



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
1st Floor, GST Bhavan, Port Area,
Visakhapatnam - 530035

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

ccu-cexvzg@nic.in

F.No.GCCO/RTI/FAAA/6/2024-REV-O/o
VISA KHAPATNAM

CC-CGST-ZONE-

अपील में आदेश संख्या. 05/2023-24/ Order-in-Appeal No. 05/2023-24

(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>.

विषय/Sub: Right to Information Act, 2005- Appeal filed by Mr. Ahamed
Meera Thamby – Decision under Section 19(1) of the RTI
Act, 2005 – Regarding

* * *

Brief Facts of the Appeal:

This appeal filed by Mr. Ahamed Meera Thamby (herein after referred to as the "Appellant" or "Applicant"), S/O: FAROOK, DOOR NO 3-E: TIRUCHENDUR ROAD EAST OPPOSITE K.M.T. HOSPITAL, SAMU ZULAIHA HOUSEKAYALPATNAM- (POST)-628204, TAMILNADU, through RTI portal dated 29.01.2024.

The Appellant submitted the following in his appeal:

Ground For Appeal: *Refused access to Information Requested.*

Text of RTI First Appeal: BPL CARD ATTACHED FOR PAYMENT OPTION BUT UNFORTUNATELY MY RTI REQUEST REJECT SO I APPEAL IN THIS CASE.

Mr. Ahamed Meera Thamby has sought the following information in his RTI application filed vide Registration No. CECVZ/R/E/24/00008 dated 29.01.2024:

- (i) State the name and address of the Central Public Information Officer for Chief Commissioner of Central Excise & Customs (Visakhapatnam Zone)
- (ii) State the name and address of the First Appellate Authority for Chief Commissioner of Central Excise & Customs (Visakhapatnam Zone)
- (iii) State the name and address of the Second Appellate Authority for Chief Commissioner of Central Excise & Customs (Visakhapatnam Zone)

Note: If the CPIO- Officer Wishes To Give Me Any Responses/ Reply For My RTI Petition, Please Send It In Writing By Post To My Address.

The CPIO Visakhapatnam "Returned" the above said application with a request to re-submit the same along with necessary enclosures i.e. BPL Card, in the instant case, as a proof for claiming exemption from payment of Application Fee, as was claimed by the applicant.

In response to the above action of CPIO, the applicant preferred the Appeal under consideration, instead of re-submitting the application with relevant enclosures, as requested for. The 'Grounds of Appeal' in the instant appeal are '*Refused access to Information Requested*'. The appellant also enclosed a copy of "BPL Card" to the instant Appeal.

Personal Hearing:

Observing the principles of natural justice, opportunity to represent their case in person has been granted and accordingly Personal Hearing was fixed on 13.02.2024 at 12.00 noon. A letter dated 01.02.2024, communicating the date of PH and necessary 'Web Link' to attend the PH on Virtual Mode was e mailed to the Appellant. The Appellant did not appear for the said PH on 13.02.2024. Another date

for PH to be conducted on 20.02.2024 at 12.00 noon was communicated to the appellant vide letter dated 13.02.2024. In response to the said communication, the appellant vide reply (through e mail dated 14.02.2024) requested "to send your RTI reply documents through registered post / post because physical documents copy is necessary need for me".

Discussion & Findings:

I have carefully gone through the reply of the appellant dated 14.02.2024 and also took note of his abstaining from the opportunity of first PH on 13.02.2024. I have carefully gone through the RTI application dated 29.01.2024 and action taken by Nodal Officer/CPIO, office of the Chief Commissioner of Central Tax & Customs, Visakhapatnam Zone, Visakhapatnam in the portal on 30.01.2024 and the appeal dated 30.01.2024 filed by the appellant.

The applicant in his RTI application dated 29.01.2024 sought for information. The Nodal Officer/ CPIO, O/o the Chief Commissioner of Central Tax & Customs returned the said RTI application dated 29.01.2024 directly from portal to the applicant with a request to re-submit the RTI application along with a copy of BPL Card, as a proof for claiming exemption from payment of 'Application Fee', which is said to be enclosed but not available on record.

Against the said communication of CPIO dated 30.01.2024, the Appellant preferred the instant Appeal, instead of re-submitting the application. I also observe that the appellant has enclosed a copy of BPL Card to the instant Appeal.

Since the Appellant has submitted the requisite proof for claiming exemption from 'Application Fee' (copy of BPL Card in the instant case) and as the application can be processed for transmitting the information sought, I pass the following order.

DECISION

The action initiated by CPIO/Nodal Officer by returning the application for want of proof for availing exemption from 'Application Fee' which is said to be enclosed, but not available, is a correct action. The appellant, instead of re-submitting the application with relevant proof, chose the course of Appeal with 'Grounds Appeal' as '*Refused access to Information Requested*' which are not proved conclusively in favour of the appellant. Therefore, based on the above, I reject the instant appeal.

However, as the specific reason for requesting the applicant for re-submission of RTI Application has been now fulfilled (as the appellant has submitted a copy of BPL Card enclosing the same to the instant Appeal), the information sought by the applicant is provided/furnished (point-wise) hereunder:

(i) Name and address of the Central Public Information Officer for Chief Commissioner of Central Excise & Customs (Visakhapatnam Zone): Name of the Central Public Information Officer (CPIO): F.A. Cooper, Address of CPIO: O/o the Chief Commissioner of Customs & Central Tax, Visakhapatnam Zone, 1st Floor, GST Bhavan, Port Area, Visakhapatnam-530035.

(ii) Name and address of the First Appellate Authority for Chief Commissioner of Central Excise & Customs (Visakhapatnam Zone): Name of First Appellate Authority (FAA): M. Sreekanth, Address of FAA: O/o the Chief Commissioner of Customs & Central Tax, Visakhapatnam Zone, 1st Floor, GST Bhavan, Port Area, Visakhapatnam-530035.

(iii) Name and address of the Second Appellate Authority for Chief Commissioner of Central Excise & Customs (Visakhapatnam Zone): With respect to name & address of the Second Appellate Authority, the information is available with Central Information Commission (CIC), New Delhi.

(एम. श्रीकान्त/M. Sreekanth)

First Appellate Authority

अपर आयुक्त/ Additional Commissioner

To,

Mr. Ahamed Meera Thamby S/O: FAROOK, DOOR NO 3-E: TIRUCHENDUR ROAD EAST OPPOSITE K.M.T. HOSPITAL, SAMU ZULAIHA HOUSEKAYALPATNAM- (POST)-628204, TAMILNADU (Through email to: meeranblue@gmail.com & by post).

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

Copy to:

1. The CPIO/Assistant Commissioner/Nodal Officer, O/o the Chief Commissioner of Central Tax & Customs, Visakhapatnam Zone.

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