

Vinod Kumar Kandpal vs Central Board Of Indirect Taxes And ... on 2 May, 2023

Author: Saroj Punhani

Bench: Saroj Punhani

Central Information Commission

Baba Gangnath Marg, Munirka
, New Delhi - 110067

File No : CIC/CBECE/A/2022/136101

Vinod Kumar Kandpal

.....

/Appellant

VERSUS

CPIO,
DEPUTY COMMISSIONER, OFFICE
OF THE COMMISSIONER OF CGST &
CX, MUMBAI-EAST, RTI CELL,
GROUND, 9TH FLOOR, LOTUS INFO
CENTRE, NEAR PAREL STATION,
PAREL(EAST), MUMBAI-400012,
MAHARASHTRA.

....

/Respondent

Date of Hearing : 26/04/2023

Date of Decision : 26/04/2023

INFORMATION COMMISSIONER : Saroj Punhani

Relevant facts emerging from appeal:

RTI application filed on : 07/02/2022

CPIO replied on : 10/03/2022

First appeal filed on : 01/04/2022

First Appellate Authority order : 02/05/2022

2nd Appeal/Complaint dated : 23/07/2022

Information sought

:

The Appellant filed an RTI application dated 07.02.2022 seeking information as under:

"Sub:Disclosure of information in good faith regarding transactions being carried by M/s DHR Holding India Pvt. Ltd.(AB SCIEX Division -A Division of DHR Holding India Pvt. Ltd)Plot No.121, Udyog Vihar Phase-IV, Gurugram -122015 (GST No. 05AACCD5672N1Z8) without levy and payment of GST/ Service Tax/VAT /CST since 2011 to ensure whether such transactions are tax compliant.

1.This has reference to my Complaint letter dated 19th Nov2018 regarding certain voluntary disclosure of information in good faith with regard to wilful multicores, multiple Tax evasions by M/s DHR Holding India Pvt Ltd. My Complaint dated 19th Nov2018 along with valuable inputs/insights was forwarded by Commissioner (Central Tax) Gurugram, Haryana to your esteemed office of the Principal Commissioner CGST & CX Mumbai (East)(Office of The Additional/Joint Commissioner -Anti Evasion),Mumbai vide letter no. C.NO.IV(12)/GST/-GGM/AE/GR-VI/DHR/312/2018-19/640-41,dtd 10.01. 2019(enclosed).

2. Kindly refer multiple evidences shared vide my e-mail chains dated Jan 9,2022, 3:19 PM, Jul 15 2021, 12:01 AM, Oct 4, 2019 at 3:29 PM and so on at your d e p a r t m e n t a l / o f f i c i a l e m a i l I D , s : (s u p d t . t 1 - e g s t m u m @ g o v . i n ; a e m e g s t @ g m a i l . c o m . s u p d t . a n t e v n e g s t m u m @ g o v . i n , g 4 m e a e @ g m a i l . c o m) against my complaint letter dated 19th Nov2018 and my continued follow up since 19th Nov 2018 till date .

3.Also kindly refer my letter dated 01" Oct2021 attached with ANNEXTURE -2 having Sub Annexure's "A" to "W" speed posted vide No. FU514O69228IN,DTD 4 TH Oct 2021 to The office of Office of the Principal Commissioner, CGST & CX Mumbai (East)(Office of The Additional/Joint Commissioner Anti Evasion)Central Tax, GST, Mumbai having the complete set of concrete ,relevant, concerned and bonafide evidence as per Section 17 of the VAT Act in support of the transactions mentioned in ANNEXURE-1 annexed with my complaint dated 19th Nov 2018 for examination by departmental authorities and necessary action ASAP.

4.1 request you to kindly provide me following information under RTI Act 2005 in this regard:

(a)A copy of complete, elaborate a-z details so far Action Taken report including copies of show cause notices issued, adjudicated, details of cases in Tribunal against DHR Holding India Pvt Ltd. immediately after receiving my complaint, ongoing investigations, and updates till date against my abovesaid point no. 1, 2 and 3 of this RTI application.

