

RTI APPEAL DETAILS (आरटीआई अपील विवरण)		
Appeal Registration Number (अपील पंजीकरण संख्या) :	GSTJP/A/E/23/00021	RTI Appeal Received Date (आरटीआई अपील प्राप्त की तिथि) : 10/05/2023
RTI Request Registration No. (आरटीआई अनुरोध पंजीकरण संख्या):	GSTJP/R/T/23/00070	RTI Request Registration Date (आरटीआई अनुरोध पंजीकरण की तारीख) : 03/04/2023
Name (नाम) :	Ajeet Kumar	Gender (लिंग) : Male
Address (पता) :	House No. 79, Siddhi Priya Township Near Pratap ITI, Roteda Road, Kota, Rajasthan.	
Pin code (पिन कोड) :	324002	
State (राज्य) :	Rajasthan	Country (देश) : India
Phone Number (फोन नंबर) :	Details not provided	Mobile Number (मोबाईल नंबर) : Details not provided
Email-ID (ईमेल-आईडी) :	ajeetkumar324002@gmail.com	
Status (स्थिति) :	Urban	Educational Status (शैक्षणिक स्थिति) :
Citizenship Status (नागरिकता) :	Indian	Is Appellant Bellow Poverty Line ? (क्या अपील करनेवाला गरीबी रेखा से नीचे का है?) : No
CPIO Approached (संपर्क सीपीआईओ) :	39087	Date of Receipt of CPIO's Order/Decision (सीपीआईओ के आदेश / निर्णय के रसीद की तारीख) : Details not provided
CPIO's Order/Decision No. (सीपीआईओ का आदेश / निर्णय संख्या) :	Details not provided	
Ground for Appeal (अपील का आधार) :	Any Other ground	
Text of RTI First Appeal (आरटीआई प्रथम अपील का पाठ) :	appeal against cpio reply attached for further necessary action.	

- Date of Receipt of RTI Application (GSTJP/R/T/23/00070): **03.04.2023**
- Date of Reply of RTI by CPIO, CCO Jaipur Zone: 25.04.2023 (22 days)

To,

The First Appellate Authority,

CCO, Jaipur Zone.

Sir/Madam,

**Sub: Appeal against RTI reply dated 25.04.2023 in GSTJP/R/T/23/00070 dated 03.04.2023 – regarding.**

The CPIO received this RTI application vide Registration No. GSTJP/R/T/23/00070 on being transferred from the original CPIO i.e., DGGST, Delhi.

The original CPIO had committed a grave error in transferring the RTI application (Reg. No. DGSTX/R/E/23/00101) vide a new RTI No. GSTJP/R/T/23/00070 dated **03.04.2023** to CPIO, CCO Jaipur Zone even though the information pertained to the original CPIO i.e., the DGGST, New Delhi. Transferring the RTI application wherein its absolutely apparent that the information pertains to the same CPIO raises serious doubts about the conduct of the CPIO, DGGST New Delhi.

However, since the RTI application has been transferred vide a new Registration No. GSTJP/R/T/23/00070, the RTI Portal is not allowing an appeal against the original RTI No. DGSTX/R/E/23/00101.

Whereas, the CPIO, CCO Jaipur Zone also committed a grave error in NOT TRANSFERRING THE RTI Application to the original CPIO i.e., DGGST, New Delhi which is in violation of Section 6(3) of the RTI Act, where an application is made to a public authority but the subject matter of the RTI application pertains to another public authority, **the CPIO of the public authority receiving the RTI application has to transfer the same to the public authority concerned within 5 days of receipt of the application.** In the present case, the then CPIO instead of transferring of application to the authority concerned merely stated **“Nil, as the information sought relates to DGGST and its zonal Units”** as the information sought for was not available in their office. The above-stated merely indicates the vacuous and lackadaisical approach towards matters relating to RTI. CIC in this order in Mallikarjun v. CPIO dated 21.10.2010 opined in a case of similar nature and by taking the very serious view of the lapse, stated that, **“Public information officers are entrusted with the responsibility of providing information to the citizen under the RTI Act and it is expected that the**

**CPIO on receipt of a request shall as expeditiously as possible provide the information sought for by the applicant.”**

In the instant case, it is pertinent to note that, the CPIO, CCO Jaipur has utterly failed to comply by the provisions of the RTI Act.

