

First Appellate Authority under RTI Act
O/o THE VIDYUT OMBUDSMAN
Andhra Pradesh:: Amaravati

:: Present ::

Vinnakota Venkata Prasad
Former District & Sessions Judge
Vidyut Ombudsman
Date: 28.10.2024

RTI Appeal under section 19 (1) of RTI Act, 2005 under Inward No.306 dated 21.10.2024 against the order dated 07.10.2024 of PIO of Vidyut Ombudsman Office on RTI application under section 6 (1) of RTI Act, 2005 under Inward No.276 dated 07.10.2024

Sri Pesala Jagadeesh S/o Late Dharma Raju, D.No.13-7-10, FF2, Ramalayam Street, Kotilingala Peta, Rajahmundry-533104.(A.P) ----- Appellant
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This RTI Appeal having come before me for hearing on this the 28th day of October, 2024 in the presence of RTI appellant on video conference before the 1st Appellate authority in this institution under RTI Act, and stood over consideration, and the Vidyut Ombudsman/the 1st appellate authority in this institution under RTI Act delivers the following:

ORDER

1. This appeal dated 15.10.2024 under section 19 (1) of RTI Act, 2005 submitted by the applicant by Registered Post, was received in this office vide Inward No.306 dated 21.10.2024.
2. The RTI application dated 03.10.2024 seeking certain information, from the PIO, Office of the Vidyut Ombudsman, Vijayawada, was received by the PIO under inward No.276 on 07.10.2024, and the matter was disposed of by the PIO on 07.10.2024 itself.
3. Aggrieved by the said order, the RTI applicant presented this appeal. On 21.10.2024, notice was ordered to the appellant by mail for hearing him on this appeal on video conference at 11 AM on 28.10.2024. Accordingly, link for video conference was communicated to the appellant. Notice was sent to the appellant by registered post with ack-due in Dis.No.93 Dated 21.10.2024 with link.



4. On 28.10.2024, the appellant was heard on video conference and the matter was passed over for pronouncing order on this day i.e., 28.10.2024.

5. Now, the point for consideration is 'whether the appellant is entitled to the information as prayed for, and if so, is there any error in the order of the Public Information Officer, and if so to what relief?

POINT No.(i): Entitlement to the information as sought for under his query:

6. For perspicuity, it is found desirable to refer infra the query raised by this appellant before the PIO and the answer furnished by the PIO therefor.

Q	CG No.12/2023, ఈ CASE నిమిత్తం (CGRF) APEPDCL office వారిని ఎన్ని సార్లు సమాచారం అడిగినా నాకు ఇవ్వడంలేదు. దయచేసి నా CASE స్టేటస్ తెలుపవలసిందిగా కోరుచున్నాను.
Ans.	There is no information in this office as desired by the applicant with regard to case status in CG No.12/2023 and the Vidyut Ombudsman has nothing to do with the information/case status of CG No.12/2023.

7. It is contended by the RTI appellant that there was a row over the meter in the premises of his grand mother at Amalapuram and that no action was taken against the erred persons and that the CGRF did not intimate the status of the case filed by them despite repeated enquiries and that after presentation of this RTI appeal, the order was communicated by the local DISCOM officials about a week back.

8. This is an RTI appeal and hence, the dispute complained has nothing to do with under RTI Appeal. This appeal is in connection with the information sought before the PIO. In the said regard, the Public Information Officer made unqualified disclosure as required by the applicant/appellant stating that there was no information in the office of Vidyut Ombudsman relating the case status of C.G.No.12/2023 on the file of CGRF, APEPDCL which was sought by the applicant before him.

8. The Public Information Officer cannot be expected to negate the request of the applicant for furnishing the information, if it is available with this office, in disregard to the threat envisaged under the RTI Act in case of furnishing any incorrect or misleading information.

9. In fact, this Vidyut Ombudsman is neither an appellate authority nor controlling authority over the CGRF. CGRF was established by the DISCOM concerned. This institution of Ombudsman was established by the Hon'ble Andhra Pradesh Electricity Regulatory Commission. The consumer is only provided an opportunity to approach the Ombudsman if he did not succeed in getting redressal of his grievance at CGRF. Ombudsman has no jurisdiction to sit over the order of the CGRF or the evidence adduced therein as was clarified by the Hon'ble APERC in its practice directions.



10. There is no nexus between the administration of CGRF and the administration of the institution of Ombudsman. As such, no information relating to the CGRF would be available with this institution.
11. Section 2 (f) of the Act adumbrates that "information" means any material in any form, which can be accessed by a public authority under any other law for the time being in force". No information as regards C.G.No.12/23 is available in this office.
12. PIO of this institution cannot have any access to the information if any available with CGRF. Therefore, the PIO cannot be expected to furnish the information which is not available in this office and which is inaccessible to the PIO.
13. Further, the RTI application itself reveals that despite his request the CGRF did not furnish information. If it is so, it was for the applicant to approach the appellate authority relating to the CGRF. But, the applicant is not competent to make any application to the PIO of Ombudsman, if the PIO of CGRF did not furnish the information sought for. Of course, now he informed that he received copy of order.
14. For these reasons assigned supra, the unequivocal statement of the Public Information Officer stating that no information as regards C.G.No.12/2023 was available cannot be discredited. Thus, evidently, there is no error on the part of the PIO in dismissing the RTI application presented before him by this applicant.
15. As a consequence, thereof, this appeal entails in dismissal.

16. **RESULT:**

In the result, this appeal under RTI Act is dismissed.

N.B: Section 19 (3) of 'The Right to Information Act, 2005 (No.22 of 2005)' provides second appeal against the decision of First Appellate Authority under Section 19 (1) of 'The Right to Information Act, 2005 (No.22 of 2005)' to the State Information Commission within ninety (90) days from the date on which the decision should have been made or was actually received, with the State Information Commission.

Copy of this order is made available at www.vidyutombudsman.ap.gov.in

Typed corrected and pronounced by me on this the 28th day of October, 2024

Sd/- Vinnakota Venkata Prasad

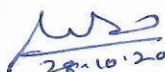
First Appellate Authority under RTI Act
VIDYUT OMBUDSMAN-AP.

1. Copy to Sri Pesala Jagadeesh S/o Late Dharma Raju, D.No.13-7-10, FF2, Ramalayam Street, Kotilingala Peta, Rajahmundry-533104. (A.P) (by Registered Post with ack-due)

----- Appellant

2. Copy to PIO, O/o the Vidyut Ombudsman-AP, Vijayawada

// True Copy//


28.10.2024

