

M Gmail

18/12/19  
Sunit K. Gupta  
Pl. put up immediately.

Regn. No. 01/RTI Appeal/  
Dgt Audit/2019 (127)

Asim Kr Das <rtiasim01@gmail.com>

dt. 18.12.2019

Appeal under Section 19(1) of the RTI Act, 2005 against the reply dated 19.11.2019 from the CPIO of CGST, Audit Commissionerate, Durgapur to the RTI Application under Ref. 02/10/aslm/2019 dt. 21.10.2019.

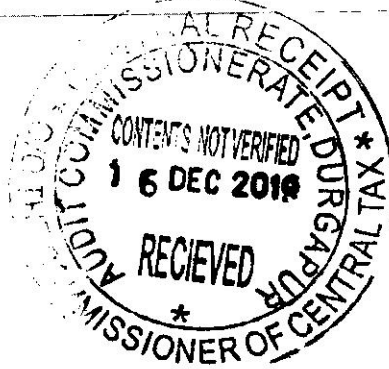
1 message

Asim Kr Das <rtiasim01@gmail.com>  
To: cgst-dgpaudit@gov.in

Sat, Dec 14, 2019 at 11:13 AM

Ref. 08/12/aslm/2019

Date: 14.12.2019



7684  
16/12/19

R  
18/12/19

To

The FAA & Joint Commissioner

GST (Audit) Durgapur Commissionerate

Satyajit Ray Sarani, Durgapur - 713 216.

Subject: Appeal under Section 19(1) of the RTI Act, 2005 against the reply dated 19.11.2019 from the CPIO of CGST, Audit Commissionerate, Durgapur to the RTI Application under Ref. 02/10/aslm/2019 dt. 21.10.2019.

Madam/Sir,

The instant appeal at the first stage under Section 19(1) of the RTI Act, 2005 by the undersigned RTI-Appellant is preferred against **knowingly given incomplete** and

(125)

**Misleading information** in respect to the **RTI Application** under Ref. 02/10/asIm/2019 dated **21.10.2019**, in relation to the **Office Order** dated **16.10.2019** by Mr. **Santanu Banerjee**, the CPIO of CGST, Audit Commissionerate, Durgapur vide his RTI reply under C. NO. V(30)33/DGP-Audit/RTI/Asim Kumar Das/2019/10011 dated **19.11.2019**. The RTI Application and the said Reply may please be called for from the CPIO.

The **incomplete** and **misleading information knowingly given** by the said Mr. **Santanu Banerjee** with mala-fide' intention to harass the information seeker under RTI Act, 2005 is stated below:

1. Respecting the information sought for at Point No. **4** of the referred **RTI Application** dated **21.10.2019** the said CPIO referred to the CBEC's letter No. A-11013/24/2017-Ad.IV dated 12<sup>th</sup> June, 2017 according to what "*the Competent Authority has acted accordingly*". The referred letter of CBEC does not in any way empower the officer declared as Head of Department to **override** the power of the letter and spirit of the GOI, DOPT, OM No. 13/4/85-JCA dated 21.05.1985 read with GOI, DOPT, OM No. 13/11/86-JCA dated 07.11.1986 on the policy matter of "**5-day-week** in the administrative offices of Government of India".

The accurate information on the "**authority of Law**, i.e., any Notification/Order issued by CBIC/DOPT/GOI in this regard to keep "*all offices/ sections under CGST & CX, Durgapur Audit Commissionerate*" "*open on 19/10/2010 (Saturday) also*" prior to the date of the quoted direction passed, by virtue of which the said Commissioner acted accordingly" ought to have been supplied to the undersigned information seeker.

2. Respecting the information sought for at Point No. **5(b)** of the referred **RTI Application** dated **21.10.2019** the said CPIO supplied a vague and misleading information without mentioning the "**manner**" i.e., how "*all who are related to day-to-day office work*" "*are concerned*" with the stated visit "*by Public Accounts Committee of CGST & CX, Kolkata Zone*" as per office records."

3. Respecting the information sought for at Point No. **10** of the referred **RTI Application** dated **21.10.2019** the said CPIO supplied a vague information without mentioning the **specific** provision/Section of the CGST Act, 2017 i.e., whether those "*officers*" are as defined under Section 3 of GST Act 2017 read with Section 2(b) of Central Excise Act 1944.

