

कार्यालय प्रधान आयुक्त
OFFICE OF THE PRINCIPAL COMMISSIONER
वस्तु एवम् सेवा कर आयुक्तालय
GST Commissionerate, Ludhiana
एफ ब्लॉक, ऋषि नगर, लुधियाना
F-Block, Rishi Nagar, Ludhiana



मि० सं०: IV(16)Hqrs/LDH/Tech/RTI Appeal/[REDACTED]/18-19/ दिनांक:- 05.05.2018

Order-in-Appeal No. : 01 /RTI/GST/Ldh/18

(An appeal against this order lies to the Central Information Commission, Block No. 5 (5th Floor), Old JNU Campus, New Delhi. This copy is issued to the individual for his/her personal use free of cost. The person feeling aggrieved with this order can file appeal to the Appellate Authority within 90 days of the receipt of this order)

Brief Facts:

Shri [REDACTED], C/o [REDACTED], [REDACTED] (hereinafter referred to as "the appellant"), vide his application dated 21.03.2018, addressed to the Central Public Information Officer, Goods & Service Tax Division, [REDACTED] (hereinafter referred to as "the CPIOs"), received in his office under the Right to Information Act, 2005 (hereinafter referred to as "the Act"), had desired certain information.

2. Grounds of Appeal:

2.1: That the CPIOs vide his letter C.No. IV(16)30/GST/RTI/Misc/[REDACTED]2017/334 dated 27.03.2018 and IV(16)30/RTI/Misc/Tech/[REDACTED]02/2017/90 dated 28.03.2018 respectively had provided point-wise reply.

2.2: The Appellant, being not satisfied, has filed an appeal dated 07.04.2018 (received on 09.04.2018) on the ground that CPIOs have not provided complete information in r/o his RTI application dated 21.03.2018.

3. Reply to the Notice by CPIO:

3.1: Notices vide even C.No.6447 and 6448 both dated 11.04.2018 were issued to the CPIO, GST Division-I & II, [REDACTED] to provide comments on the appeal filed by the Appellant. The CPIOs vide their letters C.No. IV(16)30/GST/RTI/[REDACTED]/2017 /548 & 554 both dated 19.04.2018 has replied to the notice point wise as under:-

Reply from CPIO, GST Bathinda-I & II

In this regard, it is intimated that the application dated 21.03.2018 of Sh.Vivek Jindal, Sunam, Sangrur was received in this office, the perusal of which revealed that the information sought by the applicant was mentioned at the application page itself, the details of which were mentioned in the separate page enclosed. The information sought on the application page and the details of information sought as mentioned in the page enclosed were slightly different. By reading both parts together, it was concluded that the applicant sought information on the following points:

- (i) Details of show cause notices that are issued to the private parties who received rent from various government agencies from 01.10.2007 to 31.03.2015 and 01.04.2015 to 30.06.2017;
- (ii) Details of Co-owner godowns, established under AOP, their name, monthly rent being received by them co-owner wise and Decision's copy taken by this office;
- (iii) Copy of Decision in respect of M/s Gurdev Kaur & Coowner and M/s Budhlada Co-owner located at Budhlada;
- (iv) Current status of all cases.

A. The information provided, point wise, by this office, vide letter even C.No.334 dated 27.03.2018, along with comments was as under:

(i) & (ii) "No information can be shared without the consent of the concerned godown owner. You can visit this office for noting down the same and information will be provided with the consent of the concerned godown owner."

Comments: (1) The said information has been provided in view of Section 8(1)(d) & 8(1)(j) of the RTI Act 2005, which are reproduced as under :

8.(1) Notwithstanding anything contained in this Act, there shall be no obligation to give any citizen,—

- (a)
- (b)
- (c)

(d) information including commercial confidence, trade secrets or intellectual property, the disclosure of which would harm the competitive position of a third party, unless the competent authority is satisfied that larger public interest warrants the disclosure of such information;

.....

(j) information which relates to personal information the disclosure of which has no relationship to any public activity or interest, or which would cause unwarranted invasion of the privacy of the individual unless the Central Public Information Officer or the State Public Information Officer or the appellate authority, as the case may be, is satisfied that the larger public interest justifies the disclosure of such information:

Provided that the information which cannot be denied to the Parliament or a State Legislature shall not be denied to any person.

The said information i.e. the details of SCN issued to the private parties, receiving rent from government agencies and copies of orders issued in coowner cases, if any, involves **commercial confidence, trade secrets or intellectual property, the disclosure of which would harm the competitive position of a third party.** Further the desired information also related to personal information *the disclosure of which has no relationship to any public activity or interest, or which would cause unwarranted invasion of the privacy of the individual.* Therefore the provisions of Section 8(1)(d) & 8(1)(j) were invocable in the instant case. The information protected under sub-clauses (d) and (j) of Section 8(1) of the RTI act are though protected informations, but on the discretion and satisfaction of the competent authority, that it would be in larger public interest to disclose such information, such information can be disclosed. **Therefore the applicant was requested to visit this office for noting down/ collecting the said information which would have been provided with the consent of the concerned godown owner. It is pertinent to mention here that the said information was not denied to the applicant.**

(iii) The information sought pertains to Central GST Division Barnala.

Comments: The jurisdiction of M/s Gurdev Kaur & Coowner and M/s Budhlada Coowner located at Budhlada falls under Central GST Division Barnala. As the information sought was directly linked with Central GST Division Barnala, hence the subject application was transferred under Rule 6(3) of the RTI Act 2005, vide this office letter even C.No.335 dated 27.03.2018, to Central GST Division Barnala for providing the said information to the applicant.

(iv) As explained at Sr.No.1 & 2 above.

Comments : No comment is warranted.

B. The perusal of the Appeal application dated 09.04.2018 filed by Sh.Vivek Jindal, Sunam, Sangrur under RTI Act 2005, copy of which is enclosed with the above referred Hqrs letter/Notice dated 11.04.2018, has revealed that the applicant has put forth the following two contentions (**only the relevant portion reproduced**) :

1. *They (this office) replied letter No.334 dated 27.03.2018 pretending as the information can't share without the consent of the godown owner. But this is not a personal information and not concern with National Security.*

Comments: Neither in the letter C. No.334 dated 27.03.2014, it was mentioned that the information sought by the applicant was denied under any of the provisions of RTI Act, 2005, nor the provisions of Section 8(1)(a) of the RTI Act 2005 (information affecting the National Security) were mentioned.

