giving their flats, on leave and licence without obtaining Collector's permission.

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

The complaint was heard on 12.11.2009. Complainant and defendants were present.

The complainant has stated that commission's order has not been complied and he was not allowed to inspect the documents Defendants submitted that the documents demanded by the complainant was not available as the period had expired, the same could not be shown to the complainant.

After going through the case papers and considering the arguments advanced by parties I have come to the conclusion that commission's order stands complied. If required documents were not available the same could not be offered for inspection. In any case societies are not public authorities and as such information can be sought through the District Deputy Registrar. I pass the following order.

Order

Complaint is filed.

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

Place: Mumbai

Date: 30.11.2009.

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

Appeal No.2008/3196/02

**Shri. Sandeep Vasant Bane
A/1, Shivdarshan Cross Sayani Rd,
Prabhadevi, Mumbai – 400 025.**

... Appellant

V/s

**First Appellate Office,
Stamp Collector Mumbai City,
Old Custom House, Fort,
Mumbai – 400 001.**

... Respondent

**Public Information Officer,
Stamp Collector Mumbai City,
Old Custom House, Fort,
Mumbai – 400 001.**

GROUNDS

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant by his application dated nil had sought information relating to adjudication of documents, papers to be submitted along with the application the time frame for disposal and related matters.

Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant filed this second appeal before the Commission. The appeal was fixed for hearing on 10.11.2009. Appellant and respondents were absent.

It appears from case papers that the PIO has denied the information on the ground that the information sought does not fit into the definition of information under the RTI Act. This is not correct. There is nothing wrong if someone wants to know what documents are required to be attached to the application and how much time should it take to get the documents adjudicated. Ideally the office should have this information ready for anyone who wants to know. I therefore pass the following order.

Order

The appeal is allowed. Information on points 1 to 4 to be furnished by PIO within 30 days from the date of receipt of this order.

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

Place: Mumbai
Date: 30.11.2009.

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

Appeal No.2008/3600/02

**Shri. Vijay K. Parikh
601-Suraj Residency,
Chandulal Compound,
Station Rd, Bhayander (W),
Dist. Thane – 401 101.**

... Appellant

V/s

**First Appellate Office cum Controller of Legal Metrology
Weights & Measures Deptt (MS)
Govt. Barracks No.7, Fress Press Marg,
Mumbai – 400 021.**

... Respondent

**Public Information Officer cum Office in charge
Weights & Measures Deptt (MS)
Govt. Barracks No.7, Fress Press Marg,
Mumbai – 400 021.**

GROUND

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant by his application dated 03.10.2008 had sought action against sellers of spurious Fire Extinguishers.

Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant filed this second appeal before the Commission. The appeal was fixed for hearing on 06.11.2009. The appellant did not turn up but the respondent was present.

The appellant has sought adjournment. The same is not being considered as the matter is simple and respondent has submitted in writing that information has already been furnished. It has also been explained that it was delayed because the appellant had given a list of the dealers and it took time before the reports were received.

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

Order

The appeal is disposed off.

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

Place: Mumbai
Date: 30.11.2009.

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

Appeal No.2008/3064/02

**Shri. Haresh Narayandas Garibdasani
27/B/11, 1st Floor, Shyamkutir CHS,
Vrundavan, Thane (W) – 400 601.**

... Appellant

V/s

**First Appellate Office cum Joint Chief Officer
Mumbai Repair & Reconstruction Board,
2nd Floor, Grihanirman Bhavan, Bandra (W),
Mumbai – 400 051.**

... Respondent

**Public Information Officer cum Dy Chief Officer
Mumbai Repair & Reconstruction Board,
2nd Floor, Grihanirman Bhavan, Bandra (W),
Mumbai – 400 051.**

GROUNDS

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant by his application dated 10.10.2008 had sought inspection of documents relating the allotment of shop no 113 at Trinity Cooperative Housing Society, 261 S S Gaikwad Marg, Dhobi Talao, Mumbai.

Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant filed this second appeal before the Commission. The appeal was heard on 10.11.2009. Appellant and respondents were present.

The appellant has contended that although inspection has been allowed, they could lay their hands on the documents they were looking for. The respondent submitted that the appellant wanted the original copy of “Taba patra” which was handed over to the builder. He has however been handed over a copy of the same from MHADA’s record. They also stated that MHADA will come to their help in case of any difficulty.

After going through the case papers and considering the arguments advanced by parties I have come to the conclusion that information which was available on record has been furnished. I see no attempt to deny the information. I therefore pass the following order.

Order

The appeal is disposed off.

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

Place: Mumbai
Date: 30.11.2009.

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

Appeal No.2008/3088/02

**Shri. Shaikh Mohammed Saeed
B-16, AL-Qudsiya, Flat No.704,
Millat Nagar, New Link Rd, Andheri (W),
Mumbai – 400 032.**

... **Appellant**

V/s

**First Appellate Office cum Director General of Police
State Police Headquarter,
Mumbai – 400 001.**

... **Respondent**

**Public Information Officer cum Dy Assistant
State Police Headquarter,
Mumbai – 400 001.**

GROUNDS

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant by his application dated 26.12.2009 had sought the following information: -

- a) Details of communal riots or violence occurred in Maharashtra in last 5 years in which “mandir wahin banayenge CD” was cause of trouble. Please provide relevant documents indication loss to lives and property in these riots, arrest, and action taken by police in these cases and status of all these cases till date.
- b) Report of police departments, copies of opinion / views / instructions / orders of police authorities in various part of state issued or sent or circulated within the police force on the subject of ‘mandir wahin banayenge CD’ during last 5 years.
- c) Copy (or copies) of any (or all) legal opinion sought by state police regarding the said CD either for taking action or banning the CD.

Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant filed this second appeal before the Commission. The appeal was heard on 10.11.2009. Appellant and respondents were present.

The appellant has contended that he has not been furnished complete information. It has been submitted by the respondent that information available on record has been furnished. A copy of the information furnished has been placed on record.

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

however seen that it is necessary to provide information on point no 3 (d) I therefore pass the following order.

Order

The appeal is partially allowed. Information to be furnished by PIO within 30 days from the date of receipt of this order.

(Ramanand Tiwari)
State Information Commissioner, Mumbai

Place: Mumbai
Date: 30.11.2009.

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

Appeal No.2008/3158/02

**Shri. Nitin Sarvaiya
51/1199, Azadnagar No.3,
Veera Desai Rd, Andheri (W),
Mumbai – 400 053.**

... **Appellant**

V/s

**First Appellate Office,
Office of the Estate Manager No.2,
Mumbai Housing & Area Development Board,
Grihanirman Bhavan, Bandra (E),
Mumbai – 400 051.**

... **Respondent**

**Public Information Officer,
Office of the Estate Manager No.2,
Mumbai Housing & Area Development Board,
Grihanirman Bhavan, Bandra (E),
Mumbai – 400 051.**

GROUND

This appeal has been filed under section 19(3) of the Right to Information Act 2005.

Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant filed this second appeal before the Commission. The appeal was fixed for hearing on 10.11.2009. Appellant and respondents were present.

The appellant by his representation dated 10.11.2009 has raised some preliminary issue – how did his appeal go to Konkan Division and sought related information. It is therefore directed that the Joint Secretary, State Information Commission, Greater Mumbai to furnish relevant information within 15 days from the date of receipt of this order.

Order

The appeal is disposed off.

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

Place: Mumbai
Date: 30.11.2009.

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

Appeal No.2008/3563/02

Shri. Sadaf Sikandar Kashelkar
81/ Saudagar Mohalla,
Bhivandi, Dist, Thane – 421 302.

... **Appellant**

V/s

First Appellate Office cum Registrar
Maharashtra Council of Indian Medicine,
New Health Bldg, 4th Floor,
St George's Hospital Compound,
Behind CTS Station, Mumbai – 400 001.

... **Respondent**

Public Information Officer cum Dy Registrar
Maharashtra Council of Indian Medicine,
New Health Bldg, 4th Floor,
St George's Hospital Compound,
Behind CTS Station, Mumbai – 400 001.

GROUND

This appeal has been filed under section 19(3) of the Right to Information Act 2005.

Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant filed this second appeal before the Commission. The appeal was heard on 13.11.2009. Appellant and respondents were present.

It transpired during the hearing that the second appeal has been decided by the State Information Commissioner, Konkan Division who has passed the order dated 12.08.2009. It will serve no purpose if the appeal is heard by me. I therefore decide to close the case.

Order

The appeal is disposed off.

(Ramanand Tiwari)
State Information Commissioner, Mumbai

Place: Mumbai
Date: 30.11.2009.

