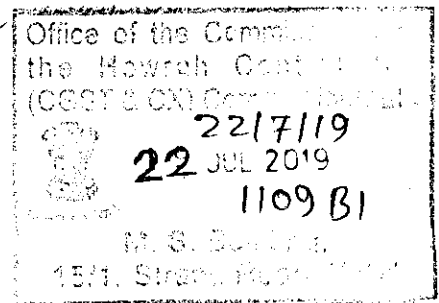


Appeal under Section 19 of the Right to Information Act, 2005

To,
The Additional/Joint Commissioner
(1st Appellate Authority)
Central Tax Howrah GST Commissionerate
M.S. Building (6th Floor)
15/1 Strand Road,
Kolkata - 700 001.

AC-RTI AA



A. Contact details:

1. Name of the Applicant	Smt. Iti Ghosh
2. Address	W/o Siddhartha Kr. Ghosh, 66/2, S.B.P Lane, Sreenagar, P.O. Ranaghat, Dist : Nadia, W.B. 741 201.

B. Details about RTI request:

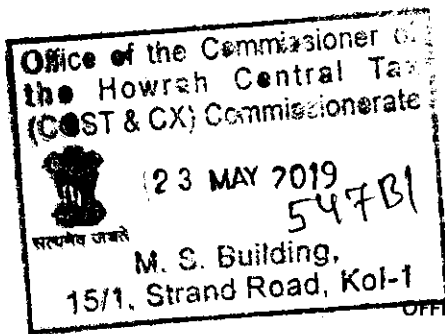
1. Particulars of the CPIO against whose order appeal is preferred	(a) Name	Shri. Ram Kumar Bhadury CPIO & Asst. Commissioner, Howrah GST Commissionerate Letter C.No. IV (16)16/RTI/CGST/HWH/IG/ 2019-20/4107 A dated 21.06.2019.
	(b) Address	O/o the Commissioner of Central Tax Howrah GST Commissionerate M.S. Building (2 nd Floor) 15/1 Strand Road, Kolkata - 700 001.
2. Date of submission of application (Please attach a copy)	17 th May 2019 (Reg. No. GSTKT/R/2019/5003 dated 17.05.2019) (Copy of the RTI application submitted online attached)	
3. Brief facts leading to appeal	As requested in the RTI application (online RTI Reg. No. GSTKT/R/2019/5003 dated 17.05.2019) CERTIFIED TRUE COPIES of the required documents have not been provided.	
4. Grounds for appeal	As requested in the RTI application (online RTI Reg. No. GSTKT/R/2019/5003 dated 17.05.2019) CERTIFIED TRUE COPIES of the required documents have not been provided.	

5. Prayer or relief sought	Please provide CERTIFIED TRUE COPIES of all the required documents as per Section 2(j) of RTI Act, 2005 & in light of DoPT. OM No. 10/1/2013-IR dated 6 th October, 2015 & Kerala High Court WP(C). No. 31947 of 2013 (P).
6. Last date for filing the appeal	20 th July, 2019
7. If appeal is being filed after 30 days, the reasons which prevented from filing appeal in time	Not applicable
8. Copies of documents relied upon by the applicant	Xerox copies of entire RTI reply provided by CPIO and DoPT. OM No. 10/1/2013-IR dated 6 th October, 2015 & Kerala High Court WP(C). No. 31947 of 2013 (P) are attached herewith.

Date : 19.07.2019.



(Smt. Iti Ghosh)
W/o Siddhartha Kr. Ghosh
66/2, S.B.P Lane, Sreenagar
P.O. Ranaghat, Dist : Nadia
W.B. 741 201.



भारत सरकार
GOVERNMENT OF INDIA
प्रधान मुख्य आयुक्त का कार्यालय
OFFICE OF THE PRINCIPAL CHIEF COMMISSIONER

केन्द्रीय वस्तु एवं सेवा कर , कोलकाता क्षेत्र
CENTRAL GOODS AND SERVICES TAX AND CENTRAL EXCISE, KOLKATA ZONE
केन्द्रीय वस्तु एवं सेवा कर भवन, दूसरा तल, 180, शांतिपल्ली, आर. बी. कनेक्टर, कोलकाता - 700 107
GST Bhawan (2nd Floor), 180 Shanti Pally, R. B. Connector, Kolkata - 700 107
Phone No. 033-2441-6797/6842: Fax No. 033- 2441-6834/6798

**Most Urgent
RTI Matter**

F. No. V (30)121/CGST&CX/Pr. CCO/RTI/May/2019/Kol/

Date: 21.05.2019

To
The CPIO,
Office of the Commissioner,
CGST & CX, Howrah Commissionerate.

