

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

**Appeal No.2009/3337/02**

**Shri. R.P Yajurvedi (Rao)  
302/A Nav Aasawari CHS Ltd,  
182, J.B. Nagar, Andheri (E),  
Mumbai – 400 059.**

**... Appellant**

**V/s**

**First Appellate Officer,  
Office of the Executive Health Officer,  
Public Health Dept,  
F/South Ward Bldg, 3<sup>rd</sup> Floor,  
Dr. Ambedkar Rd, Parel, Mumbai.**

**... Respondent**

**Public Information Officer,  
Office of the Medical Officer for Health,  
MCGM, Andheri, K/E Ward Office,  
Gundavali Office, Andheri (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 08.05.2009 had sought the following information: -

- a) Certified Xerox copy of the death certificate issued by Smt. Savita K Gupta who died on 14.02.2009.
- b) Certified Xerox copy of the Post mortem report if any attached with the application or documents submitted for permission for cremation of Smt. Savita K Gupta at said crematorium on 14.02.2009.
- c) Certified copy of Registered Medical Practitioner who certified the cause of Death and issued certificate.
- d) Cause of death registered at the MCGM records. State as from records.

Not satisfied with responses form the Public Information Officer and the First Appellate Authority the appellant filed this second appeal before the Commission. The appeal was heard on 30.09.2009. Appellant and respondents were present.

The appellant has contended that he has not been furnished the required information respondent's contention is that while a copy of the death certificate could be

obtained. The information regarding cause of death being confidential cannot be revealed. He has also cited section 17 (1) (B) of the Registration of Birth and Death Act, 1969 Prohibiting disclosure of the cause of death.

After going through the case papers and considering the arguments advanced by parties I have come to the conclusion that the most crucial point is whether the cause of death could be disclosed under the RTI Act. It is well known that the concept of confidentiality has undergone drastic change after coming into force of the RTI Act. The Act aims at bringing both transparency and accountability. The reason behind keeping the cause of death confidential is no longer valid. The RTI Act virtually supercedes other acts and the only exceptions are information contained in section 8 & 9 of the RTI Act. I therefore pass the following information.

**Order**

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

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

Place: Mumbai  
Date: 05.10.2009.

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

**Appeal No.2009/3339/02**

**Shri. Jayesh Shantaram Zagade  
Namdev Ragunath Rahate  
2/6, Doshi Estate, Sunder Baug,  
Indira Nagar, Kamani-Kurla (W),  
Mumbai – 400 070.**

**... Appellant**

**V/s**

**First Appellate Officer,  
SRA, 5<sup>th</sup> Floor,  
Grihanirman Bhavan,  
Bandra (E), Mumbai.**

**... Respondent**

**Public Information Officer cum Nayab Tahsildar  
SRA, 5<sup>th</sup> Floor,  
Grihanirman Bhavan,  
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 11.02.2009 had sought information relating to Salpadevi Sadan Cooperative Housing Society. The appellant wanted to have copies of documents which formed the basis of allotment of a flat to Shri Rajesh Dattaram Zagade.

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 30.09.2009. Appellant was present but respondent was absent.

The appellant has contended that he has not been furnished the required information. Since the respondent remained absent it could not be verified. It is however seen from case papers that the documents are not traceable.

After going through the case papers and listening to the appellant I have come to the conclusion that information has not been furnished. It is not enough to say that documents are not available. If somebody has been allotted a flat he must have produced

/ submitted some documents to prove his eligibility. It is necessary that documents are searched and desired information is furnished to be appellant

**Order**

The appeal is allowed. Information to be furnished by PIO within 45 days.

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

Place: Mumbai  
Date: 05.10.2009.

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

Appeal No.2009/3287/02

**Shri. Vijay Khernar**  
**A-51 Janta Colony,**  
**Jagruti-Saloon,**  
**Behind Jagruti Hanuman Mandir,**  
**Worli, Mumbai – 400 030.**

... **Appellant**

V/s

**First Appellate Officer cum Asstt Commissioner**  
**Municipal Corporation,**  
**G/North Ward, N.M. Joshi Marg,**  
**Parel, Mumbai – 400 013.**

... **Respondent**

**Public Information Officer cum Colony Officer**  
**Municipal Corporation,**  
**G/North Ward, N.M. Joshi Marg,**  
**Parel, Mumbai – 400 013.**

**GROUND**

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant by his application dated 21.02.2009 has sought information relating to Shri Sidhisagar (SRA) Cooperative Housing Society on Cs No.209 (Part) 224 (Part) 226 (Part) 225 (Part) 231 (Part) 232 (Part) and 991 (Part). He wanted to know when was the pocket declared slum and a copy of the notification.

Not satisfied with 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 24.09.2009. Appellant and respondents were present.

It appears from case papers that the PIO his letter dated 23.04.2009 informed the appellant that information was enclosed with this letter. The appellant however stated that the information was not enclosed. The First Appellate Authority also directed that the information which was not enclosed should be furnished to the appellant. The fact that the appellate had to come in the second appeal means that information has not been furnished. I therefore pass the following order.

**Order**

The appeal is allowed. PIO to furnish information within 15 days failing which action under section 20 of the RTI Act will be initiated against him.

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

Place: Mumbai  
Date: 05.10.2009.

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

**Appeal No.2009/2844/02**

**Shri. Narendra B. Chandan  
1, Shriniwas Vihar, Navghar First Lane,  
Mulund (E), Mumbai – 400 081.**

... **Appellant**

V/s

**First Appellate Officer cum Commissioner  
Commissionerate of State Excise & Prohibition SEP,  
Maharashtra State Old Custom House, Fort,  
Near Horniman Circle, Mumbai – 400 001.**

... **Respondent**

**Public Information Officer cum Jt. Commissioner  
Commissionerate of State Excise & Prohibition SEP,  
Maharashtra State Old Custom House, Fort,  
Near Horniman Circle, 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 03.10.2007 has sought the following information: - The Commissioner for State Excise had passed an order in appeal no 30/2007. The commissioner while rejecting his appeal had relied on certain documents. He has sought copies of those documents or information relating to those documents. He wanted to know who enquired into his application and a copy of who enquired into his application and a copy of the enquiry report, copies of govt. orders issued for revalidation of license during 1973-89 suspension of new FL II licenses during 1975-89 and whether they were notified in the Gazette.

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 01.09.2009. Appellant and respondents were present.

The appellant has contended that he has not been furnished with completed information. The respondent has submitted that available information has been furnished. The issue is pretty old and the case has gone up and come down so many times.

I have gone through the case papers and considered the arguments advanced by parties. It is seen that the PIO by his letter dated 27.11.2007 has attempted to furnish pointwise information. The appellant does not seem to be satisfied. The respondent he has furnished all that he had under these circumstances the only way out is to inspect the whole file. The otherway could be to draw adverse inference. In any case the case is pending before the Govt. I would therefore conclude that available information has been furnished but appellant is free to ask for inspection of the file. I therefore pass the following order.

**Order**

The appeal is allowed. Inspection of relevant files to be allowed.

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

Place: Mumbai  
Date: 05.10.2009.

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

**Appeal No.2009/3334/02**

**Shri. A. N. Giri  
M/s M.P. Vashi & Associate,  
13, Shrinath Bhuvan,  
27, Picket Cross Rd, Mumbai – 400 002.**

**... Appellant**

**V/s**

**First Appellate Officer cum Executive Engineer  
Division – 1, MIDC,  
Thane.**

**... Respondent**

**Public Information Officer cum Dy. Executive Engineer  
Marol Sub – Div. Andheri (E),  
Mumbai – 400 093.**

**GROUNDS**

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant by his application dated 22.01.2009 has sought certified copy of appeal memo and documents produced by Pushpa Gupta & Farukh M Khan, whose names are mentioned at Sr No 364 in annexure II prepared in connection with redevelopment of pocket no 5, Bhimnagar, Central Rd, MIDC, Andheri (E), Mumbai.

Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant filed this second appeal before the Commission. The appeal was heard on 30.09.2009. Appellant and respondents were present.

The appellant has contended that no documents have been furnished. The first appeal was allowed, however no order and direction was given to the Public Information officer to furnish documents which were requested.

The respondent's contention is that these documents were not traceable and hence information could not be furnished. However a copy of the affidavit by Shir Khan relinquishing his rights in favour of Mrs Pusha Gupta has been furnished to the appellant.

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



There is no other document on record and therefore the question of furnishing copies does not arise. I therefore close the case and pass the following order.

**Order**

The appeal is disposed off.

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

Place: Mumbai  
Date: 05.10.2009.

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

**Complaint No.2009/354/02**

**Shri. Vijay Chauhan  
24, Sun & Sea Apt CHS Ltd,  
Near Royal Lane,  
Juhutara Rd, Santacruz (W),  
Mumbai – 400 049.**

**... Complainant**

**V/s**

**Public Information Officer,  
Municipal Corporation, K/West Ward,  
Paliram Path, S.V. Rd, Andheri (W),  
Mumbai – 400 058.**

**... Respondent**

**GROUNDS**

This complaint has been filed under section 18 of the Right to Information Act 2005 in the context of the commission's order dated 31.03.2009 passed in appeal no.2008/1818/02. The facts in brief are as follows: - The complainant had sought information regarding user of flat no 2A, Sun & Sea Cooperative Housing Society, Juhutara Rd, Near Royal Lane, Santacruz, Mumbai.

Not satisfied with responses from the Public Information Officer and First Appellate Authority the complainant filed appeal under section 19(3) of the RTI Act, 2005. The commission by its order dated 31.03.2009 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 06.10.2009. Complainant and defendants were present.

Parties informed the commission that the issue is likely to be resolved and the matter need not be pursued.

**Order**

The complaint is filed.

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

Place: Mumbai  
Date: 06.10.2009.

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

**Complaint No.2009/353/02**

**Shri. Vijay Chauhan  
24, Sun & Sea Apt CHS Ltd,  
Near Royal Lane,  
Juhutara Rd, Santacruz (W),  
Mumbai – 400 049.**

... **Complainant**

V/s

**Public Information Officer cum Stamp Officer  
MMRDA Premises, Bandra-Kurla Complex,  
Bndara (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 13.02.2009 passed in appeal no.2008/1869/02. The facts in brief are as follows: - The complainant had requested for information regarding his complaint against Mr. S.N. Sodhani for evasion of stamp duty amounting to Rs.1, 27, 740/-

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 13.02.2009 directed that information should be furnished within 90 days. The present complaint is against alleged non compliance of commission's order.

The complaint was heard on 06.10.2009. Complainant and defendants were present.

The complainant has stated that he has not been furnished the required information within the time prescribed by the commission. The defendant has submitted that Shri Sodhani was heard and it was concluded that the adjudication done was correct. It was also submitted that since the complainant had sent copies of his complaint to so many officers; it would be better if the proposal was sent to Director General of Registration & Controller of Stamps for review under section 53. The same has been done and a copy the letter dated 15.06.2009 has been given to the complainant. I therefore pass the following order.

**Order**

The complaint is filed.

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

Place: Mumbai

Date: 06.10.2009.

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

**Complaint No.2009/301/02**

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

... **Complainant**

V/s

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

... **Respondent**

**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 31.10.2008 passed in appeal no.2008/1110/02. The facts in brief are as follows: - The complainant had sought attested copies of the seniority lists of teaching staff of Maharashtra College for last 10 years.

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 31.10.2009 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 06.10.2009. Complainant was present but the defendant was absent.

The complainant informed the commission that the matter has been settled amicably between him and the defendant and according to the minutes of the order dated 15.07.2009 he is supposed to withdraw all applications / appeals pending before the RTI officers. He was therefore withdrawing the complaint. The complaint is therefore filed.

**Order**

The complaint is filed.

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

Place: Mumbai  
Date: 06.10.2009.

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

**Complaint No.2009/305/02**

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

... **Complainant**

V/s

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

... **Respondent**

**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 15.09.2008 passed in appeal no.2008/817/02. The complainant had sought attested copies of all fake tutorials books as mentioned in the second para of the show cause notice dated 24.04.2009.

Not satisfied with responses from the Public Information Officer and First Appellate Authority the complainant filed appeal under section 19(3) of the RTI Act, 2005. The commission by its order dated 15.09.2008 directed that information should be furnished within 15 days. The present complaint is against alleged non compliance of commission's order.

The complaint was heard on 06.10.2009. Complainant was present but the defendant was absent.

The complainant informed the commission that the matter has been settled amicably between him and the defendant and according to the minutes of the order dated 15.07.2009 he is supposed to withdraw all applications / appeals pending before the RTI officers. He was therefore withdrawing the complaint. The complaint is therefore filed.

**Order**

The complaint is filed.

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

Place: Mumbai  
Date: 06.10.2009.

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

**Complaint No.2009/304/02**

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

... **Complainant**

V/s

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

... **Respondent**

**GROUND**

This complaint has been filed under section 18 of the Right to Information Act 2005 in the context of the commission's order dated 24.10.2008 passed in appeal no.2008/1065/02. The facts in brief are as follows: The complainant had sought copies of the syllabus completion reports of Prof Patankar N.M. for the last ten academic years (1987-2007)

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 24.10.2008 directed that information should be furnished within 15 days. The present complaint is against alleged non compliance of commission's order.

The complaint was heard on 06.10.2009. Complainant was present but the defendant was absent.

The complainant informed the commission that the matter has been settled amicably between him and the defendant and according to the minutes of the order dated 15.07.2009 he is supposed to withdraw all applications / appeals pending before the RTI officers. He was therefore withdrawing the complaint. The complaint is therefore filed.

**Order**

The complaint is filed.

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

Place: Mumbai  
Date: 06.10.2009.

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

**Complaint No.2009/303/02**

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

... **Complainant**

V/s

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

... **Respondent**

**GROUND**

This complaint has been filed under section 18 of the Right to Information Act 2005 in the context of the commission's order dated 24.10.2008 passed in appeal no.2008/1064/02. The facts in brief are as follows: The complainant had sought attested copies of the meeting notices, attendance minutes of the meeting, meetings conducted by HOD Maths Deptt. Dr. Hurzuk for 3 academic years 2004-2005, 2005-2006 & 2006-2007.

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 24.10.2009 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 06.10.2009. Complainant was present but the defendant was absent.

The complainant informed the commission that the matter has been settled amicably between him and the defendant and according to the minutes of the order dated 15.07.2009 he is supposed to withdraw all applications / appeals pending before the RTI officers. He was therefore withdrawing the complaint. The complaint is therefore filed.

**Order**

The complaint is filed.

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

Place: Mumbai  
Date: 06.10.2009.

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

**Complaint No.2009/302/02**

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

... **Complainant**

V/s

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

... **Respondent**

**GROUND**

This complaint has been filed under section 18 of the Right to Information Act 2005 in the context of the commission's order dated 24.10.2008 passed in appeal no.2008/1066/02. The facts in brief are as follows: The complainant had sought attested copies of topic wise and term wise distribution of syllabus to Prof N.M. Patankar for the last 3 years 2004-2005 to 2006-2007.

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 24.10.2009 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 06.10.2009. Complainant was present but the defendant was absent.

The complainant informed the commission that the matter has been settled amicably between him and the defendant and according to the minutes of the order dated 15.07.2009 he is supposed to withdraw all applications / appeals pending before the RTI officers. He was therefore withdrawing the complaint. The complaint is therefore filed.

**Order**

The complaint is filed.

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

Place: Mumbai  
Date: 06.10.2009.



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

**Complaint No.2009/129/02**

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

... **Complainant**

V/s

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

... **Respondent**

**GROUND**

This complaint has been filed under section 18 of the Right to Information Act 2005 in the context of the commission's order dated 24.05.2007 passed in appeal no.2008/132/02. The facts in brief are as follows: Prof N.M. Patankar of Andheri (E), Mumbai had given 3 applications under RTI Act to the Principal of Maharashtra College on 08.03.2006, 17.03.2006 and 23.03.2006. The college Principal refused to give the information asked for by his letter dated 01.04.2006. The Govt's clarification saying that the college does come under the RTI was should to college authorities. The college authorities were directed to take action as per govt. clarification.

The present complaint is against alleged non compliance of commission's order.

The complaint was heard on 06.10.2009. Complainant was present but the defendant was absent.

The complainant informed the commission that the matter has been settled amicably between him and the defendant and according to the minutes of the order dated 15.07.2009 he is supposed to withdraw all applications / appeals pending before the RTI officers. He was therefore withdrawing the complaint. The complaint is therefore filed.

**Order**

The complaint is filed.

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

Place: Mumbai  
Date: 06.10.2009.

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

Appeal No.2008/2869/02

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

... **Appellant**

V/s

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

... **Respondent**

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

**GROUND**

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant by his application dated 16.10.2007 has sought the following information: -

Complete Departmental Enquiry file of Prof Gaus-Ex HOD of Department of politics at Maharashtra College.

Not satisfied with responses form the Public Information Officer and the First Appellate Authority the appellant filed this second appeal before the Commission. The appeal was fixed for hearing on 05.10.2009. Appellant and respondents were absent.

The appellant has however presented an application dated 06.10.2009 stating there in that the matter has been amicably settle between him and the management and he was not interested in pursuing the matter. He wanted to withdraw the appeal.

**Order**

Request granted. Appeal disposed off.

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

Place: Mumbai  
Date: 06.10.2009.

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

Appeal No.2008/2938/02

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

... **Appellant**

V/s

**First Appellate Officer cum President**  
Ghatkopar Shikshan Prasarak Mandal,  
Sant Ramdas Rd, Pant Nagar,  
Ghatkopar (E), Mumbai – 400 075.

... **Respondent**

**Public Information Officer,**  
Ghatkopar Shikshan Prasarak Mandal,  
Sant Ramdas Rd, Pant Nagar,  
Ghatkopar (E), Mumbai – 400 075.

**GROUND**

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant by his application dated 17.05.2006 had sought information relating to the Ghatkopar Shikshan Prasarak Mandal, a registered trust under the Bombay Trust Act and Societies registration Act.

Since the information has been sought from the Trust which is not a public authority, the file is closed.

**Order**

The appeal is disposed off.

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

Place: Mumbai  
Date: 06.10.2009.

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

**Appeal No.2008/2979/02**

**Shri Vinayak Shete  
2<sup>nd</sup> Floor, Express Towers,  
Nariman Point, Mumbai 400 021.**

**... Appellant**

**V/s**

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

**... Respondent**

**Public Information Officer,  
Add Collector Mumbai Suburban District,  
9<sup>th</sup> Floor, Administrative Bldg, Govt. Colony,  
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 11.02.2009 has sought information relating to permissions granted for functions, events, programmes organized by individuals, companies or firms. He had also asked for counterfoils of the receipts issued by the office of the Additional Collector / Collector Mumbai suburban district copies of notice issued for recovery and copies of the orders issued for granting / not granting permission. The information was required for the period 01.01.2009 to 11.02.2009.

Not satisfied with responses form the Public Information Officer and the First Appellate Authority the appellant filed this second appeal before the Commission. The appeal was fixed for hearing on 05.10.2009. Appellant was present but the respondent was absent.

The appellant has contended that he has been given vague and incomplete answer / information. Since the respondent was not there, it could not be verified. It is however seen from case papers that the PIO by his letter dated 05.03.2009 had offered inspection of documents.

After going through the case papers and considering the arguments advanced by parties I have come to the conclusion that information should be furnished. The points on

which information has been sought are sharp and clear. Normally inspection is offered where we are not clear about the information being sought. It is also to be noted that the information has been sought for a very limited period – 01.01.2009 to 11.02.2009. I am therefore of the view that information on point no 1 to 3 should be furnished. Point no 4 to me is not clear and very broad. I therefore pass the following order.

**Order**

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

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

Place: Mumbai  
Date: 06.10.2009.

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

**Appeal No.2008/3373/02**

**Shri Vijaykumar Rane  
201, Victor Shelter, Motiram Mhtre Rd,  
Dahisar (W), Mumbai – 400 068.**

... **Appellant**

V/s

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

... **Respondent**

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

**GROUND**

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant by his application dated 13.04.2009 has sought certified copies of annexure 1, 2 & 3 submitted to the Slum Rehabilitation Authority in connection with redevelopment of Mailekwadi, Dahisar (W), S N 293, CTS No.209.

Not satisfied with 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 07.10.2009. Appellant and respondent were present.

The appellant has contended that he has not been given the required information. He stated that he has been informed that copy of annexure 3 being confidential cannot be furnished. The respondent has submitted that the file was not traceable and therefore information could not be furnished. He submitted that efforts are being made to reconstruct the file through the help of the developer / architect.

After going through the case papers and considering the arguments advanced by parties I have come to the conclusion that information must be furnished. The documents sought by the appellant are very important. It has also been alleged that occupancy certificate has been given on the condition that society should be registered immediately. The appellant has also alleged that the building has so many unauthorized persons and even formal allotment letters have not been given to them. In view of those allegations in

becomes necessary to provide to him copies of documents sought by him. The SRA should leave no stone unturned to ensure that the information sought is provided to the appellant. I therefore pass the following order.

**Order**

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

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

Place: Mumbai  
Date: 07.10.2009.

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

**Appeal No.2008/3386/02**

**Shri Johnny Soares  
Soares Build,  
3<sup>rd</sup> Floor, Flat No.8,  
Natwar Nagar 5,  
Next to Ashok Thakur Compound,  
Jogeshwari (E), Mumbai – 400 060.**

... **Appellant**

V/s

**First Appellate Officer cum Asst Municipal Commissioner  
K/East Ward Office,  
Azad Rd, Gundavli, Andheri (E),  
Mumbai – 400 069.**

... **Respondent**

**Public Information Officer Asst Engineer (B & F)  
K/East Ward Office,  
Azad Rd, Gundavli, Andheri (E),  
Mumbai – 400 069.**

**GROUNDS**

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant by his application dated 15.04.2009 has sought information relating to his complaints against rebuilding of the wall in the chajja outside the bedroom of flat no 3, first floor which was earlier demolished by the BMC in Soares Building, Natwar Nagar 5, Jogeshwari (E), Mumbai.

Not satisfied with 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 08.10.2009. Appellant was present but the respondent was absent.

The appellant has contended that he has not been informed as to what action has been taken on his complaint. Since the respondent was not present it could not be verified. It is however seen from the case papers that the First Appellate Authority by his order dated 30.06.2009 directed the PIO to provide the information free of cost and within 8 days. This has not been complied.

After going through the case papers and considering the arguments advanced by parties I have come to the conclusion that information must be furnished. The PIO



should also explain why the order passed by the First Appellate Authority has not been complied. His reply to come within 4 weeks.

**Order**

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

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

Place: Mumbai  
Date: 08.10.2009.

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

Appeal No.2008/3349/02

**Shri Mahendra J Chavan**  
85/2, Chalke Chawl, Tadvadi Swadeshi Mill Rd,  
Sion, Chuabhati, Mumbai – 400 022.

... **Appellant**

V/s

**First Appellate Officer,**  
Maharashtra State Human Right Commission,  
Administrative Staff College Compound,  
Hazarimal Somania Marg, Mumbai – 400 001.

... **Respondent**

**Public Information Officer,**  
Maharashtra State Human Right Commission,  
Administrative Staff College Compound,  
Hazarimal Somania Marg, Mumbai – 400 001.

**GROUND**

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant by his application dated 17.04.2009 had sought the following information: -

Furnish complete information to serial number of judicial proceedings file before Hon'ble Supreme Court of India, Hon'ble High Court at Bombay against the Maharashtra State Human Right Commission by Citizens of India in lawful matters to protect human right for fairness of action as per. The Protection of Human Right Act, 1993 and Articles 13, 19, 21, 51, 154, 166, 309, 365, 375 constitution of India for administration of law and justice.

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 01.10.2009. Appellant and respondents were present.

The appellant has contended that the required information has not been furnished. The respondent submitted that the issues on which information has been sought are not clear. After discussion parties agreed that point no 'B' in appellant's application dated 17.04.2009 was the most important. It was therefore agreed that the PIO should furnish information accordingly. 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: 08.10.2009.

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

**Appeal No.2009/3283/02**

**Shri. R.P Yajurvedi (Rao)  
302/A Nav Aasawari CHS Ltd,  
182, J.B. Nagar, Andheri (E),  
Mumbai – 400 059.**

**... Appellant**

**V/s**

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

**... Respondent**

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

**GROUNDS**

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant by his application dated 20.01.2009 had sought the following information: -

- 1) Copy of the letter of Khanna Hotel Pvt. Ltd. dt. 10.08.2004 to the Principal Secretary to CM Sushilkumat Shinde.
- 2) Copy of Minutes of the Meeting dt. 06.08.2004 held at C.M. office Mantralaya.
- 3) Copy of the order of Collector Mumbai Suburbs Dist. Dt 08.10.2001 in above matter.
- 4) Copy of the order of Govt. Dec, 2003 in said matter & letter no.90. 15-6/29 dt. 6<sup>th</sup> July 1939 as submitted by the Khanna Hotels Pvt.Ltd. (Exhibit 2) with regard to / concerning NOC issued by Tyabjee Dayabhai & Co.
- 5) NOC letter 30.12.1993 No.1/-3-B/KV-498/93 MSD submitted to Hon. Chief Minister. Xerox copy Annexure D & Annexure F to letter as in 3(iii) I above.
- 6) Annexure F undertaking by Mr. Dinesh Khanna agreement copy dt 21<sup>st</sup> Jan, 1993 as in letter as in 3(iii) I above.

Not satisfied with 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 09.10.2009. Appellant and respondents were present.

The appellant has stated that the PIO did not reply to his application. The first appeal has not been taken cognizance of. The respondent submitted that the information pertained to a third party and the party has been asked whether the information should be disclosed. It was also stated by respondents that not all information sought by the appellant are available on record. It was however agreed that the appellant should inspect the relevant documents and copies of selected ones should be furnished.

**Order**

Inspection of documents to be arranged within 15 days. Copies of selected documents should be provided.

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

Place: Mumbai  
Date: 15.10.2009.

**Shri. N.G.Raman**  
**The Parsee Central Association**  
**Co-operative Housing Society Ltd,**  
**Bombay Mutual Annexe, 2<sup>nd</sup> Floor,**  
**Rustom Sidhwa Marg, Fort,**  
**Mumbai – 400 001.**

... **Appellant**

V/s

**First Appellate Officer cum Registrar**  
**Mumbai City No.3,**  
**Old Custom House, Ground Floor,**  
**Bhagatsing Marg, Mumbai – 400 023.**

... **Respondent**

**Public Information Officer cum Joint Registrar**  
**Mumbai City No.3,**  
**Old Custom House, Ground Floor,**  
**Bhagatsing Marg, Mumbai – 400 023.**

### GROUNDS

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant had sought information regarding calculation of stamp duty on sale deed registered under no 5811 on 08.08.2008.

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 09.10.2009. Appellant and respondents were present.

The appellant was not satisfied with the information furnished to him. The appellant has stated that the property registered was a tenanted property where as it has been registered as an ownership property. The respondent submitted that since the property was shown as ownership property, it was registered so and stamp duty was charged accordingly.

I have gone through the case papers and also considered the arguments advanced by parties. The appellant represents the Parsee Central Association Cooperative Housing Society Ltd. He has stated that the property belongs to the association and occupants/allottees are tenants. It is however seen that one member Shri Burjor Jehangirji Mithaiwala has sold out his flat to Ms. Anahita Hormuzdyar Engineer. The appellant says this was wrong. The appellant also informed the commission that he has already petitioned the District Deputy Registrar and also the Court of Law. It is thus seen that what the appellant wants is not information but arbitration. Since he has already approached competent authorities and the respondents have furnished whatever information they had including detailed calculation of stamp duty. I am of the view that

the matter should be closed. Available information has been furnished and what the appellant wants cannot be done under the RTI Act. I therefore pass the following order.

**Order**

The appeal is disposed off.

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

Place: Mumbai  
Date: 15.10.2009.

