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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, Port Area, Visakhapatnam-35



पत्र.सं. C.No. IV/16/81/2018.RTI

दिनांक Date: 18-12-2018

Order-in-Appeal No. 05/2018-19

(Under the Right to Information Act, 2005)

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

PREAMBLE

1. This Order-in-Appeal is issued under Section 19 of the Right to Information Act, 2005.
2. An appeal against the Order can be preferred with 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. An Appeal against this order must be filed within 90 days from the date of receipt of this order.
4. For further information regarding procedure of appeals, please visit, <http://cic.gov.in>.

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

This is an appeal filed by Sri Shobhit Rungta, (hereinafter referred to as the 'Appellant') vide online Registration no. CECVZ/A/2018/60011 dated 26.11.18 against the alleged non-providing of information by the CPIO (Assistant Commissioner of Central Tax, Central GST Commissionerate (South), Visakhapatnam.

BRIEF FACTS OF THE CASE:

2. Earlier, the appellant filed an online application with this office vide Registration no. CECVZ/R/2018/50038 dated 26.10.2018 under the RTI Act, 2005, seeking information pertaining to refund of security deposit in lieu of exemption certificate and utilisation certificate by M/s. Visakhapatnam Steel Plant (RINL), Visakhapatnam.

3. As the information pertained to M/s. Visakhapatnam Steel Plant (RINL), Visakhapatnam which falls under the jurisdiction of the CGST Division (South), of the GST Commissionerate, Visakhapatnam, the same was transferred to the Assistant Commissioner of Central Tax (CPIO), CGST Division (South) vide this office letter C.No.IV/16/76/2017-18-RTI dated 31.10.2018, for further action.

4. Meanwhile, the appellant Sri Shobhit Rungta, has filed the present appeal vide online Registration no. CECVZ/A/2018/60011 dated 26.11.2018 on the premise that no reply was received by the appellant within 30 days of the RTI application. The appellant also requested that the concerned CPIO may be directed to provide the information as requested in the RTI application dated 26.10.2018.

PERSONAL HEARING:

5. A personal hearing was granted to the appellant on 12.12.2018. The appellant Sri Shobhit Rungta attended the hearing. At the outset he submitted that even though the appeal was filed by him for non-receipt of reply to his RTI application dated 26.10.2018, it is to be stated that the same was received on 22.11.2016 in his office from the CPIO, CGST Division (South), Visakhapatnam by speed post. However, the appellant was unaware of the same and hence, the RTI appeal was filed on 26.11.2018.

However, he requested that since the information required by him was not provided by the CPIO, the appeal may be considered as a further appeal for providing the requested information also. He further submitted that rejection of the request under Section 8(j) of the RTI Act, 2005, by the CPIO was not proper as the information requested was not personal information. He had nothing more to add.

DISCUSSIONS AND FINDINGS:

6. I have carefully gone through the appellant's RTI application dated 26.10.2018 and the appeal filed dated 26.11.2018 and the related documents.

7. As seen therein, the appellant Shri Shobhit Rungta, vide RTI application of Registration no. CECVZ/R/2018/50038 dated 26.10.2018 under the RTI Act, 2005, had sought information pertaining to refund of security deposit in lieu of exemption certificate and utilisation certificate by M/s. Visakhapatnam Steel Plant (RINL), Visakhapatnam, with this office.

8. As the information pertained to M/s. Visakhapatnam Steel Plant (RINL), Visakhapatnam which falls under the jurisdiction of the CGST Division (South), of the GST Commissionerate, Visakhapatnam, the same was transferred to the Assistant Commissioner of Central Tax (CPIO), CGST Division (South) vide this office letter C.No.IV/16/76/2017-18-RTI dated 31.10.2018, for further action. It is further seen from this office file, that the reply to the same was forwarded to the applicant by the Assistant Commissioner of Central Tax (CPIO), CGST Division (South) vide Division office letter C.No. V/30/13/2017-RTI dated 15.11.2018 by speed post. It is further ascertained that the same was received in the appellant's office on 22.12.2018.

9. As seen from the copy of the reply, the Assistant Commissioner of Central Tax (CPIO), CGST Division (South) stated therein that the applicants' application for the information, pertained to a third party i.e., M/s. Visakhapatnam Steel Plant (RINL). Further, there is no obligation on the CPIO to provide information available in fiduciary capacity or personal information which has no relation to any public activity. Accordingly, the application was rejected by the CPIO under the provisions of Sections 8(1)(d), 8(1)(e) and 8(1)(j) of the RTI Act, 2005.

10. From the above, it is seen that contrary to the allegations made in the appellant's appeal dated 26.11.2018, the request for information was duly taken up by the Assistant Commissioner of Central Tax (CPIO), CGST Division (South) and after due process, the reply to the application was forwarded to Shri Shobhit Rungta and the same was received by the appellant on 22.11.2018. However, as stated by the appellant, due to oversight the appeal was filed alleging non-receipt of reply. Hence, I find that the appeal fails in this aspect.

11. Moreover, even though the appellant was not provided the requested information for the reasons stated in the CPIO's reply dated 15.11.2018, the fact remains that the appellant has not countered the provisions of the RTI Act under which the information was denied by the CPIO. However, I agree with the appellant's contention that the information requested did not fall under the Section 8(1)(j) of the RTI Act, 2005, as it was not personal information.


12. Under the circumstances, it is clear that the reply was received by the appellant and the issue itself pertains to an internal matter between the appellant and M/s. Visakhapatnam Steel Plant.

13. In view of the above, I find that the appeal filed by Shri Shobhit Rungta, is not tenable as the reply was received by the appellant. Further, the information requested is protected from disclosure under Section 8(1)(d) and 8(1)(e) of the RTI Act, 2005, and no credible / verifiable justification has been provided by the appellant for seeking the same.

14. In view of the above findings, I proceed to pass the following order.

ORDER

The appeal filed by the appellant Shri Shobhit Rungta, vide the online Registration no. CECVZ/A/2018/60011 dated 26.11.2018, is disallowed.


(S. NARASIMHA REDDY)
JOINT COMMISSIONER
FIRST APPELLATE AUTHORITY

To,
Sri Shobhit Rungta,
GE&TD India Ltd.,
A-7, Sector 65,
NOIDA - 201301,
Uttar Pradesh.

Copy submitted to:
The Principal Commissioner of Central Tax, CGST Commissionerate,
GST Bhavan, Visakhapatnam - 530 035.

Copy to

1. The CPIO/Assistant Commissioner of Central Tax, CGST Division (South), CGST Commissionerate, Visakhapatnam.
2. The Superintendent (Systems) -- for uploading into Departmental Website.