



केंद्रीय कर आयुक्त का कार्यालय  
 OFFICE OF THE COMMISSIONER OF CENTRAL TAX  
 सिकंदराबाद जीएसटी आयुक्तालय :: जीएसटी भवन, एल बी स्टेडियम रोड,  
 SECUNDERABAD GST COMMISSIONERATE :: GST BHAWAN, L.B.STADIUM ROAD  
 बशीरबाग हैदराबाद - 500004  
 BASHEERBAGH :: HYDERABAD - 500 004

**PREAMBLE**

Under Section 19(3) of the Right to Information Act, 2005, the applicant, if aggrieved by this order, can prefer an appeal within ninety days (90 days) from the receipt of this order to the Central Information Commission, CIC Bhawan, Baba Gangnath Marg, Munirka, New Delhi - 110067

Date 29-11-2023

**ORDER-IN-APPEAL No. 03/2023-RTI**

(Order passed by Shri B. Vijay, First Appellate Authority/Additional Commissioner, Office of the Commissioner of Central Tax, Secunderabad GST Commissionerate, Hyderabad Zone)

Sub: RTI Act, 2005- RTI Appeals dated 08.11.2023 & 12.11.2023 filed by Shri Charnapally Krishna, Secunderabad-Reg.

\*\*\*\*\*

An RTI application dated 03.09.2023 was filed by Shri Charnapally Krishna. It was sent by post and the same was received by CPIO/Assistant Commissioner, Uppal Division, Secunderabad GST Commissionerate on 05.09.2023.

2. The information sought was :-

"1. Show cause notice was issued or not in r/o M/s V S Verma Infranet Pvt Ltd, if so a copy of the same may be provided.

2. As on date i.e. 03-07-2020, who was the Asst./Dy Commissioner of the Division and details thereof may be provided:

a. Copy of joining report in the Uppal Division on account of transfer.

b. Copy of relief report from the Uppal Division on account of transfer.

c. While reliving from the Uppal Division, did the officer handed over the list of pending files, where revenue involvement is there, to the successor, if so a copy of the same may be provided."

3. The CPIO/Assistant Commissioner, Uppal Division, Uppal GST Commissionerate passed an Order No. 53/2023 dated 04.10.2023.

4. RTI Appeal dated 08.11.2023 was filed by Shri Charnapally Krishna on the grounds "no reply received from the CPIO of Uppal Division."

5. The same was conveyed to CPIO, Uppal Division. The CPIO, Uppal Division submitted that the Order dated 04.10.2023 was not despatched and the same got misplaced by officer posted in despatch section. Hence, a xerox copy of the order was despatched on 09.11.2023 with an intention to provide information to the applicant.

6. Another RTI Appeal dated 12.11.2023 was filed by Shri Charnapally Krishna stating that xerox copy of the order was sent to hide the delay. Further, the applicant is unhappy with the reply as he has stated that the information requested in Point No. 1 is not third party information. With respect to Point No. 2, he has stated that it does not violate Section 7(9) of the RTI ACT.

7. An explanation was called for from CPIO, Uppal Division vide letter dated 17.11.2023.

8. The CPIO, Uppal Division, vide letter dated 21.11.2023 has stated that the Order dated 04.10.2023 was not despatched and the same got misplaced. Hence, a xerox copy of the order was despatched on 09.11.2023 with an intention to provide information to the applicant. The person responsible for the delay in despatching the Order has taken responsibility vide letter dated 20.11.2023 and has requested that the error may be condoned.

### **FINDINGS**

9. I have gone through the RTI application dated 03.09.2023, CPIO order dated 04.10.2023, the Appeals dated 08.11.2023 & 12.11.2023 and the letter dated 21.11.2023 received from CPIO, Uppal Division. The officer from despatch section has submitted that she had misplaced the Order and forgot to despatch it. Although such incidents occur rarely, it seems like a human error from the officer posted at despatch Section. She is 53 years old and is the only person posted in that section and handles other work as well like distribution of Stationary and other items of the Division. Further, CPIO, Uppal Division had sent the xerox copy of the order on 09.11.2023 with an intention to provide information to the applicant and not to hide the delay.

10. Further, it is to submit that the information requested at Point No. 1 falls under the purview of exemption of information as per Section 8(1)(d) and Section 8(1)(j) of the Right to Information Act, 2005. As per CPIO, Uppal Division, the information requested at Point No. 2 is not readily available in Uppal Division and compilation of the same would disproportionately divert the resources; the information sought is

9900/2023

exempted from the disclosure under Section 7(9) of the RTI Act 2005.

11. Accordingly, I pass the following order:-

**ORDER**

I accept the appeal dated 08.11.2023 on the grounds that no response was received within the time limit. The CPIO should make sure that the reply to an RTI is despatched before the stipulated time. The CPIO is directed to ensure such incidents are not repeated.

I reject the appeal dated 12.11.2023 filed by Shri Charnapally Krishna as a xerox copy of the order was despatched on 09.11.2023 with an intention to provide information to the applicant and not to hide the delay. The officer posted in despatch section, Uppal Division has taken the responsibility for the same and has cited heavy workload as the reason. Further, I uphold the order dated 04.10.2023 as the information sought at Point No. 1 falls under the purview of exemption of information as per Section 8(1)(d) and Section 8(1)(j) of the Right to Information Act, 2005 and the information sought at Point No. 2 is exempted from the disclosure under Section 7(9) of the RTI Act 2005.

*B. Vijay*

29/11/23 .

(B. VIJAY)

APPELLATE AUTHORITY/ADDITIONAL COMMISSIONER

To,  
Shri Charnapally Krishna, Advocate  
Plot No. 29, Flat No. 401,  
Sai Sreenivasa Towers, Sripuri Colony,  
Opp Gowtham Junior College, Kakaguda,  
Secunderabad - 500015

Copy to : The CPIO/Assistant Commissioner, Uppal Division,  
Secunderabad GST Commissionerate for information and necessary action

*B. Vijay*  
जावक/DESPATCH  
दिनांक/DATE 29/11/23

5.20 PM