माल और सेवा कर एवं केन्द्रीय उत्पाद शुल्क प्रधान मुख्य आयुक्त कार्यालय
OFFICE OF THE PRINCIPAL CHIEF COMMISSIONER OF GST & CENTRAL EXCISE
केन्द्रीय माल और सेवा कर एवं केन्द्रीय उत्पाद शुल्क अंचल : तमिलनाडु एवं पुदुच्चेरी
CENTRAL GST & CENTRAL EXCISE ZONE : TAMILNADU & PUDUCHERRY
जी एस टी भवन, सं. 26/1, महात्मा गांधी रोड, चेन्नई - 600 034
GST BHAWAN, No. 26/1, MAHATHMA GANDHI ROAD, CHENNAI – 600 034
ई - मेल / E-mail: rti.prcco.chennai@gmail.com
दूरभाष / Ph. No.: 044-28331007 फैक्स / Fax No.: 044-28331015

आज़ादी का अमृत महोत्सव

GCCO/RTI/FAAA/4/2023-CCAESTT Dated 13.01.2023

ORDER-IN-APPEAL NO.02/2022-CCA-RTI(Appeals)
(Order passed by R.Gopalsamy 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

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Shri Asokaraj S
Plot No. 11, 4th Cross Street,
Anjal Nagar, Madurai,
Tamilnadu – 625 018.

..... 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 Asokaraj S – Appeal against the information furnished by the CPIO, Assistant Commissioner vide GCCO/RTI/APP/1310/2022-CCAESTT-O/o PrCC-CGST Zone-Chennai – Passing of Order by First Appellate Authority under RTI Act, 2005 – Reg.

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Shri Asokaraj S, Plot No. 11, 4th Cross Street, Anjal Nagar, Madurai, Tamilnadu – 625 018 (hereinafter referred to as "the appellant") filed an appeal CEXCH/A/E/22/00025 dated 13.12.2022 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 GCCO/RTI/APP/1198/2022-CCAESTT-O/o PrCCO-CGST Zone-Chennai dated 08.12.2022.

2.1 The brief facts of the issue in his RTI application dated 09.11.2022 against which the appellant prefers appeal are as follows

(i) To provide the list of Constituent members of review Committee under Rule 56 FR as required under CBEC chairman's letter

(ii) Copies of minutes of the review committee so constituted and convened from the year 2015 to 2020

(iii) To provide the list of Original Applications filed in the CAT in which Chief Commissisoner is marked as respondent.

(iv) To provide the list of dates on which reply/counter was filed. OA wise or if the reply/counter was not filed the reasons recorded for not filing the reply may be given

(v) To provide the date on which the OA No.26/2020 filed by S.Asokaraj in the CAT , Chennai was received by Chief Commissioner of Central Excise and GST, Chennai

(vi) To provide the date on which a counsel was appointed to counter the OA No.26/2020 filed by S.Asokaraj in the CAT, Chennai was received by Chief Commissioner of Central Excise and GST, Chennai

(vii) To provide the date on which a counter was filed to counter the OA No.26/2020 filed by S.Asokaraj in the CAT, Chennai was received by Chief Commissioner of Central Excise and GST, Chennai

(viii) To provide a copy of the counter filed for OA No.26/2020 in CAT, Chennai.

3. The CPIO vide letter GCCO/RTI/APP/1198/2022-CCAESTT O/o PRCCO CGST Zone Chennai dated 08.12.2022 furnished reply in respect of the queries mentioned in Para 2.1 above

(i) Gave the Constituent members of the review Committee

(ii) Denied to give the copy of the minutes of the review committee meeting under Rule 56(j) held between 2015 to 2022 as information sought by the applicant is a

third party information which is exempted under Section 8(1)(j) of RTI Act 2005.

(iii) Denied to give information in respect of point no (iii) and (iv) as the same pertains to information about third party, which is confidential in nature and the same is exempted to be disclosed by the Public Authority under Section 8(j) of RTI Act 2005 in as much as the same relates to personal information the disclosure of which has no relationship to any public activity or interest or which would cause unwarranted invasion of the privacy of the individual.

