

MAHARASHTRA POLLUTION CONTROL BOARD

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Kalpataru Point, 2nd, 3rd & 4th Floor
Opp. Cine Planet Cinema,
Near Sion Circle, Sion (E)
Mumbai- 400 022.

BO/ P & L Division/B- 2187
To
Shri Debi Goenka
B-502, Glengae
Hiranandani Garden
Powai, Mumbai 400076

Date- 6/5/13

Sub – Order passed by the First Appellate Authority in Appeal No 1 of 2013 filed by Shri Debi Goenka dated 12/4/2013 received by this office on 16/4/2013

Ref - 1) Appeal filed by Shri Debi Goenka, Mumbai dtd 12/4/2013 received to this office on 16/4/2013
2) Order passed by the Appellate Authority dated 25/4/2013

I am enclosing herewith an order dtd 25/4/2013 passed by the First Appellate Authority under the Right to Information Act, 2005 on the date of personal hearing extended on 25th April 2013, in the appeal filed by Shri Debi Goenka, for your information.


(D T Devale)

First Appellate Authority

D.A – As above
Copy f.w.cs to –

1. Sr.Law Officer (P&L Divn.)/Joint Director(APC)/Asstt Secretary(Tech.), MPCB, Mumbai – for information.
2. Shri A A Mokashi, Statistical Officer, MPCB, Mumbai – for information.
3. Public Information Officer(RTI), Regional Office, Mumbai – for information.
4. Mrs Neelam Kubal, Public Information Officer, P&L Divn., Mumbai – for information.
5. Asstt System Officer, EIC Section, MPCB, Mumbai- for information – He is requested to place the above order on the website of the Board.

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**BEFORE THE FIRST APPELLATE AUTHORITY CONSTITUTED BY
THE BOARD UNDER THE PROVISIONS OF THE RIGHT TO
INFORMATION ACT, 2005**

Appeal No 1 of 2013

Shri Debi Goenka
B-502, Glengae
Hiranandani Garden
Powai, Mumbai 400076

.....Appellant

V/s

Public Information Officer,
Regional Officer, Mumbai

.....Respondents

ORDER

The Appellant had preferred an appeal No 2 of 2013 before the Appellate Authority i.e Regional Officer, Mumbai under the the Right to Information Act-2005 of the Maharashtra Pollution Control Board, asking to provide information as requested in the RTI application dated 21/12/2012 submitted to Public Information Officer-RTI, MPCB, Mumbai 400 001.

The Appellate Authority (RO-Mumbai) has passed an order in Appeal No 2 /2013 on 8/3/2013, requesting the Sr Law Officer to submit information concerned to Policy and Law Division directly to the appellant

The Original Application of the Appellant was received by the Public Information Officer, (RO-Mumbai) Mumbai, wherein Point No 6 was concern with the Policy and law Division i.e copies of all complaints, court cases and court orders about Tata Power Project in Trombay, Mumbai alongwith files notings relating to these complaints.

The Policy and Law Division has forwarded a photocopy of order dated 28/4/1999 passed by the Hon'ble High Court of Judicature at Mumbai in Writ Petition No 983 /1997 filed by M/s Tata Hydro Electric Power Supply and others against the Principal Secretary, Energy and Environment, Govt of Maharashtra and Others, which was the only record available with the MPCB vide letter dated 5/4/2013. The Sr Law Officer, Policy and Law Division, has informed to the Appellant vide letter dated dated 20/4/2013, that there is no other record available with the Policy and Law Division regarding Court cases filed against the Tata Power Projects in the mid and late 1980s.

The Appellant had preferred an Appeal under the Right to Information Act, 2005 before the First Appellate Authority of the Maharashtra Pollution Control Board on 12/4/2013, which has been received by this office on 16/4/2013.

Before passing any order, the First Appellate Authority has decided to give the Appellant an opportunity of personal hearing on 25/4/2013 at 2.00 pm and the date of hearing was communicated to the appellant vide letter dated 17/4/2013.

The Appellant has informed vide E-mail dated 18/4/2013, which is seen by the Policy and Law Division on 20/4/2013, stating that he has been heard in the First Appeal both in Head Office as well as Regional Office, Mumbai.

The Appellant has asked the information about court cases filed against the Tata Power Project in the mid and late 1980s. The appellant also state that in case of non-receipt of the information required by him, he will approach Second Appellate Authority vide E-Mail dated 18/4/2013.

The Appellant has not attended personal hearing before the First Appellate Authority on 25th April 2013 and the non presence of the Appellant has been taken on record. Therefore the said appeal is hereby disposed off on account of non-availability of information with the Maharashtra Pollution Control Board.

Dated this 25th April 2013.


(D T Devale)
First Appellate Authority