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

**Complaint No.2009/3399/02**

**Shri. Raghunath K Kottary  
117/D-Ward BMC Colony,  
Santosh Nagar, Near Sai Prasad Hotel,  
Goregaon (E), Mumbai – 400 065.**

... **Complainant**

V/s

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

... **Respondent**

**GROUND**

This complaint has been filed under section 18 of the Right to Information Act 2005. The complainant by his application dated 19.06.2009 had sought information from the PIO, Asstt Municipal Commissioner's Office 'P' North Ward, Malad (W), Mumbai. He has complained that he has not been furnished complete information. Information has been furnished on points no 1, 2 and 4 and no information has been furnished on remaining points.

Not satisfied with responses from the Public Information Officer and First Appellate Authority the complainant filed this complaint under section 18 of the RTI Act, 2005.

The complaint was heard on 09.10.2009. The complainant was present but the defendant was absent.

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

**Order**

The complaint is allowed. The PIO is directed to furnish the remaining information within 15 days. He should also explain why action under section 20 of the RTI should not be initiated against him for not furnishing the information.

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

Place: Mumbai  
Date: 15.10.2009.

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

Appeal No.2008/3426/02

**Shri. Laxmichan B. Satra**  
**501, Partik CHS Ltd,**  
**Mamlatdarwadi Main Rd,**  
**Malad (W), Mumbai – 400 064.**

... **Appellant**

V/s

**First Appellate Officer cum Asstt Commissioner / Executive Engineer**  
**Municipal Corporation, P/North Ward Office,**  
**Liberty Garden, Malad (W), Mumbai – 400 064.**

... **Respondent**

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

**GROUND**

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant by his application dated 24.03.2009 had sought information in respect his complaint dated 24.02.2009 to the Asstt Commissioner P/N Ward Office, Liberty Garden, Malad (W), Mumbai.

Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant filed this second appeal before the Commission. The appeal was heard on 21.10.2009. Appellant and respondents were present.

The appellant has contended that he has not been given the required information. The respondent had no credible answer. I therefore pass the following order.

**Order**

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

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

Place: Mumbai  
Date: 23.10.2009.



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

**Appeal No.2008/3420/02**

**Shri. Laxmichan B. Satra  
501, Partik CHS Ltd,  
Mamlatdarwadi Main Rd,  
Malad (W), Mumbai – 400 064.**

... **Appellant**

V/s

**First Appellate Officer cum Asstt Commissioner / Executive Engineer  
Municipal Corporation, P/North Ward Office,  
Liberty Garden, Malad (W), Mumbai – 400 064.**

... **Respondent**

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

**GROUND**

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant by his application dated 11.02.2009 had sought the following information: -

- a) Information regarding Security Deposit collected from Gadiwan Hospital in respect of the permission for monsoon weather shed at Pratik CHS Ltd, Mamlatdarwadi Main Rd, Malad (W) granted for the year 2007.
- b) Information regarding Security Deposit collected from Gadiwan Hospital in respect of the permission for monsoon weather shed Pratik CHS Ltd, Mamlatdarwadi Main Rd, Malad (W) granted for the year 2008.
- c) Information regarding Security Deposit collected from Gadiwan Hospital for demolition of monsoon weather shed on 01.12.2008 and date of charges recoved.

Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant filed this second appeal before the Commission. The appeal was heard on 21.10.2009. Appellant and respondents were present.

The appellant has contended he has not been furnished the required information. The respondents had no credible answer. I therefore pass the following order.

**Order**

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

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

Place: Mumbai  
Date: 23.10.2009.

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

Appeal No.2008/3481/02

**Shri. Pyaarelal H Karotiya**  
**H 501 Siddhivinayak Residencies,**  
**Klyan Shil Rd, Near Tata power,**  
**MIDC, Dombivali (E) – 421 304.**

... **Appellant**

V/s

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

... **Respondent**

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

**GROUND**

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant by his application dated 18.06.2009 had sought inspection of the file relating to his appeal filed with the Slum Rehabilitation Authority.

Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant filed this second appeal before the Commission. The appeal was heard on 20.10.2009. Appellant was present but the respondent was absent.

The appellant has contended that he has not been given the required inspection. Since the respondent was not present it could not be verified. I therefore pass the following order.

**Order**

Appeal is allowed. Inspection to be allowed within 15 days failing which action under section 20 of the RTI Act will be initiated.

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

Place: Mumbai  
Date: 23.10.2009.

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

**Appeal No.2008/3480/02**

**Shri. Pyaarelal H Karotiya  
H 501 Siddhivinayak Residencies,  
Klyan Shil Rd, Near Tata power,  
MIDC, Dombivali (E) – 421 304.**

... **Appellant**

**V/s**

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

... **Respondent**

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

**GROUND**

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant by his application dated 02.07.2009 had sought information in respect of his appeal for his eligibility before the Slum Rehabilitation Authority. The appellant had filed an appeal which was numbered as 288/06 was heard also but no order has been passed.

Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant filed this second appeal before the Commission. The appeal was heard on 20.10.2009. Appellant was present but the respondent was absent.

The appellant has contended that he has not been communicated the decision / order in his appeal no 288/06. His application under Right to Information Act has also not yielded any result. He therefore came in appeal under the RTI Act. Since the respondent was absent it could not be verified.

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

**Order**

The appeal is allowed. Information to be furnished by PIO within 30 days 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: 22.10.2009.

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

Appeal No.2008/3414/02

**Shri. Harish Chandu Badekar**  
304/7, Tejamay CHS,  
Sector No.3, Charkop,  
Kandivali (W), Mumbai – 400 067.

... **Appellant**

V/s

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

... **Respondent**

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

**GROUND**

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant by his application dated 13.01.2009 had sought information on points contained in his above 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 21.10.2009. Appellant and respondents were present.

The appellant has contended that he had sought only answer to his queries but was asked to deposit Rs.51/- which was not correct.

The respondent's contention is that the desired information runs into 18 pages and postal expenditure has been estimated as Rs.15/-. He was therefore asked to pay Rs.51/-.

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

**Order**

The appeal is disposed off.

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

Place: Mumbai  
Date: 22.10.2009.

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

**Appeal No.2008/3434/02  
Appeal No.2008/3435/02  
Appeal No.2008/3415/02**

**Shri. Harish Chandu Badekar  
304/7, Tejamay CHS,  
Sector No.3, Charkop,  
Kandivali (W), Mumbai – 400 067.**

**... Appellant**

**V/s**

**First Appellate Officer cum Dy Secretary  
General Administrative Department, 14 A,  
Mantralaya, Mumbai – 400 032.**

**... Respondent**

**Public Information Officer cum Under Secretary  
General Administrative Department, 14 A,  
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 05.03.2009 had sought copies of govt. / court order prohibiting regularization of services of those employees who were recruited directly and not through the Maharashtra Public Service Commission. The PIO denied the information by his letter dated 17.03.2009. The First Appellate Authority by his order dated 19.05.2009 furnished necessary 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 20.10.2009 and 21.10.2009. Appellant and respondents were present.

The appellant has contended that he was not satisfied with the information furnished to him. The respondent has submitted that available information has already been furnished. It has been brought to the commission's notice that the Hon Chief Information Commissioner in his detailed order dated 23.04.2009 in appeal no 4242/02

has concluded that necessary information has been furnished. The issues in present appeals are the same.

Thus in view of the submissions made by the respondent and also in view of the fact that Hon CIC has concluded that necessary action has been taken to furnish the required information and also in view of the fact that no information has been sought on any new point. 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: 22.10.2009.

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

Appeal No.2008/3417/02

**Shrimati. S.S. Amrute**  
**Mahatashtra Public Service Commission,**  
**Bank of India Building,**  
**3<sup>rd</sup> Floor, Mahatma Gandhi Marg,**  
**Hutatma Chowk, Mumbai – 400 001.**

... **Appellant**

V/s

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

... **Respondent**

**Public Information Officer,**  
**Mahatashtra Public Service Commission,**  
**Bank of India Building,**  
**3<sup>rd</sup> Floor, Mahatma Gandhi Marg,**  
**Hutatma Chowk, 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 04.04.2009 had sought information relating to the stoppage of her promotion as Desk Officers and copies of notes / files 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 heard on 21.10.2009. Appellant and respondents were present.

The appellant & the respondent have contended that matter has since been sorted out. They had no objection to the closure of this case. The appeal therefore is filed.

**Order**

The appeal is filed.

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

Place: Mumbai  
Date: 23.10.2009.

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

**Appeal No.2008/3419/02**

**Shri. Anant Ponshe  
Kalpna, E-5, Tilaknagar,  
Angrewadi, V.P.Rd, Mumbai – 400 004.**

**... Appellant**

**V/s**

**First Appellate Officer cum President  
Ideal Education Society,  
205, Khetwadi Main Rd,  
Girgaon, Mumbai – 400 004.**

**... Respondent**

**Public Information Officer,  
Ideal Education Society,  
205, Khetwadi Main Rd,  
Girgaon, Mumbai – 400 004.**

**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 the Ideal Education Society registered under the Public Trust Act 1950. He wanted to know names and addresses of members of the trust as on 13.12.2008.

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 21.10.2009. Appellant was present but the respondent was absent.

The respondent has sought adjournment. The same in being refused on the ground that the matter is very simple and his presence or otherwise was not likely to make any deference.

I have heard the appellants and also gone through the case papers. It is clear that the information has been sought from a trust which is not a public authority. The Hon High Court of Judicature at Bombay, Nagpur Bench at Nagpur in writ no 5294 of 2008 (order dated 28<sup>th</sup> April 2008) has ruled that information from a trust cannot be sought under the RTI Act. It has however been held that the information can be sought under the Public Trust Act from the Charity Commissioner. I therefore close the case and advise



the appellant to approach the office of the Charity Commissioner under whose control the information is being held.

**Order**

The appeal is disposed off.

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

Place: Mumbai  
Date: 21.10.2009.

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

Appeal No.2008/3436/02

**Shri. Krushna M. Koyande**  
**D/702, Sindhudurg SRA Cooperative Board,**  
**Sadguru Nagar, Devipada,**  
**Borivali (E), Mumbai – 400 066.**

... **Appellant**

V/s

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

... **Respondent**

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

**GROUND**

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant by his application dated 02.06.2009 had sought copies of the registration certificate and list of members in respect of Unnatnagar Hill View Cooperative Housing Society Ltd., M.G. Marg, Goregaon, 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 26.10.2009. Appellant was present but the respondent was absent.

I have gone through the case papers and realized that the issue is very simple yet it has not been furnished. I therefore order that information should be furnished free of cost within 15 days. PIO to show cause why action should not be initiated against him under section 20 of the RTI Act.

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

Place: Mumbai  
Date: 26.10.2009.

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

**Appeal No.2008/3379/02**

**Shri. Santosh A. Pathak  
A/404, Gokul Regency-I, Thakur Complex,  
Kandivali (E), Mumbai – 400 101.**

**... Appellant**

**V/s**

**First Appellate Officer cum DCP,  
Crime Detection Branch,  
Office of the Commissioner of Police of Mumbai,  
Mumbai.**

**... Respondent**

**Public Information Officer cum ACP,  
Office of the Commissioner of Police of Mumbai,  
Mumbai.**

**GROUND**

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant by his application dated 24.04.2009 had sought information relating to the bail application filed by Mrs Saraswati Gupta and details of the fund organized by her for buying a flat at oberai splendor. His request for information was denied because the case is under investigation.

Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant filed this second appeal before the Commission. The appeal was heard on 08.10.2009. The appellant did not turn up but the respondent was present.

In his submission the respondent has stated that Mrs. Saraswati Gupta is a complainant in the economic offence no 20/08 and the appellant is an accused. Since the matter is still under investigation, information was denied under section 8 of the RTI Act.

In view of the respondent's submission and appellant's absence I have come to the conclusion that the information has been rightly denied. I therefore decide to close the case.

**Order**

Appeal is disposed off.

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

Place: Mumbai  
Date: 23.10.2009.

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

**Appeal No.2008/3389/02**

**Shri. Edwin D'Souza  
C-108, Versova, Jupiter CHS Ltd,  
Lokhandwala Complex, 4<sup>th</sup> Cross Rd,  
Andheri (W), Mumbai – 400 053.**

... **Appellant**

**V/s**

**First Appellate Officer cum District Dy Registrar  
Cooperative Society, K/West,  
Grihanirman Bhavan, Room No.69-A,  
Bandra (E), Mumbai – 400 051.**

... **Respondent**

**Public Information Officer cum Dy Registrar  
Cooperative Society, K/West,  
Grihanirman Bhavan, Room No.69-A,  
Bandra (E), Mumbai – 400 051.**

**GROUNDS**

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant by his application dated 12.05.2009 had sought information relating to Versova Jupiter Cooperative Housing Society Ltd, Lokhandwala Complex, Andheri (W), Mumbai. He had sought information on 8 points. The information pertained to the society and its record.

Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant filed this second appeal before the Commission. The appeal was heard on 08.10.2009. The appellant did not turn up but the respondent was present.

It has been contended by the respondent that information sought was related to the demand of Rs.37, 449/- raised against the appellant. He had sought details of the demand – name of the contractor time taken, copy of the resolution etc. The First Appellate Authority in his order dated 28.07.2009 has mentioned that required information was furnished to the appellant. It is also understood that the appellant has been elected the chairman of the society and has all the details at his disposal.

Thus in view of the submission made by the respondent and absence of the appellant I pass the following order.

**Order**

Appeal is disposed off.

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

Place: Mumbai  
Date: 23.10.2009.

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

Appeal No.2008/3383/02

**Shri. Mohan Bhosle**  
**Bahujan Hitay Seva Sangh,**  
**Mukund Nagar, P.L. Lokhande Marg,**  
**Chembur, Mumbai – 400 089.**

... **Appellant**

V/s

**First Appellate Officer cum Executive Engineer**  
**H/West, Municipal Corporation, Sent Martin Rd,**  
**Bandra (W), Mumbai – 400 050.**

... **Respondent**

**Public Information Officer cum Asstt Engineer**  
**H/West, Municipal Corporation, Sent Martin Rd,**  
**Bandra (W), Mumbai – 400 050.**

**GROUNDS**

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant by his application dated 06.04.2009 had sought information relating to Labour Contract engaged in the department of environment H/West, MCGM. The appellant had sought information on 13 points. The PIO by his order dated 02.05.2009 furnished pointwise information. The First Appellate Authority has passed his order dated 07.08.2009.

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 08.10.2009. Appellant and respondents were present.

The appellant has contended that he was not satisfied with the information furnished. The respondent has 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 sought has been furnished. In fact the PIO has given his opinion on many points which he was not supposed to Offer. I therefore pass the following order.

**Order**

Appeal is disposed off.

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

Place: Mumbai  
Date: 23.10.2009.

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

**Appeal No.2008/3384/02**

**Shri. Pravin Mahadev Dali  
A/603, Mauli CHS, Near Municipal School,  
Mithanagar, M.Gandhi Rd,  
Goregaon (W), Mumbai – 400 062.**

... **Appellant**

**V/s**

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

... **Respondent**

**Public Information Officer cum Under Secretary (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 13.04.2009 had sought information relating to his complaint dated 17.11.2008 and action taken on that. The PIO by his letter dated 20.04.2009 informed him that an enquiry was ordered and the report has also been received. The same is under process and the file will be available for inspection as soon the action is over. The First Appellate Authority has virtually confirmed the PIO's 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 08.10.2009. Appellant and respondents were present.

The appellant has contended that he has not been given the required information. The respondent has submitted that no final decision has been taken and therefore the file was not made available for inspection. It was however agreed during the discussion that a copy of the order appointing one man committee to inquire into allegation made by the appellant and others and minutes of the meeting should be furnished. I therefore pass the following order.

**Order**

The appeal is allowed. Information as mentioned above should be furnished by PIO within 15 days.

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

Place: Mumbai  
Date: 23.10.2009.

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

Appeal No.2008/3380/02

**Shri. Vinod Bavakar**  
**D-14, Kotesher Nagar,**  
**Jiva Mahale Marg, Andheri (E),**  
**Mumbai – 400 069.**

... **Appellant**

V/s

**First Appellate Officer cum Secretary**  
**State Information Commission,**  
**13<sup>th</sup> Floor, New Administrative Build,**  
**Mantralaya, Mumbai – 400 032.**

... **Respondent**

**Public Information Officer cum Desk Office (2)**  
**State Information Commission,**  
**13<sup>th</sup> Floor, New Administrative Build,**  
**Mantralaya, Mumbai – 400 032.**

**GROUND**

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant by his application dated 01.03.2009 had sought information on 17 points. The PIO by his letter dated 24.03.2009 informed him that the information sought by him does not fit into the definition of information. The First Appellate Authority has disposed off his 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 08.10.2009. Appellant and respondents were present.

It appears that he had sought some information from the Industrial Court, Mumbai. He was informed that according to the rules framed by the Hon High Court for implementation of the RTI Act, it was necessary to affix stamp of Rs.40/- where as he has put stamp worth Rs.20/- only. The appellant is intrigued because he may be used to affixing stamp worth Rs.20/-. It is a fact that the rules framed by the Hon High Court required Rs.40/- worth of stamp. He therefore raised 17 issues and needed clarification from the Information Commission. He has been properly informed. The appeal is being filed.

**Order**

The appeal is disposed off.

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

Place: Mumbai  
Date: 23.10.2009.

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

**Appeal No.2008/3382/02**

**Shri. Chandrakant Merchant  
J.M. Rane Build & Khambata Pathan Chawl,  
Dr E Moses Rd, Worli, Mumbai – 400 018.**

... **Appellant**

V/s

**First Appellate Officer cum Asstt Commissioner  
G/South Ward Office, Municipal Corporation,  
N.M. Joshi Marg, Mumbai – 400 013.**

... **Respondent**

**Public Information Officer cum Joint Assessor & Collector  
G/South Ward Office, Municipal Corporation,  
N.M. Joshi Marg, Mumbai – 400 013.**

**GROUND**

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant by his application dated 25.02.2009 had sought information in respect of multistoried building on CS No.112/113, Plot No.153-GSLR-144 1988-89. He sought extract of measurement of rooms and Rateabe value as on 30.01.2004. The PIO replied that there was no multistoried building on the plot on 30.01.2009 it has been shown as land under development. The First Appellate Authority 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 08.10.2009. Appellant and respondents were present.

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

After going through the case papers and considering the arguments advanced by parties I have come to the conclusion that required information has been furnished. The appellant is disputing the correctness of the municipal record, which the commission is not expected to go into. Information as it exists has been furnished. The appeal is therefore filed.

**Order**

The appeal is disposed off.

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

Place: Mumbai  
Date: 23.10.2009.



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

**Appeal No.2008/3375/02**

**Shri. Narayan Kushnaji Lavate  
21 B, Zavbawadi, Thakurdwar,  
Mumbai – 400 002.**

**... Appellant**

**V/s**

**First Appellate Officer cum Dy Charity Commissioner  
Charity Commissioner Bhavan,  
Worli, Mumbai – 400 018.**

**... Respondent**

**Public Information Officer cum Superintendent  
Charity Commissioner Bhavan,  
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 15.03.2009 had sought the following information: -

In how many cases fine of Rs.1000/- was levied against the Public Trust for failure to submit various returns under relevant sections of the BPT Act 1950 and Rules made there under.

Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant filed this second appeal before the Commission. The appeal was heard on 08.10.2009. Appellant and respondents were present.

The appellant has contended that he has not been furnished complete and correct information. He also pointed out that information has been furnished late.

The respondent's contention is that the discrepancies pointed out by the appellant would be verified and revised information furnished.

After going through the case papers and considering the arguments advanced by parties I have come to the conclusion that in the light of the appellant's points, revised information after checking office record should be furnished. The PIO also needs to explain the causes of delay. I therefore pass the following order.

**Order**

The appeal is allowed. Information to be furnished by PIO within 30 days. The PIO to explain why action should not be initiated for furnishing the information late. Her explanation to reach the commission in 4 weeks.

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

Place: Mumbai  
Date: 23.10.2009.

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

Appeal No.2008/3464/02

**Shri. Styabhash Y. Salgaonkar**  
**J 42, Rushali Shilp CHS Soc.,**  
**Shimpoli Chikuwadi, Boriwali (W),**  
**Mumbai – 400 092.**

... **Appellant**

V/s

**First Appellate Officer cum District Dy Registrar**  
**Cooperative Board (3), Western Suburban,**  
**Mumbai.**

... **Respondent**

**Public Information Officer cum Asstt Registrar**  
**Grihanirman Bhavan, Desk No.69,**  
**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 16.03.2009 had sought information relating to his complaint made to the Secretary, Department of cooperation and Divisional Joint Registrar of Cooperative Societies. The complaints were forwarded to the Dy Registrar for enquiry. The appellant wanted to know what action has been taken.

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 16.10.2009. Appellant and respondents were present.

The appellant has contended that he has been given incomplete and misleading information. He has demanded action against officials.

The respondent's contention is that available information has been furnished. The appellant had sought action on points – like declaring the society's election void, he not being allowed to attend meetings, appointment of administrator after dismissing the elected Managing Committee. These actions cannot be taken under the RTI Act.

I have gone through the case papers. It is seen that the appellant has some disputes in regard to his membership. A case is also pending in the court of law. It is also seen that pointwise detailed information has been furnished by the PIO's letter dated 30.07.2009. The RTI Act does not envisage settling of disputes. Available information has been furnished. I therefore pass the following order.

**Order**

The appeal is disposed off.

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

Place: Mumbai  
Date: 23.10.2009.

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

**Appeal No.2008/3465/02**

**Shri. R.G. Multani  
228/230, Motiwala Mansion,  
2<sup>nd</sup> Floor, Duncan Rd,  
Mumbai – 400 008.**

**... Appellant**

**V/s**

**First Appellate Officer cum Dy Chief Engineer (North)  
MBR & R Board,  
Mumbai Build & Repairs and Reconstruction Board,  
Dadar, Mumbai – 400 014.**

**... Respondent**

**Public Information Officer cum Executive Engineer-E Div,  
MBR & R Board,  
Mumbai Build & Repairs and Reconstruction Board,  
Kalachowky, Mumbai – 400 033.**

**GROUND**

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant by his application dated 20.05.2009 had sought the following information relating to repair of building no 228/230 Motiwala Mansion, M.A. Rd, Mumbai.

1. Copy of the Structural Design & calculation according to which the work is executed.  
In spite of Several Instructions by architect and yourself contractor Solanki has neither executed work as per structural design
2. Copy of measurement book showing the work for which payment to contractor is done.
3. Copy of the sanction amount, amount of work executed and the amount of balance work.
4. Till date what is the total repair fund amount balance for our building.

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 16.10.2009. Appellant and respondents were present.

The appellant has contended that the required information has not been furnished. The appellant has stated that even after the order of the First Appellate Authority copies of the structural design and MB of the second phase with signature of Dy Executive Engineer were not handed over. The respondent's contention was that copies of available

documents have been furnished. The measurement book was not available but details of measurement were incorporated in the bill and a copy of the same has been given.

After going through the case papers and considering the arguments advanced by parties I have come to the conclusion the information has to be furnished. The PIO has failed to furnish the required information as directed by the First Appellate Authority. The information sought is very important from the Engle of transparency and also accountability. I therefore direct that diligent effort should be made to locate the Measurement Book and a copy should be handed over to the appellant. I therefore pass the following order.

**Order**

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

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

Place: Mumbai  
Date: 23.10.2009.

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

Appeal No.2008/3482/02

**Shri. Janardhan Shankar Karande**  
**B-15, Room No.1179, Mangaldham**  
**Niketan CHS, Near Tata Power House,**  
**Near Magathane, Jai Maharashtra Nagar,**  
**2<sup>nd</sup> Floor, M.H.B. Colony, Borivali (E),**  
**Mumbai – 400 066.**

... **Appellant**

V/s

**First Appellate Officer cum Dy Chief Engineer**  
**(Build Proposal) Municipal Corporation,**  
**P Ward, P/North-South,**  
**Mahapalika Building, D.P. Rd, Kandivali (E)**  
**Mumbai – 400 101.**

... **Respondent**

**Public Information Officer cum Executive Engineer**  
**(Build Proposal) Municipal Corporation,**  
**P Ward, P/North-South,**  
**Mahapalika Building, D.P. Rd, Kandivali (E)**  
**Mumbai – 400 101.**

**GROUND**

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant had sought information relating to the action taken on his complaints dated 18.02.2006, 09.06.2006, 18.12.2006 and 16.11.2007 in respect of file no CHE/8904/BP/AP/CTS No.679 S No.255/5 Malad (E), Mumbai.

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

It appears from the case papers that information has been furnished. The appellant however was not satisfied. He wanted action taken report on each application.

I therefore pass the following order.

**Order**

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

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

Place: Mumbai  
Date: 26.10.2009.

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

Appeal No.2008/3441/02

Shri.Moinuddin Khan Haji Anwarul Haq  
Bawla Bldg, 2<sup>nd</sup> Floor, Room No.28/29,  
1<sup>st</sup> Sankli Street Cross Lane,  
Byculla (W), Mumbai – 400 008.

... Appellant

V/s

First Appellate Officer cum Chief Officer  
MBR & R Board,  
Mumbai Building Repairs and Reconstruction Board,  
Grihanirman Bhavan, Kalanagar, Bandra (E),  
Mumbai – 400 051.

... Respondent

Public Information Officer,  
MBR & R Board,  
Mumbai Building Repairs and Reconstruction Board,  
Grihanirman Bhavan, Kalanagar, 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 25.05.2009 had sought information regarding action taken on his complaint dated 30.01.2009 through his advocating Shri Pradeep J. Ramchandani.

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. The appellant did not turn up but the respondents were present.

It has been submitted by them the matter has been explained to the appellant but he was not satisfied. They showed to me the record available with them. I am however of the view that the PIO should send reply to appellant's advocate based on available record.

**Order**

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

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

Place: Mumbai  
Date: 26.10.2009.

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

Appeal No.2008/3466/02

**Shrimati. Rashmi Govind Nawathe**  
**Raj Baug, Block No.203, 2<sup>nd</sup> Floor,**  
**Daluchand CHS Soc. Ltd,**  
**271, Sir Bhalchandra Rd,**  
**Matunga, Mumbai – 400 019.**

... **Appellant**

V/s

**First Appellate Officer cum Executive Engineer / Asstt Commissioner**  
**Municipal Cooperation, F/North Ward Office,**  
**Bhai Daji Rd, Matunga, Mumbai – 400 019.**

... **Respondent**

**Public Information Officer cum Asstt Assessor & Collector**  
**Municipal Cooperation, F/North Ward Office,**  
**Bhai Daji 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 17.01.2009 had sought the following information in respect of Raj Baug, Daluchand Cooperative Housing Society Ltd, CS No 258/10 Matunga Division, Mumbai. (Carpet area, rent and property tax on the following items)

1. a. Raj Baug building compound (open space)
  - b. BEST's Electric sub-station
  - c. Rectangular Area as shown in the plan of the building compound (plan submitted)
  - d. Car parking Area on the ground floor below stilt.
2. First floor of the building.
3. Basement of the building.
4. Car Lift a. Ground floor part
  - b. First Floor part.
  - c. Basement part.

The PIO by his letter dated 02.03.2009 furnished pointwise information. The First Appellate Authority disposed off his application by his order dated 20.04.2009.

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 16.10.2009. Appellant and respondents were present.

The appellant has contended that he was not satisfied find with the information furnished to him. The information furnished was late and incomplete. The respondents have submitted that pointwise information has been furnished. Information on additional

related points has also been furnished. Since the information sought was detailed it took sometime to collect and compile. They have contended that there was no intention to delay or deny the information.

After going through the case papers and considering the arguments advanced by parties I have come to the conclusion that information has been furnished. There is nothing to show that the delay was caused deliberately or with a view to denying the information. I therefore decide to close the case.