Further the contention of applicant that the information is not 'Personal' in nature does not hold good as the said information is clearly covered under the provisions of Section 8(1)(j) of the RTI Act 2005. It is pertinent to mention that the applicant was only requested to visit this office for noting down the said information which would have been provided with the consent of the concerned godown owner. **The information was never denied to the applicant.**

2. *I think the department sequestering the above information because they have undergone partiality with godown owners, so they adopted evasiveness behavior.*

Comments: The desired information was never denied and provided in the fair manner within the provisions of RTI Act 2005 so the question of sequestering the information or adoption of evasiveness behavior by the department does not arise.

In view of the reply given, CPIO [REDACTED] I & II was again asked vide this office letter of even C.No. dated 25.04.2018 to re-examine the matter in the light of exemption provisions under Section 8 of the Act. The CPIO [REDACTED] I & II vide his letter dated 26.04.2018 has intimated that the information sought by the appellant is covered under third party information and exemption clause of Section 8(1)(j) and (h) of the Act.

4. Discussion and Findings:

I have carefully examined the appeal filed by the Appellant, the reply of the CPIO, his reply and comments to the notices and relevant provisions of the Act. From the facts available on records, I have observed that the appellant has filed appeal for non supply of information. The information sought by the appellant in his RTI applications mainly pertain to details of show cause notices that are issued to the private parties, received rent from various government agencies from 01.10.2007 to 31.03.2015 and 01.04.2015 to 30.06.2017; details of Co-owner godowns, established under AOP, their name, monthly rent being received by them co-owner wise and Decision's copy taken by GST Divisions I & II [REDACTED], copy of decision in respect of M/s Gurdev Kaur & Coowner and M/s Budhlada Co-owner located at Budhlada and current status of all cases pertaining to above.

I find that the RTI applications pertain to the category of personal and third party information. Section 8(1)(j) provides:

“information which relates to personal information the disclosure of which has no relationship to any public activity or interest, or which would cause unwarranted invasion of the privacy of the individual unless the Central Public Information Officer or the State Public Information Officer or the Appellate Authority, as the case may be, is satisfied that the larger public interest justifies the disclosure of such information”.

The CIC in the case of A.P Singh Vs Punjab National Bank (Appeal No. 12/IC(A)/2006 dated 14.03.2006 held that no disclosure of third party information is to be made in respect of a person with whom the applicant had no professional or business relationship. I find that the appellant has not proved any larger Public interest in the RTI application.

Further, as regards show cause notices/Orders-in-original issued, I find that information to the appellant under Section 8(1)(h) of the Act can not be provided. This view has been also confirmed by the Central Information Commission (CIC) vide F.No. CIC/AT/A/2007/00007 dated 10.07.2007 while deciding the appeal case of Sh. Shankar Sharma and M/s Global Stock Broking P.Ltd. and Others v/s Director of Income Tax (INV.) –II & CPIO, Deptt.of Income Tax, Mumbai Tax :-

“ Investigation into tax evasion can be said to be over or complete, only after the final adjudication about the tax liability had been made after the matter has gone through all the stages of appeals and revisions as well as final decision about prosecuting or not prosecuting that person has been taken by an appropriate competent authority.”

Thus the decision of the CPIO in present case is justified and holds good and pass the following orders.

Order:

In view of above the appeal of the appellant is rejected.

By 31/5/18
(Parul Garg, IRS)
1st Appellate Authority (RTI)
o/c GST Commissionerate, Ludhiana.

Speed Post/copy to:-

1. Shri [REDACTED] S/o Sh [REDACTED] C/o M/ [REDACTED] [REDACTED] [REDACTED] 48028.
2. The CPIO cum Assistant Commissioner, GST Division [REDACTED] I & II with the directions to take prior consent of the third party as provided under Section 11 of the Act before giving any reply to RTI application in future.

To,

S(RTI)

Joint Commissioner
Central GST, Commissionerate
Central Excise House
F Block, Fashi Marg
Ludhiana

9/4/18

Sh. Sandeep Goyal,
Jr

10/04/18

568
9/4/18

Subt Appeal regarding information under RTI
under section 19(1)

Sir,

With due respect I have demanded
an information under RTI regarding decisions
taken in Covered godown cases from Division
Bathinda. They replied Letter No. 334 dated 27-03-18
pretending as the information can't share
without the consent of the godown owners.
But this is not a personal information and not
concern with National security. The decisions
and the show cause notices ~~are~~ should
be open for every citizen of India. I think
the department sequestering the above
information because they have undergone
partiality with godown owners, so they
adopted evasiveness behavior. It is a
humble request to you please provide
me the demanded information.

The same information I have already collected from Assistant Commr GST Sangli. So please provide me the vital information, Thanking you.

- Also attached
1. Copy of RTI (2 pages)
 2. Copy of reply by Division Railway I & II (2 pages)

Yours faithfully
Vijay Jije

[Redacted]

[Redacted]

M/S [Redacted]

[Redacted]

[Redacted]

Date
07/04/18

Murket [Redacted] Synam Dist Sangli
(Ph) [Redacted]

Mobile [Redacted]

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कार्यालय प्रधान आयुक्त
OFFICE OF THE PRINCIPAL COMMISSIONER
वस्तु एवम् सेवा कर आयुक्तालय
GST Commissionerate, Ludhiana
एफ ब्लॉक, ऋषि नगर, लुधियाना
F-Block, Rishi Nagar, Ludhiana



फ स: IV(16)Hqrs/ Ldh/Tech/RTI-Appeal/ [REDACTED] 18-19

दिनांक: 05.05.2018

Order-in-Appeal No. : 02/RTI/GST/Ldh/18

(An appeal against this order lies to the Central Information Commission, Block No. 5, (5th Floor), Old JNU Campus, New Delhi. This copy is issued to the individual for his/her personal use free of cost. The person feeling aggrieved with this order can file appeal to the Appellate Authority within 90 days of the receipt of this order)

Brief Facts:

Shri [REDACTED], [REDACTED], [REDACTED], (hereinafter referred to as "the appellant"), vide his application dated 14.02.2018, addressed to the Central Public Information Officer, Goods & Service Tax Commissionerate, Ludhiana (hereinafter referred to as "the CPIO"), received in his office on 16.02.2018, under the Right to Information Act, 2005 (hereinafter referred to as "the Act"), had desired certain information.

2. Grounds of Appeal:

- 2.1: That the CPIO vide his office letter C.No.IV(16)Hqrs/Tech/Ldh/RTI/ [REDACTED] 2017/5255 dated 14.03.2018 had provided reply to the RTI application.
- 2.2: The Appellant, being not satisfied, has filed an appeal dated 10.04.2018 (received on 11.04.2018) on the ground that CPIO has not provided information in r/o his RTI application dated 14.02.2018.

