

SANJAY MANDAL

INSPECTOR OF CGST & CX

Res. Address:- 2/22, Debayan Road,
Agarpara, Kolkata-700 109.

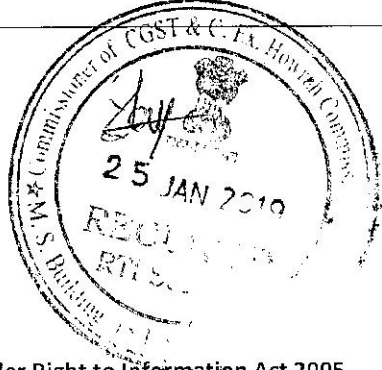
Mob. 9831097183 / 7003457065

Office Address:- Adjudication Branch,
Office of the Assistant Commissioner of
CGST, Bally-I Division,
5, Clive Row (5th floor), Kolkata-700 001.

Ref. No. NIL

Dated: 25.01.2019

To
The Central Public Information Officer,
CGST & Central Excise,
Howrah Commissionerate,
M.S. Building, 15/1, Strand Road,
Kolkata – 700 001.



Sir,

Sub:- Request for information under Right to Information Act 2005.

I Sri Sanjay Mandal, Residing at 2/22, Debayan Road, Agarpara, Kolkata-700 109 & my office address is Adjudication Branch, Office of the Assistant Commissioner of CGST, Bally-I Division, 5, Clive Row (5th floor), Kolkata-700 001 and, Mobile No.9831097183 hereby request you to provide following certified copy of documents / information under Right to Information Act 2005.

1. Whether any Review DPC conducted on 03.01.2013 for implementation of OM dated 10.08.2010 in the grade of Inspector of Central Excise & Customs? If Yes, Please provide the Minutes of Review DPC along with all relevant documents of said Review DPC.
2. Whether any certificate obtained from Liaison Officer for SC & ST for conducting Review DPC ? If yes, pl. Provide the said certificate.
3. Whether any office order issued by the department for non-publication of said review DPC held on 03.01.2013? If yes, please provide the said office order along with note sheet.(Xerox-copy).
4. Whether any "Self Contained Note" dated 15.04.2013 was issued by the then Additional Commissioner, Central Excise , Kolkata-II Commissionerate ? If yes, please provide the copy of the same.(Xerox copy).
5. Whether any Affidavit filled by the department to CAT, Calcutta Bench in the case of Sri Manajit Sarkar & Others (Inspector) Vs. UOI vide OA No.03/2013 ? If yes, please provide the copy of the said Affidavit.(Xerox copy)
6. Whether any miscellaneous application filled by the department to CAT, Calcutta Bench in the case vide OA No. 03/2013 of Sri Manajit Sarkar & Others Vs. UOI ? If yes. Please provide the copy miscellaneous application.
7. Whether any Order passed by the CAT, Calcutta Bench on 02/09/2016 & 10.10.2018 in response to the said miscellaneous application vide OA NO.03/2013 OF Sri Manajit Sarkar & others Vs. UOI ? If yes, please provide the said order.
8. Whether Hon'ble CAT , Calcutta Bench, withdraws stay of declaring the result of review DPC which was conducted for implementation of OM dated 10.08.2010 ? If yes, please provide the office order for implementation of the said order.(Xerox copy).

In this connection I am enclosing a Ten Rupees Indian Postal Order bearing No.23F 144151 as application fee. I hereby declare and confirm that I am 'Citizen' of Indian and I am asking the information as 'Citizen' under RTI Act 2005.(N.B. costing charges of all Xerox copies I will pay).

Place :- Kolkata
Date :- 25/01/2019.

Sanjay Mandal
25/01/2019
(SANJAY MANDAL)
Signature of the Applicant

ENCL. POSTAL ORDER BEING NO. 23F 144151.