(b)A copy of complete ,elaborate Action Taken report including copies of show cause notices issued, adjudicated ,details of cases in Tribunal against DHR Holding India Pvt Ltd against point number 3 ,4,5 and 6 of ANNEXTURE -2 of my letter (enclosed herewith) dated 01't oct2021 attached with ANNEXTURE -2 having Sub Annexure's

"A" to "W" speed posted vide No. EU514069228|N,DATED 4TH OCT2021 to The office of Office of the Principal Commissioner , CGST & CX Mumbai (East)(Office of The Additional/Joint Commissioner -Anti Evasion),Central Tax, GST, Mumbai-East, Mumbai having complete set of concrete ,relevant and bonafide evidence as per Section 17 of the VAT Act in support of the transactions mentioned in ANNEXURE-1 annexed with my complaint dated 19th Nov2018 for examination by departmental authorities and necessary action ASAP.

(c)Against aforesaid point no.4(a) and (b) of this RTI Application -Whether the competent authorities have ever even conducted any probe, raid, seizure to collect/capture evidences to ascertain the authenticity to my disclosure of information; if yes, please provide me a copy thereof of each and every action with details ingrained.

(d)Against aforesaid point no. 4(a) and a(b) of this RTI Application -Whether, the competent authorities had even issued any 'Show Cause Notice' to the M/s DHR Holding India Pvt Ltd on my application, if yes, a copy of each show cause notice issued and the corresponding replies received from the Company against each show cause notice issued and if any show cause notices adjudicated, details of cases in Tribunal against this deliberate multiple multicore evasions of Tax viz VAT/CST/GST by M/s DHR Holding India Pvt Ltd.

(e)Against aforesaid point no. 4(a) and a(b) of this RTI Application -Whether the Competent Authorities examined the replies furnished by the Company in consonance with the facts as depicted in my letter? If Yes, a copy of the relevant "Noting Sheets" prepared and submitted to the higher rank officer in the hierarchy for obtaining necessary orders.

(f)Please validate, furnish details if SHOW CAUSE NOTICES ISSUED vide SCN No.Comm/13/DIVN-III/ST-IV/2017-18 amounting to 30.86 Crores and SCN No. 29/GST/ME/SCN/ADC/2017-18 amounting to 1.61 Crores(Total 30.86+1.61=32.47 Crores) respectively BY AUDIT-II COMMISSIONERATE MUMBAI have been adjudicated AGATNST TAX EVASTONS TO THE TUNE OF 32.47 CRORES against.

DHR Holding India Pvt Ltd. What is the current status of these show cause notices ,in which stage they are ,details of cases in Tribunal against DHR Holding India Pvt Ltd against these SCN?

5.Earnest request to please share the name and address of the first appellate authority /first level of escalation to enable me to move forward in case information provided is unsatisfactory.

6.Since I am directly involved in this case and the above information is sought by the undersigned which has a direct bearing on the undersigned."

The CPIO furnished a reply to the appellant on 10.03.2022 stating as under:

Being dissatisfied, the appellant filed a First Appeal dated 01.04.2022. FAA's order, dated 02.05.2022, upheld the reply of CPIO.

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

Relevant Facts emerging during Hearing:

The following were present:-

Appellant: Present through audio conference.

Respondent: Abhishek Anand, Joint Commissioner & CPIO present through audio/video conference.

The Appellant argued on the same lines as that of his detailed written submissions stating inter alia as under:

"1.Kindly note that the reply by CPIO dated 10.03.2022 rejecting my RTI is not at all justified as it was not a repetition of RTI because only my two complaint points of my complaint letter dated 19th Nov2018 were covered, investigated, SCNs issued and adjudicated for the amount Rs. 32.47 Crore and rest of the complaint points of my complaint dated 19th Nov2018 still need to be thoroughly probed on high merit hence as long as my remaining complaint points related to multiple multi crore tax evasions are under process/intelligence by all means I continue to reserve the right to put RTI under RTI Act2005 to know status of intelligence of my remaining complaint points, stage of investigation till complete recovery of multicrore tax evasions undertaken for govt exchequer.

