



सत्यमेव जयते

भारत सरकार
GOVERNMENT OF INDIA
वित्त मंत्रालय, राजस्व विभाग
MINISTRY OF FINANCE, DEPARTMENT OF REVENUE
आयुक्त का कार्यालय OFFICE OF THE COMMISSIONER



केंद्रीय वस्तु एवं सेवा कर तथा केंद्रीय उत्पाद शुल्क, अहमदाबाद उत्तर
CENTRAL GOODS & SERVICES TAX & CENTRAL EXCISE, AHMEDABAD NORTH
पहली मंजिल, कस्टम हाउस, नवरंगपुरा, अहमदाबाद - 380009
FIRST FLOOR, CUSTOM HOUSE, NAVRANGPURA, AHMEDABAD - 380009

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DTN : 2022086400000000A7E5

स्पीड पोस्ट/पंजीकृत पावती डाक द्वारा

By Speed Post/Reg. AD

क. फाइल संख्या/File Number : GEXCOM/RTI/FAAA/105/2022-TECH-O/o
COMMR-CGST-AHMEDABAD(N)

ख. मूल आदेश संख्या/
Order-in-Appeal : 04/APPEAL/RTI/2022-23

ग. जारीकर्ता/Passed By: लोकेश डामोर, प्रथम अपील अधिकारी,
केंद्रीय वस्तु एवं सेवा कर, अहमदाबाद उत्तर

घ. आदेश जारी करने की तारीख/ : 18.08.2022
Date of Order/Issue

ङ. आवेदक का नाम व पता/Name: घनश्यामभाई डी. पटेल, 51, गंगा सदन, श्रीराम टेनामेंट,
&address of the applicant सरदार पटेल चौक, कृष्णा नगर, अहमदाबाद -382345

1. यह अपील का आदेश आवेदक को निःशुल्क उपलब्ध करवाया गया है ।
This Order-in-appeal is granted free of charge to the applicant.
2. इस अपील के आदेश से असंतुष्ट होने पर सम्बंधित व्यक्ति सूचना के अधिकार अधिनियम, 2005 की धारा 19(3) के अंतर्गत निम्नलिखित को अपील कर सकता है:

केंद्रीय सूचना आयोग, बाबा गंगनाथ मार्ग, मुनिरका, नई दिल्ली- 110067

The person aggrieved by this Order-in-Appeal may file an appeal under Section 19(3) of the Right to Information Act, 2005 to the following:

**Central Information Commission, Baba Gangnath Marg, Munirka,
New Delhi - 110067**

3. सूचना के अधिकार अधिनियम, 2005 की धारा 19(3) के अनुसार एक आदेश की प्राप्ति से 90 दिन के अंदर केंद्रीय सूचना आयोग को अपील की जा सकती है।
Appeal shall be filed before Central Information Commission, within Ninety (90) days from the date of receipt of this order as per Section 19(3) of the Right to Information Act, 2005

ORDER-IN-APPEAL No. 04/APPEAL/RTI/2022-23
(UNDER RIGHT TO INFORMATION ACT, 2005)

Brief facts of the case:-

Shri Ghanshyambhai D. Patel, 51, Ganga Sadan, Shree Ram Tenement, Sardar Patel Chowk, Krishna Nagar, Ahmedabad - 382345 (hereinafter referred to as "the appellant") has filed First appeal application dated 20.07.2022 (received in this office on 20.07.2022), under Section 19 of Right to Information Act, 2005. The said appeal application is filed against RTI reply vide letter F. No. GEXCOM/RTI/APP/981/2022-TECH-O/o COMMR-CGST-AHMEDABAD(N) dated 14.07.2022 issued by the Central Public Information Officer, CGST & Central Excise, Ahmedabad North against the RTI application dated 08.06.2022 (received in this office on 10.06.2022) filed by the applicant under Section 6 of the RTI Act, 2005.

2. The appellant vide the above RTI application dated 08.06.2022 requested to provide the details, of the search conducted by the officers under Section 67(1) of CGST Act, 2017, at Shree Dwarkesh Bildcon, Ahmedabad on 15.06.2021, on the following points:-

- (i) *Name and Designation of the officer, by whom the search was conducted.*
- (ii) *Date on which the search was conducted including the time of beginning of search and time of end of search.*
- (iii) *The place of search and mobile location of the officer, who conducted the search.*
- (iv) *Why the search was conducted ? Whether to check accounts/purchase/others. Provide the details.*
- (v) *Provide the copy of the documents/bills/letters/panchanama/delivery challan taken during the search.*

Decision of CPIO:-

3. The appellant filed the RTI application dated 08.06.2022 (received in this office on 10.06.2022) without Demand Draft or Indian Postal Order of Rs. 10/- as prescribed under Right to Information (Regulation of Fee and Cost) Act, 2005. Hence, CPIO requested to the appellant vide letter F. No. GEXCOM/RTI/APP/981/2022-TECH-O/o COMMR-CGST-AHMEDABAD(N) dated 20.06.2022 to submit Demand Draft or Indian Postal Order of Rs. 10/- for obtain the desired information. Accordingly, The appellant vide letter dated 04.07.2022 submitted Indian Postal Order of Rs. 10/-.

4. The issue involve in the RTI is pertains to Anti-Evasion Section and the Deputy Commissioner (A.E.), CGST, Ahmedabad North vide letter F. No. GEXCOM/AE/OTH/RTI/2/2020 dated 08.07.2022 submitted that being ongoing investigation, the information sought for cannot be provided to the applicant, as the same covers under the Section 8 (1)(h) of the RTI Act, 2005. Accordingly, the CPIO vide RTI reply letter F. No. GEXCOM/RTI/APP/981/2022-TECH-O/o COMMR-CGST-AHMEDABAD(N) dated 14.07.2022 submitted to the appellant that the required information cannot be provided as per Section 8 (1)(h) of the RTI Act, 2005.