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, 1st floor, 15/1, STRAND ROAD, KOLKATA- 700001दूरभाष सं/PHONE NO. 033-2262-8490, फैक्स/ FAX 033-2262-8490, Email: rtigsthwh@gmail.com

C. No. IV (16)112/RTI/CGST/HWH/SM/2018-19 / 29/0-13 Date: 15.02.2019

To
Shri Sanjay Mandal,
2/22, Debayan Road,
Agarpara,
Kolkata-700109.

Sir,

**Sub: - RTI application under RTI Act, 2005 filed by Shri Sanjay Mandal,
– Request for furnishing of information - reg.**

Please refer to your RTI application dated 25.01.2019 duly registered vide Registration No. IV(16)112/RTI/CGST/HWH/SM/2018-19 seeking certain information.

The desired information's as sought for by you, as received from Section concerned i.e. the H.Q. Law and DPC Branch of Deputy Commissioner (P&V) of Howrah CGST & CX Commissionerate, are mentioned below.

Point No. 1 to Point No. 4: The information sought by the applicant appears more of a query and does not fall within the definition of "information" as per section 2(f) of the RTI Act-2005 wherein "information" means any material in any form, including records, documents, memos, e-mails, opinions, advices, press releases, circulars, orders, logbooks, contracts, reports, papers, samples, models, data material held in any electronic form and information relating to any private body which can be accessed by a public authority under any other law for the time being in force. The related CIC judgment is reproduced in verbatim.


"The public authority is not bound to answer queries like whether he would be considered for the post since he has crossed the age limit or whether he will be granted any age relaxation and whether his merit will be considered or not. Interrogative queries viz. "How/Why/When" do not come under the ambit of RTI Act. In *Dr. Celsa Pinto Vs. Goa State Information Commission (W.P. No. 419 of 2007)*, the High Court of Bombay, in its order dated 03.04.2008, held:- "The definition (of information) cannot included within its fold answers to the question "Why" which would be the same thing as asking the reason for a justification for a particular thing. The Public Information Authorities cannot expect to communicate to the citizen the reason why a certain thing was done or not done in the sense of a justification because the citizen makes a requisition about information. Justifications are matter within the domain of adjudicating authorities and cannot properly be classified as information." In view of the above, no obligation can be cast on the respondents to provide any further information to the appellant in the present case beyond what they have already given to him".

Point No. 5 to Point No.8: Reference is invited to Section 8(1)(j) read with Section 8(1)(g) of RTI Act 2005, in regard to exemption from disclosure of information. The information seemed in the instant RTI have no relationship to any public activity or interest and would cause unwarranted invasion of privacy.

So, the desired information as sought for the above said point cannot be given to the applicant.

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 **Shri Chetan Lama**, Additional Commissioner & 1st Appellate Authority under RTI Act, 2005, Central Tax, Howrah GST Commissionerate, M.S. Building (6th Floor), 15/1 Strand Road, Kolkata - 700 001.

Yours sincerely,


15/2/2019

(RAM KUMAR BHADURY)

1st APPEAL Under Sec 19(1) of the RTI Act

Date: 13-03-2019
Kolkata.

To,
Sri Chetan Lama,
Additional Commissioner & 1st Appellate authority
Under RTI Act, 2005,
Central Tax,
Howrah GST Commissionerate,
M. S. Building (6th Floor),
15/1, Strand Road,
KOLKATA-700 001.



SUB: Non-Compliance in the implementation of Right to Information act 2005 in
O/o CGST & Central Excise, Howrah Commissionerate.

Respected Sir,

I the undersigned (Sanjay Mandal) filed a RTI application through Special Messenger to the Assistant Commissioner (RTI), CGST & Central Excise, Howrah Commissionerate, M.S. Building, 15/1, Strand Road, Kolkata – 700 001 on **25th January, 2019** requesting information pertaining to office order issued by the department for non-publication of said review DPC held on 03.01.2013 and its implementation there to.