THEREFORE,

the FAA is requested to allow the appeal and direct the CPIO, CCO, Jaipur Zone to transfer the RTI Application in terms of Section 6(3) of the RTI Act to the concerned CPIO.

Sincerely,

Ajeet Kumar



OFFICE OF THE CHIEF COMMISSIONER  
वस्तु एवं सेवाकर एवं केन्द्रीय उत्पाद शुल्क (जयपुर परिक्षेत्र), जयपुर  
GOODS & SERVICE TAX & CENTRAL EXCISE (JAIPUR ZONE), JAIPUR  
NEW CENTRAL REVENUE BUILDING, STATUE CIRCLE, C-SCHEME, JAIPUR-302005

फा.सं. GCCO/RTV/FAAA/28/2023-LEGAL

1900

दिनांक: 06-06.2023

## अपील आदेश

यह आदेश सुश्री शशि पँवार, प्रथम अपीलीय अधिकारी एवं अपर आयुक्त, कार्यालय मुख्य आयुक्त केन्द्रीय उत्पाद शुल्क (जयपुर जोन), जयपुर, द्वारा (सूचना का अधिकार अधिनियम, 2005 के अन्तर्गत) पारित किया गया है :-

1. यह आदेश सूचना का अधिकार अधिनियम 2005 की धारा 19 के अंतर्गत जारी किया गया है और जिस व्यक्ति के लिए यह जारी किया गया है उसे उपयोग हेतु यह प्रति निःशुल्क प्रदान की जाती है।
2. इस आदेश के विरुद्ध अपील सूचना का अधिकार अधिनियम 2005 की धारा 19 (3) के अंतर्गत केन्द्रीय सूचना आयुक्त, नई दिल्ली के पास की जा सकती है जिसका कार्यालय केन्द्रीय सूचना आयोग, अगस्त क्रांति भवन, भीकाजी कामा पैलेस, नई दिल्ली - 110066 और ओल्ड जे.एन.यू. कैम्पस, नई दिल्ली - 110067 में है। यह अपील इस आदेश की प्राप्ति की तिथि से नब्बे दिनों के अन्दर दायर की जानी चाहिए।
3. अपील पर उस व्यक्ति के हस्ताक्षर होने चाहिए जिसके संदर्भ में यह आदेश जारी किया गया है। इस आदेश के विरुद्ध अपील के साथ इस आदेश की सत्यापित प्रति तथा अपीलकर्ता द्वारा की जानेवाली अपील के समर्थन में सभी दस्तावेज संलग्न किये जाने चाहिए। यह अपील उपरोक्त पैरा 2 में वर्णित अपीलीय प्राधिकारी के प्राधिकृत कार्यालय में व्यक्तिगत रूप से प्रस्तुत की जानी चाहिए या उक्त अपीलीय प्राधिकारी को रजिस्टर्ड पोस्ट द्वारा भेजी जानी चाहिए।

विषय:- श्री अजीत कुमार, मकान नं - 79, सिद्धि प्रिया टाउनशिप, प्रताप आईटीआई के पास, रोटेड़ा रोड, कोटा, राजस्थान - 324002 द्वारा सूचना के अधिकार अधिनियम, 2005 के अन्तर्गत दायर की गई अपील बाबत।

Sh. Ajeet Kumar, House No. 79, Siddhi Priya Township, Near Pratap ITI, Roteda Road, Kota, Rajasthan., Pin:324002 (herein after also referred to as “the appellant”) has filed RTI Appeal bearing Reg. No. GSTJP/A/E/23/00021 dated 10.05.2023, on being not satisfied with the reply provided to him through online RTI-MIS portal on 25.04.2023 by the CPIO, Office of the Chief Commissioner, CGST, JZ, Jaipur in response to his RTI application Reg. No. GSTJP/R/T/23/00070 dated 03.04.2023.

