



केन्द्रीय कर के प्रधान आयुक्त का कार्यालय  
**OFFICE OF THE PRINCIPAL COMMISSIONER OF CENTRAL TAX,**  
 विशाखापट्टणम केन्द्रीय वस्तु एवं सेवाकर आयुक्तालय  
**VISAKHAPATNAM CENTRAL GST COMMISSIONERATE,**  
 पत्तन क्षेत्र, विशाखापट्टणम-35  
**Port Area, Visakhapatnam-35**



C.No. IV/16/41/2019-20-RTI

Date- 22-01.2020

**Order-in-Appeal No. 04/2019-20**

(Order passed by Shri S. Narasimha Reddy, First Appellate Authority/  
 Additional Commissioner of Central Tax, Visakhapatnam Central GST  
 Commissionerate, Visakhapatnam)

**प्रस्तावना/PREAMBLE**

1. यह आदेश आर.टी.आई अधिनियम 2005 की धारा 19 के अंतर्गत जारी किया गया है।  
*This Order-in-Appeal is issued under Section 19 of the Right to Information Act, 2005.*
2. यदि आप इस आदेश से संतुष्ट न हो, तो आप केंद्रीय सूचना आयोग, पुराने जेएनयू कैंपस, ब्लॉक 4, 5<sup>वीं</sup> मंजिल, नई दिल्ली -110067 के सम्मुख आर.टी.आई अधिनियम, 2005 की धारा 19 की उप-धारा (3) के अंतर्गत एक अपील दायर कर सकते हैं।  
*An appeal against the Order can be preferred to the Central Information Commission, Old JNU Campus, Block 4, 5<sup>th</sup> Floor, New Delhi-110067 under Sub-section(3) of Section 19 of the Right to Information Act, 2005.*
3. इस आदेश की प्राप्ति की तारीख से 90 दिनों के भीतर अपील दायर किया जाना चाहिए।  
*An Appeal against this order must be filed within 90 days from the date of receipt of this order.*
4. कृपया अपील की प्रक्रिया से संबंधित अधिक जानकारी के लिए : <http://cic.gov.in> में देखें।  
*For further information regarding procedure of appeals, please visit, <http://cic.gov.in>.*

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Sub: Right to Information Act, 2005- Appeal filed by Shri Balaga Venkata Ramana – Decision under Section 19(1) of the RTI Act, 2005 - Communicated – Regarding.

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This is an appeal filed by Shri Balaga Venkata Ramana, (herein after referred to as the “Appellant”), S/o Balaga Latchanna, Plot No. 72, 3rd Lane, Navbharath Nagar, Fareedpeta Village, Etcherla Mandal, Srikakulam Mandal, Pin – 532410, A.P filed an appeal dated 24.12.2019 against non furnishing of information without showing sufficient cause under RTI Act by CPIO(Assistant Commissioner of Central Tax), Vizianagram Central GST Division. The appeal is received in this office on 26.12.2019.

**BRIEF FACTS OF THE CASE:**

2. Earlier, the appellant filed an RTI application with the CPIO, Hqrs , Central GST Commissionerate, Visakhapatnam vide letter dated 26.10.2019 .

under the RTI Act, 2005, seeking information pertains to details of the Turnover and copies of submitted returns by M/s DGR JUTE MILLS PVT. LTD, Lolugu Village, Ponduru Mandalam, Srikakulam Distt for the period 2012-13, 2013-14 and 2014-15.

3. As per the address of M/s DGR JUTE MILLS PVT. LTD, it appeared that the said unit was under jurisdiction of Vizianagram CGST Division and hence the same was transferred to the CPIO(Assistant Commissioner of Central Tax), Vizianagram Central GST Division vide this office letter C.No. IV/16/33/2019-20-RTI dated 06.11.2019, for necessary action.

4. In reply to the same, the CPIO (Assistant Commissioner of Central Tax), Vizianagram Central GST Division vide letter C.No.IV/16/36/2018-RTI/1947 dated 18.12.2019 stated that under Section 11 of RTI Act, 2005, the information sought cannot be furnished.

5. Aggrieved by the reply furnished by the CPIO, the applicant Shri Balaga Venkata Ramana has filed the present appeal vide letter dated 24.12.2019 submitted that information sought was not given without showing sufficient cause under RTI Act.

PERSONAL HEARING:

6. A personal hearing was granted to the appellant on 08.01.20120. The appellant Shri Balaga Venkata Ramana neither attended the Personal Hearing nor requested for adjournment.