Sir,

Sub: RTI Application dated 17.05.2019 filed by Smt. Iti Ghosh under Right to Information Act 2005 -reg.

Kindly find enclosed herewith an RTI application having Registration No. GSTKT/R/2019/50003 dated 17.05.2019.

In this connection, please furnish the desired information on all the points, directly to the applicant under Section 6(3) of the RTI Act 2005 under intimation to this office.

Yours faithfully,

Encl: As Above.

(B. Brownick) 20/5/19
CPIO & Assitant Commissioner,
CCO, Kolkata Zone



RTI REQUEST DETAILS

Registration No. : GSTKT/R/2019/50003

Date of Receipt : 17/05/2019

Type of Receipt : Online Receipt

Language of Request : English

Name : Iti Ghosh

Gender : Female

Address : w/o Siddhartha Kumar Ghosh, 66/1, S.B.P Lane, Sreenagar, P.O. Ranaghat
Dist. Nadia, Pin:741201

State : West Bengal

Country : India

Phone No. : Details not provided

Mobile No. : +91-8582896273

Email : itighosh.rana@gmail.com

Status(Rural/Urban) : Rural

Education Status : Graduate

Is Requester Below
Poverty Line ? : No

Citizenship Status : Indian

Amount Paid : 10)

Mode of Payment : Payment Gateway

Request Pertains to :

Please provide the following detail under RTI Act, 2005.

1. Please provide the number of total officers in the grade of Inspector of Central Excise & Customs (Now GST inspectors) got Inter Commissionerate Transfer (ICT) to Kolkata zone from various CCAs from 01.01.2011 upto 31.03.2019.

2. (w.r.t point No. 1) please provide in tabulated form :

- Name of the all such officers,
- Date & place of their joining in the department,
- Date & place of their joining at present CCA on ICT,
- The grounds for granting their ICTs was each individual officer (i.e. was it on PUBLIC INTEREST or on OWN REQUEST).

Information Sought :

3. Please provide total No. of vacant posts in the grade of Inspector of Central Excise & Customs (Now GST inspector) category-wise as on 25.12.2016 and as on 11.05.2017.

4. Please provide the all the correspondences made & complete Note sheet pages of the file/files leading to the issuance of office orders No. 67/2017 (under C.No.II(3)04-ET/ICT/CE/CC/831/2017/7806-12) dated 11.05.2017.

PLEASE PROVIDE THE CERTIFIED TRUE COPIES OF ALL THE ABOVE INFORMATION/DOCUMENTS AS SOUGHT.

MOST URGENT/RTI
Nadia

Suptd (RTI)
① Pl. transfer the application to Hon'ble Committee i.e. Central Control Committee for Jurgs.
② Also ask for the information from AO (Admin) P.O. 67/2017, if any information is available with them.
20/5/2019



RTI MATTER

भारत सरकार GOVERNMENT OF INDIA

OFFICE OF THE COMMISSIONER OF CENTRAL TAX, HOWRAH GST COMMISSIONERATE

एम.एस. बिल्डिंग, 15/1, स्ट्रैंड रोड, कोलकाता- 700001

M.S. BUILDING, 2nd floor, 15/1, STRAND ROAD, KOLKATA- 700001

दूरभाष सं/PHONE NO. 033-2262-8490, फैक्स/ FAX 033-2262-8490, Email:

rtigsthwh@gmail.com

C. No. IV (16)16/RTI/CGST/HWH/IG/2019-20

Dated 21/06/2019

To:

Smt. Iti Ghosh,

W/o Siddhartha Kumar Ghosh,

66/2, S.B.P. Lane,

Sreenagar, PO-Ranaghat, Nadia,

WB-741201.

Madam,

Sub: - RTI application under RTI Act, 2005 filed by Smt. Iti Ghosh
- Sending of documents - reg.

Please refer to this office letter of even number 3571A dated 12.06.2019 and your letter dated 20.06.2019 sending Cash of Rs.50/- (Rupees Fifty) only for supply of photocopy of requisite documents as requested by this office vide letter of even No. 3571A dated 12.06.2019.

Accordingly, Copies of documents numbering 23 pages are enclosed herewith.

If you are aggrieved or dissatisfied with the reply, you are at liberty to prefer First Appeal within the stipulated time i.e. 30 (thirty) days from the date of receipt of this reply before Joint/Additional Commissioner & 1st Appellate Authority under RTI Act, 2005 Central Tax, Howrah GST Commissionerate, M.S. Building (6th Floor), 15/1 Strand Road, Kolkata - 700001.

Encl: As stated above.