Grounds of Appeal:-

5. The appellant filed First appeal dated 20.07.2022 on the following grounds:-

"Provide the copy of the documents requested in RTI application dated 08.06.2022".

Personal Hearing

6. Personal hearing held on dated 17.08.2022 and appellant Shri Ghanshyambhai D. Patel, 51, Ganga Sadan, Shree Ram Tenement, Sardar Patel Chowk, Krishna Nagar, Ahmedabad – 382345 appeared in personal hearing. He requested to submit the information as required in his RTI application dated 08.06.2022.

Discussion & Findings:-

7. I have carefully considered the facts on records and contentions in the appeal application filed by the appellant.

8. The RTI application dated 08.06.2022 (received in this office on 10.06.2022) without Demand Draft or Indian Postal Order of Rs. 10/- as prescribed under Right to Information (Regulation of Fee and Cost) Act, 2005. Hence, CPIO requested to the appellant vide letter F. No. GEXCOM/RTI/APP/981/2022-TECH-O/o COMMR-CGST-AHMEDABAD(N) dated 20.06.2022 to submit Demand Draft or Indian Postal Order of Rs. 10/- for obtain the desired information. Accordingly, the appellant vide letter dated 04.07.2022 submitted Indian Postal Order of Rs. 10/-.

9. Further, I find that as per the Section 7(1) of the RTI Act, 2005, the CPIO shall provide the required information within 30 days from the receipt of the RTI application. I find that CPIO vide reply letter F. No. GEXCOM/RTI/APP/981/2022-TECH-O/o COMMR-CGST-AHMEDABAD(N) dated 14.07.2022 denied the information

within the prescribed time limit under Section 7(1) of the RTI Act, 2005, excluding the time period of 25 days for obtaining the Indian Postal Order of Rs. 10/- from the appellant.

10. Before scrutiny of facts of the case, the appeal filed by the applicant should be tested as whether it has been filed within the time stipulated as per Section 19(1) of RTI Act, 2005. As per Section 19(1) of the RTI Act, 2005, the appeal against any RTI order has to be filed before the First Appellate Authority within 30 days from the date of receipt of the RTI order. The appellant filed appeal on dated 20.07.2022, which is within 7 days after furnishing the desired information vide RTI reply dated 14.07.2022. Hence, I accept the appeal as the same is filed within the prescribed time limit under Section 19(1) of the RTI Act, 2005.

11. The issue involve in the RTI is pertains to investigation matter and the Deputy Commissioner (A.E.), CGST, Ahmedabad North vide letter F. No. GEXCOM/AE/OTH/RTI/2/2020 dated 08.07.2022 submitted that being ongoing investigation, the information sought for cannot be provided to the applicant, as the same covers under the Section 8 (1)(h) of the RTI Act, 2005. The Section 8(1)(h) is as under:-

Section 8 of The Right To Information Act, 2005

.8. Exemption from disclosure of information.—

(1) Notwithstanding anything contained in this Act, there shall be no obligation to give any citizen,

(h) information which would impede the process of investigation or apprehension or prosecution of offenders;

On the basis of reply submitted by the Deputy Commissioner (A.E.), CGST, Ahmedabad North, the desired information denied by the CPIO vide RTI reply letter F. No. GEXCOM/RTI/APP/981/2022-TECH-O/o COMMR-CGST-AHMEDABAD(N) dated 14.07.2022.

12. Being aggrieved, the appellant filed an appeal dated 20.07.2022 on the grounds that "Provide the copy of the documents requested in RTI application". I find that On the basis of reply submitted by the Deputy Commissioner (A.E.), CGST, Ahmedabad North, the desired information denied by the CPIO vide RTI reply letter F. No. GEXCOM/RTI/APP/981/2022-TECH-O/o COMMR-CGST-AHMEDABAD(N) dated 14.07.2022 is correct and the same is covered under the Section 8 (1)(h) of the RTI Act, 2005 .

13. Further, I find that the desire information is pertains to investigation and the investigation is ongoing, accordingly as per Section 8 (1)(h) of the RTI Act, 2005, information sought for cannot be provided to the applicant, as the same covers under the Section 8 (1)(h) of the RTI Act, 2005.

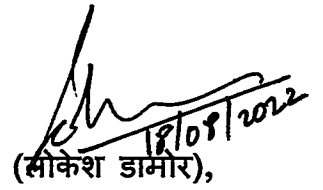
14. In view of the above discussion and findings, I pass the following order.

ORDER

The CPIO, CGST & Central Excise, Ahmedabad North has correctly denied the desired information as per Section 8 (1)(h) of the RTI Act, 2005.

In view of the above, the appeal dated 20.07.2022 is disposed of.

6/c


(संकेश डभोर),
18/08/2022

प्रथम अपील अधिकारी,
केंद्रीय वस्तु एवं सेवा कर,
अहमदाबाद उत्तर

F.No.- GEXCOM/RTI/FAAA/105/2022-TECH-O/o COMMR-CGST-AHMEDABAD(N)

By RPAD/Speed Post

To,
घनश्यामभाई डी. पटेल, 51, गंगा सदन, श्रीराम टेनामेंट,
सरदार पटेल चौक, कृष्णा नगर,
अहमदाबाद -382345

प्राप्त किया
वस्तु एवं सेवा कर, अहमदाबाद उत्तर
दिनांक: 18 AUG 2022
हस्ताक्षर: P. Patel
नाम: