

प्रधान मुख्य आयुक्त कार्यालय
केंद्रीय माल और सेवा कर,
अहमदाबाद क्षेत्र
जीएसटी भवन, राजस्व मार्ग,
अम्बावाडी, अहमदाबाद- ३८००१५



Office of the
Principal Chief Commissioner
Central Goods & Services Tax,
Ahmedabad Zone,
GST Bhavan, Revenue Marg,
Ambawadi, Ahmedabad- 380015

Telephone: 079-26302133/6499

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A.	File Number	GCCO/RTI/FAAA/24/2023- Tech
B.	Order in Appeal No.	01/RTI APPEAL (PCCO)/FAA/AHD/2022-23
C.	Passed by	Shri Amit Kumar Mishra, Additional Commissioner & Appellate Authority, O/o - Principal Chief Commissioner Central GST, Ahmedabad Zone
D.	Date of order/Issue	#ApprovedDate#
E.	Name and address of Applicant	Shri Rahul Dahel. Maharashtra

1. This Order-in-Appeal is granted to the concerned free of charge.
2. Any person aggrieved by this Order-in-Appeal may file an appeal under section 19 (3) of the Right to Information Act, 2005 to Central Information Commission, CIC Bhawan, Baba Gangnath Marg Munirka, New Delhi-110067.
3. Appeal shall be filed within ninety days from the date of receipt of this order in accordance with the provisions of section 19 (3) of the Right to Information Act, 2005, before the Central Information Commission.

ORDER-IN-APPEAL

Brief facts of the case:

1. The RTI Appeal under consideration has been filed by Shri Rahul Dahel against the online reply given by the CPIO, Office of the Chief Commissioner of Central GST, Ahmedabad Zone with reference to his online RTI Application bearing Registration No. CCEAB/RTI/23/00113 dated 20-04-2023. The present appeal having Registration Number CCEAB/A/E/23/00001 dated 21-04-2023 has been filed online by the appellent.
2. The appellent vide his RTI application bearing Registration No. CCEAB/RTI/23/00113, dated 20-04-2023 had sought certain information, as under:

RTI REQUEST DETAILS			
Registration No. :	CCEAB/R/T/23/00113	Date of Receipt :	20/04/2023
Transferred From :	Central Board of Excise and Customs - Central Excise on 20/04/2023 With Reference Number : CBECE/R/E/23/00631		
Remarks :	Kindly provide reply to the above query directly to the applicant under the provision of RTI ACT.		
Type of Receipt :	Electronically Transferred from Other Public Authority	Language of Request :	English
Name :	Rahul Dahel	Gender :	Male
Address :	Plz email to rahuldahel09@gmail.com		

State :	Maharashtra	Country :	India
Phone No. :	+91-7415349449	Mobile No. :	+91-7415349449
Email :	rahuldahe109@gmail.com		
Status(Rural/Urban) :	Urban	Education Status :	Graduate
Letter No. :	Details not provided	Letter Date :	Details not provided
Is Requester Below Poverty Line? :	No	Citizenship Status	Indian
Amount Paid :	10)	Mode of Payment	Payment Gateway
Does it concern the life or Liberty of a Person? :	No(Normal)	Request Pertains to :	
Information Sought :	<p>Please provide the point wise information-</p> <p>1. Please provide the information that number of Inspectors, CGST and CEX have been terminated from their service during or before completion of probation period in all over Zones of whole INDIA , (EXCEPT CGST MUMBAI ZONE), on the basis of clause mentioned in the offer of appointment letter issued to the newly inspectors as-</p> <p>During the period of probation, you will be liable to be terminated without any notice and without assigning any reasons thereof.</p> <p>2. Please provide the information that Number of Inspectors, CGST and CEX from point no.1 above who have been terminated from services who were holding LIEN when they were terminated from their services on the basis of above clause mentioned at point no.1 above.</p> <p>3. Please provide the information that from point no.1 above, number of Inspectors, CGST and CEX have been terminated from their services as per clause at point no.1 as-</p> <p>(a) Number of inspector terminated without conducting departmental enquiry</p> <p>(b) Number of Inspectors terminated by conducting departmental enquiry before termination of their services.</p> <p>4. Please provide the information that before terminating the services of any Inspector as per point no.1 of this RTI application, any approval is required or mandatory, from the Principal Chief/ Chief Commissioner of the zone. to be taken by the Commissioner, CGST and CEX.</p> <p>Note- 1. The clause mentioned at point no. 1 in the RTI application is mostly mentioned in offer of appointment letter issued to newly inspectors of CGST and CEX at para 4 or point no.4 of offer letter of appointment by CGST and CEX department of all Zones in India.</p> <p>2. Please provide Zone wise reply only not Commissionerate wise reply.</p> <p>3. Please do not send reply from Mumbai CGST ZONE.</p> <p>4. Please email the reply only no hard copy required.</p>		

3. In response to the above application, the CPIO in the Office of the Principal Chief Commissioner of Central GST, Ahmedabad Zone, returned the said RTI application dated 20/04/2023 to the applicant on the RTI portal on 21/04/2023 with a request to apply the application afresh with proper & complete credentials in application form under address column which read as "Plz email to rahuldahel09@gmail.com" instead of complete address of the applicant.

