



मुख्य आयुक्त केन्द्रिय जे.एस.टी. और केन्द्रिय उत्पाद शुल्क कार्यालय

OFFICE OF THE CHIEF COMMISSIONER

केन्द्रीय जीएसटी और केन्द्रीय उत्पाद शुल्क, वडोदरा जोन

CENTRAL GST AND CENTRAL EXCISE, VADODARA ZONE

द्वितीय तल, केन्द्रीय उत्पाद शुल्क भवन, रेसकोर्स सर्कल, वडोदरा-390007(गुजरात)

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Order-in-Appeal No. 6/2020 dated 18.08.2020

Name and Address of the Appellant	Adv. Anoopsingh Mohansingh Parihar 133, 'Divyam Apartment, Pandey Layout, Khamala, Nagpur 440025
Name of the First Appellate Authority	Shri Harkirpal Khatana, Joint Commissioner (CCO), Central GST & Central Excise Vadodara Zone, Vadodara
Reference	First Appeal filed against the reply/ information provided vide letter F.No. IV/16-64/CCO/RTI/2020 Dated 10.07.2020 by CPIO/ Assistant Commissioner, CCO, Central GST & Central Excise, Vadodara Zone, Vadodara.

Any person aggrieved by this Order-in-Appeal may file an appeal to Chief Information Commissioner, Central Information Commission, CIC Bhawan, Baba Gangnath Marg, Munirka, New Delhi - 110 067 within 90 days of receipt of this order.

(A) BRIEF FACTS OF THE CASE:-

Adv. Anoopsingh Mohansingh Parihar ,133, 'Divyam Apartment, Pandey Layout,Khamala, Nagpur 440025 , has filed an appeal dated 28.07.2020, against the reply given by CPIO/Assistant Commissioner (CCO), Vadodara Zone, vide letter F. No. IV/16-64/CCO/RTI/2020 dated 10.07.2020, in response to his RTI application dated 22.06.2020.

(B) GROUND OF APPEAL:-

The appellatant preferred the present appeal dated 28.07.2020, as he is not satisfied with the information supplied to him by the CPIO/Assistant Commissioner (CCO), Vadodara Zone, vide letter IV/16-64/CCO/RTI/2020 dated 10.07.2020, in response to his RTI application dated 22.06.2020.

The information required by the applicant vide the original RTI application, dated 22.06.2020, which was forwarded by Vadodara-I Commissionerate under Section 6(3) of the RTI Act, 2005 is as under:

- (A). Please provide the copy of the order directing/authorizing to file aforementioned appeal no. E/10548/2013 in CESTAT Ahmedabad against Devram Valji & Co. Piploi (Khambat) Dist Anand impugning the order No. 10-18/DEM/C.E.x/COMMR-1/BRC-/2012 dated 30.11.2012.
- (B). Please provide the copy of the notices of hearing issued by the CESTAT Ahmedabad in the aforementioned Appeal.
- (C). Please provide the details of the progress of the appeal listed before the CESTAT and present status of the appeal.
- (D). Please provide the copy of the orders passed from the CESTAT passed in the said appeal from time to time.
- (E). Please provide the copies of the relevant note sheets of the files dealing with matters point (A) to (D) above.

The CPIO vide letter no. IV/16-64/CCO/RTI/2020 dated 10.07.2020, replied to the applicant that ' the reply in respect of point No. A to E is not available in this office.'

It appears, the applicant is not satisfied with reply received in respect of point no. (A) to (E) of his application, as a result Present Appeal has been filed by him.

The present appeal is on the following grounds:-

Public Information Officer did not provide the information/documents as sought vide point no. (A) to (E) of the RTI Application dated 22-6-2020, on the ground that no information is available. It is surprising to note that no information is available in a case where appeal No. 10548/2013 has been filed in the CESTAT challenging the order No. 10-18/DEM/C.Ex/COMMR-1/BRC/2012 dated 30-11-2012, passed by CCE Vadodara-I, wherein duty to the tune of Rs; 1,88,29,326 (as on the date of passing the OIO dated 30-11-2012 is involved. If information in such a case where duty of about Rs. Two crore is involved as on dated 30-11-2012, is not available then how the report as regards the arrears of revenue is submitted periodically to the CBEC/MOF, by the office of the CCO. The information could have been obtained from the office(s) of the Commissioner and other subordinate office(s) and could have been provided to the appellatant.

(C) PRAYERS:-

The appellatant has submitted that 'the PIO may please be directed to provide complete information/documents as sought on the point no. 3(iii) (A) & ( E) of the RTI application free of cost ,as per the provision of the RTI Act.

(D) PERSONAL HEARING:-

Personal hearing was given to appellant for clarification of information sought, on 18.08.2020 at 12:00 Hours. He did not appear for the Hearing.

(E) DISCUSSION AND FINDINGS:-

I have referred to the appeal application dated 28.07.2020. I have also seen the original RTI application dated 22.06.2020 addressed to the CPIO, Vadodara-I. The said application was transferred by Vadodara-I Commissionerate under Section 6(3) of the RTI Act, 2005 to Chief Commissioner's office Vadodara Zone.

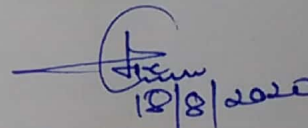
I have also referred to Hon'ble Supreme Court's decision in SLP(C) NO. 7526/2009 (CBSE & Anr. Vs. Aditya Bandopadhyay & Ors) where in had held that: "35. At this juncture, it is necessary to clear some misconceptions about the RTI Act. The RTI Act provides access to all information that is available and existing. This is clear from a combined reading of section 3 and the definitions of 'information' and 'right to information' under clauses (f) and (j) of section 2 of the Act. If a public authority has any information in the form of data or analysed data, or abstracts, or statistics, an applicant may access such information, subject to the exemptions in section 8 of the Act. But where the information sought is not a part of the record of a public authority, and where such information is not required to be maintained under any law or the rules or regulations of the public authority, the Act does not cast an obligation upon the public authority, to collect or collate such non-available information and then furnish it to an applicant."

I hold that, the view taken by the CPIO/Assistant Commissioner (CCO), Vadodara Zone is proper. As the information was not available with him, he has not supplied the same to the applicant.

Accordingly, I pass the following order.

ORDER

I find no reasons to interfere with the order dated 10.07.2020 passed by the CPIO.

  
18/8/2020

(Harkirpal Khatana)  
First Appellate Authority (RTI) &  
Joint Commissioner (CCO)  
Central GST & Central Excise  
Vadodara Zone

BY SPEED POST

F.No. IV/16-64/CCO/RTI/2020  
6492650

Vadodara, dated: 18.08.2020

To

Adv. Anoopsingh Mohansingh Parihar  
133, 'Divyam Apartment, Pandey Layout, Khamala, Nagpur 440025  
Copy BY SPEED POST to:-

1. The CPIO & Assistant Commissioner, CCO, Central GST & Central Excise, Vadodara Zone, Vadodara.
2. The Central Information Commissioner, CIC Bhawan, Baba Gangnath Marg Munirka, New Delhi - 110 067