



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/16/43/2019-20-RTI

Date: 29.01.2020

Order-in-Appeal No. 05/2019-20

(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 कैम्पस, ब्लॉक 4, 5वीं 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, 5th 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>.

Sub: Right to Information Act, 2005- Appeal filed by Shri Jami Anil Kumar - Decision under Section 19(1) of the RTI Act, 2005 - Communicated - Regarding.

This is an appeal filed by Shri Jami Anil Kumar, (herein after referred to as the "Appellant"), Door No. 14-712, F-6, SLN Enclave, Sri Dattasai Nagar, Prahladpuram, Visakhapatnam filed an appeal vide CECVZ/A/E/20/00001 dated 03.01.2020 CPIO against the alleged incorrect and misleading the information under RTI Act by the CPIO, Hqrs, Central GST Commissionerate, Visakhapatnam. The appeal is received in this office on 03.01.2020.

BRIEF FACTS OF THE CASE:

2. Earlier, the appellant filed an RTI application vide CECVZ/R/2019/80050 dated 13.12.2019 with the CPIO, Hqrs, Central GST Commissionerate, Visakhapatnam under the RTI Act, 2005, seeking status of his GPF A/c No. VSP/CE/955 under PAO, Customs & Central Excise,

Visakhapatnam, whether has been the account transferred to Enforcement Directorate, and if so then details thereof along with supportings.

3. As the information pertained to the PAO, Customs & Central Excise, Visakhapatnam, the same was forwarded to the PAO, Customs & Central Excise, Visakhapatnam vide this office letter C.No. IV/16/40/2019-20-RTI dated 18.12.2019, for further action.

4. In reply to the same, the PAO, Customs & Central Excise, Visakhapatnam vide letter No.PAO/VSP/RTI/2019-20/261 dated 20.12.2019 stated that the GPF Account of Shri Jami Anil Kumar with GPF A/c No. VSP/CE/955 is being maintained by the PAO, Customs & Central Excise, Visakhapatnam under the office of AO, CGST Nort Division, Visakhapatnam Commissionerate (253087) and opening balance for the financial year is Rs. 509397/- and there are no monthly subscriptions received from DDO. Further the PAO, Customs & Central Excise, Visakhapatnam stated that they had not received any transfer out request from any PAO for transferring the balances, so, the above balance is in the account of Shri Jami Anil Kumar with their office.

5. The above information was forwarded to the applicant by the CPIO, Hqrs, Central GST Commissionerate, Visakhapatnam vide letter C.No. IV/16/40/2019-20-RTI dated 24.12.2019

6. However, aggrieved by the reply furnished by the CPIO, the applicant Shri Jami Anil Kumar has filed the present appeal vide CECVZ/A/E/20/00001 dated 03.01.2020 stating that the information provided appears to be incorrect and misleading and requested to kindly provide correct information. The applicant also enclosed a copy of letter F.No. PAO/FIN/REV/F&M/GPF/4083-84 dated 22.01.2019 of PAO, MoF, DoR, Church Road, Hutments, New Delhi-110001 wherein the DDO, Chief Commissioner of Central Excise & Customs, Port Area, Visakhapatnam-530035 was addressed with a request to transfer the update balance lying in his/Old Account No. VSP/CE/955 by drawing a cheque in respect of PAO, Ministry of Finance, Deptt. Of Revenue, New-Delhi-110001.

PERSONAL HEARING:

7. A personal hearing was granted to the appellant on 20.01.2020 at 11 A.M. vide letter C.No. IV/16/43/2019-20-RTI dated 13.01.2020. The same has been returned undelivered to this office.

DISCUSSIONS AND FINDINGS:

8. I have carefully gone through the appellant's RTI application CECVZ/R/2019/80050 dated 13.12.2019 and RTI appeal vide CECVZ/A/E/20/00001 dated 03.01.2020 and the related documents.

9. As seen therein, the appellant filed an RTI application vide CECVZ/R/2019/80050 dated 13.12.2019 under the RTI Act, 2005, had sought status of his GPF A/c No. VSP/CE/955 under PAO, Customs & Central Excise, Visakhapatnam, whether has been the account transferred to Enforcement Directorate, and if so then details thereof along with supporting.

