

		<p>दूरभाष /Telephone:044-28331011 फैक्स /Fax :044-28331113</p>
<p align="center">OFFICE OF THE PRINCIPAL CHIEF COMMISSIONER OF GST AND CENTRAL EXCISE TAMILNADU AND PUDUCHERRY ZONE 26/1, महात्मा गांधी मार्ग, नुंगम्बक्कम, चेन्नै-600 034 26/1, Mahatma Gandhi Road, Nungambakkam, Chennai 600 034</p>		
<p>फ़ा सं /C.No.II/39/94/2020-CCA.RTI.APPEAL</p>		<p>दिनांक/Dated : 01/10/2020</p>

**ORDER-IN-APPEAL NO.10/2020-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 Asokaraj S
Plot No. 11, 4th Cross Street,
Anjal Nagar,
Madurai - 18.

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 Asokaraj S – Appeal against the information furnished by the CPIO, Assistant Commissioner, vide C.No.II/39/80/2020-CCA.RTI dated 16.09.2020 – Passing of Order by First Appellate Authority under RTI Act, 2005 – Reg.

Shri Asokaraj S, Plot No. 11, 4th Cross Street, Anjal Nagar, Madurai - 18 (hereinafter referred to as “the appellant”) filed an online appeal dated 19.09.2020 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/39/80/2020-CCA.RTI dated 16.09.2020.

2.1 The brief facts of the issue are that the appellant in his online RTI application dated 30.08.2020 had sought the following information :

1. Whether the Schedule attached to Part II to CCS (CCA), 1965 or CBEC'S letter F.No. 11013/04/2002 Ad.IV dated 16.01.2003 is binding on the Chief Commissioner?
 2. Whether the said Schedule was drawn based on CBEC's letter designating a particular officer as appointing authority?
 3. Whether the Commissioners of this Zone are not required to follow the Board's letter dated 16.02.2003?
 4. Provide the names of the officers appointed by the Commissioners of this Zone.
 5. Whether the Commissioners of this Zone are having the power to appoint an employee?
- 2.2 The CPIO vide letter C.No. II/39/80/2020-CCA.RTI dated 16.09.2020 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 19.09.2020 before the First Appellate Authority under Section 19(1) of the RTI Act, 2005 and stated that he was provided with incomplete, misleading or false information.

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 30.08.2020 has sought the above mentioned information. The CPIO vide letter C.No. II/39/80/2020-CCA.RTI dated 16.09.2020 informed the appellant that with regard to Point No. 1, 2, 3 & 5, the queries raised are interrogative and hypothetical in nature and that the same do not fall under the purview of the term 'information' as defined in RTI Act, 2005. With regard to Point No. 4, the appellant was informed that the information sought for is ambiguous and lacks clarity and hence this office is unable to provide the information requested by the appellant.

6. With regards to the appellant's contention that CPIO had provided incomplete, misleading or false information and that the CPIO did not want to give the information requested w.r.t. Point No. 4, it is informed that the query raised in Point No. 4 is ambiguous and lacks clarity as it does not specify exactly the time frame within which the details of officers appointed by this Zone is sought. Moreover, the details of offer of appointment issued by the Cadre Control Authority, Chennai Zone is available in the official website. <http://centralexcisechennai.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. Therefore, in this regard, it is informed that 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 information 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.



**ADDITIONAL COMMISSIONER
FIRST APPELLATE AUTHORITY**

Shri Asokaraj S
Plot No. 11, 4th Cross Street,
Anjal Nagar,
Madurai - 18.

[By Speedpostwith A/D]

Copy to:

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