**Order**

The appeal is disposed off.

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

Place: Mumbai  
Date: 26.10.2009.



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

**Complaint No.2009/441/02**

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

... **Complainant**

V/s

**Public Information Officer cum Dy Collector  
MHADA Bldg,  
5<sup>th</sup> Floor, Bandra (E), Mumbai – 400 051.**

... **Respondent**

**GROUNDS**

This complaint has been filed under section 18 of the Right to Information Act 2005 in the context of the commission's order dated 31.05.2008 passed in appeal no.2008/1931/02. The facts in brief are as follows: - The complainant had sought information regarding Patelwadi Ekata Rahewasi Sahakari Grihanirman Sanstha Maryadit. He was advised to get in touch with the society as the information pertained to the society.

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 31.05.2008 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. The defendant was present but the complainant did not turn up.

The defendant submitted that since information pertained to the society it has taken sometime to collect the information. The information has been collected. I therefore pass the following order.

**Order**

Information to be sent within 7 days.

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

Place: Mumbai  
Date: 27.10.2009.

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

**Appeal No.2008/3428/02**

**Shri. Francis Daniel Gonsalves  
Barnny Villa, No. 3 Rajan, Off Carter Rd,  
Bandra (W), Mumbai – 400 050.**

... **Appellant**

V/s

**First Appellate Officer cum Dy Chief Engineer  
Municipal Corporation, R.K. Patkar Marg,  
Bandra (W), Mumbai – 400 050.**

... **Respondent**

**Public Information Officer cum Asstt Engineer / Executive Engineer  
Municipal Corporation, R.K. Patkar Marg,  
Bandra (W), Mumbai – 400 050.**

**GROUNDS**

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant by his application dated 13.02.2009 had sought the following information relating to the open space near CTS 1517, Off Carter Rd, Bandra (W), Mumbai.

1. The file Nos of the Open Space (Red Colour) & CTS No. of Developed Office (Blue Colour)
2. Legal status of the open space marked in RED (Whether Municipal Gaathan Public Space or whether Private Space & Shed)
3. If Private Details of Owner of the said Open Space, Erected fence / Shed & Details of Owner of the said Office marked in RED & BLUE colours respectively.
4. Assessment copy of this open Space & office (now) permanently fenced with plastic shed above.
5. Copies of proposal Plan & CC & IOD given to the said structure.

Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant filed this second appeal before the Commission. The appeal was heard on 21.10.2009. Appellant and respondents were present.

The appellant has contended that he was not satisfied with information furnished. The respondent's contention is that available information has been furnished.

I have gone through the case papers. It is seen that the information has been sought in regard to the open space lying between CTS No.1520/1521 and 1517. The appellant wanted information whether the structure on the open space is authorized whether permission has been granted for fencing and covering the area and also laying of paver blocs. The reply on record is not clear. It is clear that open space has to be kept

open and protected. No structure can come without proper permission. It is also well known that if a public space is encroached the officer incharge has to be held responsible. In such cases ward office is the nodal point. There is no point referring the matter here and there I am therefore of the view that the ward office should furnish the required information. If they need somebody's help, the RTI Act provides for that. I therefore pass the following order.

**Order**

Appeal is allowed. PIO to furnish required information in clear terms within 30 days. If the information is not furnished in time, action under section 20 of the RTI Act will be initiated against the PIO.

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

Place: Mumbai  
Date: 23.10.2009.

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

**Appeal No.2008/3411/02**

**Shri. S. V. Walilkar  
Circle no.5, Thane Jail 400 601.**

**... Appellant**

**V/s**

**First Appellate Officer cum  
Govt. Printing Press, Maharashtra State,  
Near Charni Road Station,  
Mumbai – 400 004.**

**... Respondent**

**Public Information Officer,  
Govt. Printing Press, Maharashtra State,  
Near Charni Road Station,  
Mumbai – 400 004.**

**GROUND**

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant by his application dated 30.07.2008 had sought a copy of the list of publications by the Govt. Printing Press and also a copy of the Jail rules. The appellant was asked to deposit required fee which he did and copies of available documents were sent. His first appeal under section 19(1) was disposed off because he remained absent.

Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant filed this second appeal before the Commission. The appeal was heard on 21.10.2009. The appellant did not turn up but the respondents were present.

The respondent has made his submission in writing. It is seen from the submission that available information has already been sent. I therefore decide to close the case.

**Order**

The appeal is disposed off.

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

Place: Mumbai  
Date: 26.10.2009.

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

**Complaint No.2009/443/02**

**Shri. Sanjay Pangam  
Flat No. 402/B, Hashu Niwas,  
28<sup>th</sup> Rd, Bandra (W),  
Mumbai – 400 050.**

... **Complainant**

V/s

**Public Information Officer cum Dy Registrar  
Cooperative Board, H/West Ward, Sahakar Bazar,  
4<sup>th</sup> 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 18.02.2009 passed in appeal no.2009/1788/02. The facts in brief are as follows: - The complainant had sought information regarding Hashu Niwas, Cooperative Housing society – its 13 defaulters, copy of the order passed by the Dy Registrar and also inspection of records.

Not satisfied with responses from the Public Information Officer and First Appellate Authority the complainant filed appeal under section 19(3) of the RTI Act, 2005. The commission by its order dated 18.02.2009 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 27.10.2009. Complainant and defendants were present.

The complainant has stated that he was interested in inspection of records. The defendant immediately agreed. It was decided that the defendant will organize inspection of relevant files and also furnish copies of the documents selected by the complainant. It was decided to fix the inspection on Friday (30.10.2009) at 12 noon.

**Order**

The complainant is allowed. Inspection to be organized on 30.10.2009 at 12 noon.

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

Place: Mumbai  
Date: 28.10.2009.

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

**Complaint No.2009/449/02**

**Shri. Khandu Bandu Kamble  
Devnar Fire Bridged Centre,  
Devnar Municipal Colony,  
H-1, Room No.2 & 3,  
Govandi (W),  
Mumbai – 400 043.**

... **Complainant**

V/s

**Public Information Officer cum Chief Fire Bridged Officer,  
Mumbai Fire Bridged Dal, E Ward, 2<sup>nd</sup> Floor, Byculla,  
Mumbai – 400 008.**

... **Respondent**

**GROUND**

This complaint has been filed under section 18 of the Right to Information Act 2005 in the context of the commission's order dated 08.10.2009 passed in appeal no.2008/996/02. The facts in brief are as follows: - The complainant had sought information regarding fixing of seniority of asstt fire officer in the office of the Chief Fire Officer, Fire Brigade E Ward, Mumbai.

Not satisfied with responses from the Public Information Officer and First Appellate Authority the complainant filed appeal under section 19(3) of the RTI Act, 2005. The commission by its order dated 08.10.2009 directed that information should be furnished. The present complaint is against alleged non compliance of commission's order.

The complaint was heard on 27.10.2009. Complainant and defendants were present.

The complainant has stated that he has not been furnished information regarding change in the system of fixing seniority. According to him seniority used to be fixed on the bases of candidates performance of the written exam. Their performance during the training etc was never considered for fixing seniority. A new system was introduced whereby his son who was no 1 in the original list came down during the revised list. The defendant's have submitted that there is noting on record to show how and why the prevailing system was changed. The matter has been enquired into and it has been proposed to start departmental enquiry against those responsible for changing the system without proper authorization. Under these circumstances the commission is constrained to close the case. I therefore pass the following order.

**Order**

The complainant is filed.

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

Place: Mumbai  
Date: 28.10.2009.

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

**Complaint No.2009/448/02**

**M/s. Riddhi Siddhi S.D.V. Pvt. Ltd,  
Property, Ruby Hill, 45/47/49/51/89/91,  
Ridge Rd, & 164 Walkeshwer Rd,  
Mumbai – 400 006.**

**... Complainant**

**V/s**

**Public Information Officer cum Senior Inspector  
(Shop & Establishment), Municipal Corporation,  
“D” Ward Office, Name 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 commission's order dated 28.08.2008 passed in appeal no.2008/707/02. The facts in brief are as follows: - The complainant had sought the following information.

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 28.08.2008 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 27.10.2009. Complainant and defendants were present.

The complainant has stated that he has not been given a copy of the partnership deed which he had sought. The respondent submitted that the partnership and was not available on record but a copy of the deed of dissolution has been given to the appellant.

After considering the arguments advanced by parties and going through the file I have come to the conclusion that the required information has not been furnished. It is however seen that since the partnership deed was not available on record it was not possible to hand over a copy to the appellant. It remains a mystery how the second name was added without any partnership deed. This leaves scope for drawing adverse inference that the name might have been added without obtain necessary documentary proof. This however falls beyond the scope of the RTI Act I am therefore closing the case.

**Order**

The complainant is filed.

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

Place: Mumbai  
Date: 28.10.2009.

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

**Complaint No.2009/446/02**

**Shri. Sanjay Gangaram Pawar  
Hanuman Mitra Mandal,  
Mervanji Amba Wadi,  
Jahangir Mervanji Path,  
Parel, Mumbai – 400 012.**

**... Complainant**

**V/s**

**Public Information Officer cum Colony Officer  
Municipal Corporation, F/South Division Office,  
Dr Ambedkar Marg, Parel Naka, Mumbai – 400 0012.**

**... 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 29.11.2008 passed in appeal no.2008/1007/02. The facts in brief are as follows: - The complainant had sought information regarding verification of Annexure II relating to Mahalaxmi Cooperative Housing Society Plot No.138 A/174, Parel. The Slum Rehabilitation Authority had asked MCGM to verify annexure II of the society in view of various complaints. The PIO informed him that the work was in progress records were available for inspection. The First Appellate Authority confirmed the order.

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 29.11.2008 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 and defendants were present.

The complainant has stated that the required information has not been received by him. The defendant has submitted that the work is in progress and it will be finalised in next 60 days.

After considering the arguments advanced by parties and going through the file I have come to the conclusion that the commission's order has been complied to the extent that the progress has been communicated to the complainant. The commission cannot fix a time table, for completion of the verification. The defendant will inform the complainant after the verification work is over.

**Order**

The complainant is filed.

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

Place: Mumbai  
Date: 28.10.2009.



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

**Complaint No.2009/444/02**

**Shri. Chandrakant Merchant  
J.M. Rane Build & Khambata Pathan Chawl,  
Dr E Moses Rd, Worli, Mumbai – 400 018.**

**... Complainant**

**V/s**

**Public Information Officer cum Executive Engineer  
F (S)/G(S) Ward, Mumbai Building Repair & Remonstrations Board,  
Parel, Mumbai – 400 0012.**

**... Respondent**

**GROUNDS**

This complaint has been filed under section 18 of the Right to Information Act 2005 in the context of the commission's order dated 15.01.2009 passed in appeal no.2008/1122/02. The facts in brief are as follows: - The complainant had sought a copy of the inspection report submitted by the Executive Engineer in respect of redeveloped property bearing CS No.112 and 113 Lower Parel Division, Dr E Mosses Rd, Worli, Mumbai.

Not satisfied with responses from the Public Information Officer and First Appellate Authority the complainant filed appeal under section 19(3) of the RTI Act, 2005. The commission by its order dated 15.01.2009 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 27.10.2009. Complainant and defendants were present.

The complainant has admitted having received a copy of the report. He however disputes the contents. The defendant submitted that whatever was available on record has been furnished.

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

**Order**

The complainant is dismissed.

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

Place: Mumbai  
Date: 28.10.2009.

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

**Complaint No.2009/445/02**

**Shri. Ranchhodbahi C. Solanki  
At. Kherda, Post-Anastru,  
Tal. Karjan, Dist. Vadodar – 391 240**

**... Complainant**

**V/s**

**Public Information Officer cum Medical Superintendent  
V.N. Desai Municipal Hospital,  
Santacruz (E), Mumbai.**

**... Respondent**

**GROUND**

This complaint has been filed under section 18 of the Right to Information Act 2005. The complainant was working as a sweeper at V.N. Desai Municipal General Hospital and claims to have sought voluntary retirement by his application dated 01.06.1992. He has requested for settlement of his claims/ dues and has sought copies of documents in this regard.

The complaint was heard on 27.10.2009. The defendant was present but the complainant did not turn up.

The defendant has submitted that the complainant was appointed on 14.05.83. His resignation was received on 20.12.2006. The complainant remained absent from 27.07.92 and 19.12.2006. He was therefore asked to get in touch with the office. Since decision has been taken on his absence, the claim has remained unsettled.

In the light of the above facts there is little which the commission can do. We are not mandated to settle disputes / claims. I am therefore constrained to close the case.

**Order**

The complainant is dismissed.

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

Place: Mumbai  
Date: 28.10.2009.

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

**Appeal No.2008/3416/02**

**Shri. Vincent Joseph Fernandes  
26, Chuim Village, Khar (W),  
Mumbai – 400 052.**

... **Appellant**

V/s

**First Appellate Officer cum Asstt Commissioner  
Municipal Corporation, H/West Ward Office,  
2<sup>nd</sup> Floor, St Martin Rd,  
Bandra (W), Mumbai – 400 050.**

... **Respondent**

**Public Information Officer cum Hydraulic Engineer/ Asstt Engineer  
(Water Works), Municipal Corporation, H/West Ward Office,  
2<sup>nd</sup> Floor, St Martin Rd,  
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 02.04.2009 had sought information as to when was the water connection given to House no 30 a, Chuim Village, Khar (W), Mumbai. The Public Information Officer by his letter dated 13.05.2009 informed him that the related file could not be traced even after diligent search. The First Appellate Authority confirmed the PIO's 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 21.10.2009. Appellant and respondents were present.

The appellant has contended that he has not been furnished the required information. The respondent submitted that the file was not traceable and therefore the information could not be furnished.

After going through the case papers and considering the arguments advanced by parties I have come to the conclusion that information has not been furnished because the relevant file was not traceable. This is sad. The Department has not maintained its record properly. This needs to be re-looked. The fact, however, remains that the relevant file was not available and therefore information could not be furnished I am constrained to close the appeal. I therefore pass the following order.

**Order**

The appeal is disposed off.

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

Place: Mumbai  
Date: 30.10.2009.

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

**Appeal No.2008/3486/02**

**Shri. Shailesh Sanghavi  
Shop No. 1, Dhoothpapeshwar,  
Mangalwadi, J.S.S. Rd,  
Mumbai – 400 004.**

... **Appellant**

**V/s**

**First Appellate Officer cum Chief Election Officer  
Maharashtra State,  
Mantralaya, Mumbai – 400 032.**

... **Respondent**

**Public Information Officer cum Election Office  
Maharashtra State,  
Mantralaya, Mumbai – 400 032.**

**GROUND**

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant by his application dated 01.04.2009 had sought information relating to no of applications & letters received by the office of the Chief Election Office, Mumbai from the year 2001 till March, 2008 regarding dispute of non receipt of payment for the work of Voters Identity Card 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 26.10.2009. The appellant did not turn up but the respondent was present.

The respondent submitted that the work of Voters Identity Card is not centralized and they therefore do not have this information readily available with him. He however promised to look into the appellant's grievance if any. In the light of respondent's submission and appellant absence I decide to close the case.

**Order**

The appeal is disposed off.

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

Place: Mumbai  
Date: 30.10.2009.

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

**Complaint No.2009/453/02**

**Shri.Sudhir Narayan Gokhale  
202, Mohak Tower, Maratha Colony,  
Vamanrao Sawant Marg,  
Near Janseva Bank, Dahisar (E),  
Mumbai – 400 068.**

... **Complainant**

V/s

**Public Information Officer cum Executive Engineer  
(Building Proposal) Municipal Corporation,  
4.3 (P & R), 1<sup>st</sup> Floor, Dr.Ambedkar Market Build,  
Kandivali (W), Mumbai – 400 067.**

... **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 27.10.2009 passed in appeal no 2008/1565/02. The facts in brief are as follows: The present complainant had sought information regarding use of flat no 102, 101, 302 and shop no 3 and 4.

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 27.10.2009 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 27.10.2009. Complainant and defendants were present.

The complainant has stated that he was not satisfied with the information furnished to him. The defendant submitted that information available on record has been furnished. It was also stated by them that the building has not been given occupancy certificate and any deviation from the approved plan will be taken care of at time of considering grant of occupancy certificate.

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

**Order**

The complaint is filed.

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

Place: Mumbai  
Date: 30.10.2009.

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

Appeal No.2008/3472/02

**Shri. Subhachandra Chunilal Desai**  
**12 A (13), Shantiniketan, CHS. Ltd,**  
**Ext.M.G. Rd, Behind Vohra Colony,**  
**Kandivali (W), Mumbai – 400 067.**

... **Appellant**

V/s

**First Appellate Officer cum Dy Police Commissioner,**  
**Zone – 12, Mumbai.**

... **Respondent**

**Public Information Officer cum Asstt 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 05.03.2009 had sought information on pints contained in his application. The PIO by his letter dated 04.04.2009 furnished pointwise information. The First Appellate Authority by his order dated 18.05.2009 confirmed the PIO's 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 20.10.2009. Appellant and respondents were present.

The appellant has contended he has not been given the information. The respondent submitted that they have furnished information to the list of their ability and knowledge.

After going though 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 dismissed.

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

Place: Mumbai  
Date: 30.10.2009.

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

Appeal No.2008/3471/02

**Shri. Subhachandra Chunilal Desai**  
**12 A (13), Shantiniketan, CHS. Ltd,**  
**Ext.M.G. Rd, Behind Vohra Colony,**  
**Kandivali (W), Mumbai – 400 067.**

... **Appellant**

V/s

**First Appellate Officer cum Dy Police Commissioner,**  
**Zone – 12, Mumbai.**

... **Respondent**

**Public Information Officer cum Asstt 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 05.03.2009 had sought information on pints contained in his application. The PIO by his letter dated 04.04.2009 furnished pointwise information. The First Appellate Authority by his order dated 18.05.2009 confirmed the PIO's 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 20.10.2009. Appellant and respondents were present.

The appellant has contended he has not been given the information. The respondent submitted that they have furnished information to the list of their ability and knowledge.

After going though 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 dismissed.

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

Place: Mumbai  
Date: 30.10.2009.

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

**Complaint No.2009/372/02**

**Shri. Bharat Virchanji Gujar  
7/Gazdar Rd,  
Shri Jee Bhavan, J.S.M. Rd,  
Mumbai – 400 002.**

... **Complainant**

V/s

**Public Information Officer cum Dy Chief Engineer (B & F)  
Municipal Corporation, C Ward,  
76, Shrikant Palkar Marg, Mumbai – 400 002.**

... **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 04.10.2008 passed in appeal no 2008/634/02. The facts in brief are as follows: The present complainant had asked for a copy of the approved plan, relevant documents and correspondence in respect of building 399/40 403 Memon street and 38/46 Pinjari Street, Mumbai.

Not satisfied with responses from the Public Information Officer and First Appellate Authority the complainant filed appeal under section 19(3) of the RTI Act, 2005. The commission by its order dated 04.10.2008 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 30.10.2009. The complainant was present but the defendant was absent.

The complainant has stated that he has not been furnished the required information. Since the defendant was not present it could not be verified. The case papers however show that the PIO his letter dated 04 Nov, 2008 informed the complainant that the required documents could be provided on payments of charges. The complaint has stated that he visited the concerned office so many times but no information was furnished to him.



After considering the arguments advanced by the complainant and going through the file I have come to the conclusion that commission's order has not been complied. The defendant prima facie has violated the provisions of the RTI Act. He should therefore show cause why he should not be fined @ Rs.250/- per day according to section 20 of the RTI Act 2005. His reply to reach to reach the commission within 4 weeks.

**Order**

Complaint is allowed. The PIO to send his reply within 4 weeks.

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

Place: Mumbai  
Date: 30.10.2009.

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

**Complaint No.2009/381/02**

**Shri. Swapnil Kadam  
510, Himalaya House, 79,  
Palton Rd, Mumbai – 400 001.**

... **Complainant**

V/s

**Public Information Officer cum Executive Engineer  
Municipal Corporation, E Ward Office,  
3<sup>rd</sup> Floor, Byculla, Mumbai – 400 008.**

... **Respondent**

**GROUND**

This complaint has been filed under section 18 of the Right to Information Act 2005 in the context of the commission's order dated 26.03.2009 passed in appeal no 2008/2141/02. The facts in brief are as follows: The present complainant had sought information relating to the use of 1 & 2<sup>nd</sup> Floor's of New Akashganga Cooperative Housing Society, Bhulabhai Desai Rd, Mumbai. He wanted to know whether the trust which is occupying the floors has obtained permission for change of user.

Not satisfied with responses from the Public Information Officer and First Appellate Authority the complainant filed appeal under section 19(3) of the RTI Act, 2005. The commission by its order dated 26.03.2009 directed that information should be furnished within 30 days. The present complaint is against alleged non compliance of commission's order.

The complaint was heard on 30.10.2009. Complainant and defendants were present.

The complainant has stated that he has not yet been furnished copies of documents required by him. The defendant submitted that copies of available documents have been furnished some documents were requisitioned from the ward office and given to the complainant. The defendant also informed the commission that no permission for change of user was given. The complainant has been informed accordingly.

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. The complainant has been informed that no permission for change of use was given. The complainant to should take up the matter with the ward office.

**Order**

The complainant is filed.

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

Place: Mumbai  
Date: 30.10.2009.

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

Appeal No.2008/2883/02

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

... **Appellant**

V/s

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

... **Respondent**

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

**GROUND**

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant by his application dated 16.10.2007 had sought complete details of the residential addresses of Dr. Shakeel Hurzuk, Principal of Maharashtra College as per official record from 1993 till date.

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 28.10.2009. Appellant and respondents were absent.

The appellant at the time at hearing his complaint no 2009/301/02 informed the commission that the disputes between him and the Management have been settled amicably and according to the minutes of the order dated 15.07.2009, he was supposed to withdraw all applications / appeals pending before RTI Officers. Although no formal withdrawal petition has been filed his confined absence on dates of hearing 15.07.2009 and 28.10.2009 make me enter that he is no longer interested in pursuing the case. I therefore pass the following order.

**Order**

The appeal is dismissed.

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

Place: Mumbai  
Date: 30.10.2009.

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

Appeal No.2008/2885/02

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

... **Appellant**

V/s

**First Appellate Officer cum President**  
**Khairul Islam Higher Education Society's, (KIHES)**  
41 Sea Land Cuffe Parade, Colaba  
Mumbai – 400 005.

... **Respondent**

**Public Information Officer,**  
**Khairul Islam Higher Education Society's, (KIHES)**  
41 Sea Land Cuffe Parade, Colaba  
Mumbai – 400 005.

**GROUND**

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant by his application dated 19.11.2009 had sought an attested copy of the Bye Laws of Khairul Islam Higher Education Society, 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 fixed for hearing on 28.10.2009. Appellant and respondents were absent.

The appellant at the time at hearing his complaint no 2009/301/02 informed the commission that the disputes have been settled amicably between him and the management and according to the minutes of the order dated 15.07.2009, he was supposed to withdraw all applications / appeals pending before RTI Officers. Although no formal withdrawal petition has been filed his confined absence on dates of hearing 15.07.2009 and 28.10.2009 make me infer that he is no longer interested in pursuing the case. I therefore pass the following order.

**Order**

The appeal is dismissed.

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

Place: Mumbai  
Date: 30.10.2009.

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

**Appeal No.2008/2884/02**

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

**... Appellant**

**V/s**

**First Appellate Officer cum President  
Khairul Islam Higher Education Society's, (KIHES)  
41 Sea Land Cuffe Parade, Colaba  
Mumbai – 400 005.**

**... Respondent**

**Public Information Officer,  
Khairul Islam Higher Education Society's, (KIHES)  
41 Sea Land Cuffe Parade, Colaba  
Mumbai – 400 005.**

**GROUND**

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant by his application dated 19.11.2009 had sought the following information: -

- i) Minutes of the proceedings.
- ii) Attendance
- iii) Notice along with agenda
- iv) Attendance of the circulation of the above notice

Of the managing committee / governing body (of Maharashtra College) meeting as mention in the suspension order dated 25.05.2007 of Prof.Patankar.

Certified Information Required

1. Minimum Quorum needed for the Managing Committee meeting.
2. Names and Addresses of all Managing Committee members of KIHES along with their contact numbers.
3. Names and Addresses of all General Body members of KIHES along with their contact numbers.

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 28.10.2009. Appellant and respondents were absent.

The appellant at the time at hearing his complaint no 2009/301/02 informed the commission that the disputes between him and the Management have been settled amicably and according to the minutes of the order dated 15.07.2009, he was supposed to withdraw all applications / appeals pending before RTI Officers. Although no formal withdrawal petition has been filed his continued absence on dates of hearing 15.07.2009 and 28.10.2009 make me infer that he is no longer interested in pursuing the case. I therefore pass the following order.

**Order**

The appeal is dismissed.

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

Place: Mumbai  
Date: 30.10.2009.

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

**Appeal No.2008/3450/02**

**Shri. D. T Chafe  
60-C, Bhupen Chambers,  
4<sup>th</sup> Floor, 9 Dala Street Fort,  
Mumbai – 400 001.**

**... Appellant**

**V/s**

**First Appellate Officer cum Asstt Commissioner  
Municipal Corporation, D Ward,  
Municipal Office, 2<sup>nd</sup> Floor, Jobanputra Compound,  
Nana Chowk, Grant Rd (W), Mumbai – 400 007.**

**... Respondent**

**Public Information Officer Asstt Assessor & Collector  
Municipal Corporation, D Ward,  
Municipal Office, 2<sup>nd</sup> Floor, Jobanputra Compound,  
Nana Chowk, Grant Rd (W), Mumbai – 400 007.**

**GROUNDS**

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant by his application dated 23.02.2009 had sought the following information: -

- 1) Arrange to issue Xerox copies of the following pages in respect of the above-mentioned property.
  - i) Registrar of inspection of properties for the period 1992-93, Ward-6, Sec.20, Property A/c No.0084-00-0 D-3446(4)/20 and
  - ii) Assessment Book – Form No.1, Ward D. Sec.20, Assessment Book for the year-1994-1995, Property A/c.No.0084-00-0, Ward No. Street No.D-3446 (4)/2D.

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 26.10.2009. Appellant and respondents were present.

The appellant has contended that the schedule of fees for furnishing information pertaining to the Assessment & Collection Department issued in 2003 as amended from time to time has no relevance after coming into being of the Right to Information Act,



2005. The appellant has also stated that he had sought Xerox copies (not certified copies) of register of Inspection of properties. The respondent submitted that section 4 of the of the Maharashtra Right to Information Rules, 2005 clearly states that when the concerned Department has already fixed the price of some documents maps etc, the price so fixed shall be charged.

After considering the arguments advanced by parties and going through the case papers I have come to the conclusion that the respondents are correct in their interpretation. I therefore close the case.

**Order**

The appeal is disposed off.

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

Place: Mumbai  
Date: 30.10.2009.

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

**Appeal No.2008/3535/02**

**Shri. Dilip M. Nanvati  
Ratna 32, Jaihind Society NS Rd. 11,  
J.V.P.D. Scheme, Vileparle (W)  
Mumbai – 400 049.**

... **Appellant**

**V/s**

**First Appellate Officer,  
Breach Candy Hospital Trust,  
60-A, Bhulabhai Desai Rd,  
Mumbai – 400 026.**

... **Respondent**

**Public Information Officer,  
Breach Candy Hospital Trust,  
60-A, Bhulabhai Desai Rd,  
Mumbai – 400 026.**

**GROUNDS**

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant by his application dated 30.03.2009 had sought information relating to Breach Candy Hospital, Mumbai. The appellant had submitted an application to the hospital seeking information on points contained in his application but the Hospital refused to furnish the required information. The first appeal also did not result into he getting any 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 31.03.2009. The appellant did not turn up but the respondent was present.

The respondent has taken the plea that as a public trust registered under the Bombay Public Trust Act they are not public authority and hence not under obligation to furnish the required information.