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

**Appeal No.2008/3569/02
Appeal No.2008/3573/02**

**Shri. Shrinivas Anant Ghanekar
A-3/604, Shankeshwer Darshan,
Near Jain Society, Kala Talao,
Kalyan (W), Dist. Thane.**

... Appellant

V/s

**First Appellate Office,
Directorate, Medical Education & Reaches,
Govt. Dental College & Hospital Bldg.,
St George's Hospital Compound,
Behind CTS Station, Mumbai – 400 001.**

... Respondent

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

GROUNDS

These appeals have been filed under section 19(3) of the Right to Information Act 2005. The appellant had sought copies of question papers and answer books of the first 15 candidates for MHT-CIT, 2009, copy of the question paper and answer book in respect of Shri Vaibhav Shrinivas Ghanekar, copy of the relevant Regulations and rules and related matters.

Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant filed this second appeal before the Commission. The appeal was heard on 03.11.2009. The appellant did not turn up but the respondent was present. The appellant has however submitted his written argument. He has stated that he accepts the fact that question papers are not to be given but he had sought copies of answer books which have been wrongly denied.

After going through the case papers and considering the arguments advanced by parties I have come to the conclusion that information has been partly furnished. The appellant is satisfied that question papers are not to be given. According to him, his first

point has remained unanswered. He has not been given answer books of the first 15 candidates as well that of Shri Vaibhav Shrinivas Ghanekar. The Information Officer in his letter dated 03.07.2009 states that the Hon High Court has permitted furnishing of answer books and keys. If that is so, why has the appellant been denied this information. The reason seems to be that this information has to be furnished to the candidates and not to the third person. This point has not been made clear in the PIO's reply. I would therefore direct that the PIO should reexamine the whole issue and pass revised order.

Order

The appeals are partially allowed. Information to be furnished by PIO within 30 days.

(Ramanand Tiwari)
State Information Commissioner, Mumbai

Place: Mumbai
Date: 30.11.2009.

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

Appeal No.2008/3756/02

**Shri. Kaushik Kishor Sardal
C/603 Vaibhav Apt.,
Old Prabhadevi Rd,
Mumbai – 400 025.**

... **Appellant**

V/s

**First Appellate Office cum Add. Registrar
Cooperative Commissioner & Registrar,
Cooperative Board (Maharashtra State)
Pune Office, New Central Bldg.,
Pune – 411 001.**

... **Respondent**

**Public Information Officer,
Cooperative Commissioner & Registrar,
Cooperative Board (Maharashtra State)
Pune Office, New Central Bldg.,
Pune – 411 001.**

GROUND

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant has sought a copy of the statutory Audit report of Vaishya Sahakari Bank Ltd. Mumbai for the period 01.04.2008 to 31.03.2009.

Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant filed this second appeal before the Commission. The appeal was heard on 17.11.2009. Appellant was present but the respondent was absent.

It is revealed from the case papers that the PIO by his letter dated 27.02.2009 and the First Appellate Authority by his order dated 05.10.2009 have furnished the required information. They have correctly informed him that the information sought could not be provided under the Right to Information Act, 2005 and he has to resort to section 32 of the Maharashtra Cooperative Societies Act, 1960.

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

Order

The appeal is disposed off.

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

Place: Mumbai
Date: 30.11.2009.

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

Appeal No.2008/3749/02

**Shri. Kailas Sharma
12/704, Surya Complex,
Kanjurmarg (W),
Mumbai – 400 078.**

... **Appellant**

V/s

**First Appellate Office,
MMRDA Bldg, 3rd Floor,
Bandra-Kurla Complex,
Bandra (E), Mumbai – 400 078.**

... **Respondent**

**Public Information Officer,
MMRDA Bldg, 3rd Floor,
Bandra-Kurla Complex,
Bandra (E), Mumbai – 400 078.**

GROUNDS

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant has sought the information regarding allotment of a tenement to the holder of ID Card No.158 despite the fact that his name is not found in the voters list. The appellant wanted to know the ground on which he was allotted the tenement.

Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant filed this second appeal before the Commission. The appeal was heard on 16.11.2009. Appellant and respondents were present.

The appellant has contended that he was not given the information he had sought. The respondent submitted that allotment was done on the basis of the list prepared by the NGO which was assigned this work. The MMRDA does not decide who should be allotted or not allotted.

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

Order

The appeal is disposed off.

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

Place: Mumbai
Date: 30.11.2009.

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

Appeal No.2008/3542/02

Shri. Jaikishor Yadav
148, Zakeriya Bander Rd,
Shivdi, Mumbai – 400 015.

... **Appellant**

V/s

First Appellate Office cum Asstt Commissioner
Municipal Corporation of Greater Mumbai,
F/South, Parel,
Mumbai – 400 012.

... **Respondent**

Public Information Officer,
Municipal Corporation of Greater Mumbai,
F/South, Parel,
Mumbai – 400 012.

GROUND

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant by his application dated 08.06.2009 had sought information relating to allotment of tenements to persons who were not eligible and sought relevant papers.

Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant filed this second appeal before the Commission. The appeal was heard on 05.11.2009. The appellant did not turn up but the respondent was present.

Case papers reveal that he has been asked to deposit Rs.1120/- and collect the information. The appellant should do the needful.

Order

The appeal is disposed off.

(Ramanand Tiwari)
State Information Commissioner, Mumbai

Place: Mumbai
Date: 30.11.2009.

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

Appeal No.2008/3751/02

**Shri. Swapnil Gaikwad
139/4117 Kannamwar Nagar-2,
Vikroli (E), Mumbai – 400 083.**

... Appellant

V/s

**First Appellate Office cum Dy Divisional Officer
Office of the District Mumbai Suburban,
Administrative Bldg, Bandra (E),
Mumbai – 400 051.**

... Respondent

**Public Information Officer cum Tahsildar
Kurla Topiwala College Bldg,
Mulund (W), Mumbai – 400 080.**

GROUNDS

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant by his application dated nil had sought information relating to the open plot behind building no 77, Kannamwar Nagar, Vikroli, Mumbai.

Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant filed this second appeal before the Commission. The appeal was heard on 13.11.2009. Appellant and respondents were present.

Case papers reveal that information has not been furnished. The first appeal has also been disposed off because of the appellant's absence. The appellant has sought information which is not vague or unclear. He deserves to be given the information he has sought. I therefore pass the following order.

Order

The appeal is allowed. Information to be furnished within 30 days from the date of receipt of this order failing which action under section 20 of the RTI Act will be initiated against the PIO.

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

Place: Mumbai
Date: 30.11.2009.

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

Appeal No.2008/3612/02

**Shri. Santosh P. Doke
Preeti Sangam CHS,
G-187-0-1- Sector 26,
Vashi, Navi Mumbai – 400 703.**

... Appellant

V/s

**First Appellate Office cum Dy District Registrar
Cooperative Board, Mumbai (1) City,
Divisional Joint Registrar Cooperative Board,
6th Floor, Malhotra House, Opp GPO,
Mumbai – 400 001.**

... Respondent

**Public Information Officer cum Assitt Registrar
Cooperative Board, 'E' Ward,
Divisional Joint Registrar Cooperative Board,
6th Floor, Malhotra House, Opp GPO,
Mumbai – 400 001.**

GROUNDS

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant had sought information in respect of his complaint against Byculla Market Cooperative Premises Society. The appellant had sought information on 26 points.

Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant filed this second appeal before the Commission. The appeal was heard on 06.11.2009. Appellant was present but the respondent was absent.

The appellant has contended that he has not been furnished the information required by him. Respondents submitted that his application was sent to the society but the society replied that the appellant was not a member and therefore the question of furnishing information did not arise.

After going through the case papers and considering the arguments advanced by parties I have come to the conclusion that appellant has been properly informed. In fact the society by its letter dated 27.04.2009 informed the Asstt Registrar that in accordance with the clarification issued by the Commissioner, Cooperation societies are not covered

under the Right to Information Act, 2005. There are rulings from the Hon High Court, Mumbai as well Karnataka. The Case therefore has to be closed.

Order

The appeal is disposed off.

(Ramanand Tiwari)
State Information Commissioner, Mumbai

Place: Mumbai
Date: 30.11.2009.

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

Appeal No.2008/3617/02

**Shri. Balaram B. Kathore
Bhadane, Padgha, Ta. Bhivandi,
Dist. Thane.**

... **Appellant**

V/s

**First Appellate Office cum Chief General Manager
Maharashtra State Electric Pareshan Company Ltd,
Manav Sansadhan Division,
E-Block, Bnadra-Kurla Complex,
Bandra (E), Mumbai – 400 051.**

... **Respondent**

**Public Information Officer cum General Manager
Maharashtra State Electric Pareshan Company Ltd,
Manav Sansadhan Division,
E-Block, Bnadra-Kurla Complex,
Bandra (E), Mumbai – 400 051.**

GROUND

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant by his application dated 17.04.2009 had sought information relating acquisition of land for setting up of 500 KV, HVDC Sub Centre at Padagha.

Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant filed this second appeal before the Commission. The appeal was heard on 06.11.2009. Appellant and respondents were present.

The appellant has contended that he has not been given the information he had sought. The respondent has submitted that the application has been transferred to the Superintending Engineer, Padagha as the information relates to him.

After going through the case papers and considering the arguments advanced by parties I have come to the conclusion that appellant has been properly informed. Section 6 of the RTI Act, 2005 requires that the application should be sent to the public authority to which it relates. The same has been done in this case.

Order

The appeal is disposed off.

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

Place: Mumbai
Date: 30.11.2009.

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

Complaint No.2009/224/02

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

... **Complainant**

V/s

**Public Information Officer cum Assitt Engineer (B & F)
Municipal Corporation of Greater Mumbai,
Prabhat Colony, 1st Floor, Santacruz (E),
Mumbai – 400 005.**

... **Respondent**

GROUND

This complaint has been filed under section 18 of the Right to Information Act 2005 in the context of the commission's order dated 14.08.2008 passed in appeal no.2008/655/02. The facts in brief are as follows: - The present complainant had sought information regarding action taken against unauthorized construction by his tenants.

Not satisfied with responses from the Public Information Officer and First Appellate Authority the complainant filed appeal under section 19(3) of the RTI Act, 2005. The commission by its order dated 14.08.2008 directed that information should be furnished within 30 days. The present complaint is against alleged non compliance of commission's order.

The complaint was heard on 18.11.2009. Complainant and defendants were present.

The complainant has stated that commission's order has not been complied and action taken report has not been furnished to him. The respondent did not have any credible answer. There is nothing on record to show that commission's order has been complied. I therefore pass the following order.

Order

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

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

Place: Mumbai
Date: 30.11.2009.

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

Appeal No.2008/3562/02

Shri.Mallikajun G. Tulase
1171/A, Sidhart Nagar,
Near Ambarnath Post Office,
Ambarnath (W), Dist. Thane 421 501.

... **Appellant**

V/s

First Appellate Office cum Director,
Director of Insurance,
Maharashtra State, Bandra (E),
Mumbai – 400 051.

... **Respondent**

Public Information Officer cum Asstt. Director,
Director of Insurance,
Maharashtra State, Bandra (E),
Mumbai – 400 051.

GROUND

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant by his application dated 14.03.2009 had sought information relating to his suspension during 1993-98 and departmental enquiry against him.

Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant filed this second appeal before the Commission. The appeal was heard on 03.11.2009. Appellant and respondents were present.

It was disclosed during the hearing that the appellant's appeal has already been decided by the State Information Commissioner, Konkan Division. It is not proper to her the appeal again. I therefore pass the following order.

Order

The appeal is dismissed.

(Ramanand Tiwari)
State Information Commissioner, Mumbai

Place: Mumbai
Date: 30.11.2009.

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

Appeal No.2008/3557/02

**Shri. Pandurang B. Benke
804/B, Rajeshri Tower
Near Pratap Cinema,
Kolbad, Thane (W) 400 601.**

... **Appellant**

V/s

**First Appellate Office cum Executive Engineer,
Elakha City Division, PWD,
Old Custom House Compound,
Mumbai – 400 032.**

... **Respondent**

**Public Information Officer cum Dy Engineer
South Division, PWD,
Old Custom House Compound,
Mumbai – 400 032.**

GROUNDS

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant by his application dated 13.04.2009 had sought information relating to CR, SLR SDR, store, purchase, petty purchases, cash memos details regarding technical sanction, measurement, payment of bills during the period 31.03.2007 to 31.03.2009. These works are supposed to have been carried out through PWD's Yoshodhan Service Centre.

Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant filed this second appeal before the Commission. The appeal was heard on 10.11.2009. Appellant and respondents were present.

The appellant has contended that he has not been furnished the required information. The respondent submitted that the information sought is voluminous and non specific.

After going through the case papers and listening to parties I have come to the conclusion that information sought is broad and non specific. I therefore order that the appellant should be given inspection of relevant documents and copies of selected

documents should be furnished. The PIO to invite the appellant for inspection within 15 days from the date of receipt of this order.

Order

The appeal is disposed off.

(Ramanand Tiwari)
State Information Commissioner, Mumbai

Place: Mumbai
Date: 30.11.2009.

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

Appeal No.2008/3599/02

**Shri. Jagdish R. Navghare
Flat No.203, Neha Apt.,
Plot No.7, Sector-20 C,
Airoli, Navi Mumbai – 400 708.**

... **Appellant**

V/s

**First Appellate Office cum Manager (F & A)
Maharashtra State Electricity Distribution Co. Ltd,
Plot No. G-9, Prakashgad,
Bandra (E), Mumbai – 400 051.**

... **Respondent**

**Public Information Officer cum Dy. Manager (F & A)
Maharashtra State Electricity Distribution Co. Ltd,
Plot No. G-9, Prakashgad,
Bandra (E), Mumbai – 400 051.**

GROUNDS

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant by his application dated 25.05.2009 had sought the following information: -

Certified copy of the receipt of security Deposit Rs.3000/- paid to MSED Ltd for obtaining electricity connection during the period 2007-2009. The appellant is a consumer holding Meter No.00783700 customer No.000097250022.

Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant filed this second appeal before the Commission. The appeal was heard on 06.11.2009. The appellant did not turn up but the respondent was present.

The appellant in his appeal has contended that he has not been furnished the required information. The MSED Co Ltd on the other hand sought details like date and money receipt no and counter at which this was paid and name of the Section Office / Sub Division Officers / Division Office at which documents were submitted for obtaining connection.

After going through the case papers and considering the arguments advanced by parties I have come to the conclusion that information has to be furnished. The appellant has enclosed a copy of the electricity bill which should help the MSED Co Ltd to locate the details sought by him. The RTI Act also provides that if the public authority to whom application was submitted does not deal with the subject, it should send it to the public authority with whom the information was likely to be available. The MSED Co Ltd should do the needful and ensure that appellant gets the information he has sought. I therefore pass the following order.

Order

The appeal is allowed. Information to be furnished by PIO within 30 days from the date of receipt of his order.

(Ramanand Tiwari)
State Information Commissioner, Mumbai

Place: Mumbai
Date: 30.11.2009.

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

Appeal No.2008/3598/02

**Shri. Pradeep Babulal Pawar
A-102, Pavandeep Apt.,
Kamalnagar, Shahapur,
Dist Thane – 421 601.**

... **Appellant**

V/s

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

... **Respondent**

**Public Information Officer cum Desk Officer (14 S)
Cooperation and Textile Department
Mantralaya, Mumbai – 400 032.**

GROUND

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant by his application dated 29.12.2008 had sought information relating Govt. instruction regarding audit of cooperative institutions. He sought information regarding empanelment of and fee to auditors and related matters. The application was sent to the commissioner of cooperation.

Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant filed this second appeal before the Commission. The appeal was heard on 06.11.2009. Appellant and respondents were present.

After going through the case papers and considering the arguments advanced by parties I have come to the conclusion that application has been wrongly sent to the commissioner, cooperation. The information sought relates to policy and the Department has to have a set of rules for cooperative institutions. I therefore pass the following order.

Order

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

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

Place: Mumbai
Date: 30.11.2009.

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

Appeal No.2008/3551/02

**Shri. Macchindra N. Karalkar
Hajrabai House, Room No.5,
Irla Society Rd,
Vile Parle (W), Mumbai – 400 056.**

... **Appellant**

V/s

**First Appellate Office cum Asstt Municipal Commissioner
Municipal Corporation of Greater Mumbai,
K/West Ward Office Bldg,
2nd Floor, Paliram Path, BEST Station,
Andheri (W), Mumbai – 400 058.**

... **Respondent**

**Public Information Officer cum Asstt Engineer
Municipal Corporation of Greater Mumbai,
K/West Ward Office Bldg,
2nd Floor, Paliram Path, BEST Station,
Andheri (W), Mumbai – 400 058.**

GROUND

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant by his application dated 23.03.2009 had sought the following information: -

Illegal construction, extension in front of shops, amalgamations, amendments, constructions of showrooms and shops in residential flats, in open spaces between two building in places of huts, garages or where garages or huts existed without permission of change of user on Irla Society Rd, Vile-Parle (W), Mumbai – 400 056.

Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant filed this second appeal before the Commission. The appeal was heard on 05.11.2009. The appellant did not turn up but the respondent was present.

It has been submitted by the respondent that information has been given to the appellant from time to time. Information has also not been sought on specific points. He has enclosed a copy of the Demolition Register to show how many times unauthorized

structures have been demolished. In view of the appellant absence and respondent's submission. I decide to close the case.

Order

Appeal is disposed off.