10. The CPIO, Hqrs, Central GST Commissionerate, Visakhapatnam vide letter C.No. IV/16/40/2019-20-RTI dated 24.12.2019, on the basis of information received from the PAO, Customs & Central Excise, Visakhapatnam vide letter No.PAO/VSP/RTI/2019-20/261 dated 20.12.2019, stated that the GPF Account of Shri Jami Anil Kumar with GPF A/c No. VSP/CE/955 is being maintained by the PAO, Customs & Central Excise, Visakhapatnam under the office of AO, CGST North Division, Visakhapatnam Commissionerate (253087) and opening balance for the financial year is Rs. 509397/- and there are no monthly subscriptions received from DDO. Further the above balance is in the account of Shri Jami Anil Kumar with their office as no transfer out request from any PAO for transferring the balances has been received by them.

11. However, aggrieved by the reply furnished by the CPIO, the applicant Shri Jami Anil Kumar has filed the present appeal vide CECVZ/A/E/20/00001 dated 03.01.2020 stating that the information provided appears to be incorrect and misleading and requested to kindly provide correct information. The applicant also enclosed a copy of letter F.No. PAO/FIN/REV/F&M/GPF/4083-84 dated 22.01.2019 of PAO, MoF, DoR, Church Road, Hutments, New Delhi-110001 wherein the DDO, Chief Commissioner of Central Excise & Customs, Port Area, Visakhapatnam-530035 was addressed to transfer the update balance lying in his/Old Account No. VSP/CE/955 by drawing a cheque in respect of PAO, Ministry of Finance, Deptt. Of Revenue, New-Delhi-110001.

12. The CPIO, Hqrs, Central GST Commissionerate, Visakhapatnam addressed the Chief Accounts Officer, Visakhapatnam CGST Commissionerate vide letter dated 13.01.2020 to provide the status of the letter F.No. PAO/FIN/REV/F&M/GPF/4083-84 dated 22.01.2019 of PAO, New-Delhi. The CAO, Visakhapatnam vide letter C.No. II/39/04/2018-Accts dated 13.01.2020 submitted that the PAO, New-Delhi letter cited above was forwarded to the PAO, Customs & Central Excise, Visakhapatnam vide their office letter II/39/04/2018-Accts dated on 14.02.2019 itself.

13. From the above, it is clear that the CPIO, Hqrs, Central GST Commissionerate, Visakhapatnam has given the information on the basis of information received from the PAO, Customs & Central Excise, Visakhapatnam and therefore, it is clear that the information given was correct as per their records. However, it is also noticed that the information sought is not available in CPIO office and may be available with the PAO, Customs & Central Excise, Visakhapatnam. Hence, the RTI application may be transferred to concerned

public authority in the office of the PAO, Customs & Central Excise, Visakhapatnam under Section 6(3) of the RTI Act, 2005.

14. As per Section 6(3) of the RTI Act, 2005-

"where an application is made to a public authority requesting for an information-

(i) *Which is held by another public authority; or*

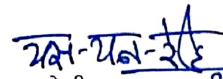
(ii) *The subject matter of which is more closely connected with the functions of another public authority,*

the public authority, to which such application is made, shall transfer the application or such part of it as may be appropriate to that other public authority and inform the applicant immediately about such transfer."

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

ORDER

The appeal filed by the appellant Shri Jami Anil Kumar vide CECVZ/A/E/20/00001 dated 03.01.2020 against the CPIO Hqrs, Central GST Commissionerate, Visakhapatnam letter vide letter C.No. IV/16/40/2019-20-RTI dated 24.12.2019, is allowed and the CPIO, Hqrs, Central GST Commissionerate, Visakhapatnam is directed to transfer the RTI application filed by Shri Jami Anil Kumar vide CECVZ/R/2019/80050 dated 13.12.2019 to the concerned public authority in office of the PAO, Customs & Central Excise, Visakhapatnam, under Section 6(3) of the RTI Act, 2005, for further action.


(एस. एन. रेड्डी/S. N. Reddy) २९/०१/२०

अपर आयुक्त

ADDITIONAL COMMISSIONER
प्रथम अपीलीय प्राधिकारी
FIRST APPELLATE AUTHORITY

To,
Shri Jami Anil Kumar,
Door No. 14-712, F-6,
SLN Enclave, Sri Dattasai Nagar,
Pahaladpuram, Visakhapatnam.

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, CGST Commissionerate, Visakhapatnam.

2. The Superintendents (Systems) - for uploading into Departmental Website.