I have received the following reply from CPIO through the Speed Post, dated 15th February, 2019 (received by me on 21th February, 2019): "...Point No. 1 to Point No. 4:...Interrogative queries viz. "How/Why/When" do not come under the Hight Court of Bombay, in its order dated 03.04.2008 held- "The definition (of information) cannot include within its fold answers to the question "Why" which would be the same thing as asking the reason for a justification for a particular thing.....Point No. 5 to Point No. 8:- " Reference is invited to Section 8(1)(j) read with Section 8(1)(g) of RTI Act 2005, in regard to exemption from disclosure of information. The information seemed in the instant RTI have no relationship to any public activity or interest and would cause unwarranted invasion of privacy. So, the desired information as sought for the above said point cannot be given to the applicant." Point No. 9 to 20 has enervated by the CPIO without in verbatim. And also avoided OA NO.03/2013 OF Sri Manajit Sarkar & others Vs. UOI, which order has already been passed on 12/11/2019 by the Hon'ble CAT, Kolkata Bench has been disposed off.

The desired information's sought for , as you have received from Section concerned i.e. the H.Q. Law and DPC Branch of Deputy Commissioner (P&V) of Howrah CGST & CX Commissionerate. It has been noticed in the said letter that the information has gone to as 'out of track'. My 1st question was **whether** any Review DPC conducted on 03.01.2013 for implementation of OM dated 10.08.2010 in the grade of Inspector of Central Excise & Customs? If Yes, Please provide the Minutes of Review DPC along with all relevant documents of said Review DPC.

Contd.....Page-2.

(Continue from pre-page)

But no reply has come to the point, just one Interrogative quaries viz. **"How/Why/When"** has been highlighted In the case of Dr. Celsa Pinto Vs. Goa State Information Commission (W.P. No. 419 OF 2007), the High Court of Bombay, in its order dated 03.04.2008. After hearing of the both parties and on perusal of documents, the Commission observes as the appellant might be for the post of Social Worker, he cannot ask Interrogative questions from a public authority under the Act. Hence the aforesaid person is a "Social Worker". I used in my letter as **"whether"** not in word "How/Why/When", so that my case is not similar to the aforesaid case. It has been observed that the main point has been avoided cleverly.

The above reason mentioned by the Public Information Officer for non-furnishing of the information displays the non-implementation and violation of Public Interest Act, 2013 and Right to Information Act, 2005. If such is the reason for Non-furnishing of information, then it is suffering public (community) under Section 8 (1) of RTI Act, 2005 provides for disclose of public records. Further, Section 8(1)(j) of the RTI Act provides as under: ".....information which relates to personal information the disclosure of which has no relationship to any public activity or interest, or which would cause unwarranted invasion of the privacy of the individual unless the Central Public Information Officer or the State Public Information Officer or the appellate authority, as the case may be, is satisfied that the larger public interest justifies the disclosure of such information...."

The Public Information Officer also violated Official Secrets Act, 1923 & Section 8(2) of RTI Act, 2005 also provides under:- ".... Notwithstanding anything in the Official Secrets Act, 1923 nor any of the exemptions permissible in accordance with sub-section (1), a public authority may allow access to information, if public interest in disclosure outweighs the harm to the protected interests...."

Therefore, in conclusion of the things mentioned above, I submit to you that the Non-furnishing of information vindicates the non-implementation of both the above significant acts in the Ministry. It also displays the casual and general attitude towards submission of records and furnishing them to the Citizens/communities. Hence, I request you to look into my request and provide me the complete information requested within the shortest possible time at free of cost, since the CPIO has failed to provide me information within stipulated 30 days period.

Thanking you,

Sanjay Mandal
13/03/2019
(SANJAY MANDAL)

Annexures:

- (a) Copy of RTI application.
- (b) Copy of the response received from CPIO with which the appellant is aggrieved.

