



Dated- 02.12.2019

Order-in-Appeal No. 01//2019-20

M/s Quality Zinc Pvt. Ltd., Lane No.7, Phase-I, Samba (J&K)[hereinafter referred to as “the appellants”] have filed the instant appeal before the first appellate authority vide letter dated 07.11.2019 against the CPIO reply to their RTI application dated 16.08.2019/ 10.10.2019.

Brief Facts of the Case:-

1. The appellants vide their letter dated 01.10.2019 (mentioned as reminder to their letter dated 16.08.2019) submitted that they had short received Page Nos. 1 to 60 of the *OIO No. 04/ADC/CCE/J&K/QZPL/19-20 dated 09.08.2019, which contained page numbered from 1 to 71. Accordingly, the appellants had requested the CPIO, CGST Commissionerate, Jammu to supply the “Page No. 1 to 60 of the OIO No. 04/ADC/CCE/J&K/QZPL/19-20 dated 09.08.2019” under RTI Act, 2005.*

The CPIO, CGST Commissionerate, Jammu vide letter dated 10.10.2019 supplied the following information/ reply to the RTI Application dated 01.10.2019 as reproduced hereunder:-

“That OIO No -04/ADC/CCE/J&K/QZPL/19-20 issued under file no File No.ADJ2-ADJ0CE/112/2019-HQGST-JMU, consists of total of 11 pages only. The page number marked 61 to 71 on top right-side corner pertain to correspondence page numbers of the concerned file in e- office. As such, the OIO No-04/ADC/CCE/J&K/QZPL/19-20 consist of only 11(eleven) pages and no other page i.e. page 01 to 60, as mentioned in RTI application, is part of the OIO No -04/ADC/CCE/J&K/QZPL/19-20, rather they are the correspondence pages of the concerned file i.e. ADJ2-ADJ0CE/112/2019-HQ-GST-JMU. Copy of OIO No-04/ADC/CCE/ J&K/QZPL/19-20 is attached for ease of reference.”

2. In response to the above mentioned reply dated 10.10.2019 of the CPIO, the appellant sent a letter dated 11.10.2019, whereby in Para 2 it has been mentioned that- *“Our company requested for supply of documents Page No. 1-60 under File No. ADJ2-Adj0CE/112/2019-HQ-GST-JMU which contains reasons/ cause of department intention/ framing alleged show cause notice C.No. V(28)18/Hq/Adj/ADC/GST/J&K/Quality/2018-19/3077 dated 27.06.2018 and thereby passing ex-party alleged OIO No -04/ADC/CCE/J&K/QZPL/19-20 dated 09.08.2019 and the same still sub-judice under Revision Appeal to Principal Commissioner vide appeal dated 27.08.2019.”* They demanded Page No. 1 to 60 of File No. ADJ2-Adj0CE/112/2019-HQ-GST-JMU.

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3. The CPIO, vide his office letter dated 05.11.2019 intimated the appellants that their RTI application dated 01.10.2019 has already been disposed-off by supplying the requisite information/reply vide reply dated 10.10.2019. However, if they are not satisfied with the information/reply supplied to him, they may prefer an appeal under RTI Act, 2005 before the first appellate authority i.e. *Sh. C. L. Dogra, Additional Commissioner, CGST, Jammu-OB-32, Rail Head Complex, Jammu-180012.*

4. The appellants, have filed the instant appeal dated 07.11.2019 before me and have made the following appeal/submissions:-

"1. That, our company applied for short supplied documents under RTI which relates to department file no. ADJ-2/ADJ0CE112/2019-HQ-GST-JMU/7360 containing page number from 1-60 in connection with OIO.

2. That, our request under RTI Act is not cogitate till date and even adverse reply received on dated 10.10.2019 after the lapse of RTI request period and also refuse to supply the said information/ documents short supplied to us, is the cause of appeal to your good self.

3. That, our company requested quite clear that, if CPIO wants any additional amount to be charged from our company, our company ready to pay for that amount.

In pursuance of para no. 1-3 above, CPIO letter/ Order dated 10.10.2019 committed violations as under:-

1. That, violation of RTI Act 2005 for refusal to supply of demanded documents (Page number 1-60) under department file in respect to OIO no. 04/ADC/CCE/J&K/QZPL/19-20 dated 09.08.2019 which relates to our company information.

2. That, non supply of address of Appellate Authority under RTI in his letter/ Order dated 10.10.2019 which is mandatory.

In view of above our company again request to your good self to supply us short supplied documents i.e. page number 1-60 of file no. ADJ-2/ADJ0CE112/2019-HQ-GST-JMU/7360 at the earliest as demanded by us under RTI letter no. QZ/CE/LET/012/2019-2020 dated 16.08.2019.

Discussion and Findings:-

5. I find that the appellants have not requested for personal hearing, therefore, I proceed to decide the appeal after careful examination of all the facts and documents on records. I proceed to discuss their appeal point-wise.

6.

