

		<p>दूरभाष /Telephone:044-28331011 फेक्स /Fax :044-28331113</p>
<p align="center"><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</p>		

**ORDER-IN-APPEAL NO. 04/2022-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, CIC Bhawan, Baba GangnathMarg, 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 V.S. Patil Kulkarani  
No. 54, 9<sup>th</sup> Main, 21<sup>st</sup> Cross  
NS Palaya, BTM Second Stage  
Bangalore – 560076.

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 V.S. Patil Kulkarni – Appeal against the information furnished by the CPIO, Assistant Commissioner, vide File No. GCCO/II/39/OTH/152/2021-CCAESTT-O/o Pr CC-CGST-ZONE-CHENNAI dated 28.02.2022 – Passing of Order by First Appellate Authority under RTI Act, 2005 – Reg.

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Shri V.S. Patil Kulkarni, No. 54, 9<sup>th</sup> Main, 21<sup>st</sup> Cross, NS Palaya, BTM Second Stage Bangalore – 560076 (hereinafter referred to as “the appellant”) filed an appeal dated 03.02.2022 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 File No. GCCO/11/39/OTH/152/2021-CCAESTT- O/o Pr CC-CGST-ZONE-CHENNAI 1/669124/2022 dated 28.02.2022.

2.1 The brief facts of the issue are that the appellant in his online RTI application dated 28.02.2022 addressed to the Central Public Information Officer, Office of Principal Chief Commissioner, Central Tax, Bangalore had sought the following information:

1. Copy of evidences including copy of note sheet showing the receipt of the letter No. PR.CCA/CBIC/Expdr-Cooed/Misc (Forwarding/2021-22/146 dated 02.02.2022 of the Principal Chief Controller of Accounts, New Delhi.
2. Copy of evidences including note sheet showing the examination of above referred letter PR.CCA/CBIC/Expdr-Cooed/Misc (Forwarding/2021-22/146 dated 02.02.2022 of the Principal Chief Controller of Accounts, New Delhi
3. Copy of the reference made to the Principal Chief Controller of Accounts, New Delhi in response to the above mentioned letter.
4. If no reference has been made to the Principal Chief Controller of Accounts, New Delhi, reasons for same may be provided.
5. Copy of reply received from the DOPT in response to a reference made as per the directions of the Principal Chief Controller of Account, New Delhi.

2.2 The CPIO vide letter File No. GCCO/11/39/OTH/152/2021-CCAESTT-O/o Pr CC-CGST-ZONE-CHENNAI 1/66924/2022 dated 28.02.2022 informed the Appellant that the information sought for does not pertain to this office and that the appropriate office in Bangalore may be approached.

3.1 Aggrieved by the reply furnished by CPIO, the appellant filed an appeal dated 01.03.2022 before the First Appellate Authority under Section 19(1) of the RTI Act, 2005 and stated that CPIO has provided incomplete, misleading or false information.

## DISCUSSIONS & FINDINGS

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

5. The Appellant's RTI application bearing Registration No CEXCH/R/T/22/00019 dated 28.02.2022 had been addressed to Central Public Information Officer, Office of Principal Chief Commissioner, Central Tax, Bangalore. The Appellant has in his Appeal stated that he has sought information from the Central Public Information Officer, Bangalore only but the CBIC has wrongly forwarded it to the wrong authority. He further stated that as per Section 6(3) of the RTI Act, 2005, the Central Public Information Officer, Office of the Principal Chief Commissioner of GST & Central Excise, Chennai Zone should have transferred the RTI Application to Central Public Information Officer, Office of Principal Chief Commissioner, Central Tax, Bangalore within five days of receipt of the RTI Application.

6. 'Section 6(1) of the RTI Act, 2005 provides that a person who desires to obtain any information shall make a request to the public information officer (PIO) of the **concerned public authority**. Section 6(3) provides that where an application is made to a public authority requesting for any information which is held by another public authority or the subject matter of which is more closely connected with the functions of another public authority, the public authority to which such application is made, shall transfer the application to that other public authority. A careful reading of the provisions of sub-section (1) and sub-section(3) of Section 6, suggests that the Act requires an information seeker to address the application to the PIO of the 'concerned public 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 has addressed the application, but is actually held by some another 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'.**

6. In this instant case, the Appellant is fully aware that the information sought for is available only with Central Public Information Officer, Office of Principal Chief Commissioner, Central Tax, Bangalore and the RTI Application is also addressed to Central Public Information Officer, Bangalore but has chosen to file the RTI Application with Central Board of Indirect Taxes & Customs (CBIC) instead of filing it with Central Public Information Officer, Office of Principal Chief Commissioner, Central Tax, Bangalore and which in turn was wrongly transferred by CBIC to this office. Hence, the Applicants contention, that the RTI Application ought to have been transferred to Central Public Information Officer, Office of Principal Chief Commissioner, Central Tax, Bangalore under

Section 6(3) of the RTI Act, 2005 is not sustainable in this instant case. However, keeping in view of the fact that the Appellant is a Senior Citizen, I direct the Central Public Information Officer, Office of the Principal Chief Commissioner of GST & Central Excise, Chennai Zone to transfer the RTI Application to Central Public Information Officer, Office of Principal Chief Commissioner, Central Tax, Bangalore.

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

**ORDER**

(i) I direct the Central Public Information Officer, Office of the Principal Chief Commissioner of GST & Central Excise, Chennai Zone to transfer the RTI Application to Central Public Information Officer, Office of Principal Chief Commissioner, Central Tax, Bangalore within five days of receipt of this order.

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

Copy to:

Shri V.S. Patil Kulkarani  
No. 54, 9<sup>th</sup> Main, 21<sup>st</sup> Cross  
NS Palaya, BTM Second Stage  
Bangalore – 560076.

Copy to:

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