

CENTRAL INFORMATION COMMISSION

2nd Floor, August Kranti Bhawan,
Bhikaji Cama Place, New Delhi-110066

Decision No. CIC/SB/A/2015/000134

Dated 26.10.2016

Appellant : Shri Harsh Kumar,
Room No.312, Custom House,
New Harbour Estate, Tuticorin-628004,
Tamil Nadu.

Respondent : Central Public Information Officer,
O/o the Commissioner of Customs,
Custom House, Near Harbour Estate,
Thoothukudi-628 004.

Date of Hearing : 26.10.2016

Relevant dates emerging from the appeal:

RTI application filed on : 05.11.2014

CPIO's reply : 27.11.2014

First appeal filed on : 22.12.2014

FAA's order : 20.01.2015

Second appeal filed on : 29.06.2015

ORDER

1. Shri Harsh Kumar filed an application dated 05.11.2014 under the Right to Information Act, 2005 (RTI Act) before the Central Public Information Officer (CPIO), O/o the Commissioner of Customs seeking information/documents on two points pertaining to certified copies of the representations for Inter

Commissionerate Transfer submitted by him on 19.06.2012 and 17.12.2013 and the current status of the said representations.

2. The appellant filed a second appeal dated 29.06.2015 before the Commission on the grounds that the CPIO deliberately has not provided the information and the First Appellate Authority (FAA) to had upheld the response of the CPIO.

Hearing on 26.10.2016:

3. Both the appellant Shri Harsh Kumar and the respondent Shri K. Jay Kumar, Assistant Commissioner, Customs attended the hearing through video conferencing.

4. The appellant submitted that he had sought information regarding the current status of his two representations dated 19.06.2012 and 17.12.2013. However, it was only informed that the representation dated 19.06.2012 was forwarded to the Commissioner of Customs (Preventive) [CC(P)], Chennai vide letter dated 28.06.2012 for further necessary action. However, CC(P), Chennai vide letter dated 19.04.2013 had returned the same to the O/o the Commissioner of Customs. Therefore, complete and correct information was not provided to him.

5. The respondent submitted that point wise information as per available records were provided to the appellant vide letter dated 27.11.2014. The respondent further submitted that the CC(P) had ask the O/o the Commissioner to verify the authenticity of the request. The O/o the Commissioner after due verification had returned the same to the CC(P), Chennai. However, the same could not be verified due to non-availability of the complete record with the respondent during the hearing.

Interim Decision:

6. The Commission, after hearing the submissions of both the parties and perusing the records, observes that as per the respondent correct and complete information was provided to the appellant on the basis of the available records at time of responding to the RTI application. However, as per the appellant he was informed that the representation dated 19.06.2012 was forwarded to CC(P), Chennai by the respondent but the same was returned by CC(P), Chennai to the respondent office and the same was not informed to the appellant. In view of this, the Commission finds that incomplete information regarding status of the representation 19.06.2012 was provided to the appellant. Therefore, Shri K. Jay Kumar, Assistant Commissioner and CPIO, Customs is liable for imposition of penalty in terms of provision under Section 20(1) of the RTI Act, 2005.

7. The Shri K. Jay Kumar, Assistant Commissioner and CPIO, Customs is hereby directed to submit an explanation both by post and through e-mail at do.icsb-cic@gov.in before the Commission, on or before 01.12.2016, explaining why action under Section 20(1) of the RTI Act should not be initiated against him.

8. The Shri K. Jay Kumar, Assistant Commissioner and CPIO, Customs is further directed to appear before the Commission on **16.12.2016 at 1.30 p.m.** along with a copy of his written explanations.

9. The CPIO is also directed to inform if there is/ are other person(s) responsible for knowingly not providing complete information to the complainant and if so to inform such persons of the show cause hearing and direct them to appear before the Commission on **16.12.2016 at 1.30 p.m.** along with his/ their written explanations.

10. Copy of the decision be provided free of cost to the parties.

(Sudhir Bhargava)
Information Commissioner

Authenticated true copy

(V.K. Sharma)
Designated Officer