

	<p>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.: 044-28331907 फेक्स / Fax No.: 044-28331015</p>	
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GCCO/RTI/FAAA/61/2022-CCAESTT-O/o Pr CC-CGST-ZONE

Dated : 21/11/2022

ORDER-IN-APPEAL NO. 18/2022-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>

Shri M.J.Sankar,
No.3/1, Thirumurthy Street,
T.Nagar, Chennai 17.

..... 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 M.J.Shankar – Appeal against the information furnished by the CPIO, Assistant Commissioner vide GCCO/II/39/OTH/152/2021-CCAESTT-O/o PrCC-CGST Zone-Chennai – Passing of Order by First Appellate Authority under RTI Act, 2005 – Reg.

Shri M.J.Shankar, NO.3/1, Thirumurthy Street, T.Nagar, Chennai 600017 (hereinafter referred to as “the appellant”) filed an appeal dated 21.10.2022 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/II/39/OTH/152/2021-CCAESTT O/o PrCCO-CGST Zone-Chennai dated 12.08.2022.

2.1 The brief facts of the issue are that the appellant in his RTI application dated 08.06.2022 had sought the following information:

1. No. of show cause Notices issued and appeals filed by North/South /Outer GST Commissionerate from 2015 to till date.
2. No. of Cases pending before North/South/Outer GST Commissionerate without Finalizing even after finalising Appeal orders in the matter of Service tax and GST from 2015 to till date.
3. The action taken report on appellant's representation dated 26.05.2022 from the file of Tr Shri.MM Parthiban, IRS Commissioner Chennai North Commissionerate.
4. The action taken report on appellant's representation dated 05.08.2022 from the file of Chief Commissioner's GST Bhawan and from the file of Tr.Vivek Jhori, IRS, Chairman-CBIC, Ministry of Finance, North Block, New Delhi

2.2 The CPIO vide letter GCCO/II/39/OTH/152/2021-CCA ESTT dated 12.08.2022 transferred the said RTI application to the CPIO of Chennai North, South, Outer, and Commissionerate in respect of Point No.1, 2 and 3 and Point No.4 to CPIO, Commissioner Appeals-II in respect of the action taken report in respect of Shri.Appellant's representation dated 05.08.2022 addressed to Shri.K.M.Ravichandran, Commissioner, where he is functioning as Commissioner.

3. Aggrieved by the reply furnished by CPIO, the appellant filed an appeal dated 21.10.2022 before the First Appellate Authority under Section 19(1) of the RTI Act, 2005 and stated that CPIO had provided incomplete, misleading information.

3.1 It was noted that under Section 19 (1) of the Right to Information Act, 2005, an aggrieved person may prefer the first appeal within thirty days from the receipt of the response from the CPIO of the concerned public authority.

3.2 In the instant case, the reply of CPIO to the RTI was dated 12.08.2022. The appellant therefore should have filed the first appeal on or before expiry of thirty days from the date of receipt of reply from CPIO. As noted above, the appellant has filed this first appeal on 21.10.2022 i.e. approximately one and half months after the last date permissible under the RTI Act.

3.3 In this appeal, the appellant has neither requested for condonation of delay nor made any submission regarding the reason for the delay. In the absence of any reason that prevented the appellant from filing the first appeal in time, it was considered this appeal as time barred and hence, liable to be dismissed.

3.4 Notwithstanding the above observation, I consider the appeal on merit. I have carefully considered the application, the responses and the grounds of Appeal and find that the matter can be decided based on the material available on record.

DISCUSSIONS & FINDINGS

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

The queries raised by the appellant in his Appeal application are that

4.1. He is unable to find the CPIO's signature in the reply and hence the veracity behind forwarding the RTI application for the query NO.3 is suspicious.

In this regard as could be seen from the reply of CPIO vide letter GCCO/II/39/OTH/152/2021-CCAESTT, the CPIO has digitally signed the letter (the digital signature has come in the left bottom of the letter) and rightly transferred to Chennai North Commissionerate in respect of point No.3, where Shri.M.M.Parthiban, Principal Commissioner is at present functioning, even though the letter addressed to Shri.M.M.Parthiban, Commissioner was not enclosed.

4.2. For the objection in respect of point No.4, I hold from the reply of the CPIO dated 12.08.2022 that the information provided is not complete in all aspects

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

ORDER

I allow the appeal with respect of point No.4 and hold that the information furnished by the CPIO is not sufficient. Hence I direct CPIO, PRCCO to give a sufficient information to point No.4 of the RTI application dated 08.06.2022 of the Appellant.



(R.GOPALSAMY)

**ADDITIONAL COMMISSIONER
FIRST APPELLATE AUTHORITY**

Copy to:

Shri M.J.Sankar,
No.3/1, Thirumurthy Street,
T.Nagar, Chennai 17.

Copy to:

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