

Central Information Commission

Shri Sunil Kumar vs Income Tax Department on 30 December, 2009

CENTRAL INFORMATION COMMISSION

Room No. 308, B-Wing, August Kranti Bhawan, Bhikaji Cama Place, New Delhi-110066

File No.CIC/LS/A/2009/00798

Appellant : Shri Sunil Kumar

Public Authority : Income Tax Department
(through Shri Sanjeev Sabharwal, Senior
Standing Counsel).

Date of Hearing : 30.12.2009

Date of Decision : 30.12.2009

FACTS

:

The matter, in short, is that the appellant had informed the concerned officers of the Income Tax Department regarding large scale tax evasion by M/s KEW Precision Parts Pvt. Ltd., New Delhi, in July, 2006. By his RTI application dated 2.9.2008, the appellant had requested the CPIO to intimate him the present status of the matter. Shri J.C. Bindra, ACIT, Circle-5(1), New Delhi, had advised the appellant to get in touch with him in the beginning of 2009. Accordingly, the appellant vide letter dated 5.1.2009 had requested for the above information from the CPIO. The CPIO vide order dated 5.2.2009 had refused to disclose this information u/s 8(1)(j) of the RTI Act.

2. The Appellant Authority had affirmed the decision of the CPIO stating therein that the appellant had a vested interest in seeking this information.

3. Aggrieved with the decisions of CPIO and AA, the appellant has filed the present appeal.

4. Heard on 30.12.2009. The appellant is represented by Advocate Achin Aren. The Income Tax Department is represented by Shri Sanjeev Sabharwal, Senior Standing Counsel for the Department. It is the submission of Advocate Sabharwal that the competent authority has proceeded u/s 147/143(3) of the Income Tax Act and an appropriate order has been passed. He would also submit that this order has been passed inpersonnem and not inrem and, therefore, copy of the order cannot be provided to the appellant. He also would plead that this is personal information which is protected from disclosure in terms of clause (j) u/s 8(1) of the RTI Act.

5. On the other hand, Advocate Aren would plead that he is not seeking any personal information. All that he is interested to know is whether any lawful action has been taken on the appellant's information.

DECISION

6. For the sake of transparency in public affairs, which appears to be the guiding force behind the enactment of RTI Act, it would but be appropriate that the information giver is given a feed back by the public authority regarding the accuracy/efficacy or otherwise of the information provided by him. Such feed back will encourage him to provide further information, if previous information was found to be of some value to the public authority. It will be a win-win situation for the public authority. Hence, in the facts and circumstances of the case, the CPIO is hereby directed to provide broad information to the appellant as to whether his tax evasion complaint was acted upon by the competent authority and whether any truth was found therein. No details about the assessment need to be provided to the appellant.

Sd/-

(M.L. Sharma) Central Information Commissioner Authenticated true copy. Additional copies of orders shall be supplied against application and payment of the charges, prescribed under the Act, to the CPIO of this Commission.

(D.C. Singh) Under Secretary & Dy. Registrar Address of parties :-

1. Shri Sanjeev Sabharwal Senior Standing Counsel, Income Tax Department, C.R. Building, I.P. Estate, New Delhi.
2. Shri Sunil Kumar S-2/83, 2nd Floor, Old Mahavir Nagar, New Delhi-110018