

CENTRAL INFORMATION COMMISSION

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

Decision No. CIC/SB/C/2015/000154

Dated 28.11.2016

Complainant : Shri R.K. Jain,
1512-B,
Bhishm Pitamah Marg,
Wazir Nagar
New Delhi-110003.

Respondent : The Central Public Information Officer,
Central Board of Excise & Customs,
North Block,
New Delhi-1100011.

Date of Hearing : 28.11.2016

Relevant dates emerging from the complaint:

RTI application filed on : 22.06.2015

CPIO's reply : 30.07.2016

Complaint filed on : 12.08.2015

ORDER

1. Shri R.K. Jain filed an application dated 22.06.2015 under the Right to Information Act, 2005 (RTI Act) before the Central Public Information Officer (CPIO)O/o Chairman, Central Board of Excise and Customs (CBEC) seeking information on three major points pertaining to (A) a case of tax evasion against M/s Bhushan Steels, including (i) list of files in which tax evasion cases have been dealt with in the office of the Secretary, Department of Revenue and Chairman, CBEC (ii) date wise list of the complaints and the representations received in excise duty evasion cases along with copies of the same and (B) information in respect of incorrect and illegal order dated 01.08.2014 passed in the case of Bhushan Steels.

2. Shri R.K. Jain filed a complaint dated 12.08.2015 before the Commission on the grounds that the CPIO /Under Secretary (CX-6) has deliberately and malafidely not provided the information. The complainant states that similar information was provided to the representative of M/s Bhushan Steels and not to him and that copy of the third-party notice was not given to the complainant. The complainant also states that the CPIO has taken a false plea that the life of the informer would be in danger if information is provided while such information was already provided to M/s Bhushan Steels against whom the informer had made a complaint for evasion of taxes. The complainant requested the Commission to institute an inquiry into the matter under Section 18(2) of the RTI Act, 2005, summon and peruse the original records relating to the information sought, impose a penalty on the CPIO under Section 20(1), recommend disciplinary action against the CPIO under Section 20(2) and award appropriate compensation under Section 19(8)(b) of the RTI Act, 2005.

Hearing on 28.11.2017:

3. Both the complainant Shri R.K. Jain and the respondent Shri V.P. Pandey, Assistant Registrar and CPIO, CESTAT were present in person.

Interim Decision:

4. The Commission, due to administrative reasons decided to adjourn the matter to 24.01.2017 at 11.30 am.

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

(Sudhir Bhargava)
Information Commissioner

Authenticated true copy

(V.K. Sharma)
Designated Officer