

**CENTRAL INFORMATION COMMISSION**

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

**Decision No. CIC/SB/A/2015/000445**

**Dated 30.11.2016**

**Appellant** : Shri Mahesh Prakash Bhati,  
B-16, Flat No. 1, Ground Floor,  
Surya Nagar, Ghaziabad,  
Uttar Pradesh-201011.

**Respondent** : Central Public Information Officer,  
O/o the Commissioner of Customs(Import),  
New Custom House,  
New Delhi.

**Date of Hearing** : 30.11.2016

**Relevant dates emerging from the appeal:**

RTI application filed on : 24.04.2015

CPIO's reply : 07.05.2016

First appeal filed on : 20.06.2015

Second appeal filed on : 14.09.2015

**ORDER**

1. Shri Mahesh Prakash Bhatifiled an application dated 24.04.2015under the Right to Information Act, 2005 (RTI Act) before the Central Public Information Officer (CPIO), O/o Commissioner of Customs (Import), New Custom House, New Delhiseeking information on two points pertaining to import ofmobile handset under MTS brand including (i) name of the importer company with address and (ii) copies of documents submitted such as MEID/IMEI numbers allotted by the authorized body of GSMA to the importer

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company for MTS Brand and brand ownership's right besides other supporting documents in clearing the consignment.

**2.** Shri Mahesh Prakash Bhati filed a second appeal dated 14.09.2015 before the Commission on the grounds that the respondent CPIO has not taken the case seriously and wrongly demanded Bill of Entry Number (B/E No.) with date as the same is not available with the appellant as it is a document which is maintained by the department only. The appellant states that had the B/E No. been available with the appellant, the case for infringement and violation of notifications/directives issued by the Director General of Foreign Trade would have been filed against the importer company to stop importing mobile handset under MTS Brand as the appellant has been granted the user right of MTS Brand under Class-9 by the Trade Mark Authority as per Trade Mark Act, 1999. The appellant also states that the First Appellate Authority (FAA) too did not respond to his appeal.

**Hearing:**

**3.** Both the appellant Shri Mahesh Prakash Bhati and the respondent Shri Rohit Kumar, Deputy Commissioner, Customs were present in person.

**4.** The appellant submitted that the information sought has not been provided to him by the respondent. The appellant further submitted that the information has been denied to him on the ground that he has to specifically provide the B/E No. and the date. However, the same has been wrongfully demanded as the B/E No. will be available with the importer or the department.

**5.** The respondent submitted that the appellant was informed vide letter dated 07.05.2016 that without specific details, information sought cannot be retrieved. The respondent further submitted that the information sought relates

to a third party. Hence, the disclosure of the information sought is exempted under Section 8(1)(j) of the RTI Act.

**Decision:**

6. The Commission, after hearing the submissions of both the parties and perusing the records, observes that information sought relates to a third party. However, the procedure under Section 11(1) of the RTI Act has not been complied with by the respondent. In view of this, the Commission directs the respondent to follow the procedure for supplying the information related to the third party under Section 11 of the RTI Act by seeking the opinion of the third party and thereafter taking a decision as to whether or not to disclose the information. The above directions shall be complied with, within a period of six 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 the decision be provided free of cost to the parties.

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

**Authenticated true copy**

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