**PROFORMA OF FIRST APPEAL UNDER SECTION 19(1) OF THE
RIGHT TO INFORMATION ACT, 2005.**

I.D. No. _____

(for official use)

To

Sri Chetan Lama,
Additional Commissioner & 1st Appellate authority
Under RTI Act, 2005,
Central Tax,
Howrah GST Commissionerate,
M. S. Building (6th Floor),
15/1, Strand Road,
KOLKATA-700 001.

(Name & address of the
Senior Officer acting as
First Appellate Authority).

1. Name of the Applicant : SHRI SANJAY MANDAL

2. Address of the Applicant : 2/22, DEBAYAN ROAD, AGARPARA, KOLKATA-700 109.

3. Particulars of the Central/

**State Public Information Officer: OFFICE OF THE ASSISTANT COMMISSIONER OF CGST &
CEX., 5, CLIBE ROW (5TH FLOOR), KOLKATA-700 001.**

(a) Name : SHRI SANJAY MANDAL

(b) Address: SAME AS ABOVE

4. Date of submission of application

for seeking information : 25/02/2019

**5. Date on which 30/35/40 days from NO
submission of application are over:**

**6. Reasons for appeal: DISSATISFACTION OF REPLY OF CPIO
(Please indicate separately for each question)**

**(a) No response received within the N.A.
specified period:**

**(b) Aggrieved by the response received YES
within the specified period**

**(c) Grounds for appeal PUBLISHING OF REVIEW DPC, 2013 TO THE GRADE OF
INSPECTOR**

7. Last date for filing the appeal : 24/03/2019

Contd.....P/2.

8. Particulars of Information

(a) Information requested REVIEW DPC TO THE GRADE OF IINSPECTOR,
HELD IN THE YEAR, 2013 (AS UNRELIESED).

(b) Subject RELEASING OF REVIEW DPC, 2013 TO THE GRADE OF
INSPECTOR.

(c) Period IN THE YEAR OF 2013.

9. A fee of Rs 10/- (Rupees ten only). for appeal has been deposited in Cash vide Receipt No. Sl. No 2JS 500052 Dated
 (only if applicable)

Place: Kolkata

Date 13/03/2019

Sanjay Mandal
13/03/2019

(SANJAY MANDAL)

Signature of Appellant

E-mail address:

sanjay.mandal142@gmail.com

Tel.(Office): 033-2230-1730/033-2230-1704

Tel. No. (Residence) : 9831097183



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, 1st floor, 15/1, STRAND ROAD, KOLKATA- 700001
दूरभाष सं/PHONE NO. 033-2262-8490

ORDER-IN-APPEAL NO. 16/RTI/2018-19

Dated : 10 /04 /2019

PASSED BY Shri. Chetan Lama
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.

Subject: Appeal dated 13.03.2019 filed by Shri Sanjay Mondal against the reply furnished by the CPIO, CGST & CX, Howrah Comm'te vide C.No.IV(16)112/RTI/CGST/ HWH/SM/2018-19/12910-B dated 15.02.2019 to his RTI application dated 25.01.2019 seeking following information from the CPIO & Assistant Commissioner, Howrah CGST Comm'te. The information/query, reply and grounds of appeal are illustrated herein below:

Information sought for :