3. Reply to the Notice by CPIO:

3.1: A notice vide IV(16)Hqrs/ Ldh/Tech/RTI-Appeal/ [REDACTED] 18-19/6473 dated 13.04.2018 was issued to the CPIO, GST Commissionerate, Ludhiana to provide comments on the appeal filed by the Appellant. The CPIO vide his letter C.No. IV(16)Hqrs/Tech/Ldh/RTI/ [REDACTED] 2017/6763 dated 26.04.2018 has point wise replied to the notice as under:-

Point 1 to 7 & 9:-

The preamble of RTI Act makes it clear that one of the objects of the RTI Act is to hold governments and their instrumentalities accountable to the governed by means of keeping the citizenry informed through transparency of information. The right given to the citizenry under the Act is the mechanism to achieve this object. This right is vested in "the governed" and exists vis-à-vis the "governments and their instrumentalities."

It is not denied that the appellant is a citizen of India and has right to seek information under RTI Act, 2005. At the same time he is a government employee of this office. He belongs to "the governed" or "the governments and their instrumentalities". By no means can he be described as a member of "the governed" citizenry. Being a gazetted officer, he is very much a part of the government. He is posted at Ludhiana itself. He should have been approached the senior officers of the office to get the desired information by representation through his controlling officer or by meeting the senior officers posted at HQRS Office by personal visit. The channel of RTI should be applied as last resort. Moreover, the RTI Act does not empower any applicant to seek explanation, i.e. reasons or justification for any action or inaction. Nor is the CPIO bound to furnish the same. The explanations sought cannot be provided as the queries are not covered under the definition of information under section 2(f) of the RTI Act, 2005.

Hon'ble Supreme Court of India in the Civil Appeal No.6454 of 2011 in the case of CBSE & Anr Vs. Aditiya Bandopadhyay & Ors held that:-

"37. The right to information is a cherished right. Information and right to information are intended to be formidable tools in the hands of responsible citizens to fight corruption and to bring in transparency and accountability. The provisions of RTI Act should be enforced strictly and all efforts should be made to bring to light the necessary information under clause (b) of section 4(1) of the Act which relates to securing transparency and accountability in the working of public authorities and in discouraging corruption. But in regard to other information, (that is information other than those enumerated in section 4(1)(b) and (c) of the Act), equal importance and emphasis are given to other public interests (like confidentiality of sensitive information, fidelity and fiduciary relationships, efficient operation of governments, etc.). Indiscriminate and impractical demands or directions under RTI Act for disclosure of all and sundry information (unrelated to transparency and accountability in the functioning of public authorities and eradication of corruption) would be counter-productive as it will adversely affect the efficiency of the administration and result in the executive getting bogged down with the non-productive work of collecting and furnishing information. The Act should not be allowed to be misused or abused, to become a tool to obstruct the national development and integration, or to destroy the peace, tranquillity and harmony among its citizens. Nor should it be converted into a tool of oppression or intimidation of honest official striving to do their duty. The nation does not want a scenario where 75% of the staff of public authorities spends 75% of their time in collecting and furnishing information to applicants instead of discharging their regular duties. The threat of penalties under the RTI Act and pressure of the authorities under RTI Act should not lead to employees of a public authorities prioritising information furnishing', at the cost of their normal and regular duties."

The CIC while deciding the following cases has held that :

(i) *The CIC while deciding the said case (Dr. K.C. Vijayakumaran Nair v. Department of Posts, CIC/PB/A/2007/00373) has held as under:*

"The information seeker, being an employee of the respondent, is a part of the information provider. Under the RTI, the employees are not expected to question the decisions of the superior officers in the garb of seeking information. Such employees have access to internal mechanisms for redressal of their grievances. Unfortunately, a large number of the government employees are seeking information for promotion of their personal interest.

This is done on the pretext of serving the public cause, without realizing the extent of distortions that it causes in use of public resources due to putting up frivolous applications by them for self-interest."

6. In the instant case, the information seeker and the provider being part of the same system should work together for evolving approaches to remove irritants in their mutual interaction, as a lot of public resources devoted to provide service to the entire Indian community is thus un-productively used. They ought to exercise restraints in misusing the Act, lest they should dilute the mandate of RTI Act to empower the common man.

(ii) *The CIC while deciding the said case (Rajan Madhavv. SBI, CIC/MP/A/2015/001240, 001242, 001243) has relied upon the decision of Hon'ble Supreme Court of India in the Civil Appeal No.6454 of 2011 in the case of CBSE & Anr Vs. Aditiya Bandopadhyay & Ors referred above as under:*

"the Act should not be allowed to be misused or abused, to become a tool to obstruct the national development and integration, or to destroy the peace, tranquillity and harmony among its citizens. Nor should it be converted into a tool of oppression or intimidation of honest officials striving to do their duty. The nation does not want a scenario where 75% of the staff of public authorities spends 75% of their time in collecting and furnishing information to applicants instead of discharging their regular duties."

Point No.8: No comments can be offered as neither copy of cited decision of CIC is enclosed nor any reference No. of said decision is mentioned .

Point No.10: It is requested that the applicant may be advised to resort the established channels within the department for obtaining the information.

Moreover, there is no Public Interest involved in the RTI application. Hon'ble Supreme Court of India in Janata Dal v .V.H.S. Chowdhary observed that the purpose of the public interest is -

"To wipe out the tears of the poor and needy, suffering from violation of their fundamental rights, but not for personal gain or private profit of political motive or any oblique consideration."

In State of Gujarat v Mirzapur Moti Kureshi Kasab Jamat & others, Hon'ble Supreme Court of India observed that:

"the interest of general public (public interest) is of a wide import covering public order, public health, public security, morals, economic welfare of the community, and the objects mentioned in Part IV of the Constitution (i.e. Directive Principles of State Policy)".

The CPIO also submitted that the appellant in original RTI application dated 14.02.2018 has desired to correspond at the e-mail address ludhianasupdt@gmail.com. The said e-mail address of Office bearers of GST Commissionerate-Ludhiana of All India Association of Central Excise Gazetted Executive Officers. It is evident that the appellant has sought information not as a citizen of India.

4. Record of Personal Hearing:

The Appellant has requested in the appeal to fix Personal Hearing which was granted on 03.05.2018. In response to that the appellant has requested to adjourn personal hearing after 10.05.2018 which was re-fixed on 11.05.2018. On 11.05.2018 the appellant himself appeared. During hearing he quoted some decisions of CIC (23 pages) as being attached in the file in favour of his argument.