I have gone through the case papers. The crucial point here is whether a public trust registered under the Bombay Public Trust Act can be a public authority. The issue has been settled by the Hon High Court of Judicature at Bombay, Nagpur Bench at

Nagpur in writ Petition no 5294 of 2008. It has been held that the RTI Act applies to public authorities. The definition of public authority as given in the Act reads as follows.

“Public authority” means any authority or body or institution of self government established or constituted -

- (a) by or under the constitution;
- (b) by any other law made by Parliament;
- (c) by any other law made by State Legislature;
- (d) by notification issued or order made by the

Appropriate government, and includes any –

- (i) body owned, controlled or substantially financed;
- (ii) non-Government Organization substantially financed directly or indirectly by funds provided by the appropriate Government.

A bare reading of definition would make it clear that public trust does not fall in either of the categories. It is not established or constituted under the constitution of India, by law passed by the parliament, by any law of the State Legislature or by Notification issued by any appropriate Government. It is also not a body substantively financed or controlled by the Government not is it a NGO financed by the Government not does the trust receive any contribution or grant from the Government. It is not the contention of the State that the State provides any funds to the petitioner trust. It is, therefore, clear from the provisions of this definition that the Act cannot apply to the Public Trust. Any public trust, therefore, is not all covered by the definition of the public authority. It is only the public authority which is bound by the provisions of the Act. Any person seeking to establish that a particular public trust is covered by the provisions of the Right to Information Act will have to first prove that a it is a public trust created by Government or Parliament or is substantively financed by the government. Until that is done, it must be held to be falling outside the scope of the Right to Information Act. If

any person is interested in the information of the trust, he can definitely apply to the Charity Commissioner under the provisions of the Public Trust Act to have such information, which the Charity Commissioner may deem fit to be provided. But as far as Right to Information Act is concerned, there is no need for public trust to appoint any Information Officer and to entertain any such application under the Right to Information Act.

Although the appellant has tried to prove that the Hospital is not a private Hospital and therefore information can be accessed. It is however not conclusively proved that the hospital fulfils the conditions to be called a Public Authority under these circumstances. The case will have to be closed as the information sought relates to a trust which is not a public authority. I therefore close the case.

**Order**

The appeal is disposed off.

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

Place: Mumbai  
Date: 30.10.2009.

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

**Appeal No.2008/3393/02**

**Shri. V.V. Rane  
Govt. Science Board, Mumbai,  
A-3/303, Anand Nagar,  
Dahisar (E), Mumbai – 400 068.**

... **Appellant**

V/s

**First Appellate Officer cum Joint Secretary  
Higher & Technical Education Dept,  
Mantralaya, Mumbai – 400 032.**

... **Respondent**

**Public Information Officer cum Under Secretary (2)  
Higher & Technical Education Dept,  
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 07.05.2009 had sought information relating to his GPF, GIS and other retirement benefits. He also wanted information regarding house rent allowance, advance increment and withholding of increment.

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 09.10.2009. Appellant and respondents were present.

The appellant has contended that he has not been furnished the required information. The respondent has submitted that the issues raised by the appellant fell within the purview of the Institute of Science and Director Higher Education and his application has been sent to them.

After going through the case papers and considering the arguments advanced by parties I have come to the conclusion that information has been furnished. Although his application was sent to the authorities, the First Appellate Authority in his order dated 22.09.2009 has given pointwise information. The appellant may not be satisfied but the commission is not mandated to settle disputes regarding payment of retirement benefit or release of increment. The appellant may have to approach the relevant competent

authority to get his grievances sorted out. As far the commission is as concerned, the case is being, closed as the available information has been furnished.

**Order**

The appeal is disposed off.

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

Place: Mumbai  
Date: 31.10.2009.

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

**Appeal No.2008/3527/02**

**Shrimati. Smita P Kelakar  
A-203 Yash Society,  
Near Jivan Vikas Centre,  
Andheri (E), Mumbai – 400 069.**

**... Appellant**

**V/s**

**First Appellate Officer cum Dy Secretary  
Maharashtra Public Service Commission,  
Bank of India Bldg,  
Mahatma Gandhi Marg, Mumbai – 400 001.**

**... Respondent**

**Public Information Officer cum Desk Officer  
Maharashtra Public Service Commission,  
Bank of India Bldg,  
Mahatma Gandhi Marg, Mumbai – 400 001.**

**GROUNDS**

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant had sought the information relating to clerk cum typist examination 2007. Her name was recommended for appointment on the ground that she had not passed her Marathi typing examination by the last date of submission of application for the post.

Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant filed this second appeal before the Commission. The appeal was heard on 31.10.2009. The appellant did not turn up but the respondent was present.

It has been stated by respondents that candidates were allowed to write the exam without verifying the eligibility from education age, caste angle. The appellant's name was recommended for appointment as Marathi typist. She was however not appointed because she had not pass the typing exam before the prescribed date.

After going though the case papers and considering the arguments advanced by parties I have come to the conclusion that information has been furnished. I am fully aware of the predicament of the appellant. It is nature for her to feel aggrieved. The RTI

Act however is not mandated to arbitrate – whether the action taken by the MPSC is right or wrong. It guarantees furnishing of available information and the same has been done.

I am therefore constrained to close the case. I pass the following order.

**Order**

The appeal is disposed off.

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

Place: Mumbai  
Date: 31.10.2009.



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

Appeal No.2008/3427/02

**Shri. Laxmichand B. Satra**  
**501, Pratik CHS Ltd,**  
**Mamlatdarwadi Main Rd, Malad (W),**  
**Mumbai – 400 064.**

... **Appellant**

V/s

**First Appellate Officer cum Executive Engineer**  
**Municipal Corporation, P/North Ward Office,**  
**Liberty Garden, Malad (W), Mumbai – 400 064.**

... **Respondent**

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

**GROUND**

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant by his application dated 24.03.2009 had sought information relating to his complaint dated 11.02.2009. The appellant is the Chairman, Pratik CHS Mamlatwadi Main Road, Malad. He had written a letter dated 11.02.2009 pointing out certain violations of the MCGM's per mission granted to the occupant of flat no 101. He listed the violations and requested for action.

Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant filed this second appeal before the Commission. The appeal was heard on 21.10.2009. Appellant and respondents were present.

The appellant has contended that he has not been given the required information despite vigorous follow up. The respondent did not have any credible answer. I have therefore come to the conclusion that information has not been furnished. I therefore pass the following order.

**Order**

The appeal is allowed. The PIO to furnish pointwise information free of cost within 30 days. He should also show cause why action under section 20 of the RTI Act should not be initiated against him not furnishing the information in time.

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

Place: Mumbai  
Date: 31.10.2009.

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

**Appeal No.2008/3083/02**

**Shri. Dr. K. Shivraj Mani  
C-16, Yamuna, Anusakti Nagar,  
Mumbai – 400 094.**

**... Appellant**

**V/s**

**First Appellate Officer cum Comdt.  
House Guard (H.Q.)  
Old Secretariat, Annex Bldg,  
M.G.Rd, Mumbai – 400 032.**

**... Respondent**

**Public Information Officer cum Staff Officer (Adm)  
House Guard (H.Q.)  
Old Secretariat, Annex Bldg,  
M.G.Rd, 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 23.03.2009 had sought information relating to the Home Guards organization. He has sought information on more than two dozen points. The PIO and the First Appellate Authority have submitted that available information has been furnished.

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 28.10.2009. Appellant and respondents were present.

The appellant has contended that information has not been furnished and attempt has been made to hide the reality.

The respondent's contention is that available information has been furnished and no attempt has been made to hide the reality.

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 during the hearing admitted having received the information but he had a large no of supplementaries to ask. This process of unending debate cannot be allowed. The

appellant is free to put up another application to get replies to his supplementaries. I therefore decide to close the case.

**Order**

The appeal is disposed off.

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

Place: Mumbai  
Date: 31.10.2009.

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

Appeal No.2008/3520/02

**Shri. Pravin V. Solanki**  
**Room No.8, New Bavan Chawl,**  
**Veer Tanaji Malusare Marg,**  
**Kalachowki, Mumbai – 400 033.**

... **Appellant**

V/s

**First Appellate Officer,**  
**Employees and Self Employees Training Center**  
**(Mumbai City), Govt. Kutir No.1 & 2,**  
**Free Press General Marg,**  
**Nariman Point, Mumbai – 400 021.**

... **Respondent**

**Public Information Officer,**  
**Employees and Self Employees Training Center**  
**(Mumbai City), Govt. Kutir No.1 & 2,**  
**Free Press General Marg,**  
**Nariman Point, 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 22.05.2009 had sought information as how many times from 01.01.2009 to 30.04.2009 spot selection was organized. He wanted information in respect a govt. offices only.

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 30.10.2009. Appellant and respondents were present.

The appellant has contended that he had sought information in respect of govt. office but has been given information about private establishment. It has been submitted by respondents that spot selection is arranged only for private establishment and not for govt. organizations. The question of furnishing the required information did not arise. Respondents have also clarified the position regarding filling up of the posts of steno/ Clark- typist in the office of the Consumers Redressal Manch.

It is thus clear that no information has been withheld and factual position has been brought the notice of the appellant. I therefore pass the following order.

**Order**

The appeal is disposed off.

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

Place: Mumbai  
Date: 31.10.2009.

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

Appeal No.2008/3468/02

**Shri. Vilas A. Salve**  
**Room No.19, Sailila Sadan Chawl,**  
**Near Sai Mandir, Hanuman Galli,**  
**Ganjur Marg (E), Mumbai.**

... **Appellant**

V/s

**First Appellate Officer,**  
**Municipal Corporation,**  
**S Ward Office,**  
**Bhandup (W), Mumbai.**

... **Respondent**

**Public Information Officer,**  
**Municipal Corporation,**  
**S Ward Office,**  
**Bhandup (W), Mumbai.**

**GROUND**

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant had sought information on points contained in his application dated 02.04.2009.

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 20.10.2009. Appellant and respondents were present.

The appellant has contended that he has not been furnished the required information. The respondent submitted that the appellant has been offered inspection of documents.

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 information sought is specific so the question of inspection is not relevant. I therefore pass the following order.

**Order**

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

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

Place: Mumbai  
Date: 31.10.2009.

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

Appeal No.2008/3470/02

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

... **Appellant**

V/s

**First Appellate Officer cum Dy Chief Engineer  
Municipal Corporation,  
S Ward Office, 3<sup>rd</sup> Floor,  
Sheikh Hafizuddin Marg,  
Mumbai – 400 008.**

... **Respondent**

**Public Information Officer,  
Municipal Corporation,  
S Ward Office, 3<sup>rd</sup> Floor,  
Sheikh Hafizuddin Marg,  
Mumbai – 400 008.**

**GROUND**

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant had sought a copy of the occupation certificate in respect of property known as Daluchand Niwas, CS No.258/10, Matunga, Mumbai.

Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant filed this second appeal before the Commission. The appeal was heard on 20.10.2009. Appellant and respondents were present.

The appellant has contended that he has not been given a copy of the occupancy certificate nor has he been told clearly that it has not been issued.

The respondent's contention is that since building competition certificate has been issued, there was no need of issuing the occupancy certificate.

After going through the case papers and considering the arguments advanced by parties I have come to the conclusion that information has been furnished. It is clear from the respondent's communication on record that occupancy certificate has not been issued. Instead building competition certificate has been issued. The appellant is correct in saying that both certificates need to be issued but the fact remains that only building

competition certificate has been issued. The RTI Act does not mandate the commission to find out why it has not been done. I therefore close the case.

**Order**

The appeal is disposed off.

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

Place: Mumbai  
Date: 31.10.2009.

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

Appeal No.2008/3467/02

**Shri. K.J. Raju**  
**Old Building No.2/15**  
**Raoli Camp, H.M. Rd,**  
**Sion-Koliwada, Mumbai – 400 002.**

... **Appellant**

V/s

**First Appellate Officer cum Superintendent**  
**Mumbai City Survey & Land Records,**  
**Old Custom House, 1<sup>st</sup> Floor,**  
**Shahid Bhagatsingh Rd, Fort, Mumbai – 400 023.**

... **Respondent**

**Public Information Officer cum Asstt Superintendent**  
**Mumbai City Survey & Land Records,**  
**Old Custom House, 1<sup>st</sup> Floor,**  
**Shahid Bhagatsingh Rd, Fort, Mumbai – 400 023.**

**GROUND**

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant had sought a copy of the details of cadastral survey no of all the properties situated in Mumbai City District. The PIO and the First Appellate Authority have advised him to collect the same from Setu Suvidha Kendra after depositing the required fee.

Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant filed this second appeal before the Commission. The appeal was heard on 20.10.2009. Appellant and respondents were present.

The appellant has contended that he has not been provided with the required information in time and therefore is entitled to get the information free. The respondents have submitted that the appellate has not asked any specific information. It has also been stated by them that the city has approximately 32, 240 CS No. It will run unto thousands of pages and require a very long time to compile apart from costing lakhs to the appellant.

After going through the case papers and considering the arguments advanced by parties I have come to the conclusion that the appellant has been correctly informed. Furnishing of the information would disproportionately divert the resources of the public authority. This has been correctly denied. I therefore pass the following order.

**Order**

The appeal is dismissed.

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

Place: Mumbai  
Date: 31.10.2009.



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

Appeal No.2008/3362/02

**Shri. Reggie Peter Dias**  
**H.No.31, Kalina, 1<sup>st</sup> Floor,**  
**Kalina Village, Santacruz (E),**  
**Mumbai – 400 029.**

... **Appellant**

V/s

**First Appellate Officer cum Asstt Commissioner**  
**Municipal Corporation, H/West,**  
**137 TPS-5, Second Rd, Prabhat Colony,**  
**Santacruz (E), Mumbai – 400 055.**

... **Respondent**

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

**GROUNDS**

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant by his application dated 02.03.2009 had sought the following information: -

- a) Furnish noting/minutes of report of Dy. Municipal Commissioner, (Special), and Asst. Municipal Commissioner (H/E) and team of their visit at site, H.No.32 Kalina, CTS No.6351, Santacruz (E) on 18<sup>th</sup> Oct, 2008.
- b) Furnish the present Built-Up area and Carpet area =, ground & first floor separately of the reconstructed H.No.32 Kalina CTS No.6351, Santacruz (E), Mumbai.

Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant filed this second appeal before the Commission. The appeal was heard on 07.10.2009. Appellant and respondents were present.

The appellant has contended that the PIO did not obey the orders of the appellate authority and furnish the information as directed vide letter no ACH/1974/09 dated 25.05.2009. The respondent did not have any credible answer. I therefore pass the following order.

**Order**

The appeal is allowed. PIO to furnish information within 15 days failing which action under section 20 of the RTI Act will be initiated.

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

Place: Mumbai  
Date: 31.10.2009.

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

**Appeal No.2008/3364/02**

**Shri. K.D. Tolani  
Flat No.04/A, 3<sup>rd</sup> Floor,  
Om Satnam CHS Ltd.,  
3<sup>rd</sup> Rd, Khar (W), Mumbai – 400 052.**

... **Appellant**

V/s

**First Appellate Officer cum Dy Registrar  
Cooperative Board (3) Mumbai Office,  
Grihanirman Bhavan, 1<sup>st</sup> Floor, Desk No.69,  
Bandra (E), Mumbai – 400 051.**

... **Respondent**

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

**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 the following information: -

The Om Satnam Co-op Hsg Soc. Ltd, has been registered on 20<sup>th</sup> Jan, 1996 and thereafter since April 1998 till 31<sup>st</sup> March 2009 and even as on today whatever correspondence as required under provisions of the Maharashtra Co-operative Societies Act 1960, Rules 1961 the adopted byelaws of the Society has been made by the Society and its members/ office bearers/ managing committee and vise in all respect, certified copies of it may please be made available.

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 07.10.2009. Appellant and respondents were present.

The appellant has contended that he has had not received the required information. The respondent volunteered to offer inspection of records and furnish copies of selected documents. It was agreed to have the inspection on 23.10.2009. I therefore close the case.

**Order**

The appeal is disposed off.

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

Place: Mumbai  
Date: 30.10.2009.

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

**Appeal No.2008/3532/02**

**Shri. Nandu Shivaji Gholap  
32/2/6, Anusaya Gangurde Chawl,  
Shatabdi CHS, Siddharth Colony,  
Chembur, Mumbai – 400 071.**

... **Appellant**

**V/s**

**First Appellate Officer cum Director General  
Home Guard Main Office,  
Old Sachivalaya, 3<sup>rd</sup> Floor, Mumbai – 400 032.**

... **Respondent**

**Public Information Officer  
Home Guard Main Office,  
Old Sachivalaya, 3<sup>rd</sup> Floor, 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 08.06.2009 had sought information relating to his complaint dated 31.10.2008 against Shri Joshan Naze. He had alleged misuse of powers by Shri Naze and requested for enquiry and arrest of Shri Naze. He also wanted what action was 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 31.10.2009. Appellant and respondents were present.

The appellant has contended that he was not satisfied with the manner in which the enquiry was conducted and also the outcome of the enquiry. The respondent submitted that the appellant has been offered a copy of the record and report, but he has still preferred the second appeal.

After going through the case papers and considering the arguments advanced by parties I have come to the conclusion that information has been furnished. The commission cannot examine the manner of enquiry and fairness or otherwise of the enquiry report. The RTI Act guarantees furnishing of available information and the same has been done. I therefore close the case.

**Order**

The appeal is disposed off.

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

Place: Mumbai  
Date: 31.10.2009.

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

Appeal No.2008/3363/02

**Shri. Abdul Gafur**  
**Hotel President, Maharashtra Nagar,**  
**Bandra (E), Mumbai – 400 51.**

... **Appellant**

V/s

**First Appellate Officer cum Dy District**  
**Grihanirman Bhavan, Ground, Room No. 68,**  
**Bandra (E), Mumbai – 400 051.**

... **Respondent**

**Public Information Officer cum Tahsiladar**  
**Grihanirman Bhavan, Ground, Room No. 68,**  
**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 13.08.2009 had sought information relating removal of 7 huts under the Slum Rehabilitation Scheme from survey no 629, Maharashtra Nagar / Ambedkar Nagar, Zopadpatti. He sought details of manpower & Machinery used and expenses incurred on removal of huts.

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 07.10.2009. The appellant did not turn up but the respondent was present.

The respondent's contention is that the appellant has been informed to inspect documents and ask for copies of the selected documents by his communication dated 04.12.2008, but he did not turn up. Since the appellant was not present it could not be verified. Thus in view of the appellant's absence and respondent submission I decide to close the case. I therefore pass the following order.

**Order**

The appeal is disposed off.

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

Place: Mumbai  
Date: 31.10.2009.

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

**Appeal No.2008/3530/02**

**Shri. Pravin Tripathi  
166-G, Mumbadevi Tempal Compound,  
Mumbai – 400 002.**

... **Appellant**

**V/s**

**First Appellate Officer cum Dy Commissioner of Police  
Office of the Police Commissioner, Ground Floor,  
Opp Crawford Market, Mumbai – 400 001.**

... **Respondent**

**Public Information Officer cum Asstt Police Commissioner  
Office of the Police Commissioner, Ground Floor,  
Opp Crawford Market, 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 01.06.2009 had sought the following information relating to the Mumbai Police: -

- 1) How many total No of staff (all ranks) in Mumbai Police force.
- 2) How many total No of staff (all ranks) affected by HIV/AIDS in Mumbai Police force.
- 3) What steps are taken for their treatment & what is cause for staff of Mumbai Police being affected by HIV/AIDS.

Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant filed this second appeal before the Commission. The appeal was heard on 31.10.2009. The appellant did not turn up but the respondent was present.

It has been submitted that information relating to point no 1 has been furnished and information on point no 2 & 3 are not available on record and therefore could not be furnished. Thus 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: 31.10.2009.

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

Appeal No.2008/3391/02

**Shri. Ashok Dadasaheb Rupvate**  
**2, Ramchandrakrupa Soc.,**  
**Teacher Colony, Jail Rd (E),**  
**Nashik Rd – 422 101.**

... **Appellant**

V/s

**First Appellate Officer,**  
**School Education & Sport Dept.**  
**Maharashtra State, Mantralaya,**  
**Mumbai – 400 032.**

... **Respondent**

**Public Information Officer,**  
**School Education & Sport Dept.**  
**Maharashtra State, 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 20.03.2009 had sought information relating to non reimbursement of tuition fee to his ward. The appellant's ward received reimbursement while studying at St. Lawrence School, Borivali but was denied the same at St Francis High School, Nashik.

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 07.10.2009. Appellant and respondents were present.

The appellant has contended that he did not understand how he was reimbursed tuition fee in Mumbai but not when his ward shifted to Nashik.

The respondent's contention is that the departments of social justice and Tribal welfare have been asked to make their policy in the light of govt's general policy of rendering assistance to boys and girls up to SSC level.

He therefore pleaded that the ball lay in the court of the Department of social justice and not School Education. In the light this clarification I come to the conclusion that the information stands furnished. I therefore close the case.

**Order**

The appeal is disposed off.

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

Place: Mumbai  
Date: 31.10.2009.

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

Appeal No.2008/3390/02

**Shri. Ashok Dadasaheb Rupvate**  
**2, Ramchandrakrupa Soc.,**  
**Teacher Colony, Jail Rd (E),**  
**Nashik Rd – 422 101.**

... **Appellant**

V/s

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

... **Respondent**

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

**GROUND**

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant by his application dated 20.03.2009 had sought information relating to non reimbursement of tuition fee to his ward. The appellant's ward was reimbursed tuition fee of Rs.5880 while studying at St Lawrence School, Borivali during 2006-2007. He shifted his ward to St Francis High School, Nashik and applied for reimbursement of tuition fee but the same has been denied to him by the District Social welfare officer Nashik saying that there was no govt. decision 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 07.10.2009. Appellant was present but the respondent was absent.

The appellant has contended that he is at a loss to understand why the same person was given reimbursement at one place and denied at another place. Since the respondent was absent the same could not be verified. Thus in light of the appellant's submission and respondent's absence I pass the following order.

**Order**

The appeal is allowed. The PIO to furnish information within 15 days under intimation to the commission failing which action under section 20 of the RTI Act, 2005 will be initiated against him.

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

Place: Mumbai  
Date: 31.10.2009.

**Shri. Subhash A. Gandhi**  
15/16, Bhupen Chambers,  
Ground Floor, 9, Dalal Street,  
Fort, Mumbai – 400 001.

... **Appellant**

V/s

**First Appellate Officer cum Dy Chief Engineer**  
Municipal Corporation, E Ward Office,  
3<sup>rd</sup> Floor, Mafizuddin Marg, Byculla,  
Mumbai – 400 008.

... **Respondent**

**Public Information Officer,**  
Office of the Superintendent (B.P) City,  
Municipal Corporation, E Ward Office,  
3<sup>rd</sup> Floor, Mafizuddin Marg, 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 14.01.2009 had sought the following information: -

1. As directed by the Dy. Chief Engineer (B.P.) City to O.S.B.P. (City) to supervise the work of the inventory during 15 days. A daily report of which shall be submitted to him. Please give me copies of the daily report submitted by O.S.B.P. (City) to the Dy. Chief Engineer (B.P.) City.
2. As instructed by the Dy. Chief Engineer (B.P.) City to all the records clerks that within 15 days time they should prepare inventory of all the file paper in the record room in “E” Ward as well as in the record room of the respective Executive Engineer. Thereafter, the proper steps about the computerization of the inventory shall be taken by the respective Executive Engineer. Please let me know if records clerks have prepare any such inventory of all the file papers in the records room in “E” Ward as well as in the record room of the respect Executive Engineers. If the record clerks have prepared such inventory, please give copies of the such inventory.
3. Let me know, whether as per the direction of the Dy. Chief Engineer (B.P.) City, any steps have been taken for computerization of the inventory? If inventory in prepared and computerized, please give the computerized inventory.
4. If no steps are taken as per the orders of the Dy. Chief Engineer (City), has any action taken against the concerned persons? Please give me details.



Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant filed this second appeal before the Commission. The appeal was heard on 31.10.2009. Appellant and respondents were present.

The respondent has submitted that the appellant has been informed about the progress made in making inventory of files and computerization of records. In his submission to the commission the respondent has informed that inventory of files at worli has been completed and the work relating to his office has been completed to the extent of 60 to 70%. The appellant at this stage pleaded that a copy of the completed inventory should be furnished to him. The respondent however wanted him to wait till the whole exercise is completed.

After going through the case papers and considering the appellant should be given arguments advanced by parties I have come to the conclusion that the inspection of the work done by the respondent. I therefore pass the following order.

**Order**

The appeal is disposed off.

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

Place: Mumbai  
Date: 31.10.2009.

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

**Appeal No.2008/3387/02**

**Shri. Leo Mascarenhas**

**Room No.118, Fr. C. Rodrigues College of Engineering,  
Band Stand, Bandra (W), Mumbai – 400 050.**

**... Appellant**

**V/s**

**First Appellate Officer cum Principal**

**Fr. C. Rodrigues College of Engineering,  
Band Stand, Bandra (W), Mumbai – 400 050.**

**... Respondent**

**Public Information Officer,**

**Fr. C. Rodrigues College of Engineering,  
Band Stand, Bandra (W), Mumbai – 400 050.**

**GROUNDS**

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant by his application dated 24.10.2008 had sought the following information: -

- a. Certified copy of the written Complaint dated 01.08.2008 by Shri V.S. Bilolikar.
- b. Statements recorded of the Complainant and complainant's witness and such other witnesses so recorded.
- c. The report submitted before the Committee.
- d. The recommendation submitted before the Committee.
- e. Documents referred into the departmental enquiry.

The PIO by him letter dated 17.11.2008 informed him that the RTI Act does not apply to the college as the college is not partially or substantially financed by the State Govt. The First Appellate Authority confirmed the PIO's 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 08.10.2009. Appellant was present but the respondent was absent.

The appellant has contended that the University of Mumbai is recognized by the University Grant Commission and is functioning as per the provisions of the said Act. The college is affiliated to the University as Mumbai and subject to the same constitutionality of applicable to University of Mumbai. Similarly University of Mumbai is a "Public Authority" as defined under sec.2 (h) of the RTI Act, 2005 and hence the said proviso suo-moto applied to the affiliated colleges as well.

Since the respondents were absent the commission remained deprived of their valuable input.

After going through the case papers and considering the arguments advanced by parties I have come to the conclusion that the information need to be provided. The appellant has produced a copy of the notice dated 31.12.2007 issued by the Principal of the College appointing Information Officer/ Appellate authority. I am of the view that irrespective of the applicability or otherwise of the RTI Act the fact that the college itself has volunteered to subscribe to the RTI Act, I order that the required information should be furnished.

**Order**

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

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

Place: Mumbai  
Date: 31.10.2009.

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

**Appeal No.2008/3407/02**

**Shri. J.P. Sharma  
D-203, Veena Nagar,  
S.V. Rd, Malad (W),  
Mumbai – 400 064.**

... **Appellant**

V/s

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

... **Respondent**

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

**GROUNDS**

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant by his application dated 16.01.2009 had sought a copy of the Government Resolution or Rule or order under which flat owners are subject to compulsory registration of their flats in a Registered cooperative Housing Society after payment of stamp duty. The issue has arisen because of a clarification posted on the website of the Inspector General of Registration, Maharashtra which reads as follows.

“In a registered society the member actually transfers his right in the share held by him and consequently transfers the premises in his use occupation and possession. Thus it is not necessary to register such an agreement.”

Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant filed this second appeal before the Commission. The appeal was heard on 21.10.2009. The appellant did not turn up but the respondents were present.

They have contented that if the appellant provided details of the Govt. resolution copies can be furnished. In the absence of details it was not possible to furnish the required information.