2.Against my previous RTI application,I was given information about the details of the SCNs issued dated 20.06.2017 and 21.03.2018 for the amount Rs. 32.47 Crore against two complaint points of my complaint letter dated 19th Nov2018 furthermore I continue to have right to get the details ,copies of these SCN,s ,know the status /stage of these SCN,s, whether DHR Holding India Pvt Ltd has preferred an appeal in TRIBUNAL then case details under tribunal may please be furnished .How this information can be refused citing repetitive in nature under RTI once it is actually being requested first time vide my RTI application dated 7th Feb2022 and never provided before any time by their kind office till it attained finality and multicrores losses recovered for govt exchequer.

3.These SCNs not only are part and parcel, fully cover, validate my two complaint points of my complaint letter dated 19th Nov2018 but also I am directly involved being whistle blower, complainant, Ex Military soldier and Ex Employee of the Company and as long as I was in Company I was extremely vocal against it

perpetually, loudly and aggressively flagging off ,highlighting and vehemently opposing the ongoing openly management supported tax evasions((several e mails with company's top management are testimony how my voice was suppressed--related documents I can produce to prove my determination to unfold this) to the tune of multicrores to the extent that I was most inhumanly ,humiliatingly targeted and terminated from job and deprived of my livelihood even when I was left with tentatively 6 years of service which paved the way to marathon challenges/struggles for my family livelihood, day today survival ,family responsibilities since then are badly paralyzed .Even my termination from job did not deter, dampen my spirit ,grit to fight I continued raising the same multiple multicrore tax evasions issues vide my complaint dated 19th Nov2018 and also thereafter my continuous hectic and relentless follow-ups via personal meetings , Calls/verbal discussions ,letters ,e-mails and robust, incriminating evidence submitted numerous times to dept then how myself and DHR Holding India Pvt Ltd are not related and how I am not an interested party

4. Not even an single reply is given by department and oven seeking information under RTI act2005 is being discouraged, deterred and denied citing illogical, irrational and unconvincing reasons even though department has accepted in its reply vide first appe.:11 that Iwo points of my complaint letter dtd 19th Nov2018 have already been covered/authenticated/validated in two Show Cause Notices issued by department amounting INR 32.47 Crores 5 As assured by Appellate Order No. OINRTI/05/ME/2022,Dated:02.05,2022 under point no. 14 that information related to SCN,s issued dated 20.06.2017 and 21,03.201i.; and also adjudicated for the amount Rs.32.47 Crores will be disclosed once case has attained finality ,who will ensure this to me and I request to please provide me the name of authority With contact details as hereafter my RTI,s are now being rejected continuously.

6 As per Appellate Order No. 01A/RTI/05/ME/2022.Dated:02.05.2022- point 3.1 I did not know that department had already taken up my complaint (dated 19th Nov2018)point no 1 and 2 in its Audit findings else I would have not have complained about point no. 1 and 2 and would have given remaining complaint points of my complaint dated 19th Nov2018 for intelligence But as a matter of fact my further/remaining complaint points are never investigated nor replied to me the details and outcome of the same ,please allow department to produce copy of their reply or investigation records of the same if they had truly probed remaining points of my complaint in the same spirit and merit or given any reply to me pertaining my remaining complaint points Further/remaining points of my complaint letter dated 19th Nov2018 needed thorough,sincere investigation/intelligence and decisive ,concrete action in a time bound manner which is not happening in spite of my hectic ,rigorous follow ups also not even a single reply given to me so far thereby compelling me to go for RTI ,appeals and CIC etc.

7..... My complaint letter dated 19th Nov2018 along with valuable insights was also forwarded by Commissioner (Central Tax) Gurugram, Haryana to you vide their letter no. C.No.1V(12)/GSTI-GGM/AE/GR-V1/DHR/312/2018-19/641, dated 10.01.2019 to investigate intelligence against defaulting company M/s DHR Holding India Pvt Ltd. which is a proven multiple multicrore tax evader as already issued & adjudicated SCNs worth Rs. 32.47 Crores, needs to be further investigated and replied to me under my ongoing RTI requests and appeal.