- I. The appellant filed application dated 25.01.2019 seeking following information from the CPIO & Assistant Commissioner, Howrah CGST Comm'te. The information/query, reply and grounds of appeal are depicted herein below:
1. Whether any review DPC conducted on 03.01.2013 for implementation of OM dated 10.08.2010 in the grade of Inspector of Central Excise & Customs? If yes, please provide the Minutes of Review DPC along with all relevant documents of said Review DPC.
 2. Whether any certificate obtained from Liason Officer for SC & ST for conducting Review DPC? If yes, please provide the said Certificate.
 3. Whether any office order issued by the department for non-publication of said review DPC held on 03.01.2013? If yes, please provide the said office order along with note sheet. (Xerox copy).
 4. Whether any "Self Contained Note" dated 15.04.2013 was issued by the then Additional Commissioner, Central Excise, Kolkata-II Commissionerate? If yes, please provide the copy of the same. (Xerox Copy)
 5. Whether any Affidavit filed by the Department to CAT, Calcutta Bench in the case of Shri Manajit Sarkar & Others(Inspectors) Vs. UOI vide OA No. 03/2013? If yes, please provide the copy of the said Affidavit. (Xerox Copy)
 6. Whether any miscellaneous application filed by the Department to CAT, Calcutta Bench in the case vide OA No. 03/2013 of Shri Manajit Sarkar & Others Vs. UOI ? If yes, please provide the copy miscellaneous application.

7. Whether any Order passed by the CAT, Calcutta Bench on 02/09/2016 & 10/10/2018 in response to the said miscellaneous application vide OA NO. 03/2013 of Shri Manajit Sarkar & Others vs. UOI? If yes, please provide the said order.
8. Whether Hon'ble CAT, Calcutta Bench, withdraws stay of declaring the result of review DPC which was conducted for implementation of OM dated 10.08.2010? If yes, please provide the office order for implementation of the said order (Xerox copy).

Reply of the CPIO:

Point No. 1 to Point No. 4: The information sought by the applicant appears more of a query and does not fall within the definition of "information" as per section 2(f) of the RTI Act-2005 wherein "information" means any material in any form, including records, documents, memos, e-mails, opinions, advices, press releases, circulars, orders, logbooks, contracts, reports, papers, samples, models, data material held in any electronic form and information relating to any private body which can be accessed by a public authority under any other law for the time being in force. The related CIC judgment is reproduced in verbatim.

"The public authority is not bound to answer queries like whether he would be considered for the post since he has crossed the age limit or whether he will be granted any age relaxation and whether his merit will be considered or not. Interrogative queries viz. **"How/Why/When"** do not come under the ambit of RTI Act. *In Dr. Celsa Pinto Vs. Goa State Information Commission (W.P. No. 419 of 2007), the High Court of Bombay, in its order dated 03.04.2008, held:- "The definition (of information) cannot include within its fold answers to the question "Why" which would be the same thing as asking the reason for a justification for a particular thing. The Public Information Authorities cannot expect to communicate to the citizen the reason why a certain thing was done or not done in the sense of a justification because the citizen makes a requisition about information. Justifications are matter within the domain of adjudicating authorities and cannot properly be classified as information." In view of the above, no obligation can be cast on the respondents to provide any further information to the appellant in the present case beyond what they have already given to him".*

Point No. 5 to Point No.8: Reference is invited to Section 8(1)(j) read with Section 8(1)(g) of RTI Act 2005, in regard to exemption from disclosure of information. The information seemed in the instant RTI have no relationship to any public activity or interest and would cause unwarranted invasion of privacy.

Grounds of Appeal:

In his ground of appeal, the appellant has submitted that he has received the following reply from CPIO through the Speed Post, dated 15th February 2019 (received by him on 21st February 2019): "....Point No.1 to Point No.4:.....interrogative queries viz. "How/Why/When" do not come under the High Court of Bombay, in its order dated 03.04.2008 held. "The definition (of information) cannot include within its fold answers to the question "Why" which would be the same thing as asking reason for a justification for a particular thing.....Point No.5 to Point No.8:-" Reference is invited to Section 8(1)(j) read with Section 8(1)(g) of RTI Act, 2005, in regard to exemption from disclosure of information. The information seemed in the instant RTI have no relationship to any public activity or interest and would cause unwarranted invasion of privacy. So, the desired information as sought for the above said point cannot be given to the applicant." Point No.9 to 20 has enervated by the CPIO without in verbatim. And also avoided OA No. 03/2013 of Shri Manajit Sarkar & others Vs. UOI, which order has already been passed on 12.11.2019 by the Hon'ble CAT, Kolkata Bench has been disposed off.