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

appellant has brought to the commission's notice an extract from the judgment upholding non registration (Usha Arvind Dongre vs Suresh Raghunath Kotwal) The appellant is correct in his assertion that if registration is insisted up despite clarification by the Inspector General of Registration, there ought to be some instruction to the sub registrars to do so. The information sought is totally in public interest and must be furnished. The Revenue & Forest Department should get it examined and inform the appellant. I therefore pass the following order.

**Order**

The appeal is allowed. Information to be furnished by PIO within 45 days.

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

Place: Mumbai  
Date: 31.10.2009.

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

**Appeal No.2009/3365/02**

**Shri. R.P Yajurvedi (Rao)  
302/A Nav Aasawari CHS Ltd,  
182, J.B. Nagar, Andheri (E),  
Mumbai – 400 059.**

**... Appellant**

**V/s**

**First Appellate Officer,  
Office of the Commissioner of Police Zone 9,  
Bandra (W), Mumbai.**

**... Respondent**

**Public Information Officer,  
Office of the Asstt Commissioner of Police,  
West Control, Bandra (W) Office,  
Bandra, Mumbai.**

**GROUND**

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 the following information in respect of Mrs. Savita K. Gupta who died on 14.02.2009 at Nav Aasavari Cooperative Housing Society, Andheri (E), Mumbai.

- a. Copy of the spot Panchanama carried out at the residence of Smt S.K. Gupta Nav Asawari CHS Ltd, J.B. Nagar, Andheri (E) on 14.02.2009.
- b. Xerox copy of the various statements on various dates of residents and others till date on the referenced subject in (a).
- c. Post mortem Report and Doctor's Certificate or statement on record if any.
- d. Any viscera test conducted on the said post mortem of the deceased person. If so report if any.
- e. Status and stage of investigation as on date.

Not satisfied with 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 07.10.2009. Appellant and respondents were present.

The appellant has contended that no information was furnished by the PIO and the First Appellate Authority did not decide the appeal within the stipulated period. They need to be awarded extra ordinary punishment.

The respondent has given his submission in writing. It has been stated that the information was denied under section 8(1) (g) (h) and also because investigation was still on. The First Appellant authority confirmed the PIO's order.

I have gone through the case papers and also considered the arguments advanced by parties. The appellant has explained the context in which he sought the information. He is an office bearer of the society and cause of death is being attributed to the society and its office bearers. While I admit that the information may be very important for the appellant, I am not inclined to order that this should be furnished section 8 clearly says that information can be denied if it is likely to impede the process of investigation. It is the investigating officer's judgment and it is difficult to question at this stage. I therefore order that information should be furnished after the investigation is over.

**Order**

The appeal is allowed. Information to be furnished by PIO after the investigation is over.

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

Place: Mumbai  
Date: 05.10.2009.

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

**Appeal No.2008/3446/02**

**Shri. Vishwas Mahadev Kokane  
501, Rajlaxmi, Manorama Nagarkar Marg,  
Taykalwadi, Mahim, Mumbai – 400 016.**

... **Appellant**

**V/s**

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

... **Respondent**

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

**GROUND**

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant by his application dated 30.03.2009 had sought information relating to the Departmental Enquiry against him. He has wanted to know why the enquiry has not been completed and also wanted to know what action has been taken against those responsible for the abnormal delay.

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 has not been furnished the required information. The respondent submitted that information has been furnished.

I have gone through the case papers. The appellant has submitted the chronology of events. It is shocking to see that it is pending for almost a decade. He has also submitted a copy of the Govt. Resolution which fixes timetable for completion of departmental enquiries. It also says that responsibility should be fixed wherever the Departmental enquiry has not been completed for 5 yrs or more. The reply furnished to the appellant is only technically correct. It does not lead anywhere. It simply says no action seems to have been taken against those responsible for appointing the enquiry



officer late. This is no information. The case has been handled in a very casual way. I therefore pass the following order.

The Secretary Department of Housing is directed to order an enquiry into the delay in the light of GAD circular dated 07.04.2008 and the appellant should be kept informed.

**Order**

The appeal is disposed off.

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

Place: Mumbai  
Date: 31.10.2009.

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

**Appeal No.2008/3519/02**

**Shri. Apurbo Chakraborty  
Flat No. 42, Wing-A,  
Bldg-vrishparva, Sector-III, Srishti Complex,  
P.O. Mira Rd (E) 401 107.**

... **Appellant**

**V/s**

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

... **Respondent**

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

**GROUND**

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant by his application dated 28.07.2009 had sought information regarding action taken on his letters to the Hon President of India and Hon Prime Minister of India which were sent to the Chief Secretary for necessary action.

Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant filed this second appeal before the Commission. The appeal was heard on 31.10.2009. The appellant did not turn up but the respondent was present.

The appellant in his appeal has contended that references received by the office of the Chief Secretary were forwarded to the Home Department and Department of Law and judiciary which was not correct. The Chief Secretary's Office should have furnished the information. The respondent has made written submission. It has been stated by him that the information sought by the appellant was not available in the office of the Chief Secretary. They were transferred to the department concerned in accordance with provisions of the Right to Information Act, 2005.

After going through the case papers and considering the submission made I have come to the conclusion that the appellant has been correctly informed. Information has to

be furnished by the person who is holding it. It is not expected that the Chief Secretary's Office will collect information from all departments and furnish to the appellant.

**Order**

The appeal is disposed off.

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

Place: Mumbai  
Date: 31.10.2009.

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

**Appeal No.2008/3504/02**

**Shri.Vilas Anant Lad  
19 Mission Compound,  
Room No.16, A.K. Marg,  
Nana Chowk, Mumbai – 400 007.**

... **Appellant**

**V/s**

**First Appellate Office cum Dy Chief Engineer  
Customer Care,  
Electric House, 2<sup>nd</sup> Floor, Shahid Bhagat Singh Marg,  
Kulaba, Mumbai – 400 001.**

... **Respondent**

**Public Information Officer cum Divisional Engineer  
Customer Care-D,  
Municipal Electric Supply & Transport Board,  
3<sup>rd</sup> Floor, Taddeo Bus Station, R.S. Nimakar Marg,  
Taddeo, 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 12.03.2009 had sought information in respect of Meter no Cooo148, consumer no 878-017-001 2 transferred in the name of John Wilson society. The appellant has stated that the meter stood in the name of the Scotland Church. This transfer has been done without proper verification 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 29.10.2009. Appellant and respondent were present.

The appellant has contended that he had sought information but the BEST asked to inspect the documents and on inspection he did not come across documents he was looking for. The respondent has submitted that John Wilson Society had applied for change of name and the same was affected after verifying relevant documents.

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 wanted certain documents which were not on the file of the BEST. He is free to draw adverse inference. The RTI Act is not mandated to examine whether connection has been

given rightly or otherwise. It only ensures furnishing of available information. I therefore pass the following order.

**Order**

The appeal is disposed off.

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

Place: Mumbai  
Date: 31.10.2009.

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

Appeal No.2008/3501/02

**Shri. Mofid Ahamad Khan**  
**9 Dedia Niwas, Rafi Ahamad Marg,**  
**Wadala, Mumbai – 400 031.**

... **Appellant**

V/s

**First Appellate Office cum Executive Engineer**  
**Municipal Corporation, Greater Mumbai.**  
**Office of the Dy Commissioner (Zone-2),**  
**F/South Division Bldg,**  
**Dr. Ambedkar Marg, Parel, Mumbai – 400 012.**

... **Respondent**

**Public Information Officer cum Asstt Engineer**  
**Municipal Corporation, Greater Mumbai.**  
**Office of the Dy Commissioner (Zone-2),**  
**F/South Division Bldg,**  
**Dr. Ambedkar Marg, 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 06.07.2009 had sought information in respect of rehabilitation of persons affected by the expansion / improvement of Zakaria Bunder Rd, Shivadi Cross Rd and Rafi Ahmed Kidwai Rd. He wanted to know the documents submitted by them.

Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant filed this second appeal before the Commission. The appeal was heard on 29.10.2009. Appellant and respondent were present.

After hearing the parties it was agreed that the appellant should be allowed inspection of do cement. The date of inspection was fixed on 06.11.2009 at 11 am.

**Order**

The appeal is disposed off.

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

Place: Mumbai  
Date: 31.10.2009.

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

Appeal No.2008/3394/02

**Shri. Sudesh Raghunath Gaikwad  
Omkar Chawl, Idiara Nagar,  
Near Old Kabrasthan, Jogesweri (E),  
Mumbai – 400 060.**

... **Appellant**

V/s

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

... **Respondent**

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

**GROUND**

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant by his application dated 28.08.2009 had sought information relating to Indira Nagar SRA Housing Society (Proposed) CTS no 160, 162 and 175, Majas gaon Jogeshweri (E), Mumbai. He had requested for copies of all the 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 09.10.2009. Appellant and respondent were present.

The appellant has contended that he has not been given full information despite having deposited Rs.3862. The respondent has submitted that available information running into 1931 pages 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 appellant has not clarified what information has remained unfurnished. I therefore close the file.

**Order**

The appeal is disposed off.

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

Place: Mumbai  
Date: 31.10.2009.

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

Appeal No.2008/3476/02

**Shri.Hariba Mahadev Chopade**  
**Savitribai Malin Chawl, Parigh Khadi Colony,**  
**LBS Marg, Behind Sudhakar Store,**  
**Room No.3, Kurla (W), Mumbai – 400 070.**

... **Appellant**

V/s

**First Appellate Office,**  
**Municipal Corporation, Greater Mumbai,**  
**“L” Ward Office, Kurla (W),**  
**Mumbai – 400 070.**

... **Respondent**

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

**GROUND**

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant by his application dated 21.04.2009 had sought information relating to removal of encroachment from Savitribai Malin Chawl, Paridh Khadi Vasahat, Kurla. He wanted to know why no action was taken to remove those encroachments.

Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant filed this second appeal before the Commission. The appeal was heard on 20.10.2009. Appellant and respondent were present.

After hearing both the parties I order that the PIO should furnish whatever information is available with him. This should be done in 30 days.

**Order**

The appeal is disposed off.

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

Place: Mumbai  
Date: 31.10.2009.



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

Appeal No.2008/3477/02

**Shri.Hariba Mahadev Chopade**  
**Savitribai Malin Chawl, Parigh Khadi Colony,**  
**LBS Marg, Behind Sudhakar Store,**  
**Room No.3, Kurla (W), Mumbai – 400 070.**

... **Appellant**

V/s

**First Appellate Office cum Dy Collector**  
**Grihanirman Bhavan, Room No.68,**  
**Ground Floor, Bandra (E), Mumbai – 400 051.**

... **Respondent**

**Public Information Officer,**  
**Grihanirman Bhavan, Room No.68,**  
**Ground Floor, 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 11.05.2009 had sought information whether Shri Mahadeo Dhondu Fulsundar Photopass no 84377, Shri Dinakar Dhondu Fulsundar, Photopass no 84370. Shri Sahadeo Dhondu Fulsundar Photopass no 84368 have paid rent from 1976 to 2002 and copies of relevant documents. He also wanted to know how many holders of zopadpatties have paid rent between 1976-2002.

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 heard on 20.10.2009. Appellant and respondent were present.

After hearing the parties I have come to the conclusion that information must be furnished. I therefore pass the following order.

**Order**

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

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

Place: Mumbai  
Date: 31.10.2009.

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

**Appeal No.2008/3370/02**

**Appeal No.2008/3371/02**

**Shri.Shrikant Vasant Jogalekar  
307-A, Best Commercial Complex,  
Opp. Railway Station,  
Andheri (W), Mumbai – 400 058.**

... **Appellant**

V/s

**First Appellate Office cum Executive Engineer (Special) Z-III  
Municipal Corporation of Greater Mumbai,  
K/East Ward Office Bldg,  
Azad Rd, Gundawali, Andheri (E),  
Mumbai – 400 069.**

... **Respondent**

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

**GROUNDS**

These appeals have been filed under section 19(3) of the Right to Information Act 2005. The appellant by his application dated 25.03.2009 had sought the following information: -

1. I am the owner of the Property No.2741 (16) previously known as Gaikwad House situated at the corner of Telli Falli and Flyover Bridge (N.S. Phadke Marg).
2. Today on 25<sup>th</sup> March 2009 officer from your ward has demolished the loft which is there since ages.
3. I would like to have the copies of the complaint received by you, if any, to initiate the action.
4. Copy of the Order issued by the authorities who has taken the decision to demolish the loft as is recorded on the files.
5. Certified copy of the application for repair permission having Serial No. 029336 submitted by the undersigned on 28<sup>th</sup> Sept, 2006 under the instructions of the Hon'ble Court.

6. Kindly confirm that you have received the Judgment and order copy with reference to the said matter on 2<sup>nd</sup> Feb, 2009 forwarded by the undersigned.

The PIO by his letter dated 05.06.2009 furnished pointwise information. The appellant preferred appeal under section 19(1) the RTI Act. The First Appellate Authority by his order dated 15.06.2009 directed the PIO 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 07.10.2009. Appellant was present but the respondent was absent.

The appellant has contended that information has not been furnished. It is also alleged that the response was late, information incomplete and misleading. Since the respondent was not present, it could not be verified. It is however seen that information has been furnished. It is also true that it has been furnished late without assigning any valid reason. I therefore conclude that information has been furnished late. The PIO prima facie has violated the provisions of the RTI Act. He is therefore directed to show cause why action under section 20 of the RTI Act should not be taken against him. His reply to reach the commission within 4 weeks.

### **Order**

The appeal is allowed. PIO to respond within 4 weeks.

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

Place: Mumbai  
Date: 31.10.2009.

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

Appeal No.2008/3528/02

**Shri. Suresh R. Kadam**  
Flat No.422/21, Sector No.4,  
Jaihind CHS Soc,  
Kandivali (W), Mumbai – 400 067.

... **Appellant**

V/s

**First Appellate Office cum Chief Engineer**  
Shivaji Market, Faltan Rd,  
Mumbai – 400 001.

... **Respondent**

**Public Information Officer,**  
**Office of the Chief Engineer,**  
**Santacruz (W), Mumbai – 400 054.**

**GROUND**

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant by his application dated 06.01.2009 had sought information in respect of his complaint made against Shri Fernandese who was driving when drunk and met with an accident killing 4 persons. The PIO by his letter dated 02.02.2009 furnished pointwise information. The First Appellate Authority confirmed the PIO's 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 31.10.2009. Appellant and respondents were present.

The appellant has contended that he was not satisfied with the information furnished. He has also alleged that the driver is back on duty. The respondents have submitted that information regarding action taken on appellant's complaint has been furnished. They have submitted their say in writing and enclosed copies of documents furnished.

After going through the case papers and considering the arguments advanced by the parties I have come to the conclusion that available information has been furnished. It was obvious that the appellant was not happy with the action taken. The RTI Act ensures furnishing of available information. Whether the action taken on his complaint was right or wrong, adequate or otherwise are not matters to be decided by the commission. The case is therefore closed.

**Order**

The appeal is disposed off.

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

Place: Mumbai  
Date: 31.10.2009.

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

**Appeal No.2008/3531/02**

**Shri. Suresh R. Kadam  
Flat No.422/21, Sector No.4,  
Jaihind CHS Soc,  
Kandivali (W), Mumbai – 400 067.**

... **Appellant**

**V/s**

**First Appellate Office cum Chief Engineer  
Shivaji Market, Faltan Rd,  
Mumbai – 400 001.**

... **Respondent**

**Public Information Officer cum  
Office of the Dy. Chief Engineer,  
Santacruz (W), Mumbai – 400 054.**

**GROUND**

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant by his application dated 24.12.2009 had sought information relating to his various complaints and action taken on them. The PIO by his letter dated 23.01.2009 informed him pointwise. The appellant preferred the first appeal and the First Appellate Authority by his order dated 02.04.2009 disposed off the 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 31.10.2009. Appellant and respondents were present.

The appellant has contended that he has not been given complete information despite the fact that he was made to deposit Rs.407; he did not receive the information.

After going through the case papers and considering the arguments advanced by the parties I have come to the conclusion that information has not been furnished. The order passed by the First Appellate Authority does not seem to have been complied. I therefore pass the following order.

**Order**

The appeal is allowed. Information to be furnished by PIO within 15 days. PIO to show cause why action under section 20 of the RTI should not be initiated against him for not furnishing the information.

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

Place: Mumbai  
Date: 31.10.2009.

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

**Complaint No.2009/455/02**

**Shri. Arvind Narayanrao Nandanwar  
President Mahananda Bahuuddeshiya  
Vikas Samajik Sanstha,  
Shrinivas Colony Rd, Ramnagar, Wardha – 442 001.**

... **Complainant**

V/s

**Public Information Officer cum Additional Executive Director  
Maharashtra State Coop. Consumer Federation Ltd,  
87 A, Raj Chambers, 5<sup>th</sup> Floor, Devaji Ratanji Marg,  
Danabunder, Mumbai – 400 009.**

... **Respondent**

**GROUNDS**

This complaint has been filed under section 18 of the Right to Information Act 2005 in the context of the commission's order dated 31.07.2009 passed in appeal no 2008/2532/02. The facts in brief are as follows: The present complainant had sought information regarding supplies made to Medical Colleges and Hospitals in Nagpur Division. He has alleged that these orders were placed without inviting tenders and has been objected by the auditors.

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 31.07.2009 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 31.10.2009. Complainant and defendants were present.

The complainant has stated that he has been furnished incomplete and misleading information. He wanted PIO to be fined.

The defendant's contention was that information available on record has been furnished.

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

complainant has been insisting on the issue that the auditor has pointed out that the procedure followed was not correct. The complainant wanted action to be taken. Audit points are relied by the department and its monitoring is not in the domain of RTI. The fact that even the audit objection has been brought to the complainant's notice fulfills the requirement under the RTI Act.

**Order**

The complainant is filed.

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

Place: Mumbai  
Date: 31.10.2009.

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

Appeal No.2008/2135/02

**Shri. Bhalchandra N. Bhoir**  
1 B/13 Kesale, Ramnagar, S.V. Rd,  
Borivali (W), Mumbai – 400 092.

... **Appellant**

V/s

**First Appellate Office**  
Maharashtra Dyan Prasarak Mandal,  
Iraniowadi Mathuradas Rd,  
Kandivali (W), Mumbai – 400 067.

... **Respondent**

**Public Information Officer**  
Maharashtra Dyan Prasarak Mandal,  
Iraniowadi Mathuradas Rd,  
Kandivali (W), Mumbai – 400 067.

**GROUND**

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant by his application dated 24.10.2009 had sought information relating to the Maharashtra Dyan Prasarak Mandal, Iraniwadi, Mathuradas Rd, Kandivali (W), Mumbai.

Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant filed this second appeal before the Commission. The appeal was fixed for hearing on 28.10.2009. Appellant and respondents were absent.

I have gone through the case papers. It seen that information has been sought from a public trust which is not a public authority. The Hon High Court of judicature at Bombay, Nagpur Bench at Nagpur writ petition no. 5294 of 2008 has held that there is no need for any public trust to appoint any information officer and to entertain any such application under the Right to Information Act. I therefore decide to close the case.

**Order**

The appeal is disposed off.

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

Place: Mumbai  
Date: 31.10.2009.



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

**Appeal No.2008/3397/02**

**Shri. Reggie Dias  
H.No.312, Kalina, First Floor,  
Kalina Village,  
Santacruz (E), Mumbai – 400 029.**

... **Appellant**

**V/s**

**First Appellate Office cum Asstt Commissioner  
Municipal Corporation, Greater Mumbai,  
137, 20 PS-5, Second Rd, Prabhat Colony,  
Santacruz (E), Mumbai – 400 055.**

... **Respondent**

**Public Information Officer cum Asstt. Engineer (B & F)  
Municipal Corporation, Greater Mumbai,  
137, 20 PS-5, Second Rd, Prabhat Colony,  
Santacruz (E), Mumbai – 400 055.**

**GROUND**

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant by his application dated 12.03.2009 had sought the following information: -

- a. Why is there a difference in TEXT between the proposed Draft for repair No. Nil (Flag-A) to H.No.32 Kalina, signed by JE (B&F), SE (B&F), AE (B&F) and AC (B&F) on 17.04.2008 & repair permission No.ACHE/12508/AEBF dt 19.04.2008? (Flag-B).
- b. Why does the propose draft mention only tenantable repairs to be granted, where as Mr. Desai AE (B&F), H/E has issued repair permission No.ACHE/12508/AEBF dt 19.04.2008 along with proposed plan submitted by owner, which shows complete reconstruction and not tenantable repairs?

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 07.10.2009. Appellant and respondents were present.

The appellant has contended that the draft put up for approval mentions that permission may be given for tenantable repair where as in the final order the word tenantable is missing. The appellant wanted to know reasons for the discrepancy. The

respondent has stated that there was no discrepancy as the permission has been given for repair only.

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 have seen the case papers and it is clear that the ward office has permitted repair only. It appears from record that the MCGM was directed to ensure that the construction should be as per the original structure by a court order dated 24.09.2008. I am of the view that any violation of the court order has to be brought to the notice of the Hon Court. The RTI Act is mandated to ensure furnishing available information and not indulge into arbitration. I therefore close the case.

**Order**

The appeal is disposed off.

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

Place: Mumbai  
Date: 31.10.2009.

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

**Appeal No.2008/3485/02**

**Shri. Purushottam Tukaram Mahajan  
Flat No.507, 5<sup>th</sup> Floor, Patel Bldg,  
Opp. Royal Palm, Goregaon (E),  
Mumbai – 400 065.**

... **Appellant**

**V/s**

**First Appellate Office cum Dy Police Commissioner  
Zone-12, Dahisar (E), Mumbai – 400 068.**

... **Respondent**

**Public Information Officer cum Asstt. 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 16.02.2009 had sought the following information: -

1. N.C. No.706/08 dated 03.07.2008 filed at Arey Police Station.
2. N.C. by PSI Kharat for Palavi Mahajan in year 2008 at Dindoshi P.S.
3. Application before CR-295/08 by Pallavi Mahajan at Dindoshi Police Station.
4. Statements, certificates, documents in case CR-295/08 Dindoshi Police Station.

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

The appellant has contended that he has been given false and unsatisfactory answers. The respondents submitted that in accordance with the orders of the First Appellate Authority information have been furnished. However information relating to NC No.706/08, Arey Police Station and NC No.3116/07 Dindoshi Police Station have remained to be given.

After going through the case papers and submissions made by the respondent I come to the conclusion that remaining information NC 706 & 3116 should be furnished.

I therefore pass the following order.

**Order**

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

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

Place: Mumbai  
Date: 31.10.2009.

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

**Appeal No.2008/3490/02**

**Shri. Shashikant Pawar  
Kajitekadi Paibe Line,  
Sant Narsi Mehata Marg,  
Ghatkopar (W), Mumbai – 400 084.**

... **Appellant**

**V/s**

**First Appellate Office cum Asstt Municipal Commissioner  
Municipal Corporation, Greater Mumbai,  
N Ward, Second Floor, Javaharlal Marg, Ghatkopar (E),  
Mumbai – 400 077.**

... **Respondent**

**Public Information Officer cum Asstt. Engineer  
Municipal Corporation, Greater Mumbai,  
N Ward, Second Floor, Javaharlal Marg, Ghatkopar (E),  
Mumbai – 400 077.**

**GROUNDS**

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant by his application dated 08.10.2009 had sought information relating to repair permission to censused zopadi no N/A3 2/7 and NA 3-3/7. He has sought copies of correspondent between ward officer, DMC and AO. These letters pertain to the year 1993.

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 29.10.2009. Appellant and respondents were present.

The appellant has contended that he has not been furnished the required information. He has also pleaded for condonation of delay in filing the second appeal.

The respondent's contention is that they have searched their records and have not been able to trace these correspondences. Since the matter pertained to 1993 and diligent search also did not give any result the information could not be furnished.

After going through the case papers and considering the arguments advanced by parties. The appellant's plea for condonation of delay is accepted. It is however seen from the case papers that the information sought pertained to the year 1993. The respondents have stated that their diligent search gave no result. This does reflect the

state of affairs in which municipal records are maintained. It is not the plea of respendention that they have been destroyed after they have outlived their utility. They have no clue at all. I am however constrained to close the case as the information was not available. I pass the following order.

**Order**

The appeal is disposed off.

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

Place: Mumbai  
Date: 31.10.2009.

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

**Appeal No.2008/3358/02**

**Shri.Yogendra H. Shah  
1/105, Sindhhi Colony,  
Sion (W), Mumbai – 400 022.**

... **Appellant**

**V/s**

**First Appellate Office cum Dy Police Commissioner  
Crime Divisional Office, Office of the Police Commissioner,  
Mumbai.**

... **Respondent**

**Public Information Officer cum Asstt. Police Commissioner  
Crime Divisional Office, Office of the Police Commissioner,  
Mumbai.**

**GROUND**

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant by his application dated 12.03.2009 had sought the following information: -

Copy of surrender letter dated 21.06.2003, executed on 20/- rupees stamp papers in favour of the landlord of Bhimabai Atmaram Yadabji Trust pertaining to the tenanted premises situated at Gaumukhi Kaulewadi, S.K. Bole Road, Dadar (W), Mumbai 400 028, submitted to Police Inspector Shri Mahadik of Unit III, E.O.W.C.B.CID. Mumbai submitted on 03.08.2005 by Shri Hasmukh Lalji Gogri in O.W. No. 426/2003, CR. No.57/2003.

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 01.10.2009.

It has been stated by the respondent that copies of the surrender letter in respect of shop no 4 & 5 have been given to the appellant. It has been stated that the appellant by his another application dated 12.03.2009 sought copies of surrender letters in respect of shop no 1, 2, 3, 6, 7 and 8 but he was informed that the said information was not available on record.

Thus in view of the respondent submission and the appellant's absence I have come to the conclusion that available information has been furnished. I therefore close the case.

**Order**

The appeal is disposed off.

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

Place: Mumbai  
Date: 31.10.2009.



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

Appeal No.2008/3431/02

**Shri. Nitin D. Bhide**  
A/15, Jay Mala Sadan,  
Liberty Garden,  
Mamlatdar Wadi extn. Rd.  
Malad (W), Mumbai – 400 064.

... **Appellant**

V/s

**First Appellate Office,**  
**Dy Registrar Cooperative Board,**  
**P Ward, Mumbai, 315/316, A-1 Bldg,**  
**Wadala Truck Terminal, Mumbai – 400 037.**

... **Respondent**

**Public Information Officer,**  
**Dy Registrar Cooperative Board,**  
**P Ward, Mumbai, 315/316, A-1 Bldg,**  
**Wadala Truck Terminal, Mumbai – 400 037.**

**GROUND**

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant by his application dated 27.04.2009 had sought information with reference to the Bye Laws of Cooperative Housing Society Ltd particularly circulation of agenda and draft minutes of the Special General Body Meeting. The application was submitted to PIO, Mantralaya and the same was transferred to Dy Registrar Cooperative Societies 'P' Ward Mumbai who by his letter dated 30.06.2009 furnished the 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 01.10.2009. The appellant did not turn up but the respondent was present.

The respondent submitted that required information has been furnished. In view of the appellant's absence it could not be verified. The case papers however show the information has been furnished. I therefore pass the following order.

**Order**

The appeal is disposed off.

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

Place: Mumbai  
Date: 31.10.2009.

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

**Appeal No.2008/3353/02**

**Shri. Suryabhan Maruti Aavhad  
Rajlik CHS Ltd, Ovaripada,  
Old Police Station, Dahisar (E),  
Mumbai – 400 068.**

... **Appellant**

**V/s**

**First Appellate Office cum Dy Police Commissioner  
Zone-12, Shailendra Nagar, Dahisar (E),  
Mumbai.**

... **Respondent**

**Public Information Officer cum Asstt Police Commissioner  
North Control Desk, Mumbai,  
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 19.05.2009 had sought information relating to his complaint dated 19.02.2009 made to the Dahisar Police Station and action taken on that. He wanted 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 heard on 01.10.2009. Appellant and respondents were present.