8 My RTI application is never rejected rather mostly I was informed that necessary action is being taken against my Complaint which no doubt is not a rejection of my RTI at anytime.

9 As per Appellate order Order No. 01A/RTI/05/ME/2022,Dated.02.05.2022

-Findings point no. 10 Irrespective of SCN,s (No Comm/13/DIVN-III/ST-IV/2017-18 amounting to 30.86 Crates and SCI-4 No 29/Gf.MMF/SCN/ADC/2017-18 amounting to 1.61 Gnomes ,Total $30.86+1.61=32.47$ Crores BY AUDIT-11 COMMISSIONERATE MUMBAI) issued before or after my complaints ,but SCRs in line with my complaint and cover point no 1 and 2 of my complaint dated 19TH Nov2018.And department has informed me under In act 2005 how can this be merely an act of informing Would you please help me to know the difference between an act of information and act of disclosure Since they are part and parcel of my complaint.

I being ex employee of company, complainant ,whistleblower and driving my complaint since 199' Nov18 through all possible mechanisms ,resources hence I fully deserve the right to know further action being taken even on ongoing quasi judicial process against these SCNs till multicrores loss is recovered to government exchequer.

10.....By RTI ,I have been seeking details/contents of show cause notices before they were admitted/transferred to quasi judicial process i.e. pre quasi judicial proceedings whereas CIC Appeal no.CIC/AT/A/2006/00586,DTD 18.09.2007 being quoted here is applicable post quasi judicial proceedings hence CIC Appeal no.CIC/AT/A/2006/00586,DTD 18.09.2007 being quoted is not maintainable here .Should you still have reservation in sharing information with and Ex military soldier ,whistleblower ,Ex employee of company ,complainant then I am even ready to sign a non disclosure agreement binding legal action against me if I misuse the information given by you .

11. I am very sorry to say -I truly fail to understand why department is so friendly, favourable, polite ,lenient and complacent in taking concrete ,timebound action and took several years to nail down the culprit --DHR Holding India Pvt Ltd multicrore tax evading/avoiding company .Contrarily department is loudly worried about my tone and tenor ,citing me putting conjectures on outcome which is just a fiction, an imagination not a reality as I put in my points with utmost humility ,with untold politeness but with absolute firmness as the case already inordinately delayed > 4years with only aim to request not to take any undue advantages under shelter of sections 8(I)(d)(h) etc.to deny information and obstruct ,discourage any such future good faith disclosures/endeavours to help govt exchequer recovery and earnestly carry out intelligence without any further delay ,not to allow company to fabricate ,cook, plant any fictitious defense by buying time. My aim is absolutely recovery of multicrores to govt exchequer therefore I always deserve the right to know if probe

conducted , raids/seizure to collect evidence and asking noting sheet etc as I am ex employee,complainant ,whistleblower and dared to complain about multiple multicrores tax evasions amidst several threats just with sole intention to get losses recovered to govt exchequer. I took all risks complaining within company even to the extent of commitment that I lost my job on account of raising flag against tax evasions and even thereafter complained to CGST Mumbai and SGST DETC Gurgaon North then continued providing robust proofs ,counter actions numerous times just to help department about this multiple multicrores tax evasions recovery to government exchequer .This was never to enforce action against some innocent company but logically ,rationally with ample of incriminating evidence against defaulting,openly looting company(DHR Holding India Pvt Ltd) hell bent upon nakedly looting ,plundering multicrores multiple taxes from govt of India where I am the live witness giving my undiluted ,unalloyed and unconditional support ,counteractions and department mostly looked tacit,mute spectator unless pressurized and took solid six years(2011 to 2017) to issue show cause notices amounting Rs. 32.47 Crores and unwilling to share information with me to help dept to counter action against defence of company ,completely reluctant to pursue/ investigate further points.

