

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

26/1, महात्मा गांधी मार्ग, नुंगम्बाक्कम, चेन्नै-600 034
26/1, Mahatma Gandhi Road, Nungambakkam, Chennai 600 034

सी.सं. /C.NO. II/39/308/2019-CCA.RTI

दिनांक / Dated: 05.03.2020

To

✓ **Shri Sundeep Kumar**

F-2, Asvini Atrium, No. 5/7,
Valluvar Salai, Ramapura,
Chennai – 600 089.

Gentleman,

Sub: Information under Right to Information Act, 2005-Reg.

Please refer to your RTI Appeal bearing Registration No. CEXCH/A/E/20/00004 dated 01.03.2020 filed online under RTI Act, 2005. Please also refer to this office reply letter of even no. dated 25.02.2020 in reply to your RTI application dated 24.02.2020 wherein it was informed that the desired information is not available with this Office as the tax payer mentioned (GSTN 33AADCT2160J1ZJ) in your application is being administered by the State Authority and that the respective State jurisdictional authority may be approached.

As regards your contention that CPIO should have transferred the RTI application w.r. t. Point No. 1 to 5 to relevant department and not have ordered you to seek information from different department, please refer to Para 3 (iv) of Ministry of Personnel, Public Grievances & Pensions, Government of India, DoPT Office Memorandum No. 10/2/2008-IR dated 12.06.2008 (copy enclosed) wherein it has been clarified that if a person makes an application to a public authority for some information which is the concern of a public authority under any State Government or the Union Territory Administration, the Central Public Information Officer (CPIO) of the public authority receiving the application should inform the applicant that the information may be had from the concerned State Government/UT Administration. Moreover, the instructions on the home page of the RTI portal clearly indicate that "Please do not file RTI applications through this portal for the public authorities under the State Governments, including Government of NCT Delhi. If filed, the application would be returned, without refund of amount". Application, in such a case, **need not be transferred to the State Government/UT Administration.**

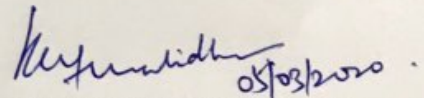
The above mentioned Office Memorandum also states at Para 2 that "sub-section (1) & sub-section (3) of Section 6 of RTI Act, 2005 requires an information seeker to address the application to the PIO of the 'concerned authority'. However, there may be cases in which a person of ordinary prudence may believe that the piece of information sought by him/her would be available with the public authority to which he/she addressed the application, but is actually held by some other public authority. In such cases, the applicant makes a bonafide mistake of addressing the application to the PIO of a wrong public authority. On the other hand where an applicant addresses the application to the PIO of a public authority, which to a person of ordinary prudence, would not appear to be the concern of that public authority, the applicant does not fulfill his responsibility of addressing the application to the 'concerned public authority'.

In view of the above, w.r.t. Point No. 1 to 5 in the RTI application, it is clear that the tax payer (GSTN 33AADCT2160J1ZJ) mentioned is registered with State Authorities and that you have been informed vide this Office letter of even no. dated 25.02.2020 to approach the State Authorities in this regard. Despite this, you have approached this office. It is once again re-iterated that you may approach the respective State jurisdictional authority for the information w.r.t. Point No. 1 to 5 in the RTI application.

As regards your contention that CPIO had denied information w.r.t. Point No. 6 in the RTI application, please refer to this office letter of even no. dated 26.02.2020 in reply to your RTI application (wherein the same query i.e. the no. of Establishments in Chennai who are still continuing business post GST Cancellation was raised in Point No. 3) dated 26.11.2019 filed under RTI Act, 2005 received in this office on 24.02.2020 vide Directorate General of GST Intelligence letter F.No.425/CE/90/RTI/2019 dated 19.02.2020 wherein the RTI application was transferred to all the Executive Commissionerates coming under the Cadre Controlling Authority, Chennai for providing information directly to you.

भवदीय / Yours Faithfully,

Encl : as above.



(K. V. MURALIDHER)

ASSISTANT COMMISSIONER

Nodal Officer