(Ramanand Tiwari)
State Information Commissioner, Mumbai

Place: Mumbai
Date: 30.11.2009.

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

Appeal No.2008/3601/02

Shri. Dr. Satyanand R. Khade
Khade House,
Kalyan-Bhiwandi Rd,
Dist. Thane – 421 302.

... **Appellant**

V/s

First Appellate Office cum Superintendent Engineer
BKSP Highway Project,
Mahatrashttra State Road Development Board,
Bandra Camp Office,
Opp.Bandra Reclamation Bus Depo,
Bandra (W), Mumbai – 400 050.

... **Respondent**

Public Information Officer cum Executive Engineer
Bhiwandi-Kalyan Shilphata Road Project,
Mahatrashttra State Road Development Board,
Bandra Camp Office,
Opp.Bandra Reclamation Bus Depo,
Bandra (W), Mumbai – 400 050.

GROUND

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant by his application dated 23.09.2009 had sought the following information: -

1. Record dated 31.01.2005 by which Govt. of Maharashtra entrusted the work of 4-laning, improvement, O & M, Toll collection of Bhiwandi-Kalyan-Shilphata Highway on basis to MSRDC from PWD.
2. Record by which MSRDC was declared as Entrepreneur for BKSP Highway project by Govt. of Maharashtra.
3. Record of correspondence with Tree Authority / Ranger (conservation) Padgha, for permission to fell / hack trees for BKSP Project.
4. Permission with conditions issued by Tree Authority / Ranger (conservation) Padgha, to fell / hack trees for BKSP Project. (पडघा/वृक्ष/१९३/२००५-२००६/दि.२५.०३.२००७).

5. Number of trees felled and number of trees planted in lieu of felled trees and success rate of new plantation.
6. Letter No.MSRDC/02/JMD (1) BKSPH/07/3851/dated 23.11.2007 to Thane Collector.
7. Record of all correspondence with Bhiwandi Police.
8. Record of all correspondence with Collector Thane & Special Land Acquisition Officer, Ulhas Khore Prkalp, Thane.
9. Record of all correspondence with PWD.
10. Copy of letter MSRDC/02/JMD (1) BKSH/Compound Wall /FN.94/2256 dated 02.07.2008.
11. Copy of letter ग्राम.रा.र.वि.म/०२/सव्यसं १/भिकशिर/न.क्र.३३/८६५ दि.०५.०३.२००८.

Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant filed this second appeal before the Commission. The appeal was heard on 06.11.2009. Appellant and respondents were present.

Case papers reveal that the PIO had received the application on 29.09.2008 and the appellant was informed by the PIO's letter dated 24.10.2009 to deposit Rs.1034/- and collect the information. The appellant states that he never received the letter. It is therefore directed that the he should deposit the required amount and collect the information. I therefore pass the following order.

Order

The PIO's order is confirmed. Appellant to deposit the required amount and collect the information.

(Ramanand Tiwari)
State Information Commissioner, Mumbai

Place: Mumbai
Date: 30.11.2009.

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

Appeal No.2008/3704/02

**Shrimati. Pranali Dhayalkar
23/39, Dislie Rd, BDD Chawl,
N.M.Joshi Marg, Mumbai – 400 013.**

... Appellant

V/s

**First Appellate Office cum Executive Engineer
Elakha City Division, PWD,
Old Custom House Compound,
Mumbai – 400 032.**

... Respondent

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

**Public Information Officer cum Under Secretary
Public Works Dett.,
Mantralaya, Mumbai – 400 032.**

**Public Information Officer cum Asstt Superintendent,
Office of the Superintendent Engineer,
PWD Board, 25, Marzban Rd, Fort, Mumbai – 400 001.**

**Public Information Officer cum Dy. Executive Engineer
Shetriy City, PWD, 3rd Floor,
Old Custom Compound,
Mumbai – 400 023.**

GROUNDS

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant by his application dated 02.05.2009 had sought information relating to General Provident Fund in respect of technical and non technical employees working in the Public Works Deptt, Govt. of Maharashtra. The application was addressed to the General Administrative Deptt. which sent it to the Public Works Deptt.

Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant filed this second appeal before the Commission. The appeal was heard on 18.11.2009. Appellant and respondents were present.

The appellant has contended that no information was provided to her. Respondents did not have any credible answer. I therefore pass the following order.

Order

The PIO to furnish the required information within 30 days.

(Ramanand Tiwari)
State Information Commissioner, Mumbai

Place: Mumbai
Date: 30.11.2009.

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

Appeal No.2008/3699/02

**Shri. Santosh Shirgaonkar
E-202, Rashmi CHS, Bevli Park,
Near Cine Prime Theater, Mira Rd (E),
Thane – 401 107.**

... **Appellant**

V/s

**First Appellate Office cum Dy Secretary
School Education & Spots Deptt.,
Mantralaya, Mumbai – 400 032.**

... **Respondent**

**Public Information Officer cum Administrative Officer
School Education & Spots Deptt.,
Mantralaya, Mumbai – 400 032.**

GROUND

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant by his application dated 31.10.2008 had sought information regarding action take on her complaint against Oxford Public School, Charkop, Kandivali, Mumbai.

Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant filed this second appeal before the Commission. The appeal was heard on 13.12.2009. Appellant and respondents were present.

The appellant has contended that information has not been furnished to him. The PIO in her written submission has stated that report has been called from the Education Inspection, Jogeshwari and information will be furnished as soon as the report is received.

After going through the case papers and considering the arguments advanced by parties I have come to the conclusion the information has not been furnished. I therefore pass the following order.

Order

The appeal is allowed. Information to be furnished by PIO within 30 days. The Education officer, Jogeshwari to ensure that his report is sent in time otherwise action will be initiated against him under section 20 of the RTI Act, 2005.

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

Place: Mumbai
Date: 30.11.2009.

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

Appeal No.2008/3735/02

**Shri. Satyabhash Salgaonkar
J-42, Rushali Shilp CHS,
Shimpoli Chikuwadi, Borivali,
Mumbai.**

... Appellant

V/s

**First Appellate Office cum Divisional Executive Engineer
Municipal Corporation Bldg,
R/Centre Ward, S.V. Rd, Near Borivali Station,
Borivali (E), Mumbai – 400 092.**

... Respondent

**Public Information Officer cum Asstt Engineer (B & F)
Municipal Corporation Bldg,
R/Centre Ward, S.V. Rd, Near Borivali Station,
Borivali (E), Mumbai – 400 092.**

GROUNDS

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant by his application dated 22.07.2009 had sought information relating to the Tower erected by Reliance Company using heavy material and without obtaining necessary permission from MCGM. He also wanted to know what action has taken in pursuance of the MCGM's notice to the Chairman & The Secretary under section 351 of the MM Act.

Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant filed this second appeal before the Commission. The appeal was heard on 16.11.2009. The appellant did not turn up but the respondent was present.

The appellant has contended that he has been given misleading information. The respondent has stated that pointwise information has been furnished and there was no attempt to mislead the appellant.

After going through the case papers and considering the arguments advanced by parties I have come to the conclusion the available information has been furnished. Respondent's written submission is on record. It is clear that pointwise information has

been furnished. There is attempt to mislead the appellant. I therefore pass the following order.

Order

The appeal is disposed off.

(Ramanand Tiwari)
State Information Commissioner, Mumbai

Place: Mumbai
Date: 30.11.2009.

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

Appeal No.2008/3547/02

**Shri. Pradeep Ingole
Regal View,
102, Shri Sahaya Elight
Behind Garden Hotel, Thana Naka,
Panvel (W) 410 206.**

... Appellant

V/s

**First Appellate Office,
Maharashtra State Business Education Exam Board,
Govt. Technical Institute Bldg,
Bandra (E), Mumbai – 400 051.**

... Respondent

**Public Information Officer,
Maharashtra State Business Education Exam Board,
Govt. Technical Institute 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 by his application dated 17.06.2009 had sought information relating to his complaint against Prabhat Mahila Prashikshan and request for cancelling their registration. He had also requested for copies of some relevant documents. The PIO by his letter dated 29.07.2009 furnished the reply. The First Appellate Authority did not decide the first appeal.

Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant filed this second appeal before the Commission. The appeal was heard on 05.11.2009. Appellant and respondent were present.

The appellant has contended that he has been given uncertified and incomplete information. It has also been stated that the information has been furnished late by 106 days. I therefore pass the following order.

Order

The appeal is allowed. The PIO is directed to furnish certified copy of documents and also communicate the latest position of his complaint. He is also directed to send his explanation for alleged delay of 106 days within 4 weeks from receipt of this order failing which action under section 20 of the RTI Act will be initiated against him.

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

Place: Mumbai

Date: 30.11.2009.

