केन्द्रीय सूचना आयोग
Central Information Commission
बाबा गंगनाथ मार्ग, मुनिरका
Baba Gangnath Marg, Munirka
नई दिल्ली, New Delhi – 110067

File No : CIC/CCITB/A/2023/109304

Raghavendra B Patil .....अपीलकर्ता/**Appellant**

VERSUS
बनाम

PIO,
Income Tax Officer
Ward-1(1), Room No 101 C R
Building, Navanagar, Hubbali – 580025 ....प्रतिवादीगण /**Respondent**

Date of Hearing	:	23-04-2024
Date of Decision	:	25-04-2024

INFORMATION COMMISSIONER : Vinod Kumar Tiwari

Relevant facts emerging from appeal:

RTI application filed on	:	21-08-2022
CPIO replied on	:	02-09-2022
First appeal filed on	:	19-09-2022
First Appellate Authority's order	:	14-10-2022
2nd Appeal/Complaint dated	:	17-01-2023

Information sought:
The Appellant filed an RTI application dated 21-08-2022 seeking the following information:

"Brief facts: Applicant is husband of VIJETA GOPAL HULMANI. His wife is IT assessee with PAN No AEWPH1401C at your office Ward No 1(3), HUBLI and earlier she was employed at QSG Technologies and presently employed at American Express (India) Pvt Ltd. My Wife filed false cases against me claiming

maintenance by stating she is unemployed even if she is working woman and earning handsome salary and paying taxes.

As per CIC decisions, giving information of legal wedded wife is not personal information and hence not exempted.

The disclosure of requested information of my wife Smt. Vijeta G Hulmani would surely help me to show my innocence and to fight the false cases. The disclosure of information sought is, therefore, in larger public interest. The information should therefore be provided.

Attachment:
pages 1-3: Screenshots of IT refund statuses hosted on https://tin.tin.nsdl.com.
page 4: CASE NO: CRL.MISC.52/2019,PRL JUDGE, FAMILY COURT, HUBBALLI, DHARWAD DISTRICT, KARNATAKA and The photo identity showing applicant is the husband of VIJETA G HULMANI.

Information Solicited:
Please provide me
1) Copies of entire IT returns filed with enclosures for the last five Assessment years.
2) Gross salary of VIJETA GOPAL HULMANI.
3) Your confirmation regarding IT Refund Information hosted on https://tin.tin.nsdl.com/ for following Assessment Years(AY) and details (attached pdf file with screenshots pages 1-3) are true, as these information already hosted on website publicly, cannot be considered as third party.

Mode of Payment: Refund cheque
Reference Number: CP15002509267
Status: Refund cheque has already been encashed
Account Number (masked): XXXX6465
Date: Nov 7,2015
Speed Post Ref. no: EK848535430IN

AY 2015-16
Mode of Payment: NECS
Reference Number: 1848361591
Status: Refund is already credited to your bank, please contact your bank
Account Number (masked): XXXX9988
Date: Sep 3,2015

AY 2016-17

Mode of Payment: NECS
Reference Number: 5174622468
Status: Refund is already credited to your bank, please contact your bank
Account Number (masked): XXXX9988
Date: Aug 30,2016

AY 2018-19
Mode of Payment: Direct Credit
Reference Number: 060836773
Status: Refund is already credited to your bank, please contact your bank
Account Number (masked): XXXX6465
Date: Sep 6,2018

AY 2019-20
Mode of Payment: NECS
Reference Number: 2012331970
Status: Refund is already credited to your bank, please contact your bank
Account Number (masked): XXXX0677
Date: Sep 12,2019

AY 2021-22
Mode of Payment: Direct Credit
Reference Number: 079730699
Status: Refund is already credited to your bank, please contact your bank
Account Number (masked): XXXX6465
Date: Jan 15,2022"

The CPIO furnished a reply to the Appellant on 02-09-2022 stating as under:

"The applicant sought the information related to copy of the assessment order in the case and the Gross Salary Smt. Vijeta Gopal Hulmani, (PAN: AEWPH1401C). The information sought by the applicant pertains to 3rd party which is exempted as per the provision of section 8(j) of the RTI, Act, 2005."