5. Reply of the CPIO to Personal Hearing:

While forwarding copy of submission by the appellant during the personal hearing vide this office letter dated 11.05.2018 CPIO GST Commissionerate, Ludhiana was asked to justify denial of information sought by the appellant. The CPIO, GST Commissionerate, Ludhiana vide his office letter C.No. IV(16) Hqrs /Tech/Ldh/RTI/ [REDACTED] 2017/7629 dated 24.05.2018 has submitted point wise comments as under:

Point 3

The Appellant has cited the case law - CIC decision in the case of Manju Vs PIO, Deptt. of Posts (CIC Order No.CIC/POSTS/A/2017/130777) dated 14.06.2017 under which the CIC directed the concerned department to provide the relied upon documents if not attracted exceptions under Section 8 of RTI Act. In this regard it is submitted that in the cited case the Appellant was employed at Head Post Office (IPHO) and charge sheeted. Disciplinary proceeding were initiated against her along with several other employees on charges of manipulating the quantity of articles under BNPL (Buy Now Pay Later) scheme. She wanted copies of few documents mentioned in the charge sheet to prove her innocence. The information sought by her was required in the personal capacity. The CIC in this case observed that ***the documents or statements as basis for concluding the prima facie nature of allegations the principles of justice demand that information should be shared with the accused. In this case different officers are facing inquiry for alleged scandal. If the inquiry is already in the process, they should have supplied with the papers which formed basis of charge-sheet. If not, they need to be supplied.*** In the present appeal the situation is different. The Appellant has sought information in his

capacity as representative of the Association, whereas the said case law pertains to specific personal information, i.e. attendance of an employee. Therefore, the cited case law is not relevant to the issue and is not squarely applicable to the present proceedings

Point No. 4, 6 and 7:

The Appellant has referred to following case laws :

- (i) CIC decision in the case of Sh. Pradip Kumar Saha Vs. NF Railway, Assam (CIC decision No. CIC/OP/A2009/000040-AD dated 22.12.2009),
- (ii) CIC decision in the case of O.P.Ummat Vs. Punjab National bank (CIC decision in appeal No. Appeal No.1977/ICPB/2008 dated 14.05.2008; and
- (iii) CIC decision in the case of Abib Hayat Siddiqi Vs PIO, Air India (CIC decision No. CIC/SS/A/2010/000191 dated 24.01.2011.

In this regards it is submitted that these cases are prior the issuance of OM F.No. 11013/08/2013-Estt(A-III) by Government of India, Ministry of Personal , Public Grievance and Pensions, Department of Personal and Training, Establishment A-III Desk. In the said OM under Para 2 wherever, in any matter connected with his service rights or conditions, a Government servant wishes to press a claim or to seek redress of a grievance, the proper course for him is to address his immediate official superior or Head of his office or such other authority at the appropriate level who is competent to deal with the matter in the organisation.

Point No.5

Case law of Ajit Kumar Singh Vs. PIO, Department of Posts, (CIC Order No. CIC/Posts/A/2017/121371 dated 23.06.2017) cited by the Appellant is differ as in this case the Appellant sought records regarding his own service matters.

Point No.8

The appellant has stated that the information as required by him is being provided by other departments and is not being denied by quoting OM F.No. 11013/08/2013-Estt(A-III). In this regard, it is submitted that decisions of CPIOs of other departments in respect of matters concerning their departments cannot be made basis for staking claim for similar decision in distinct and separate proceedings. Therefore, reference to matters of other departments in specifically different proceedings is not relevant to the instant case.

Further it is submitted that there is no larger Public Interest involved in the RTI application. The Hon'ble Supreme Court of India in Janata Dal v .V.H.S. Chowdhary observed that the purpose of the public interest is -

"To wipe out the tears of the poor and needy, suffering from violation of their fundamental rights, but not for personal gain or private profit of political motive or any oblique consideration."

In State of Gujarat v Mirzapur Moti Kureshi Kasab Jamat & others, Hon'ble Supreme Court of India observed that:

"the interest of general public (public interest) is of a wide import covering public order, public health, public security, morals, economic welfare of the community, and the objects mentioned in Part IV of the Constitution (i.e. Directive Principles of State Policy)".

The Appellant is a Superintendent in GST Commissionerate, Ludhiana and a gazetted officer. By virtue of government officer he is the Vice President of Ludhiana Unit of All India Association of Central Excise Gazetted Executive Officers Chandigarh Zone. His representation to the Commissioner appears to be of administrative nature for which he may be directed to resort to the departmental established channels through proper channel otherwise there will be hindrance in the smooth working of administration.

6. Discussion and Findings:

6.1: I have carefully examined the appeal filed by the Appellant, the reply of the CPIO dated 14.03.2018, CPIO's reply dated 26.04.2018 to notice dated 13.04.2018, record of the personal hearing, comments by the CPIO dated 24.05.2018 against personal hearing and relevant provisions of the Act. Personal Hearing was fixed on 03.05.2018 which was adjourned to 11.05.2018 on the request of the appellant and was held on 11.05.2018 by the appellant. Therefore, as provided under the provisions of sub-section (6) of Section 19 of the Act this order is being passed.

6.2: I find that the appellant was not satisfied with the reply given by CPIO on point No.1 to 6 of his original RTI dated 14.02.2018. The appellant vide his initial RTI application dated 14.02.2018 sought information regarding:

1. Date of receipt of Minutes of General House Meeting (MOM) issued by All India Association of Central Excise Gazetted Executive Officers Chandigarh Zone (Ludhiana Unit) addressed to the Commissioner, GST Commissionerate-Ludhiana.
2. Detail of action taken on above letter.
3. File number in which above letter was dealt.
4. Attested copies of Note Sheets relating to above letter.
5. Attested copies of all Intra/Inter communication done relating to issues discussed/raised in above MOM.
6. Detail of letter/communication/acknowledgement addressed to Association relating to above MOM.

From the perusal of records I find that CPIO has not denied him information rather by citing Government of India OM F.No. 11013/08/2013-Estt(A-III) dated 06.06.2013 advised the appellant to use the established channels within the department for redressal of grievance.

6.3. While deciding the instant appeal I perused the decisions of CIC mentioned by the appellant during personal hearing and comments of the CPIO on the submissions made by the appellant. I have also perused the records of the office related to MOM dated 10.11.2017 referred in RTI and found that the Appellant being a representative of the association has only forwarded the said MOM. Thereafter, the appellant has not desired any information from the administration regarding action taken on the MOM forwarded but have filed RTI application dated 14.02.2018.