Yours sincerely,

(RAM KUMAR BHADURY)

PIO & ASSISTANT COMMISSIONER

सीपीओ और सहायक कमिशनर,

CENTRAL TAX क्षेत्रीय कार

HOWRAH GST COMMISSIONERATE

हवड़ा जीएसटी कमिशनरेट

C. No. As above/

Copy to:

Dated: 21/06/2019

The CPIO & Assistant Commissioner, Pr. & CX, Kolkata Zone, GST Phawar, Kolkata-700107, to your letter dated 20.06.2019 for information of the CPIO & Assistant Commissioner, Pr. & CX, Kolkata Zone, GST Phawar, Kolkata-700107, for the purpose of the RTI Act, 2005.

(RAM KUMAR BHADURY)

PIO & ASSISTANT COMMISSIONER

सीपीओ और सहायक कमिशनर,

CENTRAL TAX क्षेत्रीय कार

HOWRAH GST COMMISSIONERATE

हवड़ा जीएसटी कमिशनरेट

HOWRAH GST COMMISSIONERATE



भारत
सर्वोच्च
न्यायालय

RTI MATTER

भारतसरकार GOVERNMENT OF INDIA
OFFICE OF THE COMMISSIONER OF CENTRAL TAX, HOWRAH GST
COMMISSIONERATE

एम.एस. बिल्डिंग, 15/1, स्ट्रैंडरोड, कोलकाता- 700001
M.S. BUILDING, 2nd floor, 15/1, STRAND ROAD, KOLKATA- 700001
दूरभाषसं/PHONE NO. 033-2262-8490

ORDER-IN-APPEAL NO.05/RTI/2019-20

Dated 30 / 07 /2019

PASSED BY Shri. Pradeep Kumar Bohra
Additional Commissioner, 1st Appellate Authority, Central
Tax, CGST & Central Excise, Howrah Commissionerate,
Custom House
M.S. Building (6th Floor),
15/1 Strand Road, Kolkata-700 001.

Brief fact of the case

Subject: Appeal filed under Section 19(1) of the RTI Act, 2005 by Smt. Iti Ghosh, W/o Sri Siddhartha Kr. Ghosh, 66/2, S.B.P Lane, Sreenagar, P.O Ranaghat, Dist. Nadia, West Bengal, 741 201 against the reply/information furnished by the CPIO, Central Tax, Howrah CGST Commissionerate under C.No.V(16)16/RTI/CGST/HWH/IG/2019-20/4107A dt.21.06.19 to her RTI application dated 17.05.2019

- I. The appellant filed application dated 17.05.2019 seeking following information from the CPIO & Assistant Commissioner, Howrah CGST Comm'te. The information/query, reply and grounds of appeal are depicted herein below:

Information sought for :(1) The number of total officers in the grade of Inspector of Central Excise & Customs (Now GST Inspectors) got Inter Commissionerate Transfer (ICT) to Kolkata Zone from various CCAs from 01.01.2011 up to 31.03.2019.

2) (w.r.t. Point No. 1) the following information to be provided in tabulated form:

- Name of the all such officers,
- Date & place of their joining in the department,
- Date & place of their joining at present CCA on ICT
- The grounds for granting their ICTs w.r.t. each individual officer (i.e. was it on PUBLIC INTEREST or on OWN REQUEST)

3) No. of vacant posts in the grade of Inspector of Central Excise & Customs (Now GST Inspector) category-wise as on 25.12.2016 and as on 11.05.2017.

4) All the correspondences made & complete Note sheet pages of the file/files leading to the issuance of office orders No. 67/2017 (under C.No.II(3)04-ET/ICT/CE/CCO/KOL/2017/7806-12) dated 11.05.2017.

The applicant/ appellant also sought for **Certified True Copies** of all the above information/documents.

Reply of the CPIO: Point No. 1 & 2 (a, b, c): This is for your information that **20 (Twenty three)** pages are to be forwarded to you pertaining to the details of Inspectors who have joined, on ICT, Howrah CGST & CX(erstwhile Kolkata-II) Commissionerate since 25.10.2013.

Point No.2 (d): No information is available.

Point No.3: Records of vacancy position as available with this office as on 25.12.2016 and 31.03.2017 contains **3 (Three)** pages.

Point No.4: No information is available.

1. Brief facts of the appeal: The instant appeal revolves around non-furnishing of the **Certified True Copies** of the required documents being aggrieved the instant appeal has been filed by the appellant on the following grounds.

2. Grounds of appeal:

The appellant has contended that she has not been provided with the **Certified True Copies** of the documents so sought for in her RTI application dated 17.05.2019

3. Relief Sought for: To provide **Certified True Copies** of all the required documents as per Section 2(j) of the RTI Act, 2005 & in the light of DOPT's OM No.10/1/2013-IR dated 6th October, 2015 & Hon'ble Kerala High Court WP(C) No.31947 of 2013 (P) information as sought for by the appellant.

