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OFFICE OF THE PRINCIPAL CHIEF COMMISSIONER OF GST AND CENTRAL EXCISE TAMILNADU AND PUDUCHERRY ZONE 26/1, महात्मा गान्धी मार्ग, नुंगम्बक्कम, चेन्नै-600 034 26/1, Mahatma Gandhi Road, Nungambakkam, Chennai 600 034		

क्र.सं./C.No.II/39/95/2020-CCA.RTI.APPEAL

दिनांक/Dated : 15/10/2020

ORDER-IN-APPEAL NO.11/2020-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 S Jeyakumar

D2, Vishal Jagadish Apartments,
 Second Floor, V., Madurai,
 Tamilnadu – 625 002.

..... Appellant
 Versus

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 S Jeyakumar – Appeal against the action taken by the CPIO, Assistant Commissioner vide in file No. C.No.II/39/62/2020-CCA.RTI on 24.08.2020 – Passing of Order by First Appellate Authority under RTI Act, 2005 – Reg.

Shri S Jeyakumar, D2, Vishal Jagadish Apartments, Second Floor, V., Madurai, Tamilnadu – 625 002 (hereinafter referred to as “the appellant”) filed an online appeal dated 20.09.2020 under the Right to Information Act, 2005 (hereinafter referred to as “the RTI Act”) against the action taken by the Central Public Information Officer, Office

of the Principal Chief Commissioner of Central Excise, Chennai Zone in file No. C.No.II/39/62/2020-CCA.RTI on 24.08.2020.

2.1 The brief facts of the issue are that the appellant in his online RTI application dated 20.08.2020 had sought the following information :

1. The present state of the complaint against the applicant preferred by Mr. M. Balasubramanian, Director, M/s. Engineers Estates (Madras) Pvt. Limited, Madurai-20.
2. Copy of the complaint.

2.2 The CPIO in file No. C.No.II/39/62/2020-CCA.RTI dated 24.08.2020 transferred the RTI application to Chennai South Commissionerate in respect of the query mentioned in the said RTI application.

3.1 Aggrieved by the action taken by CPIO in transferring the RTI application to Chennai South Commissionerate, the appellant filed an online appeal dated 20.09.2020 before the First Appellate Authority under Section 19(1) of the RTI Act, 2005 and stated that the application should have been transferred to the Commissioner of Central Excise, Madurai instead of Chennai South Commissionerate.

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 20.08.2020 has sought the above mentioned information. The CPIO in file No. C.No.II/39/62/2020-CCA.RTI dated 24.08.2020 informed the appellant that the desired information is not available with this office and that the same may be available with Chennai South Commissionerate coming under the jurisdiction of CCA, Chennai. Hence, the RTI application was forwarded to the CPIO of Chennai South Commissionerate coming under the jurisdiction of CCA, Chennai, **under Section 6(3)** of the Right to Information Act, 2005, for furnishing the information directly to the appellant.

6. With regards to the appellant's contention that the complaint against the applicant by Mr. M. Balasubramanian was preferred before the Commissioner of Central Excise, Madurai whereas the reply has been given as Nil by the CPIO, Chennai South Commissionerate who was not the proper authority to furnish the information sought, it is informed that the appellant himself had mentioned in the RTI application

that the case records were transferred to Chennai for further investigation and collection of service tax due to the government, as the assessee obtained Centralised Registration for their Head Office, Chennai. Also, the appellant himself had mentioned in the RTI application that CPIO, Chennai South Commissionerate vide letter C.No.IV/16/29/2020-Tech-RTI dated 07.08.2020 has informed that no service tax amount had been realized due to the government from the assessee even after the lapse of 5 years (period of limitation). Hence, the RTI application was transferred to the CPIO, Chennai South Commissionerate for furnishing the information directly to the appellant as the appellant himself had mentioned in the RTI application that the case records were transferred to Chennai for further investigation.

In this regard, it is also observed that the appellant was aware that the RTI application pertains to Madurai Commissionerate coming under the jurisdiction of CCA, Chennai and not with this office. So, the appellant should have filed the RTI application before the appropriate authority i.e. before Madurai Commissionerate coming under the jurisdiction of CCA, Chennai and not with this office. Despite knowing this, the appellant has filed the RTI application with this office. Therefore, in this regard, it is informed that there is no justification in the grievance of the appellant that the RTI application should have been transferred to Madurai Commissionerate coming under the jurisdiction of CCA, Chennai. However, I direct CPIO to forward the copy of the RTI application dated 20.08.2020 to Madurai Commissionerate for furnishing the information directly to 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. However, I direct CPIO to forward the copy of the RTI application dated 20.08.2020 to Madurai Commissionerate for furnishing the information directly to the appellant.


B. SENTHILVELAVAN
ADDITIONAL COMMISSIONER
FIRST APPELLATE AUTHORITY

Shri S Jeyakumar
D2, Vishal Jagadish Apartments,
Second Floor, V., Madurai,
Tamilnadu – 625 002.

[By Speedpost]

Copy to:

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