(iv) With respect to the information sought vide point no.(vi) to (viii) , CPIO have not furnished any reply

4. Aggrieved by the reply furnished by CPIO, the appellant filed an appeal dated 14.12.2022 before the First Appellate Authority under Section 19(1) of the RTI Act, 2005 and stated that CPIO had provided incomplete, misleading or false information.

DISCUSSIONS & FINDINGS

5. I have carefully gone through the RTI application, reply given by CPIO, the appeal filed by the appellant and the comments of CPIO.

1. I find that the reply in respect of Point No. 6 to 9 of the RTI has not been furnished by CPIO.

   Hence I direct the CPIO to furnish the information

2. I find that the applicant quoted the following with respect to Point No.1 of the RTI "*As per para 7 of DoP&T O.M. NO.25013/01/2013-Estt.A-IV dated 11.09.2015, Secretaries of the Cadre Controlling Authorities will constitute Review Committee consisting of two members at appropriate level. As per approval of competent Authority, the Review Committee in the case of various levels of employees will be as under:-*

Review Committee	*Chairman-PrCCA/CCA/Jt.CCA(Group'B')* *Two Members – to be co-opted by the Chairman(preferably one from administrative Ministry in the rank of DS and above)* *Final Orders will be passed by the appropriate authority*

The Constituent members of the Review Committee shall consist of 3 members whereas the Principal Chief Commissioner constituted a committee consisting of

two members. Whether the Principal Chief Commissioner is bigger or having more powers than the Ministry of Finance and it is known only to the Principal Chief Commissioner."

Whereas para 7 of O.M. NO.25013/01/2013-Estt.A-IV dated 11.09.2015 issued by DoP&T states as follows

"Many Changes in the nomenclature and in the areas of responsibility of various deparments/Ministries have taken place. In order to simplify and speed up the procedure of review, a need is felt to reconstitute the Review Committees. In partial Modification of the OM 25013/15/86-Estt (A) dted 27/06/1986, it has been decided that the Secretaries of the Cadre Controlling Authorities will constitute Review Committees consisting of two Members at appropriate level. The Review Committee

(B) In case of Group B (Gazetted) Officers: Additional Secretary/Joint Secretary Level - Officer will head the Review Committee."

In this regard a copy of the OM is enclosed herewith for reference of the appellant. However, I find that the appellant had quoted the text from OM NO.A-19015/Misc/2015/MF.CGA/Gr.B/FR56/175 dated 30.05.2016 issued by Controller General of Accounts. Hence I direct the CPIO to furnish OM/Instructions issued by CBEC/Department of Revenue.

3. With respect to Point No.2 and 3 the Appellant had in his RTI application dated 09.11.2022 sought copies of Minutes of the Review Committee Meeting from 2015-2020, However in his appeal dated 13.12.2022, he is referring to the Minutes of the Review Committee Meeting in which his case was reviewed. The CPIO had replied for the query raised in the RTI application. Hence I find that CPIO's reply does not warrant any interference.

4. With respect to Point No.4 and 5 of the RTI application, the appellant had sought for Copies of OAs filed in CAT ,in which Chief Commissioner of GST and Central Excise was marked as respondent and received by the Chief Commissioner of GST and Central Excise and the date on which the counter was filed and if not filed the reasons thereoff from 2015-2020

I find that the information sought is only a list and date, hence I direct the CPIO to furnish the information mentioning the OA Numbers and the date in respect of the OAs filed in CAT and received by Chief Commissioner for point No.4&5.

6. Further, I condemn the words and the tenor of the appellant which is derogatory and unparliamentary and is unbecoming of [redacted] an ex-Govt employee and not to be used in any official Communication.

7. I proceed to pass the following order.

ORDER

The appeal is disposed of as per the above findings.

13/01/2023

(R.GOPALSAMY)
ADDITIONAL COMMISSIONER
FIRST APPELLATE AUTHORITY

Copy to:

Shri Asokaraj S
Plot No. 11, 4th Cross Street,
Anjal Nagar, Madurai,
Tamilnadu – 625 018.

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

RECEIVED & DISPATCHED
16/1/23