The appellant has contended that the information furnished was late, misleading and incomplete and punishment should be inflicted under the RTI Act.

The respondent's contention is that the information pertained to Dahisar Police Station and the same was called from there. The appellant's statement and information regarding registration of NC No.680/09 under section 323, 504, 506 of the Indian Penal Code were furnished. The respondent submitted that information as directed by the First Appellate Authority has also 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. It appears from case papers that the appellant was not happy with the manner in which statement has been recorded. He also points out that appellant's statement was not recorded during

the hearing. Whether the statement should have been recorded or not cannot be dictated by the commission. The RTI Act ensures furnishing of available information as it is. The appellant is free to draw whatever inference he wants to prove that information has been deliberately denied or wrongly given; the question action of under the RTI Act does not arise. I close the case.

**Order**

The appeal is disposed off.

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

Place: Mumbai  
Date: 31.10.2009.

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

Appeal No.2008/3388/02

**Shri. Edwin D'souza**  
**C-108, Versova, Jupiter CHS Ltd,**  
**Lokhandwala Complex, 4<sup>th</sup> Cross Rd,**  
**Andheri (W), Mumbai – 400 053.**

... **Appellant**

V/s

**First Appellate Office cum District Dy Registrar**  
**Cooperative Soc. K/West Grihanirman Bhavan,**  
**Room No. 69/A, Bandra (E), Mumbai – 400 051.**

... **Respondent**

**Public Information Officer cum Dy Registrar**  
**Cooperative Soc. K/West Grihanirman Bhavan,**  
**Room No. 69/A, 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 27.05.2009 had sought information relating to the administrator, Versova Jupiter Cooperative Housing Society and non furnishing of M-20 bonds by 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 08.10.2009. The appellant did not turn up but the respondent was present.

It has been contended that the appellant was furnished the required information. He however wanted to know the reasons behind the decision. It has been clarified to him that the administrator is empowered to appoint a manager and he has not furnished the M.20 bond.

After going through the case papers and considering the arguments advanced by parties I have come to the conclusion that information has been furnished. If the appellant was not satisfied he could take up the matter with the next higher authority. Facts have been brought to his notice. Why a particular decision was taken or not taken is beyond the scope of the RTI Act. I therefore close the case.

**Order**

The appeal is disposed off.

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

Place: Mumbai  
Date: 31.10.2009.

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

Appeal No.2008/3484/02

**Shri. Namdev K. Kamble**  
**Rameshwer Chalw Comity,**  
**Unit No.1559, Sandesh Nagar,**  
**Bailbazar, Kurla-Andheri RD,**  
**Kurla (W), Mumbai – 400 072.**

... **Appellant**

V/s

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

... **Respondent**

**Public Information Officer cum Asstt Engineer**  
**Municipal Corporation, Greater Mumbai,**  
**K/East Ward Office, Azad Rd, Gundavali,**  
**Andheri (E), Mumbai – 400 069.**

**GROUND**

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant by his application dated 07.02.2009 had sought information relating to works being done in the Maintenance Department K/East Ward, Andheri (E), Mumbai.

Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant filed this second appeal before the Commission. The appeal was heard on 26.10.2009. The appellant did not turn up but the respondent was present.

It seems that information was not furnished earlier and the First Appellate Authority by his order dated 20.05.2009 directed that information should be furnished within seven days and free of cost. The PIO by letter dated 09.06.2009 furnished the information pertaining to his department. The appellant has enclosed copies of the documents furnished.

After going through the case papers I have come to the conclusion that information has been furnished. I would like to advise the appellant to be precise and specific. The information sought is very broad and non specific therefore the following order.

**Order**

The appeal is disposed off.

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

Place: Mumbai  
Date: 31.10.2009.

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

**Appeal No.2008/3385/02**

**Shri. Jai Kishor Sharma  
14/14 Officer's Flays, Mumbai Central,  
Western Railway.**

... **Appellant**

**V/s**

**First Appellate Office cum Additional Collector  
Mumbai Suburban District,  
Bandra (E), Mumbai – 400 051.**

... **Respondent**

**Public Information Officer cum Land Acquisition Office,  
9<sup>th</sup> Floor, Administrative Bldg,  
Govt. Colony, 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 06.05.2009 had sought the following information: -

‘A copy of Land Acquisition Award with reference to revenue department orders no 978 Bombay Castle, 23.03.1920.’

Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant filed this second appeal before the Commission. The appeal was fixed for hearing on 08.10.2009. Appellant and respondents were absent.

It seems that information was not furnished earlier and the First Appellate Authority by his order dated 20.05.2009 directed that information should be furnished within seven days and free of cost. The PIO by letter dated 09.06.2009 furnished the information pertaining to his department. The appellant has enclosed copies of the documents furnished.

I have gone through the case papers. It appears that the First Appellate Authority by his order dated 09.07.2009 had ordered that the appellant should submit some details of the lands acquired to enable the Land Acquisition Officer to lay his hands on the desired information. It also appears that the appellant by his letter dated 28.07.2009 has brought to the notice of the First Appellate Authority that he did submit some details but

no information sought by him was provided. In the light of these observations I pass the following order.

**Order**

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

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

Place: Mumbai  
Date: 30.10.2009.

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

**Appeal No.2008/3360/02**

**Shri. Gulam Moh. Abdul Ajeer Banani  
Room C.811/21 Collector Chawl,  
Behind U.P. Restaurant, Macchi Market,  
Chiragnagar, Ghatkopar, Mumbai – 400 086.**

... **Appellant**

**V/s**

**First Appellate Office cum Dy. Police Commissioner  
Zone-6, Chembur, Mumbai – 400 071.**

... **Respondent**

**Public Information Officer cum Asstt Police Commissioner,  
Western Divisional Ward, Control Desk,  
Chembur, Mumbai.**

**GROUNDS**

This appeal has 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 regarding no of criminal cases / complaint applications filed against Shri.Nafis Khan, Shri Shariff Khan and Shri. Washim Khan in 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 fixed for hearing on 01.10.2009. Appellant and respondents were present.

After listening to parties and going through the case papers, it is seen that the required information has been furnished. The appellant is advised to be more precise and specific in future.

**Order**

The appeal is disposed off.

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

Place: Mumbai  
Date: 30.10.2009.



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

Appeal No.2008/3073/02

**Shri. Pravin L. Gogri**  
**Dahisar Wishveshwer Housing Society,**  
**Behind Post, L.T.Rd, Dahisar (W),**  
**Mumbai – 400 068.**

... **Appellant**

V/s

**First Appellate Office cum District Dy Registrar**  
**Cooperative Board (3), Western Suburban, Mumbai,**  
**Desk No.69, Grihanirman Bhavan, Bandra (E),**  
**Mumbai – 400 051.**

... **Respondent**

**Public Information Officer cum Dy. Registrar**  
**Cooperative Board, R Ward, 6<sup>th</sup> Floor,**  
**Malhotra House, Opp. G.P.O., Fort, Mumbai – 400 001.**

**GROUND**

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant by his application dated 05.09.2007 had sought information on appointment of administrators, his powers, duties and other details. He had sought information on 13 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 fixed for hearing on 28.10.2009. Appellant and respondents were absent.

I have gone through the case papers. It is seen that the PIO by his letter dated 12.02.2008 has furnished pointwise reply as directed by the First Appellate Authority's order dated 13.12.2007. I therefore come to the conclusion that information has been furnished. I pass the following order.

**Order**

The appeal is disposed off.

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

Place: Mumbai  
Date: 30.10.2009.

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

**Appeal No.2008/3449/02**

**Shri. Rajesh Trimbak Gathe  
Glory Villa, R-185, Sector-4,  
Aroli, Navi Mumbai – 400 078.**

**... Appellant**

**V/s**

**First Appellate Office,  
SRA, 5<sup>th</sup> Floor, Bandra (E),  
Mumbai – 400 051.**

**... Respondent**

**Public Information Officer cum Chief Executive Officer  
SRA, 5<sup>th</sup> Floor, 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 19.09.2007 had sought inspection of documents relating to Nalanda Cooperative Housing Society. The appellant was offered inspection and selected some documents. He was informed that he should deposit Rs.840/- and collect copies of the documents he had selected.

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

It has been submitted by the respondent that the appellant was requested to deposit Rs.840/- and collect the required information. He instead of depositing the amount or filing the first appeal approached the commission in second appeal.

After going through the case papers and considering the arguments advanced by parties I have come to the conclusion that the appellant has been properly informed. The respondent's contention that he did not prefer the first appeal is not borne out by facts. Case papers show that he did file the first appeal. I am however ignoring this because the appellant has to deposit the required amount to have the information. I therefore pass the following order.

**Order**

The appellant to deposit Rs.840/- and collect the required information.

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

Place: Mumbai  
Date: 31.10.2009.

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

**Appeal No.2008/3004/02**

**Shri. Vaman Vishnu Chauhan  
76/E, Bhavani Gate, Pan Bidi Shop,  
Sah-Jaymangal Bldg, R.A. Kidvai Marg,  
Matunga, Mumbai – 400 019.**

... **Appellant**

**V/s**

**First Appellate Office cum Chief Executive Officer  
General Administrative Dept.,  
Municipal Corporation Head Office,  
6<sup>th</sup> Floor, New Bldg, Mahapalika Marg,  
Mumbai – 400 001.**

... **Respondent**

**Public Information Officer cum Office Superintendent,  
(Commissioner / MGC), Office of the BMC Commissioner,  
Room No.46, 1<sup>st</sup> Floor, Old Bldg, Municipal Corporation Head Office,  
Mahapalika Marg, Mumbai – 400 001.**

**Public Information Officer cum Administrative Officer (Estate)  
F/North, Municipal Corporation, Mumbai.**

**GROUND**

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant by his application dated 13.02.2009 had sought information in respect of his 9 complaints made from 2001 to 2006. He wanted to know what action has been taken by the office of the commissioner, MCGM, 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 05.10.2009. Appellant and respondents were present.

The appellant has contended that he has not been furnished the required information. The respondent submitted that these applications / complaints were sent to different departments for action. In a written submission dated 04.08.2009 it has been explained that since these noting files are retained by the respective department, it was not possible for the commissioner's office to furnish to the appellant.

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. I have

gone through one of his complaints on record. It deals with very large no of issues- undesirability of the widening of the road which affects his structure, removal of encroachment, non implementation of the Hon High Courts order regarding removal of encroachment etc. It is not clear whether he wants information or wants MCGM to take action according to his perception of things. The RTI Act ensures furnishing of available information. It is not mandated to redress grievances. I therefore decide to close the case.

**Order**

Appeal is disposed off.

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

Place: Mumbai  
Date: 31.10.2009.

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

Appeal No.2008/3421/02

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

... **Appellant**

V/s

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

... **Respondent**

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

**GROUND**

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant by his application dated 20.04.2009 had sought information in respect of his complaints lodged with the Asstt Registrar Cooperative Societies. The appellant wanted action taken report on his seven complaints. The PIO did not furnish the information but the First Appellate Authority by his order dated 07.05.2009 allowed the 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 16.10.2009. Appellant was present but the respondent was absent.

The appellant has contended that no information has been furnished despite the First Appellate Authority's order. Since the respondent was not present, it could not be verified. It however seen that the PIO is prima facie guilty of not furnishing the information which invites punishment under section 20 of the RTI Act. I therefore pass the following order.

**Order**

The appeal is allowed. The PIO to show cause why action under section 20 of the RTI Act should not be taken against him for not furnishing the information. His reply to reach the commission within 4 weeks.

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

Place: Mumbai  
Date: 31.10.2009.

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

Appeal No.2008/3422/02

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

... **Appellant**

V/s

**First Appellate Office cum Divisional Joint Registrar**  
**Cooperative Board, Mumbai Division, Mumbai,**  
**Malhotra House, 6<sup>th</sup> Floor, Opp GPO,**  
**Fort, Mumbai – 400 001.**

... **Respondent**

**Public Information Officer cum Divisional Asstt Registrar**  
**Cooperative Board, Mumbai Division, Mumbai,**  
**Malhotra House, 6<sup>th</sup> Floor, Opp GPO,**  
**Fort, 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 22.04.2009 had sought information in respect of his complaints made to the Asstt Registrar, Cooperative Societies. The appellant had lodged five complaints and wanted to know what action has been taken on them. The PIO by his letter dated 19.05.2009 denied the information but the First Appellate Authority by his order dated 13.07.2009 allowed the 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 16.11.2009. Appellant was present but the respondent was absent.

The appellant has contended that he has not been furnished the information despite the First Appellate Authority's order. He has demanded action against the Public Information Officer. Since the respondent was absent, it could not be verified. It is however seen from the case papers that no information has been furnished. I therefore pass the following order.

**Order**

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

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

Place: Mumbai  
Date: 31.10.2009.

**Shri. Shailesh R. Ghedia**  
**B/202, Labh Ashish,**  
**Old Police Qtrs. Lane,**  
**Andheri (E), Mumbai – 400 069.**

... **Appellant**

V/s

**First Appellate Office cum Dy Chief Engineer**  
**(Bldg. Proposal) City W.S.-1,**  
**Municipal Corporation of Greater Mumbai,**  
**City-III (Bldg. Proposals),**  
**“E” Ward Office, 3<sup>rd</sup> Floor,**  
**10 Sheikh Hafizuddin Marg,**  
**Byculla (W), Mumbai – 400 008.**

... **Respondent**

**Public Information Officer cum Executive Engineer**  
**Municipal Corporation of Greater Mumbai,**  
**City-III (Bldg. Proposals),**  
**“E” Ward Office, 3<sup>rd</sup> Floor,**  
**10 Sheikh Hafizuddin Marg,**  
**Byculla (W), 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 21.03.2009 had sought the following information: -

- a) Number of tenements / flats for which approval is given for
  - Less than 200 ft area
  - 201 to 400 ft area
  - 401 to 700 ft area
  - above 701 ft area
- b) No. of flats / tenements constructed / (complete) as per BMC record for areas of above category.
- c) No. of flats / tenements for which construction is completed but O.C. is not obtained but people are staying for above category of area.

The PIO by his letter dated 17.04.2009 informed him that as per provisions of clause 2(f) of the RTI Act information is to be supplied in the form of available

documents and records. He also added that if the appellant wanted information regarding any particular case / building the same could be supplied.

The First Appellate Authority by his order dated 24.06.2009 confirmed the PIO's order. He also added that statistical data related with areas of flats were not maintained but the no of tenements proposed in a particular project was available and the same could be furnished. He informed the appellant that the information sought by the appellant could be furnished only after implementation Auto DCR system in all zonal officer of the Building Proposal 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 16.10.2009. Appellant was present but the respondent was absent.

The appellant has contended that he did not receive the information he had sought. The respondent was absent but case papers show that facts have been very clearly explained to the appellant. It has been brought to his notice that the desired information was not available on record.

After going through the case papers and considering the arguments advanced by parties I have come to the conclusion that the appellant has been properly informed. It is sad that the system of Auto DCR is not in operation and therefore the desired information cannot be furnished. Under these circumstances, I am constrained to close the case. I therefore pass the following order.

**Order**

The appeal is disposed off.

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

Place: Mumbai  
Date: 31.10.2009.



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

Appeal No.2008/3456/02

**Shri. Datatraya Krushna Pedamkar & Other  
Mariamma Room No.33, F-223 Dr A.B. Rd,  
Worli, Mumbai – 400 018.**

... **Appellant**

V/s

**First Appellate Office,  
SRA, 5<sup>th</sup> Floor,  
Grihanirman Bhavan,  
Bandra (E), Mumbai.**

... **Respondent**

**Public Information Officer,  
SRA, 5<sup>th</sup> Floor,  
Grihanirman Bhavan,  
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 15.04.2009 had sought information relating to Mariammanagar Cooperative Housing Society Ltd, CS No. 47 (Part) Lower Parel Division, Dr A.B. Rd, Worli, 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 16.10.2009. Appellant and respondents were present.

The appellant has contended that he has not been furnished the required information. The respondent in his written submission has stated that information on all the seven points have been furnished. He has also stated that the appellant has acknowledged the receipt.

After going through the case papers and considering the arguments advanced by parties I have come to the conclusion that information has been furnished. I am aware of the back ground of the case and the appellant has submitted many applications on the same issue. It is therefore decided to close the case.

**Order**

Appeal is disposed off.

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

Place: Mumbai  
Date: 31.10.2009.

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

Appeal No.2008/3452/02

**Shri. Shailesh R. Ghedia**  
**B/202, Labh Ashish,**  
**Old Police Qtrs. Lane,**  
**Andheri (E), Mumbai – 400 069.**

... **Appellant**

V/s

**First Appellate Office cum Dy Chief Engineer**  
**(Bldg. Proposal) City W.S.-II,**  
**C Wing Sanscruti Complex, 90 Feet D.P.RD,**  
**Near Sent Lorence School,**  
**Kandivali (E), Mumbai – 400 101.**

... **Respondent**

**Public Information Officer cum Executive Engineer**  
**Municipal Corporation of Greater Mumbai,**  
**Bldg. Proposal 'R' Ward Office,**  
**Mumbai.**

**GROUND**

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant by his application dated 21.03.2009 had sought the following information: -

- a) Provision, clause under law or copy of consular, notification by virtue of with Developer / required no obtain O.C. for the Building.
- b) Period within which O.C. should be applied one obtained.
- c) Action Builder / Developer are liable to be taken for not obtaining O.C.
- d) No of case (year wise) in which cases B.M.C. has initiated action against Builder / Developer for not obtaining O.C.
- e) In case of Bldg. constructed on plot by Reg. Scty. thread contract, who is responsible for obtaining O.C. – Reg. Scty. Or Promoter / off Beuve of Scty or Contractor.

The PIO by his letter dated 21.04.2009 furnished the information. The First Appellate Authority by his order dated 02.07.2009 disposed of his 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 16.10.2009. Appellant was present but the respondent was absent.

The appellant has contended that he has not been furnished the required information. Since the respondent was absent it could not be verified. It is however seen that the PIO has attempted to furnish the desired information. The appellant is obviously not satisfied because information on issues like no of cases in which action has been initiated against builder/developer for not obtaining occupancy certificate. The fact is that MCGM does not monitor the work once building proposal has been approved. It is the developer who is required to approach the building proposal deptt for amendment or occupation certificate or completion certificate. It is also a fact that many developers do not approach MCGM because he has indulged into illegal construction / exceeded the FSI and is not likely to be given occupation certificate. He however sells flats and they are occupied by purchasers. This puts them to lot of hardship. They are required to water charges at a higher rate and cannot get the premises conveyed. It is thus necessary that MCGM should devise a mechanism whereby this data should be available. Monitoring of the progress of the building would force developers to apply for occupation certificate and save hundreds of flat occupiers from avoidable hardship. The MCGM needs to look into this aspect. I am however closing this case as available information has been furnished.

**Order**

The appeal is disposed off.

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

Place: Mumbai  
Date: 31.10.2009.

**Shri. Ravi S. Punjabi**  
**A-901, Videocon Tower A CHS Ltd.**  
**Thakur Complex, Kandivali (E),**  
**Mumbai – 400 101.**

... **Appellant**

V/s

**First Appellate Office,**  
**Maharashtra Pollution Control Board,**  
**Kalpataru Point, 2<sup>nd</sup> & 4<sup>th</sup> Floor,**  
**Opp. Cine Planet Cinema,**  
**Near Sion Circle, Sion (E),**  
**Mumbai – 400 022.**

... **Respondent**

**Public Information Officer,**  
**Maharashtra Pollution Control Board,**  
**Kalpataru Point, 2<sup>nd</sup> & 4<sup>th</sup> Floor,**  
**Opp. Cine Planet Cinema,**  
**Near Sion Circle, Sion (E),**  
**Mumbai – 400 022.**

### **GROUND**

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant by his application dated 22.05.2009 had sought a copy of the procedure set up between Municipal Corporation of Greater Mumbai and Maharashtra Pollution Control Board for approving and monitoring projects which require compliance with environmental norms. He also wanted copies of instructions / circulars issued to MCGM and other 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 21.10.2009. Appellant and respondents were present.

The appellant has contended that he has not been furnished the required information and the PIO should be penalized for the same.

The respondent's contention is that available information has been furnished. The PIO called the information from the Regional Office (P & P) MPCB and the same has been furnished to the appellant. The appellant has also been provided with a copy of the letter written by the Member. Secretary of the Board to the Municipal Commissioner, MCGB regarding implementation of EIA Notification no So1533 dated 14.09.2006 requesting not to issue commencement letter for construction of projects falling under purview of the notification. The information according to the respondents stands furnished.

I have gone through the case papers and also considered the arguments advanced by parties. It is clear that there is no standard procedure seems to have been set up and therefore piecemeal information has been furnished. It is however seen that whatever information was available has been furnished. I am therefore constrained to close the case. I pass the following order.

**Order**

Appeal is disposed off.

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

Place: Mumbai  
Date: 31.10.2009.

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

Appeal No.2008/3120/02

Shri. Bhushan Pandurang Malgaonkar  
Plot No. 122, Room No.302,  
Mukesh Apt., Nadkarni Marg,  
Wadala (E), Mumbai – 400 037.

... Appellant

V/s

First Appellate Office cum Chairman  
Maharashtra Advocate Welfare Fund,  
1<sup>st</sup> Floor High Court, Fort,  
Mumbai – 400 032.

... Respondent

Public Information Officer cum Secretary  
Maharashtra Advocate Welfare Fund,  
1<sup>st</sup> Floor High Court, Fort,  
Mumbai – 400 032.

**GROUND**

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant by his application dated 18.03.2009 had sought information in respect of various aspects of the Maharashtra Advocates Welfare Fund.

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 provided the required information. The respondent wanted adjournment but the matter being simple the same is being refused. The fact that the appellant had to come up to the stage of second appeal itself shows indifference on the part of the PIO to furnish information. I therefore pass the following order.

**Order**

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

(Ramanand Tiwari)  
State Information Commissioner, Mumbai

Place: Mumbai  
Date: 31.10.2009.

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

**Appeal No.2008/3357/02**

**Shri. Vilas Ramdas Bhoge  
Room No.306, Bulding No.101,  
New Mhada Colony,  
Dr. Ambedkar Nagar, Mankhurd.  
Mumbai – 400 043.**

... **Appellant**

**V/s**

**First Appellate Office cum Dy Police Commissioner  
Zone-6, Chembur, Mumbai – 400 070.**

... **Respondent**

**Public Information Officer cum Asstt Police Commissioner  
East Divisional Ward,  
Control Desk, Chembur, Mumbai.**

**GROUND**

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant by his application dated 23.02.2009 had sought information in respect of his complaint against Shri Anthony Sebastian who according to the appellant had forged documents to grab the land belonging to MHADA. He wanted to know what action taken 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 01.10.2009. Appellant and respondents were present.

The appellant has contended that he wanted to know what action was taken against Anthony Sebastian who forged MHADA's letter to occupy MHADA's land but no information was furnished.

The respondent's in his detailed written submission stated that the complaint was sent to MHADA since it pertained to them. The appellant was informed accordingly and information regarding dispatch / date etc has also been given.

After going through the case papers and considering the arguments advanced by parties I have come to the conclusion that information has been furnished. It is not for the commission to decide what action should have been taken by the police. The

appellant has been informed what action has been taken. I therefore pass the following order.

**Order**

Appeal is disposed off.

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

Place: Mumbai  
Date: 31.10.2009.



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

**Appeal No.2008/3381/02**

**Shri. Premchand Bagariya  
Plot No.90 Kherwadi, Bandra (E),  
Mumbai – 400 051.**

**... Appellant**

**V/s**

**First Appellate Office cum DCP,  
Zone IX, Hill Rd,  
Bandra (W), Mumbai – 400 050.**

**... Respondent**

**Public Information Officer cum ACP (West Region)  
Hill Rd,  
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 17.06.2009 had sought information relating to the NC lodged against him by Shri Hemant Singh on 16.06.2009. He wanted a copy of the N.C. He had also sought information regarding Rs.1200 collected from him and action against Mrs. Bimaldevi and PSI Shri Sawant.

Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant filed this second appeal before the Commission. The appeal was heard on 08.10.2009. Appellant and respondents were present.

The appellant has contended that the information required by him has not been furnished and whatever information has been given was incomplete and misleading.

The respondent's contention is that the appellant was furnished information by the PIO's letter dated 14.07.2009. The First Appellate Authority his order dated 17.08.2009 confirmed the PIO's order. It was also submitted by them 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 appellate is not satisfied because action has not been taken the way he wanted. This is not

expected. The RTI Act ensures furnishing of available information. I therefore pass the following order.

**Order**

Appeal is disposed off.

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

Place: Mumbai  
Date: 31.10.2009.

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

**Appeal No.2008/3494/02**

**Shri. Joy Deb Saha  
S/104, Gokul Residency Thakur  
Village, Kandivali (E),  
Mumbai – 400 101.**

... **Appellant**

**V/s**

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

... **Respondent**

**Public Information Officer cum Maser & Asstt Prothonotary  
Mumbai High Court,  
Fort, Mumbai – 400 032.**

**GROUND**

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant by his application dated 01.01.2009 had sought the following information: -

- i) Certified / Authenticated copy of the Note / Order / Direction /Judgment dated 14.08.2008 noted by Smt. S.A. Malkar, Dy Registrar (SID), High Court Bombay whereby my complaint dated 16.05.2007 was filed as per the direction of the Hon'ble. The Chief Justice, High Court, Bombay and Hon'ble Judges, High Court, Bombay.
- ii) Certified / Authenticated copy of the Notes of Evidence of the complainant dated 24.01.2008 recorded by the Ld. President, Industrial Court, Mumbai.

The PIO by his letter dated 23.09.2009 informed the appellant that his complaint was duly processed and filed as per the directions of the Hon Chief Justice and judges of the Hon High Court. The appellant preferred the first appeal and the First Appellate Authority ordered furnishing of some more information. The same has been done.

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 29.10.2009. Appellant and respondents were present.

The appellant has contended that although he has been informed that his complaint has been filed he has not been furnished a copy of the notings whereby his complaint was filed. The respondent's stand is that the information sought was confidential under section 8(1) (g) (h) of the RTI Act and cannot be furnished. It has been stated that giving such information may amount to interference in the due process of law and so may constitute contempt of court under section 8(1) (b) of the Right to Information Act, 2005.

I have gone through the case papers. It is seen that the appellant had lodged complaint against one judge Mr. N.M. Gosavi of the Industrial Court. This was enquired into by the SID and evidence of the appellant was recorded. The complaint was ultimately filed. The appellant is insisting on having a copy of the order / notings / direction / judgment dated 14.08.2008 passed by the Hon Chief Justice and Hon Judges, High Court, Bombay which was noted by Smt S.A. Malkar Deputy Registrar and whereby the complaint of the appellant was filed. The information has been denied under section 8(1) (g) (h) which read as follows: -

(g) Information, the disclosure of which would endanger the life or physical safety of any person or identify the source of information or assistance given in confidence for law enforcement or security purposes.

(h) Information which would impede the process of investigation or apprehension or prosecution of offenders.

