



भारत सरकार

Govt. of India

वित्त मंत्रालय : राजस्व विभाग

Ministry of Finance : Deptt. of Revenue

कार्यालय प्रमुख आयुक्त, सीजीएसटी एवं केंद्रीय उत्पाद शुल्क, भोपाल

Office of the Principal Commissioner of CGST & Central Excise, Bhopal

35-सी, जीएसटी भवन, प्रशासनिक क्षेत्र, अरेरा हिल्स, भोपाल (म. प्र.) - 462011.

35-C, GST Bhawan, Administrative Area, Arera Hills, Bhopal (M.P.) - 462011

फाइल संख्या-IV(16)05/APPL/RTI/BPL/2019-20/4372-4373. भोपाल, दिनांक 17.09.2019

ORDER IN APPEAL NO 05/2019/APPL/RTI/BPL

(Passed by Shri Manoj Kumar, IRS, Appellate Authority/Joint Commissioner of CGST & Central Excise, Hqrs. Bhopal)

PREAMBLE

- I. This order is granted free of charge for the private use of the person to whom it is issued.
- II. This order is being passed under Section 19 on the basis of appeal filed under Section 19(1) of the Right to Information Act, 2005 (here-in-after referred as the 'Act').
- III. In case appellant is aggrieved by this order, he/she may file an appeal before the Chief Information Commissioner, 2nd Floor, B-Wing, August Kranti Bhawan, Bhikaji Kama Place, New Delhi-110066. The appeal shall be filed as per the Central Information Commission (Appellate Procedure) Rules, 2005.
 - a. यह आदेश उस व्यक्ति के निजी उपयोग के लिए निःशुल्क दिया जाता है जिसे इसे जारी किया जाता है।
 - b. यह आदेश सूचना के अधिकार अधिनियम, 2005 की धारा 19(1) के तहत दायर अपील के आधार पर धारा 1 के तहत पारित किया जा रहा है (यहां-बाद में 'अधिनियम' के रूप में संदर्भित किया गया है)।
 - c. अगर अपीलकर्ता इस आदेश से प्रभावित हो, तो वह मुख्य सूचना आयुक्त, दूसरी मंजिल, बी-विंग, अगस्त क्रांति भवन, भिकाजीकामा प्लेस, नईदिल्ली -110066 के सामने एक अपील दर्ज कर सकता है। अपील केंद्रीय सूचना आयोग (अपीलीय प्रक्रिया) नियम, 2005 के अनुसार दर्ज की जाएगी।

Brief Facts of the case:

Shri Kartik Singh Rajput of Shahpura Bhitoni, Distt- Jabalpur (here-in-after referred to as the 'appellant') filed an appeal dated 24.08.2019 before the Appellate Authority under RTI Act, 2005 against Order/C.No.GST/Div-III/RTI/01/2019-20/1661 dated 22.08.2019 passed by the CPIO/Assistant Commissioner, CGST & Central Excise, Division-III, Bhopal on RTI application dated 19.08.2019.

2. CPIO/Assistant Commissioner, CGST & Central Excise, Division-III, Bhopal had received the RTI Application dated 21.08.2019 in which the appellant had sought for the following information:

- i) Details of actions taken under sub-section 1 of section 122 of the GST Act in Madhya Pradesh detailing the firm-wise fines/penalty.
- ii) Details of proceedings and penalty/penalties taken by the Anti-Tax Aviation Beauru in Madhya Pradesh.

3. In response to above mentioned application dated 19.08.2019, CPIO/Assistant Commissioner, CGST & Central Excise, Division-III, Bhopal passed Order/reply dated 22.08.2019 under C.No. GST/Div-III/RTI/01/2019-20/1661.

4. Aggrieved by the said order passed by the CPIO/Assistant Commissioner CGST & Central Excise, Division-III, Bhopal, the appellant has preferred the instant appeal stating the following grounds of appeal:

Refused access to Information Requested

5. On being asked, the CPIO/Assistant Commissioner, CGST & Central Excise, Division-III, Bhopal has submitted comments on the appeal.

Record of Personal Hearing:

6. The applicant was given opportunity of personal hearing on 09.09.2019 in which the appellant was not present. Further, no comments have been received.

Discussion and Finding:

7. I have carefully examined the issue, gone through the facts of the case and the comments provided by the CPIO.

8. The appellant had filed RTI application which has been decided by order/letter dt.22.08.2019 under F.No. GST/Div-III/RTI/01/2019-20 by the CPIO/Assistant Commissioner, CGST & Central Excise Division III Bhopal as follows:-

बिन्दु क्र 1- निरंक

बिन्दु क्र 2- इस कार्यालय से सम्बंधित नहीं है

9. In this regard, I observed that the Information Commissioner in Appeal No.CIC/SB/A/2016/001025/CBECE-BJ has passed order dated 03.03.2017 which reads as follows:-

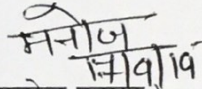
"At the outset the Commission observed that under the provisions of the RTI Act, 2005, only such information as is available and existing and held by the public authority or is under control of the public authority can be provided. The PIO is not supposed to create information that is not a part of the record. He is also not required to interpret information or furnish replies to hypothetical questions. Similarly, redressal of grievance, reasons for non compliance of rules/contesting the actions of the respondent public authority are outside the purview of the Act."

This order is relevant to the instant case as the CPIO has informed that the information is not available with him. Therefore the question of providing information to which the CPIO himself does not have access cannot arise at all.

10. In view of the above, I hold that the CPIO/ Assistant Commissioner, Division –III, Bhopal has passed the correct order.

ORDER

11. I hold that the order of CPIO needs no interference.
12. The appeal dated 24.08.2019 is accordingly disposed off.


(मनोज कुमार)

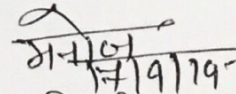
अपीलीय प्राधिकारी तथा संयुक्त आयुक्त

का/प्र

To,
Shri kartik Singh Rajpoot,
H.No. 61, Ward No. 11,
Shahpura Bhitoni,
Distt.- Jabalpur.

Copy to:

1. The CPIO/Assistant Commissioner, CGST & Central Excise, Division-III, Bhopal for information.


मनोज कुमार

अपीलीय प्राधिकारी तथा संयुक्त आयुक्त

का/प्र