4. Being aggrieved by the same, the applicant filed the present RTI Appeal on RTI portal having Registration Number CCEAB/A/E 23/00001 dated 21-04-2023 against the online reply given by the CPIO, Office of the Chief Commissioner of Central GST, Ahmedabad Zone wherein he appealed that - *"The CPIO refused to provide information of my RTI application and invoked irrelevant procedure which is not under RTI Act. 1. RTI application can be applied through electronic means as per Section 6 (1) RTI Act and as per Section 6 (2) of RTI Act - (2) An applicant making request for information 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. In this application I have mentioned my email id and mobile no. which are sufficient to contact me and I have applied through RTI portal so reply is given through RTI portal as electronic means and there is no need to mention address in rti application. 2. CPIO cannot return the request under rti act on the basis of not mentioning of address in RTI application by the applicant. There is no clause or provision under RTI act which says that to mandatorily mention the address in RTI application. CPIO wrongly returned the my RTI request without any legal provisions and he quoted section 3 of RTI Act which is different from this point. 3. No provision under RTI Act says to mention the address in RTI application and CPIO cannot return the request and can deny the information to the applicant on this point without the legal provisions under RTI act."*

5. Upon receipt of the present RTI appeal dated 21/04/2023 on RTI portal, letter dated 28-04-2023, issued vide File Number GCCO/RTI/ FAAA/ 24/2023-TECH-O/o Pr CC-CGST-ZONE-AHMEDABAD was issued to the Appellant giving a Personal Hearing before the First Appellate Authority, PCCO, CGST Zone, Ahmedabad with the option to attend the same in virtual mode at 1200 Hours on 02/05/2023. The appellant responded vide his email dated 29-04-2023, wherein he submitted as under:

"Sir,

You had a issue that I had not mentioned address in the RTI application and you have rejected the same as per section 3 of RTI ACT.

I want to apprise you that address does not establish the identity of any citizen. I did not mention the address because my house is vacate and I goes outside for work so letter goes back without the delivery.

Now you decide the appeal of this RTI No. accordingly and I am mentioning the address for your record.

You please email me the reply and my address is C2, FLAT NO.202, RAUNAK CITY, KALYAN WEST, THANE 421301".

Discussion & finding:

6. I have carefully gone through the facts of the case and submissions made by the appellant in the matter of RTI application having registration number CCEAB/R/T/23/00113 dated 20-04-2023 and action taken by the CPIO and observe that -

6.1. Prima facie, it appears that the information given in Address column of RTI application dated 20/04/2023 was left incomplete by the Applicant and the CPIO returned the Application on RTI portal on 21/04/2023 with a request to the Appellant

to file afresh along with supplying proper credentials in the relevant column pertaining to Address.

6.2. The Appellant in response to the offer of PH before First Appellate Authority, (as conveyed through his email dated 29/04/2023) provided his complete address which reads as "C2, FLAT NO.202, RAUNAK CITY, KALYAN WEST, THANE 421301" and further conveyed that "Now you decide the appeal of this RTI No. accordingly and I am mentioning the address for your record."

Order:

In view of the fact that information sought by CPIO has now been provided by Appellant and he desires to be provided with the information sought by him in his original application, I hereby remit the matter to CPIO, Office of the Chief Commissioner of Central GST, Ahmedabad Zone, for denovo consideration of the original RTI application of the present Appellant, bearing Registration No. CCEAB/R/T/23/00113 dated 20/04/2023 and to take appropriate action thereupon.

(Amit Kumar Mishra)
(First Appellate Authority)
Additional Commissioner
Central GST, Ahmedabad Zone

12.05.2023

By Email

To

Shri Rahul Dahel
C2, flat No. 202
City, Kalyan West
Thane 421301

Raunak

Copy to:

1. The CPIO, CCO, Central GST, Ahmedabad Zone, Ahmedabad for information please.
2. The Deputy/Assistant Commissioner (Systems), Central GST & Central Excise, Ahmedabad-South with a request to upload the same on the website.