It has further been contended by the appellant that he desired information sought for by him as received from Section concerned i.e. the H.Q. Law and DPC Branch of Deputy Commissioner (P&V) of Howrah CGST & CX Commissionerate. It has also been submitted that it is noticed in the said letter that the information has gone to as 'out of track'. His 1st question was **whether** any Review DPC conducted on 03.01.2013 for implementation of OM dated 10.08.2010 in the grade of Inspector of Central Excise & Customs? If yes, please provide the Minutes of Review DPC along with all relevant documents of said Review DPC.

The said appellant has also stated but no reply has come to the point, just one interrogative quarries viz. **"How/Why/When"** has been highlighted in the case of Dr. Celsa Pinto Vs. Goa State Information Commission (W.P.No.419 of 2007), the High Court of Bombay, in its order dated 03.04.2008. After hearing of the both parties and on perusal of documents, the Commission observes as the appellant might be for the post of Social Worker, he cannot ask interrogative questions from a public authority under the Act. Hence the aforesaid person is a "Social Worker". He further stated that he has used in his letter as **"whether"** not in word **"How /Why/When"**, so that his case is not similar to the aforesaid case. It has been observed by the appellant that the main point has been avoided cleverly.

He further contended that the above reason mentioned by the Public Information Officer for non-furnishing of the information displays the non-implementation and violation of Public interest Act, 2013 and Right to information Act, 2005. If such is the reason for non-furnishing of information, then it is suffering public (community) under Section 8(1) of RTI Act, 2005 provides for disclose of public records. Further, Section 8(1)(j) of RTI Act provides as under:"information which relates to personal information the disclosure of which has no relationship to any public activity or interest, or which would cause unwarranted invasion of the privacy of the individual unless the Central Public Information Officer or the State Public Information Officer or the appellate authority, as the case may be, is satisfied that the larger public interest justifies the disclosure of such information....."

He also stated that the Public Information Officer also violated Official Secrets Act, 1923 & Section 8(2) of RTI Act, 2005 also provides under:-".... Notwithstanding anything in the Official Secrets Act, 1923 nor any of the exemptions permissible in accordance with sub-section (1), a public authority may allow access to information, if public interest in disclosure outweighs the harm to the protected interests...."

In conclusion of the things mentioned above, the instant appellant submits to the 1st Appellate Authority that the non-furnishing of information vindicates the non-implementation of both the above significant acts in the Ministry. It also displays the casual and general attitude towards submission of records and furnishing them to the Citizens/communities.

Hence, he has requested to look into his request and provide him the complete information requested within the shortest possible time at free of cost, since the CPIO has failed to provide him information within stipulated 30 days period.

- II. Aggrieved with the reply dated 15.02.2019 the appellant has preferred the instant appeal.
- III. An opportunity for Personal Hearing was granted to the appellant on 08.04.2019 at 1.30PM. Accordingly, the appellant appeared on the said date before the First Appellate Authority for Personal Hearing. During the personal hearing the appellant

has reiterated his grounds of appeal dated 13.03.2019 and submitted a written submission dated 08/04/2019.

IV. Discussion & findings

(a) I have gone through the case records, the appeal dated 13.03.2019 vis-à-vis the reply dated 15.02.2019 furnished by the CPIO & Assistant Commissioner, Central Tax, Howrah CGST Commissionerate pertaining to the RTI application dated 25.01.2019 filed by the instant appellant.

(b) In the instant case, I find that the crux of the issue of the instant appeal, to all intents and purposes, is to be decided as to whether the word “whether” comes/qualifies within the definition of information in terms of Section 2(f) of the Right to Information Act 2005 and the same is interrogatory in nature or not.

