



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,
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F.No.GCCO/RTI/FAAA/12/2024-REV-O/o CC-CGST-ZONE-VISAKHAPATNAM

अपील में आदेश संख्या. 01/2024-25/ Order-in-Appeal No. 01/2024-25

(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. Ashish Shankar
– Decision under Section 19(1) of the RTI Act, 2005 – Regarding

Brief Facts of the Appeal:

This appeal filed by Mr. Ashish Shankar (herein after referred to as the "Appellant" or "Applicant"), Saket Apartment, Flat No.402, Road Number-11, East Patel Nagar, Bihar State – 800023, through RTI portal dated 19.05.2024, against returning of the application with a remark 'Not pertaining to this organisation' on 07.05.2024 by 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 06.05.2024 under RTI Act,2005.

2. The Appellant submitted the following in his appeal:

As the PMO is traditionally the Incharge of the Delhi Police, all senior officers of the Delhi Police are behaving in a servile manner, towards the traitor and not taking step. As the treason conducted, now the traitor P K Mishra is not the Incharge of the Delhi Police, should be explained to the Delhi Police. Delhi Police is making excuse and not taking step. It is incorrect step.

Kindly note 1 -

As a parrot is kept in a cage of iron, similarly the Hon. PM has been put in a cage. The traitor conducted great fraud with the Hon. PM and the Hon. PM also requires redressal in the matter. The Hon. PM is not aware of treasonous activities of the traitor in the Hon. PM own office. The nation in danger. Commissioner of Police, Rajkot City will initiate action against the Agent of foreign power - the traitor P K Mishra. Traitor P K Mishra - PMO Principal Secretary. Delhi Police should provide help to the Gujarat Police.

----- Forwarded message -----

*From: Raju Bhargava (GOG-Home Dept.) cp-raj@gujarat.gov.in
Date: Mon, Mar 11, 2024
Subject: Please give me contact mobile no and address proof adhar card..
To: ASHISH SHANKER ashishshanker88@gmail.com*

Please give me contact mobile no and address proof adhar card..

*From: ASHISH SHANKER ashishshanker88@gmail.com
Sent: Saturday, March 2, 2024 12:07 AM
To: Raju Bhargava (GOG-Home Dept.)*

Subject: Commissioner of Police, Rajkot City, Shri Raju Bhargava Ji, kindly lodge FIR against the traitor and get arrest warrant issued. Rs 12 lakh crore loot of the nation is to be stopped.

----- Forwarded message -----

*From: I Branch DGP Office dgp-i-br@gujarat.gov.in
Date: Sat, Feb 3, 2024*

Subject: Fw: Kindly find attached the copy of affidavit submitted to the High court, Patna by the OSD of Cabinet Secretariat Bihar. Traitors are lying even before the High court to hide their treason. Agent of foreign power - the traitor P K Mishra sold the nation.

*To: K B Ranavat(GoG-Home Dept.) dgp-g1-br@gujarat.gov.in
Cc: ashishshanker88@gmail.com ashishshanker88@gmail.com*

2. Immediate arrest of traitors a necessity. Largest economic and criminal offence, since Independence, worth Rs 10 lakh crores perpetrated by traitors.

- Forwarded message -

*From - I Branch DGP Office Gujarat
Date - Thu, Jan 11, 2024 at 11.11 AM*

Subject- Fw Rs 49000 crores to Rs 10 lakh crores, all treason done by the traitor P. K. Mishra. The nation in danger from the traitors. Rs 10.49 lakh crores gifted to foreign powers (largest treason ever). Traitor P. K. Mishra sold the nation.

*To - K B Ranavat(GoG-Home Dept.) [dgp g1 br\(at\)gujarat.gov.in](mailto:dgp g1 br(at)gujarat.gov.in)
Cc: ashishshanker88@gmail.com*

*From - Narasihma Komar, Additional Director General of Police (Law & Order), Gujarat
Sent - Thursday, January 11, 2024 12.08 PM
To - I Branch DGP Office*

Kindly note 2 -

Agent of foreign power - traitor P K Mishra arrest a necessity.

Personal Hearing:

3. Observing the principles of natural justice, opportunity to explain his appeal in person has been granted by posting a letter dated 21.05.2024 (physical copy sent by POST and also sent by e mail to ashishshanker88@gmail.com) informing that the Personal

Hearing will be held on 31.05.2024 at 12.00 Noon. In the said letter it was also informed that if the appellant intend to attend the hearing in virtual mode, the same may be informed in advance through e mail to ccu-cexvzg@nic.in. The link to join the PH on virtual mode has been sent by e mail on 30.05.2024. As there was no response (either through e mail or through post) and as the appellant failed to appear for PH on 31.05.2024, 2nd opportunity of personal hearing was granted to be conducted on 07.06.2024 @ 11.30 Hrs., which was communicated vide letter dated 02.06.2024 (e mailed and physical copy posted on 03.06.2024). Link for attending the Personal Hearing on virtual mode has been communicated through e mail on 05.06.2024. The appellant did not avail the 2nd opportunity of PH also. Therefore, I proceed to issue the order on facts and material available on file.