The apprehension in the mind of the respondent is that if an adverse order is passed in a judicial proceeding, a complaint can be made on the administrative side against the judicial officer and then relying on the action taken in the complaint benefit is tried to be derived in the appellate Court. It is possible. But that however cannot come in the way of disclosure of information. The Hon High Court of Delhi at Delhi in WP (C) 3144/2007 Bhagat Singh Vs Chief Information Commissioner upheld the order of the

Central information Commission directing disclosure of similar information. The Petitioner in that case was married in 2000 to Smt. Saroj Nirmal. In Nov, 2000 she filed a criminal complaint alleging that she had paid / spent as dowry an amount of Rs. Ten Lakhs. The Petitioner with a view to defend the criminal prosecution launched against him, approached the Income Tax Department with a tax evasion petition (TEP) dated 24.09.2003. Thereafter the Income Tax Deptt summoned the petitioner's wife to present her case. The petitioner made repeated request to the Director of Income Tax (Investigation) to know the status of hearing and TEP proceeding. After drawing blank he applied under RTI Act but the required information was denied. The Central Information Commission finally directed that information should be furnished. This order was upheld by the Hon High Court Delhi. The central point is whether information can be denied, because it is feared that this may be used against someone or in some proceedings. This cannot be a ground for refusing the required information. The only exemptions are provided in section 8 of the Act. A careful scrutiny of the background of the present case shows that section 8(1) (g) (h) are not applicable in this case. The appellant complaint has been filed. He wants a copy of the notings / order. This has to be furnished Access to information under section 3 of the Act is the rule and exemptions under section 8 the exception. The spirit of the Act has to be borne in mind while construing the provisions contained therein.

In the light of the above observation I have come to the conclusion that information cannot be denied under the Act and has to be furnished to the appellant. I therefore pass the following order.

**Order**

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

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

Place: Mumbai  
Date: 31.10.2009.

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

**Complaint No.2009/452/02**

**Shri. Hyginus Sylvester D'Lima  
"Herwish" 69-A, Gauthan Lane No.1,  
Andheri (W), Mumbai – 400 058.**

... **Complainant**

V/s

**Public Information Officer cum Asstt Engineer  
(B & F), K/West, municipal Corporation,  
Paliram Path, Andheri, Mumbai – 400 058.**

... **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 14.07.2008 passed in appeal no 2008/351/02. The facts in brief are as follows: The present complainant had sought information regarding illegal structures in Andheri Gaothan and demanded action against them.

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 14.07.2008 directed that information should be furnished within 30 days. The present complaint is against alleged non compliance of commission's order.

The complaint was heard on 27.10.2009. The defendant was present but the complainant did not turn up.

The defendant has submitted that information received from the Building Proposal Deptt has been sent to the complainant. The PIO by his letter dated 02.06.2009 had informed the complainant that his office had sent notices and to owners / occupiers asking for documentary evidence. Necessary action would be taken after verifying the facts. Since the complainant was not present, it could not be verified. I am however of the view that the commission's order has been partly complied. Information regarding action taken has been furnished. The commission is not expected to monitor removal of

illegal structures. The RTI Act ensures furnishing of available information. I therefore pass the following order.

**Order**

The PIO to furnish the latest information to the complainant under intimation to the commission. The complaint is filed.

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

Place: Mumbai  
Date: 31.10.2009.

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

Appeal No.2008/3474/02

**Shri. Kapoorchand Durgaprasad Gupta**  
26, Natwarlal Ganatra Chwal,  
Sainagar Compound, M.J.Rd, Kandivali (W),  
Mumbai – 400 067.

... **Appellant**

V/s

**First Appellate Office cum Executive Engineer**  
**Municipal Corporation of Greater Mumbai,**  
R Ward, M.G. Ched Rd No.2,  
Kandivali (W), Mumbai – 400 067.

... **Respondent**

**Public Information Officer cum Asstt Engineer**  
**Municipal Corporation of Greater Mumbai,**  
R Ward, M.G. Ched Rd No.2,  
Kandivali (W), Mumbai – 400 067.

**GROUND**

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant by his application dated 09.04.2009 had sought information in respect of the transit camp being constructed at Sitabai Patel Rd, Kandivali (E). The PIO by his letter dated 01.06.2009 informed him that the information was not available on his record. The First Appellate Authority concluded that information was available with the SRA and the PIO should have sent the application to the SRA. He cautioned 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 20.10.2009. The appellant did not turn up but the respondent was present.

It is very clear from case papers that the information was being held by the SRA. According to section 6(3) of the RTI Act, the application should have been sent to the SRA. The same has not been done. There is point is no point in ordering the application to be sent at this stage. The PIO has however committed error by not sending the application to the SRA. He is warned to be careful in future. Since the appellant also did not turn up I am constrained to close the case.

**Order**

Appeal is disposed off.

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

Place: Mumbai  
Date: 31.10.2009.



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

**Complaint No.2009/451/02**

**Shri. Dayanand Mahadev Choudhary  
204, Devdarshan, Mishra Compound,  
Yashvant Nagar, Wakola Pipe Line,  
Santacruz (E), Mumbai – 400 055.**

... **Complainant**

V/s

**Public Information Officer cum Superintendent  
(Establishment), Panchayat Samiti 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 28.08.2008 passed in appeal no.2008/11301/02. The facts in brief are as follows: - The present complainant had sought information regarding no of village Panchayats in Kudal taluka, no of gram sevaks / village extension officers, action taken against sarpanchas, gram sevaks under the Maharashtra Gram Panchayat Act 1958 and other related issue.

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 28.08.2008 directed that information should be furnished within one month. The present complaint is against alleged non compliance of commission's order.

The complaint was heard on 27.10.2009. Complainant and defendants were present.

The complainant has stated that he was not furnished the required information and Officers concerned should be penalized. Respondents have submitted that the appellant was informed by the PIO under his letter dated 25.07.2006 that the complainant should deposit Rs.1588/- and collect the information. Since the amount was not deposited, information could not be furnished.

After considering the arguments advanced by parties and going through the file I have come to the conclusion that the appellant has been properly informed. Instead of depositing the required amount and collecting the information, the complaint filed the first and the second appeal. There is no ground to penalize the PIO. There is nothing to prove that he has deliberately tried to delay or deny the information. I therefore pass the following order

**Order**

The complaint is filed.

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

Place: Mumbai  
Date: 31.10.2009.

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

**Appeal No.2008/3499/02**

**Shri. Uttam Kumar Patel  
Patel House, Padri Mothi Wadi T.H.K. Rd,  
Behind Head Post Office,  
F.P. No.97 Original Plat No.90 TPS-II, Mahim,  
Mumbai – 400 016.**

**... Appellant**

**V/s**

**First Appellate Office cum Executive Engineer  
Municipal Corporation,  
G/North Ward Office Bldg,  
Harichandra Yelave Marg, Dadar (W),  
Mumbai – 400 028.**

**... Respondent**

**Public Information Officer cum Asst Engineer  
Municipal Corporation,  
G/North Ward Office Bldg,  
Harichandra Yelave Marg, Dadar (W),  
Mumbai – 400 028.**

**GROUNDS**

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant by his application dated 20.07.2009 had sought information regarding acquisition, possession & boundaries of final Plot No.95, Mahim, TPS-II. Lt. Dilip Gupte Rd, Town Planning Scheme-II, Mahim Ara, Mahim, Mumbai – 400 016. Original Plot 920, City Survey No.640, Costal Regulation Zone as per the Govt. of India Notification Under SO No.114 (E) of 19.02.1991.

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 29.10.2009. Appellant and respondents were present.

The appellant has contended that the information furnished is not proper and satisfactory. The respondent submitted that information has been furnished by the PIO's letter dated 17.08.2009 and 17.09.2009. He also stated that the appellant was not satisfied because he wanted answers to his queries which are not allowed under the RTI Act.

After going through the case papers and considering the arguments advanced by parties I have come to the conclusion that factual information has been furnished. The appellant has raised 27 queries and is unhappy because question wise answer has not been furnished. It has been correctly brought to his notice that under the RTI Act it is expected to provide information in the form of documents records emails etc available on

record and information in the shape of answers to questions do not fit into the definition of information. I therefore pass the following order.

**Order**

Appeal is disposed off.

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

Place: Mumbai  
Date: 31.10.2009.

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

**Appeal No.2008/3508/02**

**Shri. Abdul Kadar Ababkar Khan  
Asstt Police Commissioner, (Main Computer Desk),  
Mumbai.**

... **Appellant**

V/s

**First Appellate Office cum Dy Police Commissioner  
Head Office-1, Mumbai.  
Police Commissioner Office,  
Greater Mumbai, Head Office.**

... **Respondent**

**Public Information Officer cum Asstt Police Commissioner  
Head Office-1, Mumbai.  
Police Commissioner Office,  
Greater Mumbai, Head Office.**

**GROUND**

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant by his application dated 03.06.2009 had sought information in respect of his salary. He has stated that persons who were promoted along with him have been placed in the pay scale of 11, 300 but he has been drawing Rs.11, 025/-. He wanted to the reasons for this discrepancy.

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 29.10.2009. Appellant and respondents were present.

The appellant has contended that he has not been given the correct information. The respondent submitted that he has been informed that he did not exercise the option after promotion and therefore this discrepancy.

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's grievance could be valid but cannot be sorted out under the RTI Act. He is advised to take it up with the appropriate authority. The commission cannot look into the regularity or otherwise of an action. It only ensures furnishing of available information. I therefore decide to close the case.

**Order**

Appeal is disposed off.

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

Place: Mumbai  
Date: 31.10.2009.

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

Appeal No.2008/3507/02

**Shri.Chandrakant V. Dalvi**  
49/55, Shanti Devji Street,  
1<sup>st</sup> Floor, Room No.No.9A,  
Mumbai – 400 003.

... **Appellant**

V/s

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

... **Respondent**

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

**GROUND**

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant by his application dated 15.04.2009 had sought copies of IOD, CC and OC given to Building No.29/31, Dhavji Street, City Survey No.1347, Bhuleshwer Division “C” Ward EEBP No.7309/C/AR.

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 29.10.2009. Appellant and respondents were present.

The appellant has contended that the required information has not been furnished. He has been informed that related papers were not available and therefore information could not be furnished.

The respondent’s contention is that despite best efforts papers could not be traced. They also informed that they had tried to retrieve from the architect but have drawn blank.

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. Since papers have not been located despite diligent search, I am constrained to close the case.

**Order**

Appeal is disposed off.

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

Place: Mumbai  
Date: 31.10.2009.

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

Appeal No.2008/3014/02

Shri. Yadav Pandharinath Jagdevrao  
Asstt Director, Room No.147,  
Social Justice & Special Assistance Department,  
Mantralaya, Mumbai – 400 032.

... Appellant

V/s

First Appellate Office,  
Maharashtra Public Service Commission,  
3<sup>rd</sup> Floor, Bank of India Bldg,  
Hutatma Chowk, Mumbai – 400 001.

... Respondent

Public Information Officer,  
Maharashtra Public Service Commission,  
3<sup>rd</sup> Floor, Bank of India Bldg,  
Hutatma Chowk, Mumbai – 400 001.

**GROUND**S

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant by his application dated 24.12.2008 had sought information relating to his service book, his leave application and action taken on that, his last pay certificate and related issues. He had sought information on 14 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 28.10.2009. The appellant did not turn up but the respondent was present.

It is seen from the case papers that the information sought is purely personal. It is also seen that information on all the points has been furnished to him. Thus in view of the appellant's absence and respondent's submission I decide to close to close the case.

**Order**

Appeal is disposed off.

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

Place: Mumbai  
Date: 31.10.2009.



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

**Appeal No.2008/3424/02**

**Shri. Mahesh Suresh Chogale  
80-1/2, Shivaji Nagar Colony,  
Dr Annie Bezzant Rd, Worli,  
Mumbai – 400 018.**

... **Appellant**

V/s

**First Appellate Office cum Dy Controller of Rationing  
“A” Zone, Parel, Mumbai – 400 012.**

... **Respondent**

**Public Information Officer cum Rationing Officer  
Rationing Office No.20/A, Jambori Maidan,  
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 28.08.2008 had sought information in respect of the ration card issued to Shri Ulhas Shankar Thakur. He wanted to have copies of the documents which formed the basis of issuance of the ration card. The appellant also wanted information as to how the name of Shri Sanket Ulhas Thakur was added.

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 16.10.2009. Appellant and respondents were present.

The appellant has contended that information furnished to him was not correct. He has pointed out that he was informed by the PIO letter dated 21.04.2005 that the name of Shri Sanket Ulhas Thakur has been deleted where by his letter dated 17.08.2009 he has been informed that the name of Shri Sanket Thakur does seem to have been deleted. The respondent submitted that available information has been furnished. The respondent however did not explain as how the discrepancy had crept in.

After going through the case papers and considering the arguments advanced by parties I have come to the conclusion that complete information has not been furnished. The PIO is directed to inform the appellant how the information furnished by his letter

dated 21.04.2005 is different from the one furnished under his letter dated 17.08.2009. I pass the following order.

**Order**

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

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

Place: Mumbai  
Date: 31.10.2009.

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

**Appeal No.2008/3500/02**

**Shrimati. Rajani S. Worlikar  
59/D, Walmiki Chowk,  
Worli Village,  
Mumbai – 400 030.**

**... Appellant**

**V/s**

**First Appellate Office cum Executive Engineer  
Municipal Corporation, G/Sough Ward Office Bldg,  
1<sup>st</sup> Floor, N.M. Joshi Marg, Mumbai – 400 013.**

**... Respondent**

**Public Information Officer cum Asstt Engineer  
(B & F), Municipal Corporation, G/Sough Ward Office Bldg,  
1<sup>st</sup> Floor, N.M. Joshi Marg, Mumbai – 400 013.**

**GROUND**

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant by his application dated 21.05.2009 had sought information relating to illegal and unauthorized constriction / repairs done by Smt. Manda R Koli at 59/D Conda gully, Worli Koliwada, 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 29.10.2009. The appellant did not turn up but the respondent was present. The appellant however has sent written submission. The appellant's main contention is that Mrs Manda Koli did not inform the appellant that structure had collapsed Appellant's permission was not obtained before repair and repair has been done beyond what existed prior to its collapse. Respondent submitted that the structure collapsed on 07.06.2008. MCGM issued notice under section 354 of the MMC Act. Mrs Koli carried out repair as directed. Details of measurement etc has been communicated to the appellant.

After going through the case papers and considering the arguments I have come to the conclusion that information has been furnished. The appellant does not seem to be seeking information but arbitration whether the tenant should have taken his permission,

whether the scope of repair has exceeded etc. The RTI Act is not man dated to arbitrate.

I therefore close the case.

**Order**

Appeal is disallowed.

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

Place: Mumbai  
Date: 31.10.2009.

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

**Appeal No.2008/3500/02**

**Shrimati. Rajani S. Worlikar  
59/D, Walmiki Chowk,  
Worli Village,  
Mumbai – 400 030.**

**... Appellant**

**V/s**

**First Appellate Office cum Executive Engineer  
Municipal Corporation, G/Sough Ward Office Bldg,  
1<sup>st</sup> Floor, N.M. Joshi Marg, Mumbai – 400 013.**

**... Respondent**

**Public Information Officer cum Asstt Engineer  
(B & F), Municipal Corporation, G/Sough Ward Office Bldg,  
1<sup>st</sup> Floor, N.M. Joshi Marg, Mumbai – 400 013.**

**GROUND**

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant by his application dated 21.05.2009 had sought information relating to illegal and unauthorized constriction / repairs done by Smt. Manda R Koli at 59/D Conda gully, Worli Koliwada, 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 29.10.2009. The appellant did not turn up but the respondent was present. The appellant however has sent written submission. The appellant's main contention is that Mrs Manda Koli did not inform the appellant that structure had collapsed Appellant's permission was not obtained before repair and repair has been done beyond what existed prior to its collapse. Respondent submitted that the structure collapsed on 07.06.2008. MCGM issued notice under section 354 of the MMC Act. Mrs Koli carried out repair as directed. Details of measurement etc has been communicated to the appellant.

After going through the case papers and considering the arguments I have come to the conclusion that information has been furnished. The appellant does not seem to have information but arbitration whether the tenant should have taken his permission whether

the scope of repair has exceeded etc. The RTI Act is not man dated to arbitrate. I therefore close the case.

**Order**

Appeal is disallowed.

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

Place: Mumbai  
Date: 31.10.2009.

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

**Appeal No.2008/3496/02**

**Shri. Vijay G. Bende  
43, Metro House,  
3 Street, 4<sup>th</sup> Floor, Dhobi Talao,  
Mumbai – 400 002.**

... **Appellant**

**V/s**

**First Appellate Office cum Dy Chief Engineer  
Mumbai Bldg Repair & Reconstruction Board,  
85-95, Rajani Mahal, Taddeo, Mumbai – 400 034.**

... **Respondent**

**Public Information Officer cum Executive Engineer  
Mumbai Bldg Repair & Reconstruction Board,  
C ¾ Division, Chandanwadi, Mumbai – 400 002.**

**GROUND**

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant by his application dated 22.02.2009 had sought information relating to Building no 45 & 47, 3<sup>rd</sup> Marine Street, Dhobi Talao, Mumbai.

1. To issue me detailed reports of what actions have been taken by your department on my complaint letters against illegal constructions done at building no.45 & 47, 3<sup>rd</sup> Marine Street, Dhobi Talao, Mumbai – 400 002 bearing REF.No.TO/126 & TP/156 dated 07.07.2008 & 27.01.2009 respectively.
2. Action taken on architects, contractor & NOC holders since last 9 months.
3. To issue me old building plans of building no.45 & building No.47.

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 29.10.2009. The appellant did not turn up but the respondent was present.

The appellant has contended that he has not been given the required information. He stated that he has not been informed what action has been taken on his complaint.

The respondent's contention is that the appellant's grievances have been taken care of and the damage to his tenement has been repaired.

After going through the case papers and considering the arguments advanced by parties I have come to the conclusion that information has been furnished. Case papers show an acknowledgement by the appellant. In view of the appellant's 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: 31.10.2009.



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

Appeal No.2008/3395/02

**Shri. Ashok B. Kamble**  
**Boudha Mandir Rahewashi Sangh Chawl,**  
**Sent Frances Rd, Vile-Parle (W),**  
**Mumbai – 400 056.**

... **Appellant**

V/s

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

... **Respondent**

**Public Information Officer cum Colony Officer**  
**Municipal Corporation,**  
**K/West. 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 02.02.2009 had sought information relating to documents submitted for inclusion of names in Annexure II for rehabilitation of inhabitants of Boudhamandir Rahewasi Sangh Chawl, St. Frances Rd, Vile Parle (W), Mumbai. The PIO by his letter dated 13.02.2009 informed him that the annexure II seemed to have been issued by the Deputy Collector. The appellant however could get in touch with him. The First Appellant Authority by his order dated 16.04.2009 ordered that information should be furnished within 15 days. The appellant says he did not receive the information. Respondent has submitted that these papers were not available on record and therefore information could not be furnished.

After going through the case papers and considering the arguments advanced by parties I have come to the conclusion that information has not been furnished. It is not enough to say that papers were not available. These documents form the basis of annexure II and if they are not made available the whole annexure II may be doubted. The PIO will make diligent search and communicate the result in the form an affidavit to the commission and a copy to the appellant. I pass the following order.

**Order**

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

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

Place: Mumbai  
Date: 31.10.2009.

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

**Appeal No.2008/3396/02**

**Shri. Premchand Shivnath Bagoria  
Plot No.90, Kherwadi Rd, Bandra (E),  
Mumbai – 400 051.**

**... Appellant**

**V/s**

**First Appellate Office cum Asstt Commissioner  
Municipal Corporation of Greater Mumbai  
H/East Ward Office, 137 TPS-5, 2<sup>nd</sup> Rd,  
Prabhat Colony, Santacruz (E),  
Mumbai – 400 055.**

**... Respondent**

**Public Information Officer cum Asstt Engineer (Water Works)  
Municipal Corporation of Greater Mumbai  
H/East Ward Office, 137 TPS-5, 2<sup>nd</sup> Rd,  
Prabhat Colony, Santacruz (E),  
Mumbai – 400 055.**

**GROUNDS**

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant by his application dated 20.05.2009 had sought the following information: -

1. Amount H/E ward will charge for giving a water connection at Kherwadi.
2. Action H/E ward will taken against a person on group doing water theft.
3. Documents and number of member required for getting a new E/C at Kherwadi.
4. Your Department has given a W/C in name of Mr.Umesh Bhagyawant on 08.11.2008 at ploy no.90 Give me a list having name of member of above connection.
5. As per details given to me by your Department for my RTI application dated 07.08.2008 my Tenants were having disconnected two W/C code no HEV 700/006 and HEZ 4040009 on 30 July, 2008. I want to know who will pay this amount.
6. Is it not necessary for a Tenant to get NOC from landlord before getting W/C.

The PIO by his letter dated 26.06.2009 furnished pointwise information. The appellant was not satisfied case papers do not reveal whether any order was passed on his 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 09.10.2009. Appellant and respondents were present.

The appellant has contended that the information given to him were take, incomplete and misleading on point no 2, 3, 5, & 6. Respondents submitted that information available on record 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. Information sought is not specific and the appellant has sought answers to hypothetical questions – action H/E Ward will take against a person or group doing water theft. The appellant has given multiple answers and wanted the respondent to choose. Such questions are not expected to be replied under the RTI Act. I therefore pass the following order.

**Order**

Appeal is disposed off.

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

Place: Mumbai  
Date: 31.10.2009.

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

**Appeal No.2008/3483/02**

**Shri. Namdeo Kashinath Kamble  
Rameshwer Chawl Committee,  
Unit No.1559, Sandesh Nagar,  
Bailbazar, Kurla Andheri Rd,  
Kurla (W), Mumbai – 400 072.**

**... Appellant**

**V/s**

**First Appellate Office cum Executive Engineer  
Municipal Corporation, R/Central Division Office,  
2<sup>nd</sup> Floor, Mahapalika Mandai bldg,  
Swami Vivekanand Marg,  
Borivali (W), Mumbai – 400 092.**

**... Respondent**

**Public Information Officer cum Asstt Engineer  
Municipal Corporation, R/Central Division Office,  
2<sup>nd</sup> Floor, Mahapalika Mandai bldg,  
Swami Vivekanand Marg,  
Borivali (W), Mumbai – 400 092.**

**GROUND**

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant by his application dated 06.02.2009 had sought information in respect of works undertaken, completed, in progress, no of contractors, chowkies constructed, deposit and rent being collected from contractors. He had sought information from March 2008 to March 2009. The information pertained to R/Central Ward, MCGM.

Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant filed this second appeal before the Commission. The appeal was heard on 26.10.2009. The appellant did not turn up but the respondent was present.

The appellant in his appeal has contended that he has been given incomplete and misleading information. The respondent submitted that the scope of the information sought was too broad even then information available on record has been furnished.

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

appellant is not specific and has indulged into roving and fishing enquiry. I therefore decide to close the case.

**Order**

Appeal is disposed off.

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

Place: Mumbai  
Date: 31.10.2009.

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

**Appeal No.2008/3368/02**

**Shri. Suhas K. Malvkar  
30, Nalanda Super Market,  
1<sup>st</sup> Floor, Bandu Gore Marg,  
Goregaon (W), Mumbai – 400 062.**

... **Appellant**

**V/s**

**First Appellate Office cum Asstt Commissioner / Executive Engineer  
Municipal Corporation, P/South, Mithanagar  
Municipal School Bldg,  
Mitha Nagar goregaon (W), Mumbai – 400 104.**

... **Respondent**

**Public Information Officer,  
Municipal Corporation, P/South, Mithanagar  
Municipal School Bldg,  
Mitha Nagar goregaon (W), Mumbai – 400 104.**

**GROUNDS**

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant by his application dated 05.02.2009 had sought information relating to the demolition structure used and occupied by the appellant. The appellant wanted names of people who were engaged in the operation, whether notice was given to him, the law under which the structure was demolished and name of the police station whose help was secured.

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 07.10.2009. Appellant and respondents were present.

The appellant has contended that despite the First Appellate Authority's direction the PIO has not given complete information. He was not furnished the names of officers who were engaged in the operation and also under what law the structure was removed. Respondent submitted that information available on record has been furnished. The appellant was given opportunity to remove his valuables and the allegation that someone named Yavale had asked for Rs.25, 000/- was not correct as there was no one by that name working in their office.

I have gone through the case papers and considered the arguments advanced by parties. It is seen that available information has been furnished. If the appellant felt that his structures had been removed illegally, he has to approach competent authority to get it sorted out. The commission is not mandated to sort out grievances. I therefore pass the following order.

**Order**

Appeal is disposed off.

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

Place: Mumbai  
Date: 31.10.2009.

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

Appeal No.2008/3352/02

**Shri. Khatijabai D. Palitanawala**  
**155, Ramchandra Bhatt Marg,**  
**Princess Building 'D' Block,**  
**1<sup>st</sup> Floor, Room No.15, Near J.J. Hospital,**  
**Mumbai – 400 003.**

... **Appellant**

V/s

**First Appellate Office cum Divisional Executive Engineer**  
**Municipal Corporation of Greater Mumbai,**  
**G/South Ward Office, 1<sup>st</sup> Floor, Lower Parel,**  
**Mumbai – 400 013.**

... **Respondent**

**Public Information Officer cum Asstt Engineer (B & F)**  
**Municipal Corporation of Greater Mumbai,**  
**G/South Ward Office, 1<sup>st</sup> Floor, Lower Parel,**  
**Mumbai – 400 013.**

**GROUNDS**

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant by his application dated 15.07.2009 had sought information relating to room no 56, Kharas Building Situated at 14/16, N.M. Joshi Marg, Mumbai. The appellant had sought copies of some documents which were not traceable in the PIO's office. He wanted to know who was responsible 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 heard on 01.10.2009. The appellant did not turn up but the respondent was present.

The respondent has contended that the information was sought earlier also. He has furnished a copy of a letter dated 01.08.2003 where it has been explained that in absence of any proof, it was not possible for them to take any action. It has also been explained that the occupant is having rent receipt from the earlier landlord and even from the current one.

After going through the case papers and considering the arguments advanced by parties I have come to the conclusion that the issue is not so many of information as of



eviction. It is well known that RTI does not envisage any remedial action. In view of the respondent's submission and appellant's absence I decide to close the case. I therefore pass the following order.

**Order**

Appeal is disposed off.

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

Place: Mumbai  
Date: 23.10.2009.

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

Appeal No.2008/3453/02

**Shri. Nitin Tukaram Gawankar**  
**05, Gawankar Niwas, Opp. Saikrupa Bldg,**  
**Shir Vallab Rd, Dahisar,**  
**Mumbai – 400 068.**

... **Appellant**

V/s

**First Appellate Office cum Executive Engineer**  
**Municipal Corporation of Greater Mumbai,**  
**R/North Ward Office,**  
**Below Sangeetbar Sudhir Thandbe Flyover Bridge,**  
**Jaywant Sawant Marg, Dahisar (W), Mumbai – 400 068.**

... **Respondent**

**Public Information Officer cum Asstt Engineer**  
**Municipal Corporation of Greater Mumbai,**  
**R/North Ward Office,**  
**Below Sangeetbar Sudhir Thandbe Flyover Bridge,**  
**Jaywant Sawant Marg, Dahisar (W), Mumbai – 400 068.**

**GROUND**

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant by his application dated 21.01.2009 had sought a copy the permission sought from Hon High Court / respective departments for laying nalla from Samta Nagar / Gas godown / Avad Vidyalaya (Ketkipad) Dharkhadi, details of expected expenses, sources and fund for work taken by BMC in ward 3 and work done by Prabhag Samiti with expenditure on each work from 2006.

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 16.10.2009. Appellant and respondents were present.

Appellant and respondent requested that the case be closed and respondent will furnish the information in 3 weeks. The case is accordingly closed.

**Order**

Appeal is disposed off.

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

Place: Mumbai  
Date: 31.10.2009.

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

**Appeal No.2008/3497/02**

**Shri. Mofid Ahmad Khan  
Room No.9, Dedia Niwas,  
Rafi Ahmad Kidwai Marg,  
Wadala, Mumbai – 400 031.**

... **Appellant**

V/s

**First Appellate Office cum Joint Project Director  
Mumbai MMRDA,  
Bandra-Kurla Complex,  
Bandra (E), Mumbai – 400 051.**

... **Respondent**

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

**GROUND**

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant by his application dated 22.06.2009 had sought information relating to shifting of persons who were affected because of widening / improvement of Zakaria Buder Rd, Sewari Cross Rd, Rafi Ahmed Kidwai Rd. He wanted names and address of persons who have been shifted as per BMC's 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 29.10.2009. Appellant and respondents were present.

