केन्द्रीय सूचना आयोग
Central Information Commission
बाबागंगनाथमार्ग, मुनिरका
Baba Gangnath Marg, Munirka
नईदिल्ली, New Delhi – 110067

File No : CIC/CECHZ/A/2021/134352

Vemula Madhu **……**अपीलकर्ता/**Appellant**

VERSUS
बनाम

CPIO,
Office of the Assistant
Commissioner of Central Excise
and Service Tax, Warangal
Division, RTI Cell, H.No-2-7-391,
Sri Sai Nivas, Venkateshwara Temple,
Excise Colony, Hanamkonda,
Warangal-506001, Telangana **….**प्रतिवादीगण /**Respondent**

Date of Hearing : 28/09/2022
Date of Decision : 28/09/2022

INFORMATION COMMISSIONER : Saroj Punhani

Relevant facts emerging from appeal:

RTI application filed on	:	09/02/2021
CPIO replied on	:	10/03/2021
First appeal filed on	:	09/04/2021
First Appellate Authority's order	:	11/05/2021
2nd Appeal/Complaint dated	:	09/08/2021

Information sought:
The Appellant filed an RTI application dated 09.02.2021 seeking the following information related to Saigeetham Chit Fund Pvt. Limited:
1. "Details of GST Tax, Warangal Branch

2. Details of GST Tax, Hanamkonda Branch
3. List of GST Tax invoices of Warangal Branch
4. List of GST Tax invoices of Hanamkonda Branch
5. GST tax invoices copies of subscribers of Warangal Branch
6. GST tax invoices copies of subscribers of Hanamkonda Branch."

The CPIO furnished a reply to the appellant on 10.03.2021 stating as follows:-

"……….The information sought by applicant cannot be provided by this office as M/s Saigeetham Chitfunds Private Ltd., (GSTIN : 36AAWCS8582)1Z9) is falling under the Jurisdiction of State GST Authority, Nalgonda. This is for favour of your information. The details of the State GST Authority is annexed."

Being dissatisfied, the appellant filed a First Appeal dated 09.04.2021. FAA's order dated 11.05.2021 upheld the reply of CPIO.

Feeling aggrieved and dissatisfied, the appellant approached the Commission with the instant Second Appeal.

Relevant Facts emerging during Hearing:
The following were present:-

Appellant: Present through video conference.
Respondent: Vishwanath Korra, Suptd. & Rep. of CPIO present through video conference.

The Rep. of CPIO reiterated the reply provided to the Appellant and affirmed that the averred GSTIN falls under the respective State Administration.

The Appellant contested the averment of the Respondent office and stated that as per the information gathered from the public domain, the jurisdiction of the averred GSTIN falls under Central jurisdiction, Warangal. He further contended that both Centre & State are collecting GST but both are evading the provision of information.

Decision:

The Commission based on a perusal of the facts on record and upon hearing the contention of the Appellant it appears that he is questioning the factual position informed by the CPIO regarding the amenability of the averred GSTIN to the State jurisdiction, which is not the mandate of the RTI Act. Here reference shall be had of a judgment of the Hon'ble Delhi High Court in the matter of ***Govt. of NCT of Delhi vs. Rajender Prasad (W.P.[C] 10676/2016) dated 30.11.201***7 wherein it was held as under:

> *"6. The CIC has been constituted under Section 12 of the Act and the powers of CIC are delineated under the Act. The CIC being a statutory body has to act strictly within the confines of the Act and is neither required to nor has the jurisdiction to examine any other controversy or disputes."*

While, the Apex Court in the matter of ***Union of India vs Namit Sharma (Review Petition [C] No.2309 of 2012) dated 03.09.2013*** observed as under:

> *"20. …While deciding whether a citizen should or should not get a particular information "which is held by or under the control of any public authority", the Information Commission does not decide a dispute between two or more parties concerning their legal rights other than their right to get information in possession of a public authority…." (**Emphasis Supplied**)*

Moreover, it is pertinent to note that the information sought for by the Appellant relates to third parties, disclosure of which stands exempted under Section 8(1)(j) of the RTI Act. For the sake of clarity, the said exemption of Section 8(1)(j) of the RTI Act is reproduced as under:

"Notwithstanding anything contained in this Act, there shall be no obligation to give any citizen:

(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:.."

In this regard, the attention of the Appellant is further drawn towards a judgment of the Hon'ble Supreme Court in the matter of ***Central Public Information Officer, Supreme Court of India Vs. Subhash Chandra Agarwal in Civil Appeal No. 10044 of 2010 with Civil Appeal No. 10045 of 2010 and Civil Appeal No. 2683 of 2010*** wherein the import of *"personal information"* envisaged under Section 8(1)(j) of RTI Act has been exemplified in the context of earlier ratios laid down by the same Court in the matter(s) of ***Canara Bank Vs. C.S. Shyam in Civil Appeal No.22 of 2009; Girish Ramchandra Deshpande vs. Central Information Commissioner & Ors., (2013) 1 SCC 212 and R.K. Jain vs. Union of India & Anr., (2013) 14 SCC 794.*** The following was thus held:

"59. Reading of the aforesaid judicial precedents, in our opinion, would indicate that personal records, including name, address, physical, mental and psychological status, marks obtained, grades and answer sheets, are all treated as personal information. Similarly, professional records, including qualification, performance, evaluation reports, ACRs, disciplinary proceedings, etc. are all personal information. Medical records, treatment, choice of medicine, list of hospitals and doctors visited, findings recorded, including that of the family members, information relating to assets, liabilities, ***income tax returns****,* ***details of investments, lending and borrowing, etc. are personal information.*** *Such personal information is entitled to protection from unwarranted invasion of privacy and conditional access is available when stipulation of larger public interest is satisfied. This list is indicative and not exhaustive..."* **Emphasis Supplied**

Having observed as above, no scope of relief is pertinent in the matter.

The appeal is disposed of accordingly.

Saroj Punhani (सरोजपुनहानि)
Information Commissioner (सूचनाआयुक्त)

Authenticated true copy
(अभिप्रमाणित सत्यापित प्रति)

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