12.As per Appellate order Order No. 01A/RTI/05/ME/2022 Dated:02.05.2022 :Findings point no. 14: It has been said that investigation will be over only after final adjudication about tax liability after all stages of appeal, revisions as well as final decision about prosecuting or not prosecuting by competent authority so CPIO at this stage is not obliged to provide information under 8(1)(h)of RTI Act2005,so I request you to please fix responsibility right now to CPIO concerned to provide information automatically to me without reminders ,further RTI once final adjudication happens about tax liability after all stages of appeal,revisions as well as final decision and case attained finality because now dept hereafter has decided to consistently refuse to give me information under RTI act 2005 against SCN,s (No.Comm/13/DIVN-111/ST-IV/2017-18 amounting to 30.86 Crores and SCN No. 29/GST/ME/SCN/ADC/2017-18 amounting to 1.61 Crores ,Total $30.86+1.61=32.47$ Crores.

13.Also you may kindly note that my previous RTI application dated 26th Mar21 was not rejected by the Office of the Commissioner of CGST & CX Mumbai

- - East but their reply to my RTI dated 26th Mar21 vide F.N. CGST/MENINODKK/26/RTI/2021/401 dated 12thApr2021 provided me information that "Necessary action has been taken on my complaint dated 19th Nov2018 .Since their reply lacked complete information and relevant details not shared citing non maintainable Section 8(1)(d),8(1)(h)and 8(1)(f) of RTI Act.

14.As confirmed by their Appellate Authority Order (No. OINRTI/01/ME/2021-22 dated 28th July2021 point no. 7)that Investigation is still in process against my Complaint dated 19th Nov2018 hence my RTI application dated 7th Feb2022 after >6 months period from your Appellate Authority Order No. 01A/RTI/01/ME/2021-22 dated 28th July2021 (confirmation of my complaint still in process)stands fully valid ,legally tenable ,maintainable and not a repetition under RTI Act hence cannot be rejected outright at all.

15. You will appreciate that I being an EX-MILITARY soldier, a Nationalist, whistleblower, Complainant and Ex employee of defaulting company, risked my all stakes - my life, health investing my valuable time, money, undivided attention/focus energy besides struggling for family livelihood just to get multicrore losses recovered to govt exchequer. I strongly suggest we can work as team work in tandem, synergy as being Ex soldier, loyal, faithful ideologically committed for my country. I am sure and confident that you will cooperate and help me in all my such endeavours and provide me all necessary information, support at all times without delay till my all complaint points including two SCN,s issued & adjudicated are scrupulously investigated and logically concluded under ongoing intelligence without an iota of skepticism, ambiguity or apprehension. Also I feel duty bound to unfold/unearth this multiple multicrore tax evasions causing colossal loss to our govt exchequer continuously since 2011 till date and unfortunately it was going undeterred and unhindered reasons best known to them for a voluminous period.

16. I reiterate if my complaint points, evidences submitted so far partly or wholly found untrue, false or tampered/doctored then I am absolutely at your disposal to get sternly persecuted/prosecuted and even be put behind the bar by department happily."

The CPIO reiterated the reply provided to the Appellant, at which point, the Commission reminded the parties that an earlier Appeal on the same complaint reference of the Appellant was heard and decided vide File No. CIC/CCSTM/A/2021/145801 on 29.12.2022 wherein the queries in the RTI Application were as follows:

"I would like to draw your attention to my Complaint letter dated 19th November, 2018 addressed to The Commissioner (Central Tax)- Gurugram-I & II, Ministry of Finance, DOR, Govt of India, Plot No 36-37.- Sector-32, Gurugram- 122003 regarding certain voluntary disclosure of information in good faith with regard to alleged multicrore multiple Tax evasions by M/s DHR Holding India Pvt Ltd. The complaint letter dated 19th Nov 2018 was forwarded to your esteemed office vide their letter no. C.NO.IV(12)/GST/-GGM/AE/GR-VI/DHR/312/2018- 19/640-41, dated 10.01.2019 Copy of their letter enclosed for your ready reference.