II. Aggrieved with the reply dated 21.06.19, the appellant has preferred the instant appeal.

The Appellant has thus prayed for the following relief:

Prayer for providing **Certified True Copies** of all the required documents as sought for in her RTI application.

III. An opportunity for Personal Hearing was granted to the appellant on 29.07.2019 at 12 PM. Smt. Ankita Ghosh, authorized representative of Smt. Iti Ghosh attended the Personal Hearing. During the course of P.H, Smt. Ankita Ghosh requested for certified copies of the documents.

IV. Discussion & finding

(a) I have gone through the case records, the appeal dated 19.07.2019 vis-à-vis the reply dated 21.06.2019 furnished by the CPIO & Assistant Commissioner, Central Tax, CGST & CX, Howrah Commissionerate pertaining to the RTI application dated 17.05.2019 filed by the instant appellant.

(b) In the instant case, I find that the crux of the issue virtually rotates around non-furnishing of Certified True Copies of the documents as sought for by the appellant instead, the CPIO has furnished the same without certification to the applicant/appellant.

As a matter of fact, I find that in the present case, the sole and lone point to be determined as to whether the response of the CPIO to the extent of providing the documents as sought for by the applicant/appellant without certification is commensurate with the provisions of the RTI Act 2005 or otherwise.

On examination of the available records particularly from the documents furnished by the CPIO to the appellant I find that the same are not certified by the CPIO concerned albeit, it is explicitly laid down under the provisions of Section 2 (j) (b) of the RTI Act, 2005 for providing Certified True Copy of any document(s) sought for/to be supplied by a CPIO in response to an RTI application.

(c) Coming to the context of the appellant's taking recourse to the provision of Section 2(j) of the RTI Act, 2005 DOPT's OM No.10/1/2013-IR dated 6th October, 2015 & Hon'ble Kerala High Court WP(C) No.31947 of 2013 (P) in support of her claim for furnishing of Certified True Copies of the documents desired by her, I find strong merit in the same.

Now, on a harmonized reading of the DOPT's OM No.10/1/2013-IR dated 6th October, 2015, I find that under Point No.2 it has been made amply clear that wherever the applicant has requested for 'certified copies' of the documents or records, the CPIO should endorse on the

document "True copy of the document/record supplied under RTI Act", sign the document with date, above a seal containing name of the officer, CPIO and name of public authority.

Over & above, I also find judicial backing in defence of the appellant's contention, as discussed hereinabove, in the Hon'ble CIC's judgment in the case of Seema Jain -Vs- Chief Commissioner, Income Tax through issuance of combined Order Nos. CIC/CCA KP/A/ 2017/ 603089-BJ & CIC/CCA KP/A /2018/613535--BJ pronounced on 15th March 2019 wherein, inter-alia, in its decision it has been ordered that the certified true copies of the information already disclosed to the Appellant should be furnished to the appellant.

Form the above discussion and particularly the provisional as well as judicial position, I have not even an iota of doubt to conclude that the CPIO should have provided Certified True Copies of the documents which has not been done by him.

In the light of the above discussion and findings, I proceed to pass the following orders.

V. ORDER

- (1) I direct the CPIO to furnish Certified True Copies of the documents provided earlier to the appellant within 15(Fifteen) days from the date of receipt of this order.

The appellant is, however, at liberty to prefer a 'Second Appeal' before the Central Information Commission, Room No.326, 2nd Floor, August Kranti Bhavan, Bhikaji Cama Place, New Delhi-110066 within 90-days from the date of receipt of this order.

The appeal is disposed of accordingly.

430/07/19
(PRADEEP KUMAR BOHRA)
1st Appellate Authority
&
Additional Commissioner
CGST & CX
Howrah CGST Commissionerate

C. No. IV (16)05/RTI/Appeal/CGST/HWH/IG/2019-20 / 6044-15A Date 30.07.2019
Copy for information to:

- (1) Smt. Iti Ghosh, W/o Sri Siddhartha Kr. Ghosh, 66/2, S.B.P Lane, Sreenagar, P.O Ranaghat, Dist. Nadia, West Bengal, 741 201.
(2) The CPIO & Assistant Commissioner, CGST & C.Ex., Howrah CGST & C.Ex. Commissionerate, Kolkata for compliance.

430/07/19
(PRADEEP KUMAR BOHRA)
1st Appellate Authority
&
Additional Commissioner
CGST & CX
Howrah CGST Commissionerate

o/c