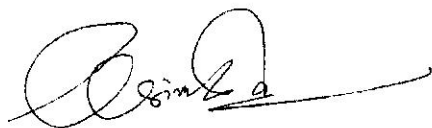
4. Respecting the information sought for at Point No. **14** of the referred **RTI Application** dated **21.10.2019** the said CPIO restricted the "**log-book record**" of "government vehicle / vehicle hired" to "**Hqrs. DGP Audit Comm'te.**" only **suppressing** the information pertain to "*all offices/ sections under CGST & CX, Durgapur Audit Commissionerate*", i.e. "*under*" the **jurisdiction** of "*Durgapur Audit Commissionerate*".

Therefore, it is prayed to pass an order directing the CPIO to supply **accurate** and **complete information**, as requested for at Points No. **4, 5(b), 10 & 14** of the RTI Application under Ref. 02/10/asIm/2019 dated 21.10.2019, ensuring that the information be supplied to the Appellant immediately along with the **legible certified scanned copy of the required documents** as per the guidelines of DOPT, Ministry of Personnel, Public Grievances & Pensions, G.O.I. vide O.M. issued under F. No. 1/32/2013-IR dated 17.02.2015.

No personal hearing is requested for.

The Appellate Order and the information sought for may please be communicated to the email address: [asim01@gmail.com](mailto:asim01@gmail.com) as per Section 7(9) of RTI Act, 2005 and complying with the government policy on e-office to save green and for economical feasibility.

Yours faithfully,





(ASIM KUMAR DAS)

**RTI-Appellant**

No.10/III, Central Excise Staff Qtrs.

Ispatpally, H.M. Sarani, Durgapur – 713212.

	<div style="text-align: center;">   GOVERNMENT OF INDIA  MINISTRY OF FINANCE / DEPARTMENT OF REVENUE  OFFICE OF THE COMMISSIONER, CGST &amp; CENTRAL EXCISE,  DURGAPUR AUDIT COMMISSIONERATE: DURGAPUR  <b>SATYAJIT ROY SARANI, CITY CENTRE, DURGAPUR – 713216, PASCHIM BARDHAMAN(W. B.)</b> </div>
---	--

O-I-A No.01/RTI FIRST APPEAL/DGP AUDIT/2020

DATED /01/2020

**Order Passing Authority:** Smt. Susmita Bhattacharya, First Appellate Authority & Joint Commissioner, CGST & Central Excise, Durgapur Audit Commissionerate.

**Sub:** Order against First Appeal under Reference No. 08/12/aslm/2019 dated 14.12.2019 filed by Shri Asim Kumar Das, No. 10/III, Central Excise Staff Qtrs., Ispatpally, H.M. Sarani, Durgapur-713212 under Section 19(1) of the RTI Act, 2005 against the Information provided by Shri Santanu Banerjee, CPIO and Assistant Commissioner, CGST, Durgapur Audit Commissionerate vide his letter of C.No.V(30)33/DGP-Audit/RTI/Asim Kumar Das/2019/10011 dated 19.11.2019 (by e-mail) in connection with his RTI application under reference no. 02/10/aslm/2019 dated 21.10.2019.

**Brief Facts:**

The Appellant vide his RTI Application under Reference No.02/10/aslm/2019 dated 21.10.2019 sought information on 14 points in relation to the Office Order dated 16.10.2019 issued under File No. I(05)01/Circular/DGP Audit/HQ/2017 from the O/o the Commissioner of Central Tax, CGST & Central Excise, Durgapur Audit Commissionerate. The CPIO & Assistant Commissioner, CGST & Central Excise, Durgapur Audit Commissionerate vide his letter C.No.V(30)33/DGP-Audit/RTI/Asim Kumar Das/2019/10011 dated 19.11.2019 (by e-mail) provided a point wise response to the appellant. Dissatisfied with the response in respect of Point No. 4, 5(b), 10, & 14 of his RTI application dated 21.10.2019. the appellant approached before the First Appellate Authority, CGST & Central Excise, Durgapur Audit Commissionerate on 14.12.2019 (by e-mail) under section 19(1) of the RTI Act, 2005.

