

MOST URGENT
RTI MATTER

Supat. (CGST)



GOVERNMENT OF INDIA
OFFICE OF THE PRINCIPAL COMMISSIONER OF CGST & CENTRAL TAX:
KOLKATA- NORTH COMMISSIONERATE, CGST BHAWAN:
1ST FLOOR: 180, SHANTIPALLY, RAJDANGA MAIN ROAD, E.M BYPASS KOLKATA-700107

C. No. V(30)109/RTI/HQ/CGST & CX/Kol-North/2020/
To

Dated: -

Shri Amit Kumar Nandi,
C/o. Dilip Kumar Sil,
96, Tarak Pramanik Road,
Kolkata-700006.



Sir/Madam,

Sub: Information under the RTI Act, 2005 — Regarding.

Please refer to your RTI application dt. 13.10.2020 received by this Commissionerate on 15.10.2020. Subsequently the said RTI application was registered at this office vide Registration No. 57/RTI/Kol-North/2020-21 dt. 16.10.2020.

The desired information as received from the Assistant Commissioner (HQ-Pool), CGST & CX, Kolkata North Commissionerate on 10.11.2020 under C.No. V(30)1/Misc/RTI/HQ/Kol-North/2017/20476 dt. 10.11.2020 is enclosed herein.

If you are aggrieved or dissatisfied with the above information, you may prefer an appeal within 30 (thirty) days of receipt of the information before the 1st Appellate Authority namely Sri B.S.Meena, Joint Commissioner, CGST & CX, Kolkata-North Commissionerate, O/o The Principal Commissioner of CGST & CE, Room No. 107, Kendriya Utpad Shulk Bhawan, 180, Shantipally, Rajdanga Main Road, Kolkata-700107.

Encl- 01(one) Sheet.

Yours faithfully,

SAR

(U.S.SAHA)
CPIO & Assistant Commissioner
RTI, HQ
CGST: Kol-North Comm'te.

Dated :

C. No. As above/ IRM20459
Copy forwarded for information to: -

Copy forwarded for information to: -

- ✓ 1. The Assistnat Commissioner (Systems), Computer Cell, CGST & CX, Kolkata North Commissionerate with a request to upload the RTI application submitted by Shri Amit Kumar Nandi, dt. 13.10.2020, along with the desired information as mentioned above (enclosed four sheets).

11 NOV 2020

U.S.Saha
(U.S.SAHA) 11/11/2020

CPIO & Assistant Commissioner
RTI, HQ
CGST: Kol-North Comm'te.

23/10/20
15/10/20

U/S 6(1) OF RIGHT TO INFORMATION ACT, 2005
FOR SEEKING INFORMATION



Supdt. (R.S.)

To,
The Assistant Commissioner & CPIO,
Kolkata North Commissionerate,
180, Shanti Pally, Rajdanga Main Road,
GST Bhawan, Kolkata - 700107.

PART - I

1. Name of the applicant : Amit Kumar Nandi / do, Dilip Kumar Sii.
2. Present address : 96, Tarak Pramanik Road, Kolkata,
Pin Code - 700006
3. Telephone number : 7278702199
4. E-mail : amit.motibagan@gmail.com
5. Residential status : Resident
6. Designation & Division : N.A.
(If IASRI employee)

Shri S. Nandi, IASRI
15.10.20

PART - II

(i) Specify the particulars of the information sought (a separate sheet may be attached, if necessary)

as per separate sheet marked Annexure 'A'

- (ii) Whether the information sought for is required to be supplied :
- (a) in printed form : Yes
 - (b) in diskette or floppy : N.A
- (iii) Whether inspection of records also sought : No
- (iv) Period for which information asked for : From 30.06.2020 onwards
- (v) Whether application fee of Rs. 10/- (Rupees Ten only) paid and, if so, please specify mode of payment
- (a) Please give details of the demand draft/Banker's cheque/iPO enclosed : **23F 171626 dated 13/10/2020**

Rs. 10/-

(b) In case of cash payment, please enclose original receipt : N.A

(No fee is required to be paid if the requester belongs to 'below poverty line' category for which proof should be furnished).

8. Mode of delivery expected (ordinary post, speed post, by courier, by hand, through internet or e-mail, by fax etc.) . Additional fee maybe charged to cover the cost of delivery by Speed Post .