2. The appellant had sought information under the RTI Act, 2005 (herein after also referred as “the Act”) vide his above said RTI application dated 03.04.2023, received online through RTI portal as under-

*1. Please provide the disposition list of Group B and C officers of DGGST including its zonal units for the months of*

- i. Feb, 2018*
- ii. Jan, 2019*
- iii. Jan, 2020*
- iv. Jan, 2021*
- v. Jan, 2022*
- vi. Jan, 2023*
- vii. Feb, 2023*

*2. Please provide the name of officers in the grade of Additional Assistant Director/Superintendent appointed on deputation basis from 12.02.2018 to till date in Directorate General of Goods and Service Tax and also of its zonal units across India. Also provide their copy of appointment/joining orders.*

*3. Please provide the name of officers in the grade of Inspector appointed on deputation basis from 12.02.2018 to till date in Directorate General of GST and its zonal units. Also provide their copy of appointment/joining orders.*

*4. Please provide the name of officers in the grade of Executive Assistant/STA appointed on deputation basis from 12.02.2018 to till date in Directorate General of GST and its zonal units. Also provide their copy of appointment/joining orders.*

*5. Please provide the name of officers in the grade of Tax Assistant appointed on deputation basis from 12.02.2018 to till date in Directorate General of GST and its zonal units. Also provide their copy of appointment/joining orders.*

3. The above RTI application dated 03.04.2023 of the appellant was received online in the CGST & Central Excise, Jaipur Zone, Jaipur from Directorate General of Goods and Services Tax (DGGST) and was forwarded to the CPIO & Assistant Commissioner, Office of the Chief Commissioner, CGST & Central Excise (Jaipur Zone), Jaipur by the Nodal Officer. The reply was sent to the appellant by the CPIO through RTI portal on 25.04.2023 as under:-

**“Point 1 to 5:- Nil. As the information sought relates to DGGST & its Zonal units.”**

4. On being aggrieved, the appellant has filed this appeal dated 10.05.2023 mainly on the following grounds-

*“The original CPIO i.e., the DGGST, New Delhi. had committed a error in transferring the RTI application (Reg. No. DGSTX/R/E/23/00101) vide a new RTI No. GSTJP/R/T/23/00070 dated 03.04.2023 to CPIO, CCO Jaipur Zone even though the information pertained to the original CPIO i.e., the DGGST, New Delhi and the CPIO, CCO*

*Jaipur Zone also committed a error in not transferring the RTI Application under Section 6(3) of the RTI Act to the original CPIO i.e., DGGST, New Delhi.*

*Since the RTI application has been transferred vide a new Registration No. GSTJP/R/T/23/00070, the RTI Portal is not allowing an appeal against the original RTI No. DGSTX/R/E/23/00101, therefore the appellant has requested to allow the instant appeal and direct the CPIO, CCO, Jaipur Zone to transfer the RTI Application in terms of Section 6(3) of the RTI Act to the concerned CPIO."*

5. I have carefully gone through the original RTI application Reg. No. GSTJP/R/T/23/00070 dated 03.04.2023 which was received by the CPIO for supplying the information sought by the appellant and the impugned appeal dated 10.05.2023 filed by the appellant and all the other facts available on record.

6. Personal hearing was fixed for dated 16.05.2023 in the matter to provide natural justice to the appellant but the appellant did not appear for the hearing.

