

# MAHARASHTRA POLLUTION CONTROL BOARD

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

HEARING HELD ON 17<sup>th</sup> JULY, 2009

Mr. Ramesh Elle,  
Room No. 71,  
Transit Camp, Prerna CHS,  
Sasmira Marg,  
Worli, Mumbai – 400 030.

....Appellant

V/s.

Public Information Officer (HQ),  
Maharashtra Pollution Control Board,  
Kalpataru Point Bldg., 3<sup>rd</sup> Floor,  
Sion(E), Mumbai – 400 022

.....Respondent

## ORDER

The Appellant had filed the appeal against the non-submission of the information by the Public Information Officer (PIO) regarding **PROJECT REPORT** submitted by Architect, Shri S.G. Dalvi, bearing Reg. No. CA/77/4132 for development of municipal property on Plot bearing C.S. No. 777(Pt), 778(Pt), 779(Pt) and 780(Pt) of Worli Division, G South Ward, New Municipal Labour Camp at Sasmira Road, Worli, Mumbai – 400 030, comprising of –

- Rehab building
- Non rehab building
- Municipal School building
- Sale building.

The PIO received the application under Right to Information Act, 2005 on dated 2<sup>nd</sup> June, 2009, for inspection of the above said **PROJECT REPORT**, with a request to give the desired copies of interest by paying requisite fees as per RTI Act, 2005. The information was called in person.

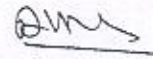
In this regard, PIO called the applicant for inspection of file available with Legal Section of MPCB on dt. 9<sup>th</sup> June, 2009. After inspection of the file, copy of report submitted by M/s. Saumya Buildcon Pvt. Ltd. on their letter head and signed by authorized signatory was given to the applicant, which was desired by him. The applicant accepted the copy with protest that it is not duly certified by the architect, Shri S.G. Dalvi.

The applicant was again called on 6<sup>th</sup> July, 2009, wherein the applicant has again inspected the file and desired the copies of letter submitted by Developer, dt. 16<sup>th</sup> June, 2009 and also the letter submitted by Shri S.G. Dalvi on his letter head, dt. 16<sup>th</sup> June, 2009, which was the reply submitted by architect on his letter head to the Show Cause Notice issued on dt. 2<sup>nd</sup> March, 2009 by the Board. Again the applicant accepted both the copies with protest that the **PROJECT REPORT** is not certified by the architect, Shri S.G. Dalvi.

As the applicant has applied for the inspection of file of the said **PROJECT REPORT** and the inspection was given to the applicant twice, which is recorded by PIO along with acknowledgement of the applicant, which was the demand of the applicant in the application and therefore, separate letter was not given to him by PIO.

The applicant appealed to this office on dt. 10<sup>th</sup> July, 2009 u/s 19(1) of RTI Act, 2005 which was received to PIO on 13<sup>th</sup> July, 2009, stating information asked was not found or it may be intentionally removed out of the file while inspection was given to the applicant. In this context, the applicant was called for hearing in front of First Appellate Authority on **17<sup>th</sup> July, 2009**. It is decided by Appellate Authority to issue a separate letter to the applicant that the abovesaid information regarding **PROJECT REPORT** duly signed by the architect, Shri S.G. Dalvi with the points mentioned above, is not available with the Board. The applicant agreed to this and the appeal is accordingly disposed off.

Dated this 18<sup>th</sup> day of July, 2009 at Mumbai.



(P.P. Nandusekar)  
Appellate Authority(HQ)  
MPCB