(i) Party's submission-

1. That, our company applied for short supplied documents under RTI which relates to department file no. ADJ-2/ADJ0CE112/2019-HQ-GST-JMU/7360 containing page number from 1-60 in connection with OIO.

2. That, our request under RTI Act is not cogitate till date and even adverse reply received on dated 10.10.2019 after the lapse of RTI request period and also refuse to supply the said information/ documents short supplied to us, is the cause of appeal to your good self.

3. That, our company requested quite clear that, if CPIO wants any additional amount to be charged from our company, our company ready to pay for that amount.

In pursuance of para no. 1-3 above, CPIO letter/ Order dated 10.10.2019 committed violations as under:-

1. That, violation of RTI Act 2005 for refusal to supply of demanded documents (Page number 1-60) under department file in respect to OIO no. 04/ADC/CCE/J&K/QZPL/19-20 dated 09.08.2019 which relates to our company information.

(ii) The appellants vide their letter dated 16.08.2019 addressed to the Additional Commissioner, O/o The Commissioner, CGST, Jammu had requested for supply of Page Nos. 1 to 60 of the OIO No. 04/ADC/CCE/J&K/QZPL/19-20 dated 09.08.2019 and also enclosed the requisite fee Rs.10/-. The same was forwarded to CPIO, CGST Commissionerate, Jammu who in turn forwarded it to the jurisdictional CPIO, Samba. The appellants vide their letter dated 01.10.2019, addressed to the Additional Commissioner/ CPIO, O/o The Commissioner, CGST, Jammu again requested to supply "Page No. 1 to 60 of the OIO No. 04/ADC/CCE/J&K/QZPL/19-20 dated 09.08.2019" under RTI Act, 2005. The CPIO, CGST Commissionerate, Jammu sent the reply as mentioned above along with the copy of the said OIO No. 04/ADC/CCE/ J&K/QZPL/19-20 dated 09.08.2019 which contains 11-Pages (numbered 61 to 71). Pages 1 to 60 not being part of the said OIO, were not supplied by the CPIO.

However, in their letter dated 11.10.2019, the appellants changed the wording of the request and they demanded "Page No. 1-60 under File No. ADJ2-Adj0CE/112/2019-HQ-GST-JMU". In reply to this letter the CPIO informed the appellants that their RTI application has been disposed off and if not satisfied with the reply, they may file appeal with the First Appellate Authority as mentioned therein.

Thus, from the above discussion, it appears that the RTI application of the appellants has rightly been disposed off by supplying all the pages of OIO No. 04/ADC/CCE/J&K/QZPL/19-20 dated 09.08.2019 i.e., 11-Pages (numbered 61 to 71) which was complete in all respect and no part or page of the said OIO has been suppressed or denied to the appellant.

7.

(i) Party's Submission-

2. That, non supply of address of Appellate Authority under RTI in his letter/ Order dated 10.10.2019 which is mandatory.

(ii) On the second point of appeal, I find that the CPIO has failed to supply the address of the appellate authority which is a mandatory requirement under RTI Act 2005. However, I also take note of the fact that the name and address of all the CPIOs and the First Appellate Authority have been displayed on the official website of CGST Commissionerate, Jammu and hence available on public domain. I also take note of the fact that the appellant is well versed with the use of internet as the letter dated 11.10.2019 was sent by them through email (ecoffice@nic.in).

Under the RTI Act 2005, the appellant may file appeal against the reply to his application. In case, the appellants were not satisfied with the reply of the CPIO, they ought to have demanded/ requested for address/ name/ details of First Appellate Authority in their letter

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dated 11.10.2019. However the appellants changed the context of their request under RTI Act 2005 from their original application dated 16.08.2019/ 01.10.2019.

8. Thus, after considering all the above facts on record and foregoing discussions and findings, I find that the CPIO has duly supplied the information as sought by the appellant in his first application dated 01.10.2019 and the information sought by the appellant vide his letter dated 11.10.2019 is different from what was earlier sought by him as such.

9. However, the appellants' letter dated 11.10.2019 may be treated as fresh application under RTI Act 2005 and the CPIO is directed to supply the page nos. 1 to 60 of file no. ADJ-2/ADJ0CE112/2019-HQ-GST-JMU/7360 after collecting requisite fee and also ensuring that the said information does not fall under the Section 8 of RTI Act 2005. The appeal is disposed off.

Please note that an appeal against this Order can be filed before the Central Information Commission, CIC Bhawan, Baba Gangnath Marg, Munirka, New Delhi - 110 067 Email : fdesk-cic@gov.in (or visit the website www.cic.gov.in for more information) as per the RTI Act, 2005.

(C.L.Dogra)
Additional Commissioner-cum-
First Appellate Authority
CGST Comm'te, Jammu

To

1. M/s Quality Zinc Pvt. Ltd., Lane No.7, Phase-I, IGC, Samba(J&K).
2. The CPIO, CGST Commissionerate, Jammu(J&K) for information and necessary compliance .

(C.L.Dogra)
Additional Commissioner-cum-
First Appellate Authority
CGST Comm'te, Jammu