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

Appeal No.2008/3737/02

**Shri. Prakash Gathe
102, Gautam Dhara CHS,
Edalji Rd, Charai, Thane.**

... Appellant

V/s

**First Appellate Office cum Dy Secretary
Urban Development Deptt.,
Mantralaya, Mumbai – 400 032.**

... Respondent

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

GROUNDS

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant by his application dated 08.06.2009 had sought information relating to unauthorized construction in Bangshri Tower, CTS. No 52/B. Tika no.12 Charai, Thane. The PIO by his letter dated 23.06.2006 furnished necessary information. The First Appellate Authority in his order dated 04.09.2009 modified the PIO's order asked him to furnish the required information.

Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant filed this second appeal before the Commission. The appeal was heard on 16.11.2009. Appellant and respondent were present.

The appellant has contended that the reply furnished was evasive and PIO and the First Appellate Authority should be penalised. Case papers show that the PIO had sent appellant's application to the Thane Municipal Corporation for furnishing the required information. The First Appellate Authority modified the PIO's order and directed him to furnish the information. The PIO complied by his letter dated 19.09.2009.

After going through the case papers and considering the arguments advanced by parties I have come to the conclusion that information has been furnished. There is nothing to suggest that the PIO or the First Appellate Authority did anything to invite penalty under section 20 of the RTI Act. I therefore pass the following order.

Order

The appeal is disposed off.

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

Place: Mumbai
Date: 30.11.2009.

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

Appeal No.2008/3538/02

**Shri. K. R. S. Narayanan
2nd Floor, 4, Ganadev,
Plot No.283-B, 5th Rd,
Nr. Diamond Garden,
Chembur, Mumbai – 400 071.**

... Appellant

V/s

**First Appellate Office cum Registrar General,
Hon'ble High Court, Mumbai.
Mumbai – 400 032.**

... Respondent

**Public Information Officer,
Hon'ble High Court, Mumbai.
Mumbai – 400 032.**

GROUNDS

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant by his application dated 17.03.2008 & 25.03.2008 had sought the following information: -

1. Number of Writ Petition in Bombay High Court (O.S.) pending wherein parties on either sides are Senior Citizens.
2. Any criteria prescribed for early hearing if matters of Sr. Citizens are too many.
3. What does a Sr. Citizen do if despite directions to place matter on board, if final hearing, matter is not placed on board.
4. What us the status of Writ Petition No.1728 of 200, final by Ms. Jane Cox, against Bar Council of India & Ors whether it is likely to come up for hearing how much time will it take to be placed on Board for final hearing.

Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant filed this second appeal before the Commission. The appeal was heard on 05.11.2009. Appellant and respondent were present.

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

After going through the case papers and considering the arguments advanced by parties I have come to the conclusion that information has been furnished. The fact that the appellant is not satisfied is understandable. The appellant wanted to know the status of writ petition no 1728 of 2005 and how much time was likely to take it before the Board for final hearing. The appellant has been advised to move before the Hon'ble High Court for early hearing of the matter. RTI Act ensures furnishing of available information and answers to queries are not expected. Facts have been communicated to the appellant. I therefore conclude that information has been furnished.

Order

The appeal is disposed off.

(Ramanand Tiwari)
State Information Commissioner, Mumbai

Place: Mumbai
Date: 30.11.2009.

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

Appeal No.2008/3582/02

**Shri. Yogesh Vilas Rajgude
59/503, B Wing, 5th Floor,
Nehru Nagar, Kurla (E),
Mumbai – 400 024.**

... Appellant

V/s

**First Appellate Office cum Professor
Mahatma Phule Education Soc.,
Dr. K.M. Vasudevan Pillai's Campus,
10, Sector 16, New Panvel,
Navi Mumbai.**

... Respondent

**Public Information Officer,
Mahatma Phule Education Soc.,
Dr. K.M. Vasudevan Pillai's Campus,
10, Sector 16, New Panvel,
Navi Mumbai.**

GROUND

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant had sought copies of answer books in respect of operating system computer Graphics and DLDA.

Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant filed this second appeal before the Commission. The appeal was heard on 04.11.2009. Appellant was present but the respondents was absent.

Case papers reveal that the appellant has been informed by the institute's letter dated 07.09.2009. The procedure prescribed the university has to be followed.

Order

The appeal is filed.

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

Place: Mumbai
Date: 30.11.2009.

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

Appeal No.2008/3565/02

Shri. Dr. Milind V. Nagarkar
C/202, Yashopuram Vasant CHS Ltd,
Ghaate Aali, Opp. Dandekar Hospital,
Panvel 410 206.

... **Appellant**

V/s

First Appellate Office cum Dy Secretary
Law & Judiciary,
Mantralaya, Mumbai – 400 032.

... **Respondent**

Public Information Officer cum Desk Officer
Law & Judiciary,
Mantralaya, Mumbai – 400 032.

GROUNDS

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant by his application dated 17.02.2009 had sought information relating to his complaint made to the JMFC, Uran as RC 06/2008 on 23.01.2008 in the matter of section 3 and 4 of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant filed this second appeal before the Commission. The appeal was heard on 13.11.2009. The appellant did not turn up but the respondent was present.

The appeal relates to a judicial proceedings and does not constitute information as such. Case papers show that the appellant has been informed. I therefore pass the following order.

Order

The appeal is disposed off.

(Ramanand Tiwari)
State Information Commissioner, Mumbai

Place: Mumbai
Date: 30.11.2009.

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

Appeal No.2008/3747/02

**Shrimati. Aruna Tavde
6-1A/13 Panchganga CHS,
Film City Rd. Goregaon,
Mumbai – 400 065.**

... **Appellant**

V/s

**First Appellate Office cum Education Inspector
Office of the South Ward,
Topiwadalane, Municipal School Bldg,
Gant Rd, Mumbai – 400 007.**

... **Respondent**

**Public Information Officer cum Principal
Yusuf Meherali Vidyalaya,
Taddeo, Mumbai – 400 034.**

GROUND

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant had sought information relating to Yusuf Meherali School Vidyalaya, Tulsiwadi Taddeo. Mumbai. She had sought information regarding appointment of Mr.Chudhary as Principal, correspondence between Smt. Vandana Goregaonkar and the Inspector of schools Bank account of the school and related matters.

Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant filed this second appeal before the Commission. The appeal was heard on 16.11.2009.

It appears from case papers that a lot of information has been furnished. There has been some delay which could have been avoided. The appellant's complaint that names of the First Appellate Authority was not communicated to her needs to be taken seriously.

After going through the case papers and considering the arguments advanced by parties I have come to the conclusion that although information has been furnished, there have been procedural and technical lapses. The school administration is warned to be more transparent and procedurally correct in future. I close the case as information has been furnished.

Order

The appeal is disposed off.

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

Place: Mumbai
Date: 30.11.2009.

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

Appeal No.2008/3748/02

Shri. Khurshid Alam Siddik Ali Sheik
Opp. Plot No.26/K/46-47, (Rd No.2)
Shivaji Nagar, Govandi, Mumbai – 400 043.

... Appellant

V/s

First Appellate Office cum Joint Commissioner
Municipal Corporation of Greater Mumbai,
Room No.300, Third Floor,
Fort, Mumbai – 400 001.

... Respondent

Public Information Officer,
Municipal Corporation of Greater Mumbai,
Room No.300, Third Floor,
Fort, Mumbai – 400 001.

GROUNDS

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant had sought information regarding settlement of those affected by training of Refinagar nalla. He has been allotted a pitch but some other affected persons have been allotted tenements. He wants a tenement in lieu of a pitch.

Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant filed this second appeal before the Commission. The appeal was heard on 16.11.2009. The appellant did not turn up but the respondent was present.

It is seen from record that the appellant has been raising the same issue time and again. I have already dealt with two of his appeals and passed appropriate order. It is also seen that the Chief Information Commissioner, Maharashtra has also passed his order dated 24.03.2009. I am therefore of the view that no useful purpose will be served by passing another order on the same issue. I therefore pass the following order.

Order

The appeal is dismissed.

(Ramanand Tiwari)
State Information Commissioner, Mumbai

Place: Mumbai
Date: 30.11.2009.

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

Appeal No.2008/3738/02

**Shri. Bhumit Thakur
65/520, Sidharth Nagar, Rd No.13,
Goregaon (W), Mumbai – 400 104.**

... **Appellant**

V/s

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

... **Respondent**

**Public Information Officer,
Grihanirman Bhavan, Kala Nagar,
Bandra (E), Mumbai – 400 051.**

GROUND

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant by his application dated 22.06.2009 had sought the following information: -

List of holders of galas during 2006-2007 in Sidharth Nagar, Patra Chawl, Goregaon (W). He had also requested for copies of the last rent receipt issued to them with date and no.

Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant filed this second appeal before the Commission. The appeal was heard on 16.11.2009. Appellant was present but the respondent was absent.