DISCUSSIONS AND FINDINGS:

7. I have carefully gone through the appellant's RTI application filed vide letter dated 26.10.2019, reply from the CPIO (Assistant Commissioner of Central Tax), Vizianagram Central GST Division vide letter C.No. IV/16/36/2018-RTI/1947 dated 18.12.2019 and the appeal filed by the applicant vide letter dated 24.12.2019 and the related documents.

8. As seen therein, the appellant Shri Balaga Venkata Ramana, vide RTI application dated 26.10.2019 under the RTI Act, 2005, had sought information pertaining to details of the turnover and copies of submitted returns by M/s DGR JUTE MILLS PVT. LTD, Lolugu Village, Ponduru Mandalam, Srikakulam Distt for the period 2012-13, 2013-14 and 2014-15 which is a third party information.

9. As per Section 11 of the RTI Act, 2005, the information cannot be ordered to be disclosed without notice to such third party . Accordingly, the JRO has addressed a letter to M/s DGR JUTE MILLS PVT LTD to take the

consent from the said firm as required in third party data. In reply, the said firm has not given his consent to disclose the information to the applicant. Accordingly, the CPIO (Assistant Commissioner of Central Tax), Vizianagram Central GST Division vide letter C.No.IV/16/36/2018-RTI/1947 dated 18.12.2019 stated that under Section 11 of RTI Act, 2005, the information sought cannot be furnished.

10. However, aggrieved by the reply of the CPIO, the appellant Shri Balaga Venkata Ramana has filed the present appeal stating that information sought was not given without showing sufficient cause under RTI Act.

11. As per Section 11 of the RTI Act, 2005-

*(1) Where a Central Public Information Officer or a State Public Information Officer, as the case may be, intends to disclose any information or record, or part thereof on a request made under this Act, which relates to or has been supplied by a third party and has been treated as confidential by that third party, the Central Public Information Officer or State Public Information Officer, as the case may be, shall, within five days from the receipt of the request, give a written notice to such third party of the request and of the fact that the Central Public Information Officer or State Public Information Officer, as the case may be, intends to disclose the information or record, or part thereof, and invite the third party to make a submission in writing or orally, regarding whether the information should be disclosed, and such submission of the third party shall be kept in view while taking a decision about disclosure of information:*

*Provided that except in the case of trade or commercial secrets protected by law, disclosure may be allowed if the public interest in disclosure outweighs in importance any possible harm or injury to the interests of such third party.*

*(2) Where a notice is served by the Central Public Information Officer or State Public Information Officer, as the case may be, under sub-section (1) to a third party in respect of any information or record or part thereof, the third party shall, within ten days from the date of receipt of such notice, be given the opportunity to make representation against the proposed disclosure.*

*(3) Notwithstanding anything contained in section 7, the Central Public Information Officer or State Public Information Officer, as the case may be, shall, within forty days after receipt of the request under section 6, if the third party has been given an opportunity to make representation under sub-section (2), make a decision as to whether or not to disclose the information or record or part thereof and give in writing the notice of his decision to the third party.*

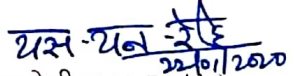
*(4) A notice given under sub-section (3) shall include a statement that the third party to whom the notice is given is entitled to prefer an appeal under section 19 against the decision.*

From the above, it is clear that the CPIO (Assistant Commissioner of Central Tax), Vizianagram Central GST Division has rightly followed the third party procedure as prescribed in Section 11 of the RTI Act, 2005 and denied the information as M/s DGR JUTE MILLS PVT LTD has not given their consent by disclose the information sought to the applicant. Hence, I opine that the appeal filed by the applicant is not justified

9. In view of the above I pass the following order.

**ORDER**

The appeal filed by the appellant Shri Balaga Venkata Ramana vide letter dated 24.12.2019 against the CPIO (Assistant Commissioner of Central Tax), Vizianagram Central GST Division letter C.No.IV/16/36/2018-RTI/1947 dated 18.12.2019, is dismissed.

  
(एस. एन. रेड्डी/S. N. Reddy)

अपर आयुक्त  
ADDITIONAL COMMISSIONER  
प्रथम अपीलीय प्राधिकारी  
FIRST APPELLATE AUTHORITY

To,  
Shri Balaga Venkata Ramana,  
S/o Balaga Latchanna,  
Plot No. 72, 3<sup>rd</sup> Lane,  
Navbharath Nagar, Fareedpeta Village,  
Etcherla Mandal, Srikakulam Mandal,  
Pin - 532410, A.P.

Copy Submitted to:  
The Principal Commissioner of Central Tax, CGST Commissionerate, GST Bhavan, Visakhapatnam - 530035.

Copy to:  
1 The CPIO/Assistant Commissioner of Central Tax, Vizianagram CGST Division, Vizianagram.  
2 The Superintendents (Systems) - for uploading into Departmental Website.