6.4 In view of the above it is found that being a government officer of the department the appellant should approach established channels within the department for seeking information which relates to internal mechanism of the department instead to raise his concern through the channel of RTI. Therefore, I direct the appellant to approach through his immediate controlling officer to seek the information. If after exhausting the proper channel, no information is provided then he should adopt the channel of RTI. Accordingly, I find that the reply of the CPIO to the appellant is justified. Further, CIC decision in the case of Manju Vs PIO, Deptt. of Posts (CIC Order No.CIC/POSTS/A/2017/130777) dated 14.06.2017 is not applicable in the instant appeal as the same is related to the Rights of the employee(s) against whom the disciplinary proceedings were initiated. For the sake of natural justice copies of the relied upon documents were required to be supplied to the affected employee during the course of proceedings, which was directed by CIC to supply. I find that the reply of the CPIO to the appellant is justified and pass the following order.

7. **Order:**

As discussed above, the appeal is disposed of accordingly .


(Parul Garg, IRS)

1st Appellate Authority (RTI)

010 GST Commissionerate, Ludhiana.

Speed Post/copy to:-

- (i) Sh. [REDACTED] gar,
[REDACTED]
- (ii) The CPIO(RTI),
GST Commissionerate, Ludhiana
- (iii) The Assistant Commissioner (Audit Circle Jalandhar)
GST Audit Commissionerate, Ludhiana for information and necessary action.

597
11/4/18

**ALL INDIA ASSOCIATION OF CENTRAL EXCISE
GAZETTED EXECUTIVE OFFICERS
Chandigarh Zone**

(Recognised by G.O.I., Min. of Fin. vide letter F.No. B. 12017/10/2006-Ad.IV A Dt.21.01.08)

President:
M.S.Sandhu
9988265303

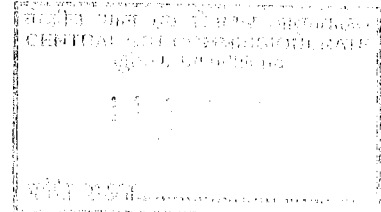
General Secretary
Virender Singh
9417318010

Treasurer
MukeshAnand
9417183321

Officer Bearers of GST Commissionerate Ludhiana

Paramjit Singh
Vice President
9465761092

Mulkh Raj
Joint Secretary
9888118989



Email: ludhianasupdt@gmail.com

To,

The Joint Commissioner-Cum-1st Appellate Authority,
GST Commissionerate,
F-Block, Rishi Nagar, Ludhiana

Respected Madam

Subject : First Appeal under Section 19 of RTI Act.

It is submitted that information under RTI Act 2005 (herein after referred to as "RTI Act") was sought vide letter Ref No. AIACEGEO/Ldh unit/RTI/06/2018 dated 14.02.2018 (hereinafter referred to as "RTI application") but Deputy Commissioner-Cum-CPIO, GST Commissionerate, Ludhiana (hereinafter referred to as "CPIO") vide Letter C.No. IV(16)Hqrs/Tech/Ldh/RTI/Paramjit/159/2017/5255 dated 14.03.2018 refused to supply the information by relying upon DOPT OM No.11013/08/2013-Estt(A-III). The Ld CPIO while disposing off RTI application has given the observation that "the applicant being Govt Officer himself should have resorted to the established channels within the department for redressal of grievance".

It is submitted that Ld CPIO erred in denying the information sought under RTI Act. Denying of information is erroneous and against the spirit of the RTI Act due to following :

1. Firstly Appellate wish to draw your kind attention towards **Section 3** of the RTI Act which reads as under :

Sh. (RTI)
Pg
Sh. Satinder Goyal
Dob
11/04/18

Section 3: Subject to the provisions of this Act, all citizens shall have the right to information

From the above definition/provisions, it is quite clear that irrespective of the nature of the job a person may be performing as far as a person is a citizen of India he/she shall have the right to information subject to the provisions of RTI Act. "Citizen" has been defined in Part-II of Constitution of India.

An employee of the government of India is first and foremost a citizen of India and as such he has every right to seek information under the RTI Act. As per the law, seeking information is the fundamental right of a citizen and it is the fundamental right of a citizen irrespective of whether he is government employee or not to seek information under the RTI Act.

As per **Section 3, all citizens have the right to information**, irrespective of their profession (Doctor, Engineer, Govt. servant, worker, laborer, housewife, unemployed etc) as well irrespective of their designation (junior, senior, no designation etc) of a citizen. Therefore profession, designation etc are irrelevant while obtaining information under the RTI Act, and the only qualification that is required is **that a person needs to be a citizen of India**.

2. Appellate had filed RTI application under **Section 6 of RTI Act** for supply of information in capacity of Citizen of India and not in the capacity of Officer. Please see first/starting line of the RTI application where it has specifically been written "**I being citizen of India, request to supply information under RTI Act 2005**". DOPT OM No.11013/08/2013-Estt.(A)-III clarifies the procedure/method to seek redress of a grievance, whereas appellant vide RTI application has not approached CPIO for redressal of any grievance. Rather appellant has filed RTI application for seeking information and copies of documents/file noting, as such, denial of information by referring above OM is wrong. Appellate has not approached the CPIO for any redressal of any problem/grievances. CPIO can only denied information under **Section 8 & 9 of the RTI Act**. Here it is worth mentioning that information sought by Appellate doesnot comes under the preview of Section 8 or 9 of the RTI Act. Further RTI Act, 2005 overrides the effect and operation of all other provisions, which are inconsistent with RTI Act, 2005. Therefore, if any officer, including CPIO if insisting that an employee must exhaust departmental remedy, it is in total violation of the provisions of RTI Act and negate the right provided by RTI Act.

Here it is worth mentioning that Govt Employee always has a option to file complaint/representation to the competent authority after obtaining the

information/documents for redressal or grievance/problem by complying instructions contained in DOPT OM dated 06.06.2013.