The appellant has contended that he has not been furnished the required information. Since respondent was not present it could not be verified. Case papers however show that the First Appellate Authority by his order dated 24.08.2009 directed the PIO to furnish the information within 15 days. This does not seem to have been complied. I therefore pass the following order.

Order

The PIO is directed to show cause why action under section 20 of the RTI Act 2005 should not be taken against him not furnishing the information as directed by the First Appellate Authority. His reply to reach the commission within 4 weeks.

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

Place: Mumbai
Date: 30.11.2009.

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

Appeal No.2008/3636/02

**Shri. Harishchandra J. Mhatre
A/5, Lane No.8, Sector No.9,
CBD Belapur, Navi Mumbai.**

... Appellant

V/s

**First Appellate Office cum Asstt. Commissioner
Municipal Corporation of Greater Mumbai,
Office of the L Ward, L Y Market,
S.G. Barve Marg, Kurla, Mumbai – 400 070.**

... Respondent

**Public Information Officer cum Asstt Engineer (B & F)
Municipal Corporation of Greater Mumbai,
Office of the L Ward, L Y Market,
S.G. Barve Marg, Kurla, Mumbai – 400 070.**

GROUND

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant by his application dated 14.06.2008 had sought information regarding action taken against the office bearers of the society for not taking enough care to shift the water tank from the present position to avoid contamination.

Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant filed this second appeal before the Commission. The appeal was heard on 17.11.2009. The appellant did not turn up but the respondent was present.

The appellant has contended that PIO did not transfer the part of the information related to other departments. The First Appellate Authority after a month directed him to other departments. The respondents had no credible answer. I therefore pass the following order.

After going through the case papers and considering the arguments advanced by parties I have come to the conclusion that the procedure prescribed in the RTI Act has not been followed. The appellant is correct in pointing out that his application or the part of the application which did not to the PIO should have been transferred to the departments

concerned. It simply means that the matter has not been taken seriously. I therefore pass the following order.

Order

The PIO to correct the mistake committed by him in not transferring appellant's application to departments concerned. He is also cautioned to follow the provision of the RTI Act.

(Ramanand Tiwari)
State Information Commissioner, Mumbai

Place: Mumbai
Date: 30.11.2009.

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

Appeal No.2008/3629/02

**Shri. Ishwarrao D Hankare
Kuvari Bldg.,
Shankarrao Chowk, Kalyan (W),
Dist. Thane.**

... Appellant

V/s

**First Appellate Office cum Dy Secretary
Home Deptt.,
Mantralaya, Mumbai – 400 032.**

... Respondent

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

GROUND

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant had sought the information regarding action taken on the complaint of Shri Nathu Kalu Ankush and copies of relevant documents.

Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant filed this second appeal before the Commission. The appeal was fixed for hearing on 17.11.2009. Appellant and respondent were absent.

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

Order

PIO to furnish information within 30 days under intimation to the commission.

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

Place: Mumbai
Date: 30.11.2009.

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

Appeal No.2008/3638/02

**Shri. Harishchandra J. Mhatre
A/5, Lane No.8, Sector No.9,
CBD Belapur, Navi Mumbai.**

... Appellant

V/s

**First Appellate Office cum Asstt. Commissioner
Municipal Corporation of Greater Mumbai,
Office of the L Ward, L Y Market,
S.G. Barve Marg, Kurla, Mumbai – 400 070.**

... Respondent

**Public Information Officer cum Asstt Engineer (B & F)
Municipal Corporation of Greater Mumbai,
Office of the L Ward, L Y Market,
S.G. Barve Marg, Kurla, Mumbai – 400 070.**

GROUND

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant by his application dated 25.05.2007 had sought information relating to the action taken against Shri R.N. Ashtekar for indulging into unauthorized construction. The appellant wanted to know what action has been taken in pursuance of the notice issued under section 351 of the MMC Act.

Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant filed this second appeal before the Commission. The appeal was fixed for hearing on 17.11.2009. Appellant and respondent were absent

The case papers show that no information has been furnished although the First Appellate Authority by his order dated 13.02.2009 had directed that the appellant should take necessary inspection and directed the PIO to follow up the notice issued under 351 of the MMC Act.

After going through the case papers and considering the arguments advanced by parties I have come to the conclusion that information has not been furnished. The case has remained pending for a long time. I therefore issue the following order.

Order

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

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

Place: Mumbai
Date: 30.11.2009.

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

Appeal No.2008/3750/02

**Shri. Swapnil Gaikwad
139/4117 Kannamwar Nagar-2,
Vikroli (E), Mumbai – 400 083.**

... Appellant

V/s

**First Appellate Office cum Dy Divisional Officer
Office of the District Mumbai Suburban,
Administrative Bldg, Bandra (E),
Mumbai – 400 051.**

... Respondent

**Public Information Officer cum Tahsildar
Kurla Topiwala College Bldg,
Mulund (W), Mumbai – 400 080.**

GROUND

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant by his application dated 09.03.2009 had sought information regarding his application sent to the tahsildar (Encroachment Removal) Kurla. He wanted to know what action was taken on his application.

Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant filed this second appeal before the Commission. The appeal was heard on 13.11.2009. Appellant and respondents were present.

The appellant has contended that no information has been furnished to him and he has not been told what action was taken on his application. Respondent submitted that the appellant is having a tea stall on MHADA's land since 1982. Since the land belonged to MHADA there was nothing which he could do.

After going through the case papers and considering the arguments advanced by parties I have come to the conclusion that information has been furnished. The appellant wants his encroachment to be regularized and the tahsildar says he had no role to play under these circumstances the commission is of the view that the case deserves to be closed. I therefore pass the following order.

Order

The appeal is disposed off.

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

Place: Mumbai
Date: 30.11.2009.

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

Complaint No.2009/1048/02

**Shri. Vilas Jadhav
206, Mulund Mayur Cooperative Housing Soc.,
MHADA Colony, Mulund (E),
Mumbai – 400 081.**

... **Complainant**

V/s

**Public Information Officer cum Administrator
Mulund Mayur Cooperative Housing Soc.,
MHADA Colony, Mulund (E),
Mumbai – 400 081.**

... **Respondent**

GROUNDS

This complaint has been filed under section 18 of the Right to Information Act 2005 in the context of the commission's orders dated 16.10.2008 passed in appeal no.2008/1047 and 1047/02.

Not satisfied with responses from the Public Information Officer and First Appellate Authority the complainant filed the second appeal before the commission. The appeal was heard on 16.10.2008. The commission by its above order directed that information should be furnished within 15 days. The present complaint is against alleged non compliance of the commission's order. The complaint was heard on 13.11.2009. The complaint was present but the defendant remained absent. I therefore pass the following order.

Order

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

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

Place: Mumbai
Date: 30.11.2009.

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

Appeal No.2008/3740/02

Shri. Anand Samant
1/B, Mandar, Pandurangwadi Marg,
No.7, Goregaon (E), Mumbai – 400 063.

... **Appellant**

V/s

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

... **Respondent**

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

GROUNDS

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant by his application dated 06.03.2009 had sought information regarding handing over and taking over of charge by the asstt assessor & collector, P/South Ward. The First Appellate Authority by his order dated 17.06.2009 informed the appellant that no officer was posted from 21.12.2007 to 15.01.2008 which means the post was vacant. The appellant states that this contradicts the information furnished by Shri Pathare the PIO.

Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant filed this second appeal before the Commission. The appeal was heard on 16.11.2009. Appellant and respondents were present.

It is not clear what information has been sought by the appellant. If the idea is to point out contradiction, he can use this contradiction to his benefit. He is free to draw adverse inference from the information furnished to him. I am of the view that no clear information has been sought.

I therefore decide to close the case.

Order

The appeal is disposed off.

(Ramanand Tiwari)
State Information Commissioner, Mumbai

Place: Mumbai
Date: 30.11.2009.

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

Appeal No.2008/3754/02

**Shrimati. Anandi Ramchandran
B. No.29/A22, Takshila,
2nd Floor, Mahakali Cave Rd,
Andheri (E), Mumbai – 400 093.**

... **Appellant**

V/s

**First Appellate Office cum Executive Engineer
Municipal Corporation of Greater Mumbai,
K/East Ward, Azad Rd, Gundavli, Andheri (E),
Mumbai – 400 069.**

... **Respondent**

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

GROUND

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant by his application dated 14.07.2009 had sought information relating to some unauthorized construction by MR. Phatnani in his flat at Takshila, Mahakali Cave Rd, Andheri (E), Mumbai. The appellant wanted to know what action has been taken against Shri Phatnani.

Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant filed this second appeal before the Commission. The appeal was fixed for hearing on 17.11.2009.