**Point wise extract of the RTI application dated 21.10.2019 of the appellant is as under:-**

**Point No. 4-** The authority of Law, i.e. any Notification/Order issued by CBIC/DOPT/GOI in this regard to keep "all offices/sections under CGST & CX, Durgapur Audit Commissionerate" open on 19/10/2010 (Saturday) also" prior to the date of the quoted direction passed by virtue of which the said Commissioner acted accordingly.  
Please supply the certified legible scanned copy of such Notification/Order issued by CBIC/DOPT/GOI.

**Point No. 5(b)** –The first statement of the said Office Order dated 16.10.2019 states the words – all concerned that in view of the visit by Public Accounts Committee of CGST & CX, Kolkata Zone".

--Please specify the manner they/those are "concerned" with the stated visit "by Public Accounts Committee of CGST & CX, Kolkata Zone" as per office records.  
Please supply the certified legible scanned copy of such records.

**Point No. 10**--The second statement of the said Office Order dated 16.10.2019 states the words--"all officers posted in this Commissionerate" without clarifying the category of the

"officers", i.e., whether those "officers" are as defined under Section 3 of GST Act 2017 read with section 2(b) of Central Excise Act 1944.

Please state the particular category of officers who falls within the ambit of "all officers" and under which provision of law.

**Point No. 14**—The log-book record of each and every government vehicle/vehicle hired for official purposes in "Durgapur Audit Commissionerate" reflecting the data of distance ran (in km), places of visit, the name and designation of user(s) with dated signature on the log-book only for the Saturday 19.10.2019. The information is requested to be supplied in the following format in Arial font size 12.

Sl. No.

Registration No. of Vehicle

Name of all offices/sections

Date

Distance ran (in km)

Places of visit

Name & Designation of the user(s)

--Please supply the certified legible scanned copy of the particular page(s) of the log-books in respect to each and every vehicle (government/hired), reflecting data of 19<sup>th</sup> October, 2019 – one day only, of all offices/sections under CGST & CX, Durgapur Audit Commissionerate.

**Point wise extract of the RTI reply dated 19.11.2019 of the CPIO is as under:-**

**Point No. 4**- In exercise of power conferred vide F.No. A-11013/24/2017-Ad.IV dated 12/06/2017 issued by CBIC, the Competent Authority has acted accordingly.

**Point No. 5 (b)** -Office was open on 19.10.2019 in view of PAC Meeting at Kolkata.

**Point No. 10** - The work "Officers" bears the same meaning as in the CGST ACT, 2017.

**Point No. 14**- Details of vehicle is furnished as under (Certified Legible scanned copy of the Log Books are enclosed as per Annexure-E-1 to E-5).

Sl. No.	Registration No. of Vehicle	Name of "all offices/sections"	Date	Distance ran (in km)	Places of Visit	Name & Designation of the user (s)
1	WB 39B-9090	Hqrs. DGP Audit Commt'e.	19-10-2019	00	NA	NA
2	WB 39B-4488	Hqrs. DGP Audit Commt'e.		280	Kolkata to Durgapur	Susmita Bhattacharya, J.C., CGST & C.Ex., DGP Audit Commt'e
3	WB 39B-0909	Hqrs. DGP Audit Commt'e.		00	NA	NA
4	WB 39B-3562	Hqrs. DGP Audit Commt'e.		00	NA	NA
5	WB 39B-6969	Hqrs. DGP Audit Commt'e.		00	NA	NA

**Point wise extract of the RTI Appeal dated 14.12.2019 of the appellant is as under:-**

**Point No.4**- Respecting the information sought for at Point No. 4 of the referred RTI Application dated 21.10.2019 the said CPIO referred to the CBEC's letter No. A-11013/24/2017-Ad.IV dated 12<sup>th</sup> June, 2017 according to what "the Competent Authority has

acted accordingly". The referred letter of CBEC does not in any way empower the officer declared as Head of Department to **override** the power of the letter and spirit of the GOI, DOPT, OM No. 13/4/85-JCA dated 21.05.1985 read with GOI, DOPT, OM No. 13/11/86-JCA dated 07.11.1986 on the policy matter of "5-day-week in the administrative offices of Government of India".

The accurate information on the "**authority of Law**, i.e., any Notification/Order issued by CBIC/DOPT/GOI in this regard to keep "all offices/ sections under CGST & CX, Durgapur Audit Commissionerate" "open on 19/10/2010 (Saturday) also" prior to the date of the quoted direction passed, by virtue of which the said Commissioner acted accordingly" ought to have been supplied to the undersigned information seeker.

