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<b>OFFICE OF THE PRINCIPAL CHIEF COMMISSIONER OF GST AND CENTRAL EXCISE TAMILNADU AND PUDUCHERRY ZONE</b> 26/1,महात्मागांधीमार्ग, नुंगम्बाक्कम, चेन्नै-600 034 26/1, Mahatma Gandhi Road, Nungambakkam, Chennai 600 034		

ORDER-IN-APPEAL NO. 02/2022-CCA-RTI(Appeals)

(Order passed by T.G. Venkatesh 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, Baba Gang Nath 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 Prashant  
Chamber No. H 2, Gurgaon Court,  
Old Railway Road,  
Gurugram,  
Haryana - 122001.

..... 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 Prashant – Appeal against the information furnished by the CPIO, Assistant Commissioner, vide C.No. GCCO/RTI/APP/956/2021-CCAESTT-O/o Pr CC-CGST-ZONE-CHENNAI I/497936/2021 6 1975664/2021/CCAESTT-O/o Pr CC-CGST-ZONE-CHENNAI dated 14.12.2021 – Passing of Order by First Appellate Authority under RTI Act, 2005 – Reg.

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Shri Prashant Chamber No. H 2, Gurgaon Court, Old Railway Road, Gurugram, Haryana – 122001 (hereinafter referred to as “the appellant”) filed an appeal bearing Registration No. CEXCH/A/E/21/00029 dated 19.12.2021 online 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. GCCO/RTI/APP/956/2021-CCAESTT-O/o Pr CC-CGST-ZONE-CHENNAI 1975664/2021/CCAESTT-O/o Pr CC-CGST-ZONE-CHENNAI dated 14.12.2021.

2.1 The brief facts of the issue are that the appellant in his RTI application bearing Registration No. CEXCH/R/E/21/00135 dated 08.12.2021 had sought the following information:

- 1) Whether any officer (inspector/Superintendent) from CGST Chennai Zone has been deputed to the (DGoV) Directorate General of Vigilance , Indirect Taxes & customs, New Delhi from January 2015 onwards till date and has worked as both inspector and as Superintendent
- 2) If yes, please state the period of his/her deputation/loan basis in the Directorate General of Vigilance, New Delhi, Indirect Taxes & customs, New Delhi as Inspector and as Superintendent.

2.2 The CPIO vide letter C.No. GCCO/RTI/APP/956/2021-CCAESTT-O/o Pr CC-CGST-ZONE-CHENNAI 1975664/2021/CCAESTT-O/o Pr CC-CGST-ZONE-CHENNAI dated 14.12.2021 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 appeal dated 19.12.2021 before the First Appellate Authority under Section 19(1) of the RTI Act, 2005 stating that the information provided was incomplete, misleading or incomplete.

### **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 had sought information vide Point No. 1 regarding officers (Inspector/Superintendent) from CGST Chennai Zone who have been sent on deputation to the Directorate General of Vigilance, Indirect Taxes & Customs, New Delhi (DGoV) from January 2015 onwards till date and has worked as both Inspector and as Superintendent and also their period of deputation/loan at the Directorate General of Vigilance, New Delhi, Indirect Taxes & Customs, New Delhi as Inspector and as Superintendent. The details of officers who have worked in Directorate General of Vigilance, Indirect Taxes & Customs, New Delhi both as Inspector and Superintendent and their period of Deputation at Directorate General of Vigilance was o provided to the Appellant by CPIO.

6. From the Appeal filed by the Appellant it is observed that the appellant is asking for fresh information as to the number of Inspectors and Superintendents who have been posted in DG, Vigilance and its Zonal units from Chennai zone on deputation and on loan basis since 2014 and also the details of their posting tenure in DG, Vigilance and its Zonal units while the information originally sought for in the RTI Application is details of officers who have worked as both Inspector and as Superintendent and also their period of deputation/loan at the Directorate General of Vigilance, New Delhi, from January 2015 onwards. The process of appeal cannot be used to raise fresh issues before the appellate authority. I would like to rely on the decision of CIC in the case of Mr S.P.Goyal Vs Central Vigilance Commission ( CIC/SM/A/2011/001454/SG/15759 CIC/SM/A/2011/001454/SG/15759 dated 18.11.2011). The CIC while dismissing the appeal filed by the party has upheld the order of the First appellate Authority. The relevant portion is reproduced below:-

*As regards para 3(x) above, I find that the Appellant in his original RTI Application had not sought a copy of the report of IOB, which is a 'fresh issue' raised at the level of Appeal. The Appellant may 'note' that the process of Appeal cannot be used to raise 'fresh' issues before the appellate Authority and can only be used to Appeal against the CPIO's decision, taken on the basis of issues brought out by the Appellant in the original application, as already pointed out in para (4) above.*

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.

(T.G. VENKATESH)  
ADDITIONAL COMMISSIONER  
FIRST APPELLATE AUTHORITY

To  
Shri Prashant  
Chamber No. H 2, Gurgaon Court,  
Old Railway Road,  
Gurugram,  
Haryana - 122001.

[By Speed post with A/D]

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