Case papers reveal that the appellant has filed more than one application / appeal on the same issue. One such case has already been decided by the commission and the PIO was required to inform the appellant as to what action had been taken. There is no point in passing any order in this case. I therefore close the case. It is however ordered that the PIO should inform the commission. Whether he has complied with the commission's order dated 30.07.2009 in appeal no 2009/2845/02. His reply to reach the commission within 4 weeks failing which action under section 20 of the RTI Act will be initiated.

Order

The appeal is disposed off.

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

Place: Mumbai
Date: 30.11.2009.

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

Appeal No.2008/3746/02

**Shrimati. Aruna Tavde
6-1A/13 Panchganga CHS,
Film City Rd. Goregaon,
Mumbai – 400 065.**

... Appellant

V/s

**First Appellate Office cum Asstt Commissioner
Municipal Corporation of Greater Mumbai,
D Ward, Nana Chowk, Mumbai – 400 007.**

... Respondent

**Public Information Officer cum Principal
Yusuf Meherali Vidyalaya,
Taddeo, Mumbai – 400 034.**

GROUNDS

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant by his application dated 28.04.2009 had sought information relating to grants received by Yusuf Meherali Memorial Education Society under Sarva Shiksha Abhiyan. The appellate had sought details like Bank balance, decision making process, audit Budget Estimates and utilization of grants.

Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant filed this second appeal before the Commission. The appeal was heard on 16.11.2009. Appellate and respondents were present.

The appellant has contended that she has not been given correct information. Even the name of the First Appellate Authority was not communicated. The information furnished was misleading.

The respondent's contention is that whatever information was available has been furnished. It was submitted by them that no attempt was made to deny the information or mislead the appellant.

After going through the case papers and considering the arguments advanced by parties I have come to the conclusion that available information has been furnished. The appellant was not satisfied and raised supplementaries. I would like to clarify that the

RTI Act ensures furnishing of available information. This can be used as a tool/weapon to get things corrected if the information reveals omissions or commissions. The commission however is not mandated to correct omissions / commissions if any I see no attempt to deny or delay the information sought. I therefore pass the following order.

Order

The appeal is disposed off.

(Ramanand Tiwari)
State Information Commissioner, Mumbai

Place: Mumbai
Date: 30.11.2009.

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

Appeal No.2008/3611/02

**Shri. Shaikh Abdul Naeem Abdul Karim
Taloja Central Presume, U.T. No.31,
Anda Sale No.3, Post-Khargar, Dist. Raigad,
Navi Mumbai – 410 210.**

... Appellant

V/s

**First Appellate Office cum Dy Police Commissioner
Asstt Police Commissioner, Office of the ATS,
Nagpada, Mumbai – 400 008.**

... Respondent

**Public Information Officer cum Asstt Police Commissioner
Asstt Police Commissioner, Office of the ATS,
Nagpada, Mumbai – 400 008.**

GROUNDS

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant by his application dated 20.04.2009 had sought information: -

1. Date, timing, place of interrogation of Shaikh Andul Naeem Shaikh Abdul Karim in Kolkatta April 2007 by PI Deshmush attached to ATS in Spl. MCOC Case No.16/06.
2. Date and timing on which Shaikh Abdul Naeem was taken to Bangalore for the purpose of Narco analysis ATS in Spl. MCOC Case No.16/06.
3. Question, answers asked in Narco analysis and Brain Mapping, Polygraph test report and full Video recording of the doctors Polygraph, Brain Mapping and Narco analysis tests conducted on which Shaikh Abdul Naeem in Spl. MCOC Cas No.16/06 by FSL Bangalore.
4. Timing of Shaikh Abdul Naeem was kept in ATS lockup at Kala Chowki after arriving by flight from Bangalore.
5. Medical records of Shaikh Abdul Naeem during the period of my custody in ATS Mumbai in 2007.

Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant filed this second appeal before the Commission. The appeal was heard on 06.11.2009. The appellant did not turn up but the respondent was present.

Case papers reveal that information on point no 1 has been furnished. Information on point no 2 has been denied under section 8 of the RTI Act 2005. The appellant has been advised to collect information from KEM Hospital on point no 3. The respondent submitted that available and admissible information has been furnished

After going through the case papers and considering the arguments advanced by parties I have come to the conclusion that available and admissible information has been furnished. The commission is of the view that the orders passed by the PIO and the First Appellate Authority need no interference. I therefore pass the following order.

Order

The appeal is disposed off.

(Ramanand Tiwari)
State Information Commissioner, Mumbai

Place: Mumbai
Date: 30.11.2009.

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

Complaint No.2009/399/02

**Shri. Kishor L. Naik
M/S Hotel Vishavbharat,
3, 4, 5, Raghuraj Bhuvan,
Gokhale Rd (E), Mumbai – 400 025.**

... **Complainant**

V/s

**Public Information Officer cum Medical Health Officer
Municipal Corporation of Greater Mumbai
G/North Division Office, Dadar (W),
Mumbai – 400 028.**

... **Respondent**

GROUND

This complaint has been filed under section 18 of the Right to Information Act 2005 in the context of the commission's order dated 20.04.2009 passed in appeal no.2008/2325/02. The facts in brief are as follows: - The present complainant had sought information regarding the tea stall being run from his premises despite the fact that he was paying full rent for the whole premises. He wanted copies of documents which formed the basis for grant of the licence.

Not satisfied with responses from the Public Information Officer and First Appellate Authority the complainant filed appeal under section 19(3) of the RTI Act, 2005. The commission by its order dated 20.04.2009 directed that information should be furnished within 30 days. The present complaint is against alleged non compliance of commission's order.

The complaint was heard on 12.11.2009. The complainant was present but the defendant was absent.

The complainant has stated that he was not provided with the required information despite commission's order. Since the defendant was not there it could not be verified. The case papers do not show that the commission's order has been complied. I therefore pass the following order.

Order

The PIO to show cause why he should not be fined @ Rs.250/- per day for not furnishing the information in compliance of the commission's order dated 20.04.2009. His reply to reach the commission within 4 weeks.

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

Place: Mumbai
Date: 30.11.2009.

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

Complaint No.2009/167/02

**Shri. Pravin Gajanan Chiplunkar
Room No.8, Jari Mari Mata Cortege,
Malavani Church, Morve Rd,
Malad (W), Mumbai – 400 095.**

... **Complainant**

V/s

**Public Information Officer,
Municipal Corporation of Greater Mumbai
P/North Ward, Liberty Garden,
Malad (W), Mumbai – 400 064.**

... **Respondent**

GROUNDS

This complaint has been filed under section 18 of the Right to Information Act 2005 in the context of the commission's order dated 27.08.2008 passed in appeal no.2008/281/02. The facts in brief are as follows: - The present complainant had sought information regarding illegal filling of land belonging to Govt. He was informed by the PIO that action has been taken under MRTP Act against 6 persons. The complainant verified with the police and was told that no offence was registered against persons at 3 to 6. The complainant stated that he was given misleading information by the PIO.

Not satisfied with responses from the Public Information Officer and First Appellate Authority the complainant filed appeal under section 19(3) of the RTI Act, 2005. The commission by its order dated 27.08.2008 directed that information should be furnished within 45 days. The present complaint is against alleged non compliance of commission's order.

The complaint was heard on 25.09.2009. The complainant was present but the defendant was absent.

The complainant has stated that he has not been given the information as directed by the commission. Since the defendant was absent, it could not be verified. I therefore pass the following order.

Order

The PIO to show cause why he should not be fined @ Rs.250/- per day for not furnishing the information in compliance of the commission's order dated 27.08.2008. His reply to reach the commission within 4 weeks.

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

Place: Mumbai
Date: 30.11.2009.

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

Complaint No.2009/450/02

**Shri. Dayanand Mahadev Chaudhry
204, Devdharshan Yashvant Nagar,
Vakola Pipe Line, Santacruz (E),
Mumbai – 400 055.**

... **Complainant**

V/s

**Public Information Officer cum Superintend
Panchayat Samiti Kudal, Post Kudal,
Ta. Kudal, Dist. Sindhudurg.**

... **Respondent**

GROUNDS

This complaint has been filed under section 18 of the Right to Information Act 2005 in the context of the commission's order dated 16.05.2009 passed in appeal no.2008/39/02. The facts in brief are as follows: - The complainant filed appeal before the commission as the PIO did not furnish him the complete information as directed by the First Appellate Authority. The complainant had sought information regarding filing of criminal case against Walawal Village Panchayat in Sindhudurg district.

Not satisfied with responses from the Public Information Officer and First Appellate Authority the complainant filed appeal under section 19(3) of the RTI Act, 2005. The commission by its order dated 16.05.2008 directed that information should be furnished within 30 days. The present complaint is against alleged non compliance of commission's order.