7. In order to analyse the issue & arrive at the factual position, comments on the appeal filed by the appellant were called for from the CPIO, Office of the Chief Commissioner, CGST, JZ, Jaipur and on going through the same, it is observed that CPIO in the comments vide letter GCCO/RTI/APP/671/2023-Legal dated 22.05.2023 has submitted as under:-

*"The appellant has filed the RTI application dated 03.04.2023, with the DGGST (Directorate General of Goods and Service Tax) on 03.04.2023 with reference number : GDSTX/R/E/23/00101. The DGGST transferred the said RTI application under Section 6(3) of the RTI Act, 2005 to this Zone on 03.04.2023. The information sought in all five points by the Appellant vide RTI application dated 03.04.2023 are related to DGGST (Directorate General of Goods and Service Tax) and its Zonal Units. Since the DGGST had already received the application being the original recipient of the RTI application, it was irrelevant to transfer again the same application back to them.*

*Further, the reply to the applicant has correctly been provided with respect to his RTI application as 'NIL' as the information sought in the RTI application dated 03.04.2023 is not available with this office and is related to DGGST (Directorate General of Goods and Service Tax) and its Zonal Units."*

8. I find that the appellant vide his RTI application dated 03.04.2023 has sought various information as mentioned in para 2 of this order. As the information sought by the Appellant vide RTI application dated 03.04.2023 in all five points are related to DGGST (Directorate General of Goods and Service Tax) and its Zonal Units and they are the original recipient of the RTI application. Thus, it was irrelevant to transfer back the same application to them, as they were already aware of the information sought in the RTI application.

Further, the appellant has cited CIC order in case of Mallikarjun vs CPIO dated 21 October, 2010 (Actual date of the order is 22 October, 2020), the same is not squarely applicable in the present case as the cited case is of Intra Departmental nature and RTI application was not received by the CPIO under section 6(3) of the RTI Act, 2005 from the public authority to whom the information sought is actually related and the same RTI was already available with the original recipient.

In view of the above discussion, the CPIO, Office of the Chief Commissioner, CGST & Central Excise (Jaipur Zone), Jaipur has rightly replied NIL as the information sought relates to DGGST & its Zonal units.

However, if the appellant is aggrieved with the reply of CPIO, DGGST, New Delhi he should have file Appeal in the matter directly to DGGST in offline mode, if it was not possible for him to file it online as claimed by the appellant.

9. I find that the appellant had requested to direct the CPIO, CCO, Jaipur Zone to transfer his RTI application in terms of Section 6(3) of the RTI Act to the concerned CPIO. In the forgoing paras it has been established that it was irrelevant to transfer back the same application to the original recipient as they were already aware of the information sought in the RTI application and 'Nil' reply was correctly given by the CPIO, CCO, Jaipur Zone as the information sought in the RTI application in all 5 points were related to the DGGST & its Zonal units. Therefore, in view of the above, it is not appropriate to give direction to the CPIO for transfer the RTI application at this juncture.


However, a copy of this order is being forwarded to the CPIO, DGGST, New Delhi for suitable action at their end.

10. In view of the above discussions, I fully agree with the decision of the CPIO.

Accordingly, I pass the following order in term of Section 19(6) of the RTI Act, 2005.

**ORDER**

The appeal is disposed of, as discussed above.

  
05/06/2023  
(Shashi Panwar)

**(Appellate Authority & Additional Commissioner)**

**Speed Post**

Sh. Ajeet Kumar,  
House No. 79, Siddhi Priya Township,  
Near Pratap ITI, Roteda Road, Kota,  
Rajasthan., Pin:324002.

Copy to:

1. The CPIO & Assistant Commissioner, CGST & Central Excise (Jaipur Zone) Jaipur for information.
2. The CPIO, DGGST (Directorate General of Goods and Service Tax), CBIC (Central Board of Indirect Taxes and Customs), 5TH FLOOR, MTNL (TELEPHONE EXCHANGE) BUILDING 8, BHIKAJI KAMA PLACE, NEW DELHI-110066 for information and suitable action.

(Shashi Panwar)

**(Appellate Authority & Additional Commissioner)**