The appellant has contended that he has not received complete information. The respondent submitted that information available with them has been furnished. The appellant was also advised to get remaining information from the MCGM.

After going through the case papers and considering the arguments advanced by parties I have come to the conclusion that information has been submitted in part. According to section 6(3) (II) of the RTI Act 2005 where an application is made to a public authority requesting for an information the subject of which is more closely connected with functions of another public authority, the public authority shall transfer the application or such part of it as may be appropriate to the public authority and inform

the appellant. The same has not been done in this case. His case may be transferred to the MCGM for furnishing the remaining information under intimation to the appellant.

**Order**

Appeal is partially allowed. Information to be furnished by PIO within 7 days.

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

Place: Mumbai  
Date: 31.10.2009.

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

**Appeal No.2008/3489/02**

**Shri. Vincet Joseph Fernandes  
26, Chuim Village, Khar (W),  
Mumbai – 400 052.**

... **Appellant**

V/s

**First Appellate Office cum Asstt Municipal Commissioner  
Municipal Corporation, Greater Mumbai,  
H/W Ward Office, St. Marties Rd,  
Bandra (W), Mumbai – 400 050.**

... **Respondent**

**Public Information Officer cum Asstt Engineer  
(Bldg & Factory) Municipal Corporation, Greater Mumbai,  
H/W Ward Office, St. Marties Rd,  
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 25.05.2009 had sought information relating to the closure of passage. The information has been sought with reference to letter HW/25428/AEB/R 1 of 02.01.2008.

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 fixed for hearing on 28.10.2009. Appellant and respondents were absent.

It appears from the case papers that the PIO by his letter dated 16.06.2009 informed the appellant that no information was available in his office as required by the appellant. The appellant preferred the first appeal. The First Appellate Authority by his order dated 07.08.2009 directed to reexamine the issue and furnish the required information. There is nothing on record to show that the order of the First Appellate Authority has been complied. I therefore pass the following order.

**Order**

Appeal is allowed. Information to be furnished by PIO within 30 days failing which action under section 20 of the RTI Act 2005 will be initiated against the PIO.

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

Place: Mumbai  
Date: 30.10.2009.

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

**Appeal No.2008/3442/02**

**Shri. John Alick Miranda  
Bombay Catholic Sabha,  
Civil & Political Cell, St Theresa Church,  
24<sup>th</sup> Rd, TPS-III, Bandra (W), Mumbai – 400 050.**

**... Appellant**

**V/s**

**First Appellate Office,  
Municipal Corporation, Greater Mumbai,  
H/W Ward Office, St. Marties Rd,  
Bandra (W), Mumbai – 400 050.**

**... Respondent**

**Public Information Officer cum Asstt Engineer  
(Maintenance) Municipal Corporation, Greater Mumbai,  
H/W Ward Office, St. Marties Rd,  
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 08.05.2009 had sought the following information: -

Whether there exists a storm water drain on 26<sup>th</sup> Rd, East side connecting to north side of 30<sup>th</sup> Rd, touching the compound of St. Theresa School i.e. 24<sup>th</sup> Rd & 30<sup>th</sup> Rd Corner. If for some reason the Storm water drain could not be connected at the corner of the 24<sup>th</sup> Rd & 30<sup>th</sup> Rd, reason? If there is a diversion of storm water drain at the above mentioned place, what is the additional cost of diversion? Reason why the footpath on corner of 24<sup>th</sup> Rd East and 30<sup>th</sup> Rd. North side was not tiled?

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 26.10.2009. Appellant and respondents were absent.

Case papers reveal that factual information has been furnished by the PIO by his letter dated 06.06.2009. The appellant preferred the first appeal. No order seems to have

been passed by the First Appellate Authority. He has therefore failed to discharge his duties cast on him under the RTI Act, 2005. I therefore pass the following order.

**Order**

Appeal is remanded to the First Appellate Authority to dispose off according to law. He should decide the appeal within 45 days from the date of receipt of this order. Appellant is free to approach the commission in the second appeal if he is not satisfied.

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

Place: Mumbai  
Date: 30.10.2009.

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

Appeal No.2008/3366/02

**Shri. Suersh Prabhakar Gokhale**  
1/C/602, Labh-Darshan-1,  
Near Subway, Dabisar (E),  
Mumbai – 400 068.

... **Appellant**

V/s

**First Appellate Office cum Asstt Municipal Commissioner**  
**Municipal Corporation, Greater Mumbai,**  
**R/North Ward Office, Room No.28,**  
**J.S. Rd, Dahisar (W), Mumbai – 400 068.**

... **Respondent**

**Public Information Officer cum Asstt Assessor & Collector**  
**Municipal Corporation, Greater Mumbai,**  
**R/North Ward Office, Room No.28,**  
**J.S. Rd, Dahisar (W), Mumbai – 400 068.**

**GROUND**

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant by his application dated 06.05.2009 had sought the following information: -

1. Apathy in recover property tax pertaining to ward RN/7835 (II) A/c no.16-0859-02-04 what action has not been taken by MBC?
2. Information details and specific reason if any concession or is given for non payment of recurring penalty to Batavia Builder or (i) BMC has relinquished this penalty amt.
3. On whom onus or accountability will be framed for negligence of non payment pf penalty of property taxes (1) on BMC Officials for negligence or (2) on Batavia Builder or (3) on property holders or amt. is waived by MBC for ever. Pl. clarify who will responsible to pay penalty dues?

Period 200320 Recurring penalty Rs.65852/- period 200410 Recurring penalty Rs.90252/-

Recurring penalty amount of property tax Rs.65852/- for 200320 period & Rs.90252/- for period 200410 for RN ward 7835 (II), SAC No. 16-0859-02-4, is still



outstanding & why it is not recovered till dated from responsible person or from authorities.

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 07.10.2009. Appellant and respondents were present.

The appellant has contended that the information furnished was vague and ambiguous. RTI information not true & correctly given. Penalty & recurring penalty of Rs.156104 was not recovered from the Builder.

The respondent's contention is that information available has been furnished. They have also submitted that action has been taken in accordance with the provisions 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 been furnished. The appellant has raised fundamental issue like why the builder was not prosecuted after his cheque bounced. Such questions are beyond the scope of the RTI Act. The Act ensures furnishing of available information and why an action was taken or not taken cannot be sorted out by the commission. I therefore pass the following order.

**Order**

Appeal is disposed off.

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

Place: Mumbai  
Date: 30.10.2009.

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

**Appeal No.2008/3491/02**

**Shri. Shankar Laxman Singh  
Amawadi, Podar Rd, Room No.3,  
Near Gurudwar, Malad (E),  
Mumbai – 400 097.**

... **Appellant**

**V/s**

**First Appellate Office cum Executive Engineer  
Municipal Corporation of Greater Mumbai,  
P/North Ward Office, Mamledatwadi,  
Liberty Garden, Malad (W), Mumbai – 400 064.**

... **Respondent**

**Public Information Officer cum Asstt Engineer  
(Bldg. & Factory) Municipal Corporation, Greater Mumbai,  
P/North Ward Office, Mamledatwadi,  
Liberty Garden, Malad (W), Mumbai – 400 064.**

**GROUNDS**

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant by his application dated 02.03.2009 had sought the following information: -

1. Whether permission is granted to 10 to 12 wooden stalls outside vasant playa shopping centre Iswanlal Parekh Rd. Malad (W), Opp Harihar Bldg wall.
2. If no whether any action under MRTP or BMC is taken. Give details of the action taken if any.

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 29.10.2009. Appellant and respondents were absent.

Case papers reveal that factual information has been furnished. The First Appellate authority by is order dated 02.09.2009 directed the PIO to inspect the site and furnish the required information. It does not seem to have been complied. I therefore pass the following order.

**Order**

Appeal is allowed. PIO to furnish information within 15 days. He should also should also 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.

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

Place: Mumbai  
Date: 31.10.2009.

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

Appeal No.2008/2933/02

**Shri. Gulam Waris Sheikh**  
**Opp. Shankar Dairy Form, M.J. Rd.**  
**Laxmi Baug, Sion, Mumbai – 400 022.**

... **Appellant**

V/s

**First Appellate Office cum Asstt Municipal Commissioner**  
**Municipal Corporation, Greater Mumbai,**  
**G/North Ward, Harishchandra Yelve Marg,**  
**Dadar, Mumbai.**

... **Respondent**

**Public Information Officer cum Dharavi Project Officer**  
**Municipal Corporation, Greater Mumbai,**  
**G/North Ward, Harishchandra Yelve Marg,**  
**Dadar, Mumbai.**

**GROUND**

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant by his application dated 26.10.2006 had sought information relating to unauthorized construction in different locations in Dharavi. He has sought information on 24 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 fixed for hearing on 28.10.2009. Appellant and respondents were absent.

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

**Order**

The PIO to furnish available information within 30 days from the date of receipt of this order.

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

Place: Mumbai  
Date: 31.10.2009.

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

**Appeal No.2008/3479/02**

**Shri. Edwin D'Souza  
C-108, Versova, Jupiter CHS Ltd,  
Lokhandwala Complex, 4<sup>th</sup> Cross Rd,  
Andheri (W), Mumbai – 400 053.**

**... Appellant**

**V/s**

**First Appellate Officer cum District Dy Registrar  
Cooperative Society, K/West,  
Grihanirman Bhavan, Room No.69-A,  
Bandra (E), Mumbai – 400 051.**

**... Respondent**

**Public Information Officer cum Dy Registrar  
Cooperative Society, K/West,  
Grihanirman Bhavan, Room No.69-A,  
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 11.05.2009 had sought information relating to the Administrative, Versova Jupiter Cooperative Housing Society, Andheri (W) extension of his tenure, non furnishing of bond by him other related issues. The appellant also wanted to know what action was taken against him for his failure to put the society's affairs in 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 20.10.2009. The appellant did not turn up but the respondent was present.

The appellant has contended the information furnished to him was irrelevant. The respondent has submitted that factual information has been furnished. The appellant was given extension for 3 months after the expiry of his term. He did not furnish the M 20 bond and election to the society has also taken place.

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 not expected to explain reasons for omissions or commissions unless it forms a part of the record. What action was taken against the administrative for not putting the affairs of the society in order is beyond the scope of the RTI Act. I therefore pass the following order.

**Order**

Appeal is disposed off.

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

Place: Mumbai  
Date: 31.10.2009.

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

Appeal No.2008/3509/02

**Shri. Suresh P. Gokhale**  
1/C/602, Lang-Darshan-1,  
Near Subway, Dahisar (E),  
Mumbai – 400 068.

... **Appellant**

V/s

**First Appellate Officer cum Asstt. Commissioner**  
**Municipal Corporation of Greater Mumbai**  
K/North Ward Office,  
J.S. Rd below Flyover Bridge,  
Dahisar (W), Mumbai – 400 068.

... **Respondent**

**Public Information Officer cum Asstt Assessor & Collector**  
**Municipal Corporation of Greater Mumbai**  
K/North Ward Office,  
J.S. Rd below Flyover Bridge,  
Dahisar (W), Mumbai – 400 068.

**GROUND**

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant by his application dated 18.07.2009 had sought the following information: -

Kindly provide me true copy of correspondence letters addressed to the Asst A. & C. R/N Ward by Secretary Labh-Darshan-1 CHS Ltd, Dahisar pertaining to above mentioned property penalty RD. penalty payment & replied correspondence by BMC authorities to society by their letters. For 200320 Rs.65852/- & 200410 Rs.90252/-

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 29.10.2009. Appellant and respondents were present.

The appellant has contended that he has been furnished incomplete and undermanned information. Respondents submitted that information available on record 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 appellant

himself has enclosed copies of the correspondence received by him. I therefore decide to close the case.

**Order**

Appeal is disposed off.

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

Place: Mumbai  
Date: 31.10.2009.

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

**Complaint No.2009/461/02**

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

... **Complainant**

V/s

**Public Information Officer,  
Divisional Social Welfare Officer,  
6<sup>th</sup> Floor, Kokan Bhavan,  
Navi Mumbai.**

... **Respondent**

**GROUNDS**

This complaint has been filed under section 18 of the Right to Information Act 2005 in the context of the commission's order dated 18.07.2008 passed in appeal no.2008/515/02. The facts in brief are as follows: - The complainant had sought information regarding action taken on his application for caste verification / validation certificate.

Not satisfied with responses from the Public Information Officer and First Appellate Authority the complainant filed appeal under section 19(3) of the RTI Act, 2005. The commission by its order dated 18.07.2009 directed that information should be furnished within 45 days. The present complaint is against alleged non compliance of commission's order.

The complaint fixed for hearing on 30.10.2009. The complainant and defendants were absent.

Case papers reveal that the commission's order has not been complied. I therefore pass the following order.

**Order**

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

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

Place: Mumbai  
Date: 31.10.2009.



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

**Complaint No.2009/404/02  
Complaint No.2009/382/02**

**Shri. Sanjay Sanktha Prasad Sigh  
Canduri Sadi Center  
Shop No. 23, Sainath Mahapalika Market,  
Malad (W), Mumbai – 400 064.**

... **Complainant**

V/s

**Public Information Officer cum Asstt Engineer  
Municipal Corporation of Greater Mumbai,  
P/North Division, Liberty Garden,  
Mamledar Wadi, Malad (W), Mumbai – 400 064.**

... **Respondent**

**GROUNDS**

These complaints have been filed under section 18 of the Right to Information Act 2005 in the context of the commission's order dated 31.07.2009 passed in appeal no.2008/559/02. The facts in brief are as follows: - The present complainant by his application dated 21.08.2006 had sought information about action taken as per the Hon High Court's order dated 19.04.2006 regarding regularization of illegal structures.

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 31.07.2009 directed that information should be furnished within 45 days. The present complaint is against alleged non compliance of commission's order.

The complaint was fixed for hearing on 30.10.2009. The complainant and defendants were absent.

Case papers reveal that the commissions order has not been complied. I therefore pass the following order.

**Order**

The PIO to show cause why he should not be fined @ Rs.250/- per day under section 20 of the RTI Act for not furnished the required information and non compliance of the 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: 31.10.2009.

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

**Complaint No.2009/464/02**

**Shri. Sudhir Balvant Salvi  
F/5 Gajanan Society,  
90 Fit Rd, D'soza Nagar,  
Kurla (W), Mumbai – 400 072.**

... **Complainant**

V/s

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

... **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.2008/2074/02. The facts in brief are as follows: - The present complainant had sought information relating to room no 2 and 14, Salvi Chawl, Waltonwadi, Church Rd, Kurla (W), Mumbai.

Not satisfied with responses from the Public Information Officer and First Appellate Authority the complainant filed appeal under section 19(3) of the RTI Act, 2005. The commission by its order dated 17.03.2009 directed that information should be furnished within 45 days. The present complaint is against alleged non compliance of commission's order.

The complaint was fixed for hearing on 30.10.2009. The complainant and defendants were absent.

Case papers reveal that the commission's order has not been complied. I therefore pass the following order.

**Order**

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

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

Place: Mumbai  
Date: 31.10.2009.

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

**Appeal No.2008/3033/02**

**Shri. Satish Kumar Varma  
Flat 101, Plot 7/120, Sector 4,  
Trishul Bldg, Charkop-Kandivali (W),  
Mumbai – 400 067.**

... **Appellant**

**V/s**

**First Appellate Officer cum Dy. Chief Officer  
(World Bank Project),  
Housing & Area Development Board,  
MHADA Unit, Grihanirman Bhavan,  
Bandra (E), Mumbai – 400 051.**

... **Respondent**

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

**Public Information Officer cum Ward Officer  
R/Central Ward, Mumbai.**

**GROUND**

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant had sought information relating to unauthorized reclamation of open space in front of plot 112/RDP-7 sector 4/6 Charkop, Kandivali (W), Mumbai.

Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant filed this second appeal before the Commission. The appeal was fixed for hearing on 05.10.2009. Appellant and respondents were absent.

Case papers reveal that MHADA by its letter dated 13.10.2005 informed the Joint Secretary Charkop RDP-7, Residents Welfare Association that the plot was reserved for open space within the sanctioned layout of Charkop World Bank Project and was required to be handed over to the MCGM. The MCGM insisted for compound wall and development prior to taking over. It has also been explained that the since the area of the said plot was less than sanctioned, some earth filling was required to be done. It is thus seen that as for as information is concerned it has been furnished. The appellant has raised other issues – delay in taking over by MCGM etc. These are important issues but

beyond the scope of the RTI Act. The MHADA's letter has sufficiently explained the case. The information stands furnished.

**Order**

Appeal is disposed off.

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

Place: Mumbai  
Date: 31.10.2009.

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

Appeal No.2008/3085/02

**Shri. Arun Ganpat Bhovar**  
Near Sai Ashish Jankalyan Bank,  
Station Rd, Vikroli (E),  
Mumbai – 400 083.

... **Appellant**

V/s

**First Appellate Officer cum Division Joint Registrar**  
Cooperative Society, Mumbai Division, Mumbai,  
Malhotra House, 6<sup>th</sup> Floor, Opp. GPO,  
Fort, Mumbai – 400 001.

... **Respondent**

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

**GROUND**

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant by his application dated 17.03.2009 had sought information relating to appointment of Administrator to Arun Niwas Cooperative Housing Society, Kannamwar Nagar, Vikroli, Mumbai and other 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 fixed for hearing on 05.10.2009. Appellant and respondents were absent.

I have gone through the case papers. It is seen that the First Appellate Authority by his letter dated 12.08.2009 has communicated to the commission that necessary information has been furnished to the appellant. It has been reported that an administrator has been appointed but the Managing Committee refused to handover and therefore action under section 80 (1) of the Maharashtra Cooperative Societies Act 1960 has been initiated.

It is therefore seen that required information has been furnished. The commission cannot be expected to monitor the progress. The appellant has to follow it up with the department. I therefore decide to close the case.

**Order**

Appeal is disposed off.

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

Place: Mumbai  
Date: 31.10.2009.

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

**Appeal No.2008/3210/02**

**Shri. Ramakant V. Shirsekar  
Dabti Nagar, Gate No.2,  
Ganesh Chawl, Aliyaware Jung Nagar,  
Santacruz (E), Mumbai – 400 055.**

... **Appellant**

**V/s**

**First Appellate Officer cum Dy Police Commissioner,  
Zone 49, Bandra (W), Mumbai.**

... **Respondent**

**Public Information Officer cum Asstt Police Commissioner,  
Western Control Desk, 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 23.08.2008 had sought information relating his various complaints made against Police Officers, Vakola Police Station. He also wanted to know the context of his being called to the Police Station on 21.03.2007 and officers present on that date.

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 14.09.2009. Appellant and respondents were present.

The appellant has contended that he has not been furnished the required information. The First Appellate Authority in his order dated 19.01.2009 says that the PIO has furnished the required information. He therefore disposed off the application.

I have gone through the case papers and considered the arguments advanced by parties. The appellant in fact has made complaints against Police Officers who were present in Vakola Police Station on 21.03.2007. During the hearing of the appeal he kept on drawing the commission's attention to the fact that he was treated badly by the Police Officers and his complaints have not been taken seriously. It is thus clear that what the appellant is interested in is not information but intervention by some senior officer to look into his grievances. The commission is not mandated to look into such grievances.

I therefore decide to close the case. The commission however is sending a copy of the case papers to the Additional commissioner of Police, West Region, Mumbai. to get the matter inquired and inform the appellant accordingly. I expect this to be done in 45 days from the date of receipt of this order.

**Order**

Appeal is disposed off.

Sd/-

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

Place: Mumbai  
Date: 31.10.2009.

Copy forwarded with compliments to Shri Amitabh Gupta, IPS, Additional Commissioner of Police, Western Region, Bandra Carter Rd, Bandra (W), Mumbai – 400 050 for necessary action.

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

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

**Appeal No.2008/3348/02**

**Shri. Mahendra Janardhan Chavan  
85/2, Chalke Chawl, Tadwadi,  
Swadeshi Mill Rd, Sion,  
Chunabhatti Rd, Mumbai – 400 022.**

**... Appellant**

**V/s**

**First Appellate Officer,  
Human Right Commission,**

**... Respondent**

**Public Information Officer,  
Home Department,  
POI-14, Mantralaya,  
Mumbai – 400 032.**

**GROUND**

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant by his application dated 17.04.2009 had sought information in respect of orders passed by the Hon State Human Right Commission and proceedings pending before Hon Supreme Court of India and Hon High Court at Bombay.

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 01.10.2009. 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 should be furnished. I therefore pass the following order.

**Order**

Appeal is 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: 31.10.2009.

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



**Shri. Shrikant Balasaheb Mohite**  
**Western Control Desk, Bandra (W),**  
**Mumbai – 400 050.**

... **Appellant**

V/s

**First Appellate Officer cum Dy Police Commissioner**  
**Crime Branch, Office of the Police Commissioner,**  
**Mumbai – 400 001.**

... **Respondent**

**Public Information Officer cum Asstt Police Commissioner**  
**(Crime), Office of the Police Commissioner,**  
**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 02.03.2009 had sought information on 4 points, Shri Chetan Kothari had sought information by his application dated 20.03.2007. The information was furnished late and the Hon Chief Information Commissioner, Maharashtra imposed a fine of Rs.2750/-. The present appellant has sought information to defend / represent his case that he was not at fault.

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 18.09.2009. Appellant and respondents were present.

I have gone through the case papers – order passed by the PIO and the First Appellate Authority and other relevant papers. His main contention is that whether his communication informing that Shri Ranmale, Police Sub Inspector was on sick leave and it may not be possible to furnish information in time was brought to the notice of the competent authority and whether it was considered, It is seen that the relevant information is contained in the PIO's letter dated 16.03.2009 and 07.05.2009. I therefore pass the following order.

### **Order**

Appeal is disposed off.

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

Place: Mumbai  
Date: 31.10.2009.

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

... **Appellant**

V/s

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

... **Respondent**

**Public Information Officer cum Controller of Examination**  
**University of Mumbai,**  
**R.No.109, University Bldg,**  
**M.G.Rd, 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 08.08.2008 had sought information in respect of revaluation of his answer books of 3<sup>rd</sup> year LLB. Examination, Semester V held in Nov, 2007: -

- 1) (a) The names and the composition of the Redressed Committee.  
(b) Educational qualifications and professional standing of the Examiners who revaluated my Answer Books.
- 2) The names, educational qualification and professional standing of the Examiners who evaluated my Answer Books for the first time that made me ask for Revaluation.
- 3) Photocopies of the revaluated Answer Books so that I may satisfy myself that the Revaluation has been done correctly.
- 4) The Rules that govern the entire exercise of Revolution including all the provisions in totality and on the effect of Revaluation on the Final Result.
- 5) I had deposited Rs.500/- for Revaluation of my Papers of Cr.P.C. as per the Rules of the University. After accepting the Revaluation money, the Answer Book has to be revaluated. I have been informed that the Committee summarily rejected the request and did not go for the Revaluation at all. Informed with Rules this apparent anomaly and arbitrariness in the procedure and also pr support of the Rules which authorizes it.

Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant filed this second appeal before the Commission. The appeal was heard on 21.10.2009. Appellant and respondents were present.

The appellant has contended that the information furnished was without application of mind. Pointwise reply was not given either by the PIO or the First Appellate Authority. He has requested for exemplary fine to be imposed on the PIO and the First Appellate Authority. The respondent submitted that required information has already been furnished by the PIO by his letter dated 09.09.2008. The First Appellate Authority has confirmed the PIO's order.

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 have perused the PIO's letter dated 09.09.2008. I am of the view that pointwise information has been furnished. The appellant's supplementaries might not have been answered to his satisfaction. Names of the members and copies of revaluated answers sheets have been rightly denied. Examinations have to have some sanctity and there has to be a limit to the disclosure as far as the names of examinees are concerned. I do not see substance in appellant's allegation that information has been denied to him deliberately. I therefore pass the following order.

**Order**

Appeal is dismissed.

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

Place: Mumbai  
Date: 31.10.2009.

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

Appeal No.2008/3345/02

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

... Appellant

V/s

First Appellate Officer cum Dy Chief Engineer  
(Bldg. Project) Municipal Corporation,  
E Ward, Byculla, Mumbai.

... Respondent

Public Information Officer cum Executive Engineer  
(Bldg. Project) Municipal Corporation,  
E Ward, Byculla, Mumbai.

**GROUND**

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant by his application dated 15.04.2009 had sought a copy of the letter dated 09.05.2003 written by Shri Karani, architect to the Executive Engineer BP department. The appellant wanted to know which conditions mentioned in the Executive Engineers letter have been complied and which ones have not been complied.

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 30.09.2009. Appellant and respondents were present.

The appellant has contended that the information furnished was incomplete and not satisfactory. The respondent submitted that information available on record has been furnished and no attempt has been made to conceal the information.

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. Copies of the Executive Engineers letter and Karani's response have been furnished. The First Appellate Authority under his order dated 29.08.2009 has clarified that all conditions were complied with including NOC from CFO.

I am therefore of the view that available information has been furnished. I therefore pass the following order.

**Order**

Appeal is disposed off.

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

Place: Mumbai  
Date: 31.10.2009.

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

**Appeal No.2008/3505/02**

**Shri. D. T Chafe  
60-C, Bhupen Chambers,  
4<sup>th</sup> Floor, 9 Dala Street Fort,  
Mumbai – 400 001.**

**... Appellant**

**V/s**

**First Appellate Officer cum Assessor & Collector (City)  
Municipal Corporation of Greater Mumbai,  
Head Office Bldg, Ground Floor,  
Mahapalika Marg, Fort, Mumbai – 400 001.**

**... Respondent**

**Public Information Officer,  
Assessor & Collector Dept.  
Municipal Corporation of Greater Mumbai,  
Head Office Bldg, Ground Floor,  
Mahapalika Marg, Fort, Mumbai – 400 001.**

**GROUNDS**

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant by his application dated 26.03.2009 had sought the following information: -

1. Copies of the circulars, guidelines, rules and regulations, and any other directives / directions, for the fixing and / or revising and /or increasing Rateable Value / Assessment Tax from time to time and its basis, wardwise and / or areawise and / or zonewise and / or circlewise in respect of residential premises, commercial premises and other categories including properties given on leave and licence, lease, land under construction (LUC), land being build upon (LBBU) and / or on any other basis, with rates so fixed in Mumbai City.
2. Copies of the circulars, guidelines, and copies of rules and regulation, and other directives / directions, for giving deductions towards services rendered ect. And deduction on any other grounds in the Reateable Value/Assessment Tax.
3. Copies of circulars, guidelines, rules and regulations, and any other directives / directions for giving deductions toward services rendered etc. and deductions on any other ground at the time of fixing and / or deciding the complaint in this

regard, with reference to the powers and authorities of various officers concerned with the same and their designations.

4. You are requested to inform me the fees / charges payable, well in advance to enable me to deposit the same, so that you can issue the copies as requested within time specified as per the provisions of the RTI Act, 2005. I want ordinary xerox copies only not the certified copies. Your attention is invited to the Circular No.A&C/19/S.S./08/-09 dt. 12.08.2008 in this regard.

Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant filed this second appeal before the Commission. The appeal was heard on 29.10.2009. The appellant did not turn up but the respondent was present.

The appellant in his appeal has contended that he was not furnished complete information. He has also stated that many of the copies were not readable. Respondent's submitted that available information has been furnished. It has been stated that typed copies of those documents which were not readable have been ordered to be furnished.

After considering the arguments advanced by parties and going through the case papers I have come to the conclusion that available information been furnished. The appellant if he desires can inspect documents and the PIO shall furnish readable copies of documents selected by the appellant. I therefore pass the following order.

**Order**

The appeal is disposed off.

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

Place: Mumbai  
Date: 31.10.2009.