(c) In course of taking up this appeal, I persuasively as well as cogently observe that going by the nature of the information sought for by the appellant I hold that the same are not interrogatory in nature rather simple information although all the information prefixed with the words ‘whether’. Hence, the denial of information pertaining to Point No.1-4 is not tenable considering the fact that the intrinsic objective of using the word ‘whether’ in the RTI application is not to question any act but merely to get some information from the CPIO concerned.

In this premise, I intend to take into consideration the comments offered by the DPC Unit of this Commissionerate and I find the same are vague, neither in conformity nor in consonance with the information so sought for by the applicant/appellant. Thus, to my considered view, suitable information relating to Point No.1-4 of the application should be provided to the appellant by the CPIO.

So far as information relating to Point No.5-8 of the application, I uphold the stand taken by the CPIO by way of taking recourse to Section 8(1) (j) read with Section 8(1)(g) of RTI Act 2005, in regard to exemption from disclosure of information inasmuch as the same have no discernible element of larger public interest and relationship to any public activity and also disclosure would cause unwarranted invasion of privacy and disclosure of which are exempted under the provisions of Section 8(1) (g) read with Section 8(1)(j) of the Right to Information Act, 2005.

As far as the invocation of the provisions under Section 8(1) (j) *ibid.* by the CPIO in course of denying the sought for information is concerned, I hold that this stand of the CPIO is well in consonance and very much consistent with the provisions of the RTI Act Besides, no larger public interest justifies/calls for dissemination of the information so sought for by the appellant. On the other hand, the possibility of any individual(s)’s privacy being invaded by the dissemination of the same cannot be ruled out. Over and above, a harmonized reading of the verdict in the case of UOI Vs Hardev Singh read with UPSC -vs- R.K.Jain dated 13.07.2012 makes it evident, *inter-alia*, that the prime condition for disclosure of personal information is that the sought for information has to satisfy/justify conditions as laid down under the provisions of Section 8(1)(j) of the RTI Act 2005 i.e. having larger public interest in dissemination of the information and not information confidential or secret in nature. On the

contrary, to my considered view, the entire information/copy of documents so sought for by the appellant were/are qualified as personal information within the - meaning of the provisions of Section 8 (1) (j) and confidential within the - meaning of the provisions of Section 8 (1) (g) of the RTI Act

Thus, in the emerged circumstances, I opine that the CPIO has rightly and justifiably denied information pertaining to Point No.5-8 on the strength of the provisions of Section 8(1)(g) read with 8(1)(j) of the RTI Act 2005 and the legality and provisional backing for such denial of information lies intrinsically embedded in the textures of Section 8(1)(g) and 8(1)(j) ibid., ipso-facto, the appellant's contention on this score suffers from provisional and legal infirmity and hence is neither tenable nor sustainable on the face of the facts and circumstances of the case vis-à-vis the provisional backing. Hence, I do not find any ground to interfere with the stand taken by the CPIO in the instant case as regard Point No.5-8


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 suitable information pertaining to Point No.1-4 of the application within 15(Fifteen) days from the date of receipt of this order. While I uphold the stand taken by the CPIO pertaining to Point Nos.5-8 in the instant case.
- (2) The appeal is disposed of in above terms.

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.


10/04/2019

(Chetan Lama)

1st Appellate Authority

&

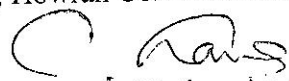
Addl. Commissioner of Central Tax

Howrah CGST Commissionerate

F.No.IV(16)16/RTI/Appeal/CGST/HWH/SM/2018-19/570-71A Dated: 10/04/2019

Copy for information to:

- (1) Shri Sanjay Mandal, 2/22, Debayan Road, Agarpara, Kolkata-700109
- (2) The CPIO & Assistant Commissioner, CGST & C.Ex., Howrah Commissionerate, Kolkata.


10/04/2019

(Chetan Lama)

1st Appellate Authority

&

Addl. Commissioner of Central Tax

Howrah CGST Commissionerate

O/c