2. I request you to kindly provide me following information in this regard:

(a) A copy of Action Taken by the Additional/Joint Commissioner (Anti Evasion) central Tax, Goods and Service Tax, Mumbai-East 9th Floor, Lotus Infocentre, Near Parel Station, Parel (East), Mumbai - 400012, Maharashtra on my application, as referred to above immediately after receiving the application.

(b) Whether the concerned department had ever been ordered to make thorough inquiry into my information; if yes, please furnish a copy thereof.

(c) Whether the competent authority has even conducted any probe to ascertain the authenticity to my disclosure of information; if yes, please provide me a copy thereof.

(d) Whether, the competent authority had even issued any 'Show Cause Notice' to the M/s DHR Holding India Pvt. Ltd on my application, if yes, a copy of each show cause notice and the replies received from the Company against each show cause notice issued.

(e) Whether the Competent Authority examined the replies furnished by the Company in consonance with the facts as depicted in my letter? If yes, a copy of the relevant "Noting Sheets" prepared and submitted to the higher rank officer in the higher rank officer in the hierarchy for obtaining necessary orders.

(f) Whether the Government of India has initiated any action with regard to multiple multicore evasions of Tax viz VAT/CST/GST against M/s DHR Holding India Pvt Ltd on the basis of my complaint dated 19.11.2018."

Further, the proceedings and decision in File No. CIC/CCSTM/A/2021/145801 reads as under:

"The Appellant narrated the factual background of the information sought for in the RTI Application as explained in the contents of the Second Appeal quoted above. He further urged that disclosing the information to him who is the complainant himself, cannot be deemed as an impediment to investigation, rather will facilitate him to provide more inputs and evidences as counteraction.

The CPIO highlighted upon the FAA's order wherein the denial of the information has been justified and submitted his arguments on the same lines. He further explained that one of the Audit Commissionerate has already issued show cause notices to the averred firm which covered the issues raised in the Appellant's complaint and therefore it is not appropriate to deem that the Appellant was the original source of information and therefore is entitled to access all the data and process of the various action being taken by the department in the matter. He further submitted that the investigation carried out by them works on various sources and 'informers' are the primary source therefore for the informers to themselves use the RTI Act as an instrument to dictate the department the manner in which the investigation should be conducted is not correct. Lastly, he added that the since the subject matter of the instant RTI Application is a sub judice case pending with a quasi-judicial authority, the disclosure of the information related thereto is bound to be an impediment.

Decision:

The Commission based on a perusal of the facts on record observes at the outset that the information sought for in the RTI Application particularly, para (b) onwards is largely in the form of seeking clarifications and answers to interrogative queries regarding action taken on the Appellant's complaint, and the same does not conform to Section 2(f) of the RTI Act. The Appellant shall note that outstretching the

interpretation of Section 2(f) of the RTI Act to include deductions and inferences to be drawn by the CPIO is unwarranted as it casts immense pressure on the CPIOs to ensure that they provide the correct deduction/inference to avoid being subject to penal provisions under the RTI Act. For the sake of clarity, the provision of Section 2(f) of the RTI Act is reproduced hereunder:

'2. Definitions.--In this Act, unless the context otherwise requires,--

(f) "information" means any material in any form, including records, documents, memos, e-mails, opinions, advices, press releases, circulars, orders, logbooks, contracts, reports, papers, samples, models, data material held in any electronic form and information relating to any private body which can be accessed by a public authority under any other law for the time being in force;..' In this regard, the Appellant's attention is drawn towards a judgment of the Hon'ble Supreme Court on the scope and ambit of Section 2(f) of RTI Act in the matter of CBSE vs. Aditya Bandopadhyay & Ors.[CIVIL APPEAL NO.6454 of 2011]wherein it was held as under:

'35. At this juncture, it is necessary to clear some misconceptions about the RTI Act. The RTI Act provides access to all information that is available and existing.....A public authority is also not required to furnish information which require drawing of inferences and/or making of assumptions. It is also not required to provide `advice' or `opinion' to an applicant, nor required to obtain and furnish any `opinion' or `advice' to an applicant. The reference to `opinion' or `advice' in the definition of `information' in section 2(f) of the Act, only refers to such material available in the records of the public authority. Many public authorities have, as a public relation exercise, provide advice, guidance and opinion to the citizens. But that is purely voluntary and should not be confused with any obligation under the RTI Act.' (Emphasis Supplied) Similarly, in the matter of Khanapuram Gandaiah vs Administrative Officer &Ors. [SLP (CIVIL) NO.34868 OF 2009], the Hon'ble Supreme Court held as under:

'7....Public Information Officer is not supposed to have any material which is not before him; or any information he could have obtained under law. Under Section 6 of the RTI Act, an applicant is entitled to get only such information which can be accessed by the "public authority" under any other law for the time being in force. The answers sought by the petitioner in the application could not have been with the public authority nor could he have had access to this information and Respondent No. 4 was not obliged to give any reasons as to why he had taken such a decision in the matter which was before him....' (Emphasis Supplied) And, in the matter of Dr. Celsa Pinto, Ex-Officio Joint Secretary, (School Education) vs. The Goa State Information Commission [2008 (110) Bom L R 1238], the Hon'ble Bombay High Court held as under:

'..... In the first place, the Commission ought to have noticed that the Act confers on the citizen the right to information. Information has been defined by Section 2(f) as follows.

Section 2(f) -Information means any material in any form, including records, documents, memos e-mails, opinions, advices, press releases, circulars, orders, logbooks, contracts, reports, papers, samples, models, data material held in any electronic form and information relating to any private body which can be accessed by a public authority under any other law for the time being in force;

The definition cannot include within its fold answers to the question why which would be the same thing as asking the reason for a justification for a particular thing. The Public Information Authorities cannot expect to communicate to the citizen the reason why a certain thing was done or not done in the sense of a justification because the citizen makes a requisition about information. Justifications are matter within the domain of adjudicating authorities and cannot properly be classified as information.' (Emphasis Supplied Having observed as above, the Commission is not going into the merits of the applicability of the various exemptions clauses invoked by the CPIO. However, as regards the limited scope of relief, if any, that were pertinent for para (a) of the RTI Application, it is observed that the same has been duly attended to by the FAA by providing a detailed input about the action taken against M/s DHR Holding India Pvt Ltd. and suffices the request for information in keeping with the spirit of the RTI Act."

While the Appellant did not deny to the knowledge of the said earlier decision, his simple argument was that he ought to be informed of the final outcome and if he does not seek the same through RTI Applications, the Respondent office may not apprise him in normal course and urged for directions to be issued in this regard to provide him with the updated status over the period of time.

The CPIO on the other hand submitted that the as on date also the status as informed in the averred earlier case remains the same.

Decision:

In furtherance of the observations made during the hearing, the Commission finds that the instant matter being premised on the same complaint reference as discussed in the earlier order of 29.12.2022 and the instant RTI Application seeking information in the similar manner as was in the RTI Application of 26.03.2021 and the stand of the Respondent office with respect to the case against by M/s DHR Holding India Pvt. Ltd being the same, there is no reason to depart from the view taken by this bench in File No. CIC/CCSTM/A/2021/145801.

The Appellant is advised to await the normal course of action to be completed by the Respondent office in the matter against M/s DHR Holding India Pvt. Ltd, or atleast be conscious of the time gap within which he is seeking to know the status of action being taken by the Respondent office under the RTI Act on the same complaint while also adhering to the provision of Section 2(f) of the RTI Act. Alternatively, the Appellant may approach the appropriate grievance redressal forum if he believes his complaint is not being acted upon or the action, if any, is deficient.

With the above observations, the appeal is disposed of.

Saroj Punhani () Information Commissioner () Authenticated true copy
() (C.A. Joseph) Dy. Registrar 011-26179548/ ca.joseph@nic.in . .
, - /