Being dissatisfied, the appellant filed a First Appeal dated 19-09-2022. The FAA vide its order dated 14-10-2022, upheld the reply of CPIO.

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

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

Appellant: Not Present.
Respondent: Shri Abdul Nazir Kaladgi, Income Tax Officer & CPIO present through Video-Conference.

The written submissions of the Respondent are taken on record.

The Respondent submitted that they have denied disclosure of information to the Appellant under Section 8(1)(j) of the RTI Act, as the information sought is personal information of third party.

Decision:

In furtherance of hearing proceedings, it is relevant to note that this bench has dealt with cases bearing the same factual matrix and the stance that has been maintained by it so far is that certain information sought for in the above mentioned RTI Application pertains to the personal information of a third party and stands duly exempted under Section 8(1)(j) of the RTI Act. In this regard, the attention of the Appellant has been 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…"

Further, in matters concerning the disputes of a **husband and wife**, the Commission is guided by a judgment of the Hon'ble Delhi High Court in the matter of ***Vijay Prakash vs. Union of India*** **(W.P. (C) 803/2009)** dated **01.07.2009** wherein the Court observed that in private disputes such as the present one between a husband and wife *"…The basic protection afforded by virtue of the exemption (from disclosure) enacted under Section 8(1)(j) cannot be lifted or disturbed.."*

Similarly, in the matter of **Madhumala B. R. vs. ACIT, Ward 3(3)(1), Bangalore** based on the same facts in **File No. CIC/CCITB/A/2021/609570**, the attention of this bench was invited to the following cases filed by the Income Tax authorities in Bangalore with the Hon'ble High Court of Karnataka against the orders of the Commission wherein "gross income" of the spouse was allowed to be disclosed citing the right of maintenance:

1. Jammula Padma Manjari in W.P. No. 18778 of 2017 (CIC/BS/A/2016/001440-BJ)
2. Gulsanober Bano in W.P. No. 34625 of 2019 (CIC/CCITB/A/2017/180340-BJ)
3. Neena Bhatnagar Mani in W.P. No. 7367 of 2020 (CIC/CCITB/A/2018/106268-BJ)
4. Chhavi Goel Nee Agarwal in W.P. No. 7281 of 2020 (CIC/CCITB/A/2018/120646-BJ)
5. Devyani Lakher in W.P. No. 7453 of 2020 (CIC/PNBNK/A/2018/104442)
6. Princy Amit Jain in W.P. No. 11233 of 2020 (CIC/CCITB/A/2018/164565).

The Commission further observes that the Respondent contended that there is an interim stay granted by Hon'ble High Court of Karnataka in the above-mentioned cases during the period 2017 to 2022 but the Appellant has neither annexed the copies of order where interim stay was granted nor informed the present status of those cases.

In light of the above observations, the Respondent should ascertain that the Appellant is the legally wedded husband of Ms. *VIJETA GOPAL HULMANI* and there is a maintenance case/matrimonial case pending before the judicial Court. For said purpose, the Appellant is directed to submit complete litigation documents before the Respondent Public Authority, within a week from the date of receipt of this order. On receipt of the same, the Respondent is directed to provide the *“generic details of the net taxable income/gross income”* of the estranged wife for the period as mentioned in the RTI application, free of cost, within two weeks from the date of receipt of the documents from the Appellant.

No further relief to be granted in the matter.

The appeal is disposed of accordingly.

Vinod Kumar Tiwari (विनोद कुमार तिवारी)
Information Commissioner (सूचना आयुक्त)

Authenticated true copy
(अभिप्रमाणित सत्यापित प्रति)

(S. Anantharaman)
Dy. Registrar
011- 26181927
Date

Copy To:

The FAA
Additional Commissioner Of Income
Tax Range-1 C R Building,
Navanagar, Hubbali - 580025

Recomendation(s) to PA under section 25(5) of the RTI Act, 2005:-

Nil