3. Kind attention is drawn towards **Section 6 of RTI Act** which is reproduced below:

Section 6. (1) A person, who desires to obtain any information under this Act, shall make a request in writing or through electronic means in English or Hindi or in the official language of the area in which the application is being made, accompanying such fee as may be prescribed, to—

(a) the Central Public Information Officer or State Public Information Officer, as the case may be, of the concerned public authority;

(b) the Central Assistant Public Information Officer or State Assistant Public Information Officer, as the case may be,

specifying the particulars of the information sought by him or her:

Section 6(1) begin with non obstante clause 'A person'. So it is the person matters not the employability or employee. **Hon'ble Supreme Court of India** in Chief Information Commissioner Vs. State of Manipur [CIVIL APPEAL NOs.1078710788 OF 2011] has observed that **"It is quite interesting to note that even though under Section 3 of the Act right of all citizens, to receive information, is statutorily recognized but Section 6 gives the said right to any person.** Thus All citizens are entitled for information under RTI, including "Employees".

4. There is no provision in RTI Act that prevents an Govt Officer from obtaining information under RTI. Moreover, neither Appellant is custodian of Information nor appellant have any access to the information sought under RTI. Information sought under RTI is held under the control of Hqrs office located at Rishi Nagar, Ludhiana whereas Appellant is posted in Savitri Complex office, Near Dholewal Chowk, Ludhiana.
5. DOPT OM No.11013/08/2013-Estt.(A)-III clarifies the procedure to seek redress of a grievance, whereas appellant has not yet come with any grievance. Rather appellant has filed RTI application for seeking information and copies of documents/file noting, as such, denial of information by referring above OM is wrong.
6. The object of RTI Act is to promote transparency in public administration. Every citizen, including a public servant who is also a citizen of India can invoke the provisions of RTI Act, unconditionally.

7. Kind attention is also drawn towards **Section 6(2)** of RTI Act which reads "*.....shall not be required to give any reason for requesting the information or any other personal details except those that may be necessary for contacting him.*"

Thus a person seeking information need not have to disclose any other personal details like whether he is employee or not, whether employed in the same office or in any other office. There is no scope under RTI to assume whether applicant is an employee by CPIO.

8. Kind attention is drawn towards the latest decision dated 19.09.2016 (copy enclosed) of Hon'ble CENTRAL INFORMATION COMMISSION, New Delhi in this case also the information sought by Govt Officer was denied by the CPIO by quoting DOPT OM 11013/08/2013-Estt(A-iii) dated 31.08.2015 **as has been done by Ld CPIO in my case.** While deciding the above Case Hon'ble Commission observed as under :

".....summarily rejects the submissions of the CPIO for lack of relevance and improper application of rationale in contravention of the provisions of the RTI Act. Commission observes that the CPIO has inappropriately relied on various GOI notifications/OMs for denying information. CPIO is reminded that the RTI Act has been framed for ensuring transparency and probity in the functioning of public authorities. Further, he (CPIO) is cautioned to limit his claim of non-disclosure only as per the provisions of Section 8 & 9 of the RTI Act. The provisions of RTI Act have an overriding effect by virtue of Section 22. CPIO is advised to familiarize himself with the provisions of the RTI Act and not resort to evasive replies. CPIO has also mocked at the right to information afforded to the citizens vis-a-vis defence establishments; Commission expresses serious concern over his resentful conduct and warns him (CPIO) to be careful in future. CPIO is directed to provide available information on serial nos. (a),(b),(c),(d),(e),(f),(g) & (j)..... "

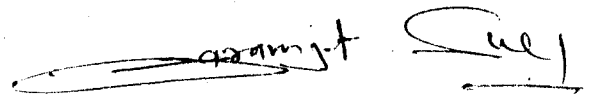
9. CPIO erred in concluding that information sought cannot be provided as the queries are not covered under the definition of information under **Section 2(f) of the RTI Act** Section. Information sought under RTI application is very specific. Appellant has sought copies of note-sheet and

correspondence relating to Minutes of Meeting dated 10.11.2017 which very much falls under the preview of Section 2(f) RTI Act.

10. **In view of above submissions, it is prayed that :**
- (a) The CPIO may please be directed to supply the point-wise complete and correct information free of cost in light of Section 7(6) of the Act and RTI fees already paid may be refunded alongwith Interest ;
 - (b) CPIO may please be advised to handle and dispose RTI Applications as per law ;
 - (c) any other relief which may be deemed fit in the facts and circumstances of the case be allowed.

NOTE : PERSONAL HEARING IN THE CASE MAY PLEASE BE FIXED BEFORE DISALLOWING/REJECTING 1ST APPEAL

Yours Faithfully



**PARAMJIT SINGH
(Appellant)
34/10 Raj Nagar
KPT. Road,
Jalandhar- 144021**

Email:jalandharguy@yahoo.com

DT. 10.04.18

कार्यालय प्रधान आयुक्त
OFFICE OF THE PRINCIPAL COMMISSIONER
वस्तु एवम् सेवा कर आयुक्तालय
GST Commissionerate, Ludhiana
एफ ब्लॉक, ऋषि नगर, लुधियाना
F-Block, Rishi Nagar, Ludhiana



फ सः IV(16)Hqrs/ Ldh/RTI-Appeal/[REDACTED]18-19/8859-60

दिनांक: 23.06.2018

Order-in-Appeal No. : 03/RTI/GST/Ldh/18

(An appeal against this order lies to the Central Information Commission, Block No. 5, (5th Floor), Old JNU Campus, New Delhi. This copy is issued to the individual for his/her personal use free of cost. The person feeling aggrieved with this order can file appeal to the Appellate Authority within 90 days of the receipt of this order)

Brief Facts:

Sh. [REDACTED], Amritsar- [REDACTED], (hereinafter referred to as “the appellant”), vide his application dated 17.04.2018, addressed to the Central Public Information Officer, Goods & Service Tax Commissionerate, Ludhiana (hereinafter referred to as “the CPIO”), received in his office on 19.04.2018, under the Right to Information Act, 2005 (hereinafter referred to as “the Act”), had desired certain information.

2. Grounds of Appeal:

2.1: That the CPIO vide his office letter C.No.IV(16)Hqrs/ Ldh/RTI/[REDACTED]8-19/7279 dated 18.05.2018 had provided reply to the RTI application.

2.2: The Appellant, being not satisfied, has filed an appeal dated 24.05.2018 (received on 28.05.2018) on the ground that CPIO has not provided information in r/o his RTI application dated 14.02.2018.