Discussion & Findings:

4. I have carefully gone through the RTI application dated 06.05.2024 and returning the application by CPIO, office of the Chief Commissioner of Central Tax & Customs, Visakhapatnam Zone, Visakhapatnam on 07.05.2024 with a remark 'Not pertaining to this organisation' and the appeal dated 19.05.2024 filed by the applicant and the relevant documents.

4.1. The applicant in his application dated 06.05.2024 sought 'the arrest of one Mr. P.K. Mishra' referring him as 'PMO Principal Secretary'. The appellant referred in his application regarding in-action by Delhi Police, Gujrat Poilce and incorporated some e mail messages. The CPIO returned the application (through RTI Portal) with a comment 'Not pertaining to this organisation'.

4.2. Against the said returning the application on 07.05.2024 by the CPIO, the appellant made the present appeal, wherein once again submitted the same information/e mail messages as were given vide his application dated 06.05.2024.

5. The issue to be decided in the present appeal is that

1. Whether returning of the application by CPIO with a remark 'Not pertaining to this organisation' is correct or otherwise.

- a) If correct, what is the course of action to be initiated by the Appellate authority or
- b) If not correct, what is the course of action to be initiated by the Appellate authority

6. The application dated 06.05.2024 and the said application was returned by the CPIO on 07.05.2024. Therefore, the reply / the response is communicated to him within 30 days from the date of receipt of application as required under Section 7(1) of the RTI Act, 2005.

7. As seen from the application dated 06.05.2024, the applicant sought the following information:

As the PMO is traditionally the Incharge of the Delhi Police, all senior officers of the Delhi Police are behaving in a servile manner, towards the traitor and not taking step. As the treason conducted, now the traitor P K Mishra is not the Incharge of the Delhi Police, should be explained to the Delhi Police. Delhi Police is making excuse and not taking step. It is incorrect step.

Kindly note 1 -

As a parrot is kept in a cage of iron, similarly the Hon. PM has been put in a cage. The traitor conducted great fraud with the Hon. PM and the Hon. PM also requires redressal in the matter. The Hon. PM is not aware of treasonous activities of the traitor in the Hon. PM own office. The nation in danger. Commissioner of Police, Rajkot City will initiate action against the Agent of foreign power - the traitor P K Mishra. Traitor P K Mishra - PMO Principal Secretary. Delhi Police should provide help to the Gujarat Police.

Kindly note 2 -

Agent of foreign power - traitor P K Mishra arrest a necessity.

7.1. Since the applicant is seeking for 'Arrest of one Mr. P.K. Mishra, who is said to be PMO-Principal Secretary', the returning the application on 07.05.20024 by CPIO, with a remark that 'referring to the definition of 'Not pertaining to this organisation', appears to be correct.

7.2. The Appellant vide his Appeal dated 19.05.2024, not mentioned any specific Grounds of Appeal but re-produced the information / request as per the RTI application dated 06.05.2024.

7.4. However, in the reply dated 07.05.2024 the CPIO categorically made a remark that the request is 'Not pertaining to this organisation'. Therefore, it is hereby held that there are 'No Grounds of Appeal' in the present Appeal.

7.5. In this connection it is observed that, the appellant vide his first application dated 06.05.2024 is not seeking any information in the first place. Further from the details of the application, it is evident that the information / details provided by the appellant are not pertaining to this organization i.e. CGST and Customs, Visakhapatnam Zone.

7.6. From the above, I find that the action initiated by the CPIO i.e. returning the application dated 06.05.2024 on 07.05.2024 through RTI Portal with a remark 'Not pertaining to this organisation' is the only legal and logical course of action and therefore is correct.

8. In view of the above, I pass the following Decision.

DECISION

The appeal dated 19.05.2024 filed by the appellant is not allowed.

M. Sreekanth
07/06/2024

(एम. श्रीकान्त/M. Sreekanth)

First Appellate Authority

अपर आयुक्त/ Additional Commissioner

To,
Mr. Ashish Shankar, Saket Apartment, Flat No.402, Road Number-11, East Patel Nagar,
Patna – 800023 (Through email to: ashishshanker88@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 & Customs (CCO, VZ)
2. The Superintendent, Media Cell (CCO-VZ) for uploading into Department's Website.