The complaint was heard on 27.10.2009. Complainant has made written submission. He states that he was not only denied the information but was misled deliberately. The defendant submitted that available information was furnished. It has been submitted that the main thrust of the complaint was that why no action was taken. Since action was not taken, no information was furnished.

After considering the arguments advanced by parties and going through the file I have come to the conclusion that the complainant has been informed what action was taken.

The complaint is not so much about information but lack of desired action. If no action was taken, the information is bound to be nil. Whether action should have been taken if not taken what punitive measures should be taken cannot be dictated by the commission. It is for the administrative Deptt to take cognizance of lapse if any. The commission concludes that the complainant has been informed.

Order

The complaint is filed.

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

Place: Mumbai

Date: 30.11.2009.

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

Appeal No.2008/3550/02

Shri. Nimish R. Shah

6, Gunbow Street (Rustom Sidhwa Marg),

7, Mangrol Mansion, Fort,

Mumbai – 400 001.

... Appellant

V/s

First Appellate Office cum Dy Police Commissioner

Zone-2, Mumbai.

... Respondent

Public Information Officer cum Asstt Police Commissioner

South Divisional Ward, Mumbai.

GROUND

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant by his application dated 29.06.2009 had sought copies of the original letters with remarks and leaf notes on letters dated 13.06.2002 (in Marathi) and 14.10.2002 (In English) to Commissioner of Police, Mumbai.

Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant filed this second appeal before the Commission. The appeal was heard on 05.11.2009. Appellant and respondents were present.

The appellant has contended that he has not received the required information. The appellant stated that these documents were likely to through light on the directions given by the highest authority to the sub ordinates which have not been obeyed not executed. The respondent has submitted that the Public Information Officer had furnished the information. The First Appellate Authority his order dated 26.08.2009 modified the order and directed to cheqk the outward register in the office of the Police Commissioner and inward register of the Police Station and inform the appellant accordingly. This order was carried out and it was concluded that the letters were not on record. The appellant has been kept informed.

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

Order

The appeal is disposed off.

(Ramanand Tiwari)
State Information Commissioner, Mumbai

Place: Mumbai
Date: 30.11.2009.

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

Complaint No.2009/223/02

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

... Complainant

V/s

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

... Respondent

GROUND

This complaint has been filed under section 18 of the Right to Information Act 2005. The complainant had sought information regarding action taken by the defendant against his tenants for unauthorized construction of mezzanine floors.

Not satisfied with responses from the Public Information Officer and First Appellate Authority the complainant filed an appeal before the commission. The commission by its order dated 14.08.2008 disposed of the appeal.

The complaint was heard on 18.11.2009. Complainant and defendants were present. Since the commission has already disposed off the appeal, there can be no complaint. The complaint therefore is filed.

Order

The complaint is filed.

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

Place: Mumbai
Date: 30.11.2009.

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

Complaint No.2009/430/02

**M/s Riddhi Siddhi Safe Deposit Vault Pvt. Ltd.
Property, Rubyhill, 45/47/49/51/89/91,
Ridge Rd & 164 Walkeshwar Rd,
Mumbai – 400 006.**

... Complainant

V/s

**Public Information Officer cum Medical Officer
Municipal Corporation of Greater Mumbai,
D Ward, Jobenputra Compound,
Nann Chowk, Mumbai – 400 007.**

... Respondent

GROUND

This complaint has been filed under section 18 of the Right to Information Act 2005 in the context of the commissions order dated 28.08.2008 passed in appeal no 2008/707/02.

Not satisfied with responses from the Public Information Officer and First Appellate Authority the complainant filed an appeal before the commission. The commission passed its order dated 28.08.2008.

The present complaint is against alleged non compliance of the commission's order. The complaint was heard on 12.11.2008. Complainant and Defendant were present. The complainant has stated that the commission's order has not been complied. The defendant submitted that since a copy of the partnership deed could not be retrieved, the same could not be furnished.

After going through the case papers and considering the arguments advanced by parties it is clear that the information has not been furnished. It also means that the shop and establishment department issued licence in the names of Shri Ramchandra Bhiru Shirke and Nemchand Harakhchand without proper documents. The complainant can draw adverse inference and approach the competent authority for redressal of his grievance. The commission is not mandated to redress grievances under these circumstances the complaint will have to be filed. I therefore pass the following order.

Order

The complaint is filed.

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

Place: Mumbai
Date: 30.11.2009.

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

Appeal No.2008/3568/02

**Shri. Hemant Yashvant Samant
Sadyana, Vaibhav Bldg,
Opp. Kasturi Plaza,
Dombivali (E) 421 201.**

... **Appellant**

V/s

**First Appellate Office cum Dy Secretary
Urban Development,
Mantralya, Mumbai – 400 032.**

... **Respondent**

**Public Information Officer cum Desk Officer (12)
Urban Development,
Mantralya, Mumbai – 400 032.**

GROUND

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant by his application dated 25.04.2009 had sought information relating EPS in the Development Plan of Kalyan Dombivali Municipal Corporation (Sector-1 and Sector-2). The PIO by his letter dated 29.05.2009 informed the appellant that since final decision has not been taken information could not be furnished. The First Appellate Authority confirmed the order but directed that a copy of Deputy Director's report be given to the appellant.

Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant filed this second appeal before the Commission. The appeal was heard on 13.11.2009. The appellant did not turn up but the respondent was present.

Case papers reveal that although final decision has not been taken but the First Appellate Authority directed that a copy of the report received from the Deputy Director Town Planning be given to the appellant. Since no final decision has been taken and as copy of the report has been ordered to be given the case deserves to be closed. I therefore pass the following order.

Order

The appeal is disposed off.

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

Place: Mumbai
Date: 30.11.2009.

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

Appeal No.2008/3589/02

Shri. Ajay Marathe
504/ New Sarvodhya Housing Board,
Sector 4, Flat No.29 B,
Vashi, Navi Mumbai – 400 703.

... **Appellant**

V/s

First Appellate Office cum Dy Police Commissioner
Zone 2, Sir J.J. Marg, Nagpada, Mumbai.

... **Respondent**

Public Information Officer cum Assitt Police Commissioner
South Divisional Ward, Mumbai.

GROUND

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant by his application dated 22.05.2009 had sought information relating to the arrest of RTI activists from the office of the Chief Information Commissioner, Maharashtra.

Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant filed this second appeal before the Commission. The appeal was heard on 04.11.2009. Appellant and respondents were present.

Parties heard. Case papers show that relevant information has been furnished. I therefore pass the following order.

Order

The appeal is disposed off.

(Ramanand Tiwari)
State Information Commissioner, Mumbai

Place: Mumbai
Date: 30.11.2009.

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

Appeal No.2008/3610/02

**Shri. Pandurang B. Benke
801/B, Rajeshri Tower,
Near Pratap Cinema,
Kolbad, Thane (W), 400 601.**

... Appellant

V/s

**First Appellate Office,
Office of the Executive Engineer,
PWd Department, 3rd Floor,
Old Custom House, Mumbai – 400 023.**

... Respondent

**Public Information Officer cum Dy Engineer
Office of the Executive Engineer,
PWd Department, 3rd Floor,
Old Custom House, Mumbai – 400 023.**

GROUNDS

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant by his application dated 13.10.2008 had sought information relating to G.T & Cama Hospital and Govt. quarters in the Vicinity. The PIO and the First Appellate Authority ordered inspection of documents.

Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant filed this second appeal before the Commission. The appeal was heard on 06.11.2009. Appellant and respondents were present.

It was decided that the respondents will facilitate inspection of relevant documents on 25.11.2009 at 11 AM. Both parties agreed. The is therefore closed.

Order

The appeal is disposed off.

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

Place: Mumbai
Date: 30.11.2009.

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

Appeal No.2008/3745/02

**Shri. Sharad Morarka
Satellite Gardens Phase 'II' 'N' Wing,
Film City Rd, Flat No.301, Goregaon,
Mumbai – 400 063.**

... Appellant

V/s

**First Appellate Office,
Finance Department,
Mantralaya, Mumbai – 400 023.**

... Respondent

**Public Information Officer,
Finance Department,
Mantralaya, Mumbai – 400 023.**

GROUNDS

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant by his application dated 20.10.2009 had sought information relating to his letter to the Hon Chief Minister of Maharashtra suggesting to consider his proposal which could generate trillions of rupees for the Govt. The appellant had also asked for a consultation fee of 0.25% on the revenue generated.

Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant filed this second appeal before the Commission. The appeal was fixed for hearing on 16.11.2009. Appellant and respondents were absent.

Case papers reveal that the appellant's letter was sent to the Finance Deptt. The Finance Deptt replied that the appellant had not submitted any proposal and the department does not give consultancy for such schemes. It is clear that the appellant has not sought any information as such. I therefore pass the following order.

Order

Appeal is dismissed.

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

Place: Mumbai
Date: 30.11.2009.