3. Reply to the Notice by CPIO:

3.1: A notice vide C. No. IV(16) Hqrs/ Ldh/Tech/RTI-Appeal/[REDACTED]19/7752 dated 31.05.2018 was issued to the CPIO, GST Commissionerate, Ludhiana to provide comments on the appeal filed by the Appellant. The CPIO vide his letter C.No. IV(16)Hqrs/LDH/Tech/RTI/[REDACTED]19/8851 दिनांक: 22.06.2018 has point wise replied to the notice as under:-

Point No.(a) & (c)

In this regards it is intimated that reply of the original RTI Application dated 17.04.2018 was given alongwith Point(b) vide this office letter of even C.No.7279 dated 18.05.2018, copy enclosed for ready reference. From the perusal of RTI Appeal it is observed that the Appellant has not countered the reply given by this office. It is reiterated that reply given by this office is very much relevant and information sought cannot be disclosed under the exemption clause (j) of Section 8(1) of the RTI Act.

Point No.(b)

It is intimated that since the Appellant has not countered the point wise reply given by this office but simply re-iterated his points to provide information, hence no comments can be offered.

Apart from above it is also submitted that the information as sought by the Appellant in his original RTI application 17.04.2018 was denied as per the relevant provisions of RTI Act. Instead of contradicting the reply of this office, the Appellant is behaving like a person having personal grudge against the CPIO. It is requested to advise him suitably.

4. Discussion and Findings:

4.1: I have carefully examined the appeal filed by the Appellant, the reply of the CPIO dated 18.05.2018, CPIO's reply dated 22.06.2018 to notice dated 31.05.2018 and relevant provisions of the Act.

4.2: I find that the appellant was not satisfied with the reply given by CPIO on three points of his original RTI dated 17.04.2018. The appellant vide his initial RTI application dated 17.04.2018 sought information on the following points:

- a) Provide the attested information/list of Drivers in the whole GST Commissionerate, Ludhiana as on 01/04/2016, 01/04/2017 & 01/04/2018 showing thereby (1) Sr.No. (2) Name of Driver (3) Total Emoluments.
- b) Provide the attested information/list of the Cars, showing thereby (1) Car No. (2) Make if any (3) Year/Model (4) Total Expenses claimed during the year 01/04/2016 to 31/03/2107, 01/04/2017 to 31/03/2018 (5) Name & Designation of the Officer utilizing the car.
- c) Provide the attested information of ACs/DCs, those who have completed 3 years at Ludhiana City, showing thereby (1) Name of ACs/DCs (2) Period of stay at Ludhiana (3) CVC Circular No.17/04/08 is applicable to these ACs/DCs, those who had completed their stay more than 3 years at Ludhiana (4) Present place of posting & stay there.

4.3. While deciding the instant appeal I perused the reply given by the CPIO to the original RTI application dated 17.04.2018. As per Right to Information Act, 2005 information which has been forbidden to be disclosed is defined under Section 8(1). The relevant clauses are reproduced below:-

Under Section 8 (1) (g) information, the disclosure of which would endanger (i) the life or physical safety of any person or (b) identify the source of information (ii) assistance given in confidence for law enforcement or security purposes;

Section 8 (1) (h) information which would impede the process of investigation or apprehension or prosecution of offenders and

Under Section 8 (1) (j) "information which relates to personal information the disclosure of which has no relationship to any public activity or interest, or which would cause unwarranted invasion of the privacy of the individual unless the Central Public Information Officer the appellate authority, as the case may be, is satisfied that the larger public interest justifies the disclosure of such information".

I reproduced the relevant Para of the various Apex Court's judgments.

Reply to Point No. (a) and (c): The Hon'ble Supreme Court in the matter of Girish Deshpande Vs CIC & Others in SLP(C) No. 27734/2012 in paragraph No. 13 has held that:

13. The performance of an employee/officer in an organisation is primarily a matter between the employee and the employer and normally those aspects are governed by the service rules which fall under the expression "personal information", the disclosure of which has no relationship to any public activity or public interest. On the other hand, the disclosure of which would cause unwarranted invasion of privacy of that individual. Of course, in a given case, if the Central Public Information Officer or the State Public Information Officer of the Appellate Authority is satisfied that the larger public interest justifies the disclosure of such information, appropriate orders could be passed but the petitioner cannot claim those details as a matter of right.

Further, the Hon'ble Supreme Court in another case of Canara Bank Vs C.S. Shyam & Anr. & others in Civil Appeal No. 22 of 2009 dated 31.08.2017 in paragraph No. 14 has held that:

14. In our considered opinion, the aforementioned principle of law applies to the facts of this case on all force. It is for the reasons that, firstly, the information sought by respondent No. 1 of individual employee working in the bank was personal in nature: secondly, it was exempted from being disclosed under Section 8(j) of the Act and lastly, neither respondent No. 1 disclosed any public interest much less larger public interest involved in seeking such information of the individual employee and nor any finding was recorded by the Central Information Commission and the High Court as to the involvement of any larger public interest in supplying such information to respondent No. 1.

In the light of above cited judgments of Hon'ble Supreme Court of India, the information sought is personal & exempted to be disclosed under clause (j) of Section 8(1) of the RTI Act 2005.

Reply to Point No. (b):

I find that GST Commissionerate has Preventive as well as Vigilance Branches among others. I agree with the view of CPIO that the movements of the officers of these branches are confidential as they have to maintain liaison with the informers, conduct raids etc. Disclosure of their movements may compromise the secretive action of these branches and may also create threat to the life of the informer.

The CVC vide Circular No.26/07/010 had conveyed the decision of Central Information Commissioner (CIC whereunder it was observed that *"information now requested by the appellant viz tour details, vehicle logbooks, purpose of visits, overtime payments etc., no public interest is served by their disclosure. On the contrary there is a distinct possibility that disclosure of this information will compromise the functioning of the Vigilance Officers and not only expose them to physical risks and intimidations, but impair their ability to carry out their sensitive assignments. Certain level of protection needs to be given to such officers even in respect of disclosure of ordinary looking information....."* *".....in the circumstances and the atmosphere in which they work and specificity of their sensitive assignment, the requested information had the potentiality of endangering the officers' life and their physical safety, apart from leading to identification of the source of the information or assistance given in confidence for discharge of their law enforcement functions....."*

Further in its Decision No.CIC/VS/A/2014/001496/SB dated 27.01.2016 the CIC has decided *".....the movement of officers of crime branch may be to trace/reach the source of information, witnesses etc. Therefore, disclosure of information, at this stage, would be detrimental as it would hamper the investigation. The Commission is, therefore, of the view that disclosure of information has been rightly denied by the respondent under Section 8(1) (h) of the RTI Act."*

I also observe that there is no larger Public Interest involved in the RTI application. The Hon'ble Supreme Court of India in Janata Dal v .V.H.S. Chowdhary observed that the purpose of the public interest is –

"To wipe out the tears of the poor and needy, suffering from violation of their fundamental rights, but not for personal gain or private profit of political motive or any oblique consideration."

