

Central Information Commission

Mr.Harbans Singh vs Cbdt on 2 December, 2010

Central Information Commission

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Delhi-110066

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Appeal : No. CIC/LS/A/2010/000864

Appellant /Complainant	:	Shri Harbans Singh, Kapurthala
Public Authority	:	Office of the Chief Commissioner of Income Tax, Jalandhar/Ludhiana (Sh. Udesb Dohia, CPIO and Smt.
Prgna		Paraminda, AA - through video conferencing)
Date of Hearing	:	2/12/2010
Date of Decision	:	2/12/2010

Facts

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1. The applicant preferred RTI application dated 1 November 2009 before Chief Commissioner of Income Tax, north□west region, Chandigarh seeking information regarding action taken on his letters of 18 December 2007 and 31 March 2009 and other related information through 12 points - enclosed herewith as Annexure A.

2. The CC I T, Chandigarh forwarded the same to the CC I T, Ludhiana under section 6 (3) of the Act who further transferred the RTI application to the Commissioner of Income Tax - II, Jalandhar on the grounds that they were the holders of information.

3. Vide order dated 14 December 2009 the Commissioner of Income Tax provided point wise information to the appellant against which appellant preferred appeal dated 9 February 2010 before first appellate authority - CC IT, Ludhiana.

4. The CCIT, Ludhiana vide his order of 25 February 2010 informed the appellant that the CIT is the appellate authority for any order passed by the officer under his administrate control as per instructions dated 7 September 2007 passed by the office of the Chief Commissioner of Income Tax, Ludhiana and that any appeal on the appellate order passed by the Commissioner of Income Tax straightaway lies to Central Information Commission and the CCIT does not act as an appellate authority on such order.

5. Consequently, appellant preferred second appeal before the Commission. The matter was heard today through videoconferencing. Both parties were present as above and made submissions.

6. Appellant stated that the information provided to him by the CIT was vague and incomplete.

7. Commission notes the averments of the appellant that the CPIO, Jalandhar - II has in fact not responded to his RTI application and that it is the first appellate authority namely, the Commissioner Of Income Tax, Jalandhar - II who has provided information which is not as per the provisions of the RTI Act, 2005.

#### Decision

8. At the outset Commission take serious note of the fact that the first appellate authority and not CPIO has provided information in response to the RTI application. This is not in conformity with the provisions of section 7 (1) of the Act. First appellate authority is warned to educate himself on the provisions of the Act and to implement the same without any dilution.

9. While accepting the averments and arguments of the respondent furnished in a written submission that personal information of a citizen is to be protected, Commission reminds the respondent that "mere existence of an investigation process cannot be a ground for refusal of the information; the authority withholding information must show satisfactory reasons as to why the release of such information would hamper the investigation process." (WP (C) no. 3114/2007 in the case of Bharat Singh versus CIC and others - S Ravindra Bhat J 3 December 2007). Respondent has not provided any reasons while denying information regarding status of the ongoing enquiry and the conclusions there of.

10. Accordingly it is directed that CPIO will provide information to the appellant as follows:

Points 1 and 2: provide status of the ongoing enquiry and broad conclusions arrived at.

Points 3, 8 and 9: no information has been sought by the appellant  
Points 4, 5, 6, 7 - Information to be provided to Appellant as it concerns and has bearing on the revenues of the State.

11. In providing information as sought under Points 1 and 2 of the RTI application, CPIO will do so as per the provisions of section 10 the RTI Act wherever required.

12. Information to be provided within three weeks of receipt of the order.

(Smt. Deepak Sandhu) Information Commissioner (DS) Authenticated true copy:

(T. K. Mohapatra) Under Secretary & Dy. Registrar Tel No. 011-26105027 Copy to:

1. Shri Harbans Singh S/o Sh. S.Amar Singh, VPO Mansoorwal Dona Tehsil & Distt Kapurthala
2. The CPIO O/o the Commissioner of Income Tax Jalandhar-1, Jalandhar
3. The Appellate Authority O/o the Chief Commissioner of Income Tax, Aayakar Bhawan, Rishi Nagar, Ludbhiana.