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OFFICE OF THE PRINCIPAL CHIEF COMMISSIONER OF  
GST AND CENTRAL EXCISE  
TAMILNADU AND PUDUCHERRY ZONE

26/1, महात्मागांधीमार्ग, नुंगम्बाक्कम, चेन्नै-600 034  
26/1, Mahatma Gandhi Road, Nungambakkam, Chennai 600 034

सी सं /C.No.II/39/24/2021-CCA.RTI.APPEAL

दिनांक/Dated : 19/02/2021

**ORDER-IN-APPEAL NO. 04/2021-CCA-RTI(Appeals)**  
**(Order passed by B. Senthilvelavan I.R.S.,  
Additional Commissioner and First Appellate Authority)**

1. This Order-in-Appeal is issued under Sub-Section (1) of Section 19 of the Right to Information Act, 2005.
2. An appeal against this order can be preferred to the Central Information Commission, CIC Bhawan, Baba Gangnath Marg, Munirka, New Delhi – 110 067, 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>

**Shri A. Somasundaram**

129, CTH Road, Kochar Panchsheel, Block -1,  
Flat No. F-14, SIDCO Industrial Estate,  
Ambattur, Chennai – 600 098.

Versus

..... Appellant

The CPIO, Assistant Commissioner,  
Office of the Principal Chief Commissioner of GST & Central Excise, Chennai Zone,  
26/1, Mahatma Gandhi Road, Nungambakkam,  
Chennai – 600034.

..... Respondent



Sub : Right to Information Act, 2005 - Shri A. Somasundaram - Appeal against the information furnished by the CPIO, Assistant Commissioner, vide C.No.II/39/05/2021-CCA.RTI dated 01.02.2021 - Passing of Order by First Appellate Authority under RTI Act, 2005 - Reg.

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Shri A. Somasundaram, No. 129, CTH Road, Kochar Panchsheel, Block -1, Flat No. R-14, SIDCO Industrial Estate, Ambattur, Chennai - 600 098 (hereinafter referred to as "the appellant") filed an online appeal dated 03.02.2021 under the Right to Information Act, 2005 (hereinafter referred to as "the RTI Act") against the reply given by the Central Public Information Officer, Office of the Principal Chief Commissioner of Central Excise, Chennai Zone, vide C.No.II/39/05/2021-CCA.RTI dated 01.02.2021.

2.1 The brief facts of the issue are that the appellant in his online RTI application dated 11.01.2021 had sought the following information:

Updated policy on Composite Levy Scheme under GST in order to know who are eligible to avail the Composite Levy Scheme and who are not eligible to avail Composite Levy Scheme.

2.2 The CPIO vide letter C.No. II/39/05/2021-CCA.RTI dated 01.02.2021 furnished reply in respect of the query mentioned in the said RTI application.

3.1 Aggrieved by the reply furnished by CPIO, the appellant filed an online appeal dated 03.02.2021 before the First Appellate Authority under Section 19(1) of the RTI Act, 2005.

3.2 The appellant requested the First Appellate Authority to pass OIA to provide him information as per his RTI application.



**DISCUSSIONS & FINDINGS**

4. I have carefully gone through the RTI application, reply given by CPIO and appeal filed by the applicant.

5. The appellant vide RTI application dated 11.01.2021 has sought the updated policy on Composite Levy Scheme under GST in order to know who are eligible to avail the Composite Levy Scheme and who are not eligible to avail Composite Levy Scheme. The CPIO vide letter C.No. II/39/05/2021-CCA.RTI dated 01.02.2021 furnished reply stating that the information sought for is in the nature of seeking clarification/interpretation of GST Rate/Law which is beyond the scope of the RTI Act, 2005 and that the notifications/Act prescribing the Rates/Law are available in the public domain <https://www.cbic.gov.in/>.

6. As regards to the Appellant's contention that CPIO has not gone through the request properly and that the CPIO is trying to avoid giving required information by giving stereotyped reply, it is informed that the notifications/Act prescribing the Rates/Law are available in the public domain <https://www.cbic.gov.in/>.

In this regard, it is pertinent to mention here that the Hon'ble CIC in their order dated 02.05.2014 in case no. CIC/BS/A/2013/000794/5035 by relying upon the decision dated 01.06.2012 of the Hon'ble High Court of Delhi in W.P.(C) 11271/2009 (Registrar of Companies & Or vs. Dharmendra Kumar Garg & Ors) have observed that once an information is put on internet or is available in public domain, it cannot be said to be 'held' or under the control of the public authority and thus would cease to be an information accessible under the RTI Act. Hence, there is no justification in the grievance of the appellant.

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



**ORDER**

(i) I hold that the reply furnished by the CPIO is sufficient and proper and there is no justification in the grievance of the appellant on the same. Hence, I reject the appeal as not maintainable under Right to Information Act, 2005.



(B. SENTHILVELAVAN)

**ADDITIONAL COMMISSIONER  
FIRST APPELLATE AUTHORITY**

Copy to:

**Shri A. Somasundaram**  
129, CTH Road, Kochar Panchsheel, Block -1,  
Flat No. F-14, SIDCO Industrial Estate,  
Ambattur, Chennai - 600 098.

**[By Speedpost]**

Copy to:

The CPIO, Assistant Commissioner,  
Office of the Principal Chief Commissioner of Central Excise, Chennai Zone.