In view of the above and taking into consideration of risks involved to the informers and departmental officers I over rule the view of public interest taken by the Appellant. Thus, I agree with the view of CPIO that the above information is exempted from disclosures under Section 8(1)(g) & 8(1)(h) of the Act and rightly cannot be provided.

So I find that the reply of the CPIO to the appellant is justified and pass the following order.

7. **Order:**

As discussed above, the appeal is rejected.

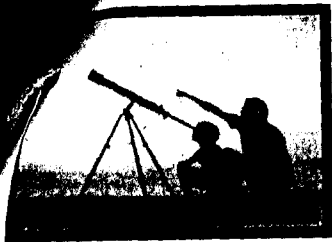
har
25/6/18

(Dr. Hardeep Singh, IRS)
1st Appellate Authority (RTI)

δ / GST Commissionerate, Ludhiana.
/

Speed Post/copy to:-

- (i) [REDACTED],
[REDACTED],
[REDACTED]
- (ii) The CPIO(RTI),
GST Commissionerate, Ludhiana



Supdt (RTI)
Pg

P. C. SHARMA



ADVOCATE/RTI & SOCIAL ACTIVIST

REFNO: PCS/2018/GSTCLUD/22800169-69 [1540]

DATED: 24TH MAY, 2018

The Joint Commissioner/FAA,
GST Commissionerate, F-Block,
Rishi Nagar,
LUDHIANA- 141 001.

Sh. Sushil Gargal

JNC

[Signature]
30/5/18

MADAM,

APPEAL/COMPLAINT AGAINST CPIO/DC FOR NOT PROVIDING the Complete, Correct & Accurate information against the RTI application dated 17/04/2018- Request to initiate departmental proceedings under the different provisions of LAW applicable to this Land against the Ld. DC

I, [P C Sharma, Advocate/RTI & Social Activist] the complainant sought simple information from the CPIO/DC vide RTI application dated 17/04/2018. The misleading & false information provided by the DC/CPIO is against the facts of RTI application. In the said application, nothing is asked about personal details, income tax details, individual details and any information, the disclosure of which would endanger the life or physical safety of any person or identify the source of information or assistance given in confidence for law enforcement or security purposes or which would impede the process of investigation or apprehension or prosecution of offenders. Instead of providing the reply, the DC/CPIO has quoted the cases, with PRESET & without application of mind against the queries raised by the applicant. The three queries were raised in the RTI is purely Public Interest disclosures and nothing is harmful or personal against the officers, which is reproduced as under:

3[1] [a]: Provide the attested information/list of the Drivers in whole GST Commissionerate, Ludhiana as on 01/04/2016, 01/04/2017 & 01/04/2018 showing thereby [1] Sr. No. [2] Name of Driver [3] Total Emoluments or as is data kept by the department up to the date of reply.

3[1] [b]: Provide the attested information/lists of Cars, showing thereby [1] Car No. [2] Make if any [3] Year/Model [4] Total Expenses claimed during the year 01/04/2016 to 31/03/2017 & 01/04/2017 to 31/03/2018 [5] Name & Designation of the Officer utilizing the Car.

3[1] [c]: Provide the Attested information/list of ACs/DCs, those who have completed 3 years at LUDHIANA CITY, showing thereby the name of the ACs/DCs [2] Period of Stay at Ludhiana [3] CVC Circular No. 17/4/08 is applicable to these ACs/DCs, those who had completed their stay more than 3 years at Ludhiana [4] Present place of posting & Stay there.

The Commissioner, GST & FAA are requested to convene periodic conferences/seminars to sensitize, familiarize and educates the CPIO's concerned about the relevant provisions of the RTI Act, 2005 for effective discharge of its duties and responsibilities. I would like to request your good office also to institute & designate a Transparency Officer or Nodal Officer [RTI] {not below the rank of JC/DC} in RTI Cell, which is in fact an administrative arrangement for promotion of institutional transparency within the public authority through proactive and effective implementation of the provisions of section 4 of the RTI Act, 2005. These include effective record management, digitization of records, networking and incremental proactive disclosures. The CPIO and the Appellate Authority, on the other hand are parts of the RTI-Regime and, in that sense, are statutory officers under the RTI Act. Their functions shall be as defined in sections 7 & 19[1] of the Act respectively.



mail Id:-

Within the public authority, a CPIO will be free to seek guidance from the Transparency Officer about disclosure norms-both in its general and specific aspects. It is therefore desirable that Transparency Officer is either No. 2 or No. 3 behind the head of the organization, in the official hierarchy. While providing the misleading reply, the DC/CPIO has not mentioned his name, which is very much mandatory.

It is pertinent to mention here that the larger public interest is very much lying here, as the department has hired so many cars from private vendors instead of the Government Cars already lying with the department. The DC/CPIO has lesser knowledge about the RTI regime. Moreover he may have personal grudge against me or may have personal vested financial interest.


Section 8 [1] [j]:

"Provided that the information, which cannot be denied to the Parliament or a State Legislature, shall not be denied to any person". The department is incurring huge expenses on account of diesel petrol, maintenance of Cars from the National Exchequer, hence the information seeker as well as the public has the right to know the expenditure being incurred on the Cars.

You are therefore requested to take stern action against the CPIO/DC under the different provisions of the RTI Act, 2005 & the following relief may kindly be granted.

- Directions may be given to the Ld. CPIO/DC to provide me the accurate, adequate, correct & complete information in all respect against the RTI application as referred above.
- That the action may kindly be taken against the Ld. CPIO/DC under the provisions of section 20 [1] & 20 [2] of the RTI Act, 2005 for not providing the complete correct & accurate information.
- Directions may be given to the Ld. DC/CPIO not to harass, terrorize or to keep personal grudge against the applicant.
- That recordable warning may be issued and the same should be recorded in the service book of the CPIO/DC in the larger Public Interest.

Gratefully yours,

[Handwritten signature]
[Date: 21/05/2011]


CC: The Hon'ble Prime Minister, Republic of India, New Delhi-110 001 for information & with a request to do the needful in the larger public interest & direct the CBEC to take suitable action against the Dy. Commissioner & also initiate departmental proceedings, as he has with PRESET & without application of MIND not provided the complete, correct & accurate reply, reason being well known to him. The NDA Government is losing its credibility & popularity among the masses, due to such kind of officer's alike DC. Further the said DC is defaming the present central government with his kratocracy tactics and acting beyond his jurisdiction.