**Point No. 5(b)**-Respecting the information sought for at Point No. 5(b) of the referred RTI Application dated 21.10.2019 the said CPIO supplied a vague and misleading information without mentioning the "**manner**" i.e., how "all who are related to day-to-day office work" "are "concerned" with the stated visit "by Public Accounts Committee of CGST & CX, Kolkata Zone" as per office records."

**Point No. 10**- Respecting the information sought for at Point No. 10 of the referred RTI Application dated 21.10.2019 the said CPIO supplied a vague information without mentioning the **specific** provision/Section of the CGST Act, 2017 i.e., whether those "officers" are as defined under Section 3 of GST Act 2017 read with Section 2(b) of Central Excise Act 1944.

**Point No. 14**- Respecting the information sought for at Point No. 14 of the referred RTI Application dated 21.10.2019 the said CPIO restricted the "**log-book record**" of "government vehicle / vehicle hired" to "Hqrs. DGP Audit Comm'te." **only suppressing** the information pertain to "all offices/ sections under CGST & CX, Durgapur Audit Commissionerate", i.e. "under" the **jurisdiction** of "Durgapur Audit Commissionerate".

#### **Observation:**

The appellant expressed his unwillingness to appear in the Personal Hearing in the appeal petition itself.

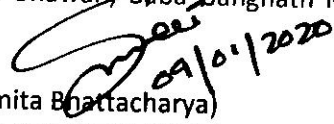
I have gone through the contents of instant appeal dated 14.12.2019 and also reply of CPIO under C. No. V(30)33/DGP-Audit/RTI/Asim Kumar Das/2019/10011 dated 19.11.2019 wherein he has provided the information as sought by the Appellant, Shri Asim Kumar Das vide his RTI application dated 21.10.2019.

It is observed that in the RTI application dated 21.10.2019, the applicant has sought various information alongwith certified scanned copy of related documents regarding one Office Order dated 16.10.2019 issued under File No.I(05)01/Circular/DGP Audit/HQ/2017 from the O/o the Commissioner of Central Tax, CGST & Central Excise, Durgapur Audit Commissionerate, Durgapur-713216. In response to his RTI application, the CPIO vide his reply dated 19.11.2019 had provided information as well as scanned copy of related documents. However, the appellant has stated that the CPIO has supplied incomplete and misleading information in respect to point no. 4, 5(b), 10 & 14 of his RTI application dated 21.10.2019.

**ORDER**

1. On going through the records, it is observed that the information sought by the appellant in respect of the Point No. 4, 5(b) & 10 of the RTI application dated 21.10.2019 was regarding clarifications / interpretations of laws which are not covered under RTI Act, 2005. Therefore, I observe that the information provided by the CPIO was in order. Hence, I do not find any reason to intervene.
2. Regarding Point No.14, I order the CPIO to provide to the appellant legible scanned copy of the documents pertaining to all Audit Circles of this Commissionerate within a period of 30 days from the date of receipt of this order.
3. With the above order, the Appeal stands disposed off.
4. If applicant is not satisfied with the reply of the First Appellate Authority, he can approach for second appeal in Central Information Commission, CIC Bhawan, Baba Gangnath Marg, Munirka, New Delhi - 110 067.

o/c

  
(Susmita Bhattacharya)  
FIRST APPELLATE AUTHORITY & JOINT  
COMMISSIONER,  
CGST, AUDIT COMMISSIONERATE, DURGAPUR


C.No. V(30)33/DGP-Audit/RTI/Asim Kumar Das/2019/437-39

Dated 09/01/2020

Copy forwarded to :

1. Shri Asim Kumar Das, No. 10/III, Central Excise Staff Qtrs., Ispatpally, H.M. Sarani, Durgapur-713212.
2. The CPIO & Assistant Commissioner, CGST & Central Excise, Durgapur Audit Commissionerate.
3. The Superintendent, (HQ & Admin), CGST & CX, Durgapur Audit Commissionerate, Durgapur.

o/c

  
(Susmita Bhattacharya)  
FIRST APPELLATE AUTHORITY & JOINT  
COMMISSIONER,  
CGST, AUDIT COMMISSIONERATE, DURGAPUR