

सीमा शुल्क एवं केन्द्रीय कर के  
मुख्य आयुक्त का कार्यालय, विशाखापट्टणम क्षेत्र  
प्रथम तल, जीएसटी भवन, पत्तन क्षेत्र,  
विशाखापट्टणम - 530035

Office of the Chief Commissioner,  
Customs & Central Tax, Visakhapatnam Zone  
1<sup>st</sup> Floor, GST Bhavan, Port Area,  
Visakhapatnam - 530035

(P): 0891-2568837 (F) 0891-2561942

ccu-ccxvzg@nic.in

F.No.GCCO/RTI/FAAA/21/2023-REV-O/o CC-CGST-ZONE-VISAKHAPATNAM

**अपील में आदेश संख्या. 03/2023-24/ Order-in-Appeal No. 03/2023-24**

(Order passed by Shri M. Sreekanth, First Appellate Authority/  
Additional Commissioner of Central Tax & Customs,  
CCO, Visakhapatnam Zone, Visakhapatnam)

**प्रस्तावना / PREAMBLE**

1. यह आदेश आर.टी.आई अधिनियम 2005 की धारा 19 के अन्तर्गत जारी किया गया है।  
This Order-in-Appeal is issued under Section 19 of the Right to Information Act, 2005.
2. यदि आप इस आदेश से संतुष्ट न हो तो आप केन्द्रीय सूचना आयोग, सीआईसी भवन, बाबा गंगनाथ मार्ग, मुनिरका, नई दिल्ली-110067 के सम्मुख आर.टी.आई. अधिनियम, 2005 की धारा 19 की उप-धारा (3) के अन्तर्गत एक अपील दायर कर सकते हैं।  
An appeal against the Order can be preferred to the Central Information Commission, CIC Bhawan, Baba Gangnath Marg, Munirka, New Delhi-110067 under Subsection(3) of Section 19 of the Right to Information Act, 2005.
3. इस आदेश की प्राप्ति की तारीख से 90 दिनों के भीतर अपील दायर किया जाना चाहिए।  
An Appeal against this order must be filed within 90 days from the date of receipt of this order.
4. कृपया अपील की प्रक्रिया से सम्बन्धित अधिक जानकारी के लिए: <http://cic.gov.in> को देखें।  
For further information regarding procedure of appeals, please visit, <http://cic.gov.in>.

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**Brief Facts of the Appeal:**

This appeal filed by Ms. N. Sravani (herein after referred to as the “Appellant” or “Applicant”), D.No.34-2-4, Ravulapalli Street, Gnanapuram, Visakhapatnam, through RTI portal dated 07.11.2023, against the reply dated 16.10.2023 of the CPIO i.e. Assistant Commissioner of Central Tax & Customs, O/o the Chief Commissioner of Central Tax and Customs, Visakhapatnam Zone, Visakhapatnam, in response to the application dated 07.10.2023 under RTI Act, 2005.

2. The Appellant alleged in her appeal, inter-alia, that;
  - They have submitted the application to CBIC Board to furnish the information;
  - They have not submitted RTI application directly to Chief Commissioner of Customs/VSKP;
  - If the information is not available with his office, PIO/VSKP should transfer their RTI application to concerned PIO to furnish the information under RTI Act.

**Personal Hearing:**

3. The appellant is provided opportunity to explain her appeal in person and in the personal hearing conducted online mode; at 03.00 PM on 30.11.2023, the appellant has reiterated the submissions made in the appeal.

**Discussion & Findings:**

3. I have carefully gone through the RTI application dated 07.10.2023 and reply of CPIO, office of the Chief Commissioner of Central Tax & Customs, Visakhapatnam Zone, Visakhapatnam dated 16.10.2023 and the appeal dated 07.11.2023 filed by the applicant and the relevant documents. The issue to be decided in the present appeal is that whether the application of the applicant, in case of non-availability of the information sought, is to be transferred to the CPIO concerned or otherwise.

4. The application dated 07.10.2023 and reply was furnished vide letter CPIO's F.No. GCCO/ RTI/ APP/ 774/ 2023-REV- O/o CC-CGST-ZONE-VISAKHAPATNAM dated 16.10.2023. Therefore, the reply is communicated to her within 30 days from the date of receipt of application as required under Section 7(1) of the RTI Act, 2005.

5. As seen from the application dated 07.10.2023, the applicant sought information from the CBIC, New Delhi on the following:

1. Furnish the action taken by the Chairman /CBIC to their e-mails dated 11.09.23, 13.09.23, 20.09.23, 21.09.23 and 03.10.23;

2. Kindly furnish the action taken by the Chairman/CBIC to obtain approval from President of India under Section 17A to submit the same to CBI/VSKP against fake certificates and dual identity of Namarla Satyanarayana, AC(AR)CESTAT/Chennai;

3. Namarla Satyanarayana, AC(AR)CESTAT/Chennai did not furnish property details to the working department till date, in this regard kindly furnish action taken by the organization against Namarla Satyanarayana.

6. The said application has been transferred by the Central Board of Excise and Customs to the (through RTI Portal) to the office of the Chief Commissionerate of Central Taxes & Customs, Visakhapatnam Zone, Visakhapatnam. Therefore, though the application was not directly made to the Office of the Chief Commissioner of Central Tax & Customs, Visakhapatnam Zone, Visakhapatnam, the CPIO of the said office has submitted a reply to the applicant.

7. It is also found that the CPIO vide his reply dated 16.10.2023 submitted that **"Point (1) to (3): The information sought by you is not available with this office as the officer has been transferred to CC(AR)CESTAT, New Delhi, and all the relevant case files has been sent to the CC(AR)CESTAT, New Delhi"**.

8. In view of the above, I find that the CPIO replied to the applicant within the time limit of 30 days. However, the CPIO did not transfer the application to CPIO concerned, where information and relevant case files are available.

## **DECISION**

The appeal dated 07.11.2023 filed by the appellant is allowed and accordingly CPIO, Office of the Chief Commissioner of Central Tax & Customs, Visakhapatnam Zone, Visakhapatnam is ordered to transfer the application dated 07.10.2023 under RTI Act, 2005 of the appellant, to the CPIO concerned, where information and relevant case files are available.

*M. Sreekanth*  
01/12/2023

**(एम. श्रीकान्त/M. Sreekanth)**  
**First Appellate Authority**  
अपर आयुक्त/ **Additional Commissioner**

To,  
Ms. N. Sravani, D.No.34-2-4, Ravulapalli Street, Gnanapuram, Visakhapatnam (Through email to: [sravani121712@gmail.com](mailto:sravani121712@gmail.com)).

Copy Submitted to: The Chief Commissioner of Central Tax & Customs, Visakhapatnam Zone, Visakhapatnam – 530035.

Copy to: 1. The CPIO/Assistant Commissioner of Central Tax, O/o the Chief Commissioner of Central Tax & Customs, Visakhapatnam Zone, Visakhapatnam.

2. The Superintendent, Media Cell (CCO-VZ) for uploading into Department's Website.