

## **CENTRAL INFORMATION COMMISSION**

2<sup>nd</sup> Floor, August Kranti Bhawan,  
Bhikaji Cama Place, New Delhi-110066

**Decision No. CIC/SB/A/2015/000048**

**Dated 14.10.2016**

**Appellant** : Shri Shraddhanand Yogacharya,  
Bajariya Kayamganj,  
Farukhabad,  
Uttar Pradesh-209502.

**Respondent** : The Central Public Information Officer,  
O/o Commissioner, Central Excise &  
Service Tax,  
Lucknow Zone,7-A,  
Ashok Marg,  
Lucknow-226 001.

**Date of Hearing** : 14.10.2016

### **Relevant dates emerging from the appeal:**

RTI application filed on : 12.09.2014

CPIO's reply : 19.09.2014

First appeal filed on : 11.11.2014

FAA's order : 08.12.2014

Second appeal filed on : 23.02.2015

### **ORDER**

1. Shri Shraddhanand Yogacharya filed an application dated 12.09.2014 under the Right to Information Act, 2005 (RTI Act) with the Public Information Officer (CPIO), Central Excise & Service Tax, Lucknow seeking information on the action taken on his letter dated 19.08.2014 sent by

Speed Post regarding registration and collection of service tax in respect of trucks/transporters.

2. The appellant filed a second appeal before the Commission on 23.02.2015 on the grounds that incomplete and misleading information has been provided to him.

**Hearing:**

3. The appellant Shri Shraddhanand Yogacharya attended the hearing through video conferencing. The respondent was not present despite notice.

4. The appellant submitted that he had sought the action taken on his letter dated 19.08.2014 addressed to the Administrative Officer, Confidential Section, Commissioner, Central Excise & Service Tax (CEST), Lucknow. The appellant further submitted that the respondent had informed him vide letter dated 19.09.2014 that due action, under intimation to the appellant, would be taken in case any irregularities in the matter is brought to the notice of the respondent. The appellant, however, stated that no action on his letter had been taken yet.

**Decision:**

5. The Commission took a serious view of the absence of the CPIO despite notice. The Commission directs the CPIO to submit a written statement, explaining his absence, along with the comments of the First Appellate Authority, before 09.11.2016.

6. The Commission after hearing the submissions of the appellant, observes that the appellant wants a certain action to be taken on his letter dated 19.08.2014. However, under the RTI Act, the PIO provides information which is held by him or under his control but cannot take any kind of action of initiate action as desired by the appellant. In the absence of the respondent it cannot be ascertained as to whether information as available

with the public authority has been provided to the appellant. The Commission, therefore, directs the CPIO to provide information sought for by the appellant within a period of four weeks from the date of receipt of a copy of this order.

7. With the above, observations, the appeal is disposed of.

8. Copy of decision be given free of cost to the parties.

**(Sudhir Bhargava)**  
**Information Commissioner**

**Authenticated true copy**

**(V.K. Sharma)**  
**Designated Officer**