9. The information can be furnished within 30 days as prescribed under section 6 (1) / the information sought for concerns my life and liberty, therefore the information may be furnished to me within 48 hours (Please delete the inapplicable portion) .

DECLARATION OF THE APPLICANT

10. (i) I am bona fide citizen of India and owe allegiance to the sovereignty, unity and integrity of India and have not voluntarily acquired the citizenship of another country .

(ii) The information given by me in this form is true and I am solely responsible for its accuracy .

Place : Kolkata

Date : 13/10/2020

Amit Kumar Nandi,

(Signature of the applicant)

Enclosure :

1. Annexure 'A'

2. _____

3. _____

Annexure – 'A'

I seek information about rejection of existing Agreement made between the Commissioner of CGST & Central Excise Kolkata North Commissionerate for and on behalf of President of India and M/s. Dwija Estate Agent of Kanakshali – Shyambabur Ghat , Pin – 712101 dated 30/06/2020 which is renewed from time to time and on the basis of which 40 unskilled labours have been working for last 8 years .

Whether the existing Agreement for renewal service to departments can be rejected in the midst of the period of contract during this pandemic situation under Rule 149 of General Financial Rules 2005 or it is mandatory to renew the existing Agreement through GEM by way of inviting new Tender , If no ; please advise who has misinterpreted Rule 149 of GFR and intended to invite new Tender through GEM for renewal of existing Agreement of service .



भारत सरकार / GOVERNMENT OF INDIA
 प्रधान आयुक्त का कार्यालय / OFFICE OF THE PRINCIPAL COMMISSIONER
 केन्द्रीय वस्तु एवं सेवा कर, कोलकाता उत्तर
 CENTRAL GOODS SERVICE TAX AND CENTRAL EXCISE, KOLKATA NORTH
 वस्तु एवं सेवा कर भवन (दूसरा तल) 130, शान्तिपल्ली, आर.बी. कनेक्टर, कोलकाता - 700107
 GST Bhawan (2nd Floor), 130 Shantipally, R. B. Connector, Kolkata - 700107
 Phone No. 033-2441-3308; Fax No. 033-2441-6865

C. No. V(30)1/Misc/RTI/HQ/KOL-NORTH/2017/

20476

Dated: 10.11.2020

To,
 The CPIO & Assistant Commissioner,
 HQ. RTI Cell,
 CGST & CX,
 Kolkata-North Commissionerate

10 NOV 2020
 Sh. S. Sahu, Prop.
 10/11/20

Subject:- RTI application dt. 13.10.2020 filed by Shri Anit Kumar Nandi, Kolkata- 700006, transfer under Sec. 5(4) of RTI Act, 2005 - reg.

Please refer to your letter under C.No. V(30)109/RTI/HQ/CGST & CX/Kol North/2020/19284 dt. 16.10.2020 on the captioned subject.

In terms of the definition of 'INFORMATION' under Section 2(f) of Right to Information Act, 2005 "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 petitioner's right extends only to seeking information as defined under section 2(f) either by pinpointing the file, document, paper or records, etc., or by mentioning the type of information as may be available with the specified public authority

Being a Central Government Organization, whatsoever decision has been taken by the authority was in strict conformity with the procedure laid down the statute read with NDMA 2005, there is bar on jurisdiction of courts (S 71) and there is no grievance redressal mechanism under DM Act. Having assumed the role of *sentinel on the qui vive* (State of Madras v. V G Row, 1952), it is obligatory on all the constitutional courts in the country to *suo motu* register PILs and closely monitor the implementation of DM Act, ensure rule of law and protection of human rights as guaranteed under the Constitution of India. Thus, the information as sought for by the applicant mentioned above does not fall under the category of 'INFORMATION' in terms of Section 2(f) of Right to Information Act, 2005, thus cannot be provided.

If you are not satisfied with the information above you may preferred appeal before the ADC, CGST & CEx., Kolkata North Commissionerate within 30 (Thirty) days from the date of receipt of the communication.

This is for your information and necessary action please.

S. S. Sahu
 10/11/2020
 Assistant Commissioner (Hq. Pool)
 CGST & CX, Kol-North Comm'te