

CENTRAL INFORMATION COMMISSION

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

Decision No. CIC/SB/A/2015/000059

Dated 06.10.2016

Appellant : Shri Aujender Singh,
H. No. 953/5,
Patel Nagar,
Gurgaon,
Haryana-122001.

Respondent : Central Public Information Officer,
Central Board of Excise & Customs,
North Block,
New Delhi-110001.

Date of Hearing : 06.10.2016

Relevant dates emerging from the appeal:

RTI application filed on : 15.01.2015

CPIO's reply : 16.01.2015

First appeal filed on : 23.03.2015

FAA's order : 26.03.2015

Second Appeal filed on : 21.06.2015

ORDER

1. Shri Aujender Singh filed an application dated 15.01.2015 under the Right to Information Act, 2005 (RTI Act) before the CPIO, Department of Revenue seeking information on six points, including (i) since when Service Tax has been levied on the Real Estate Sector and (ii) rate of Service Tax on

the different components like basic sales price, preference location charges, car parking charges, external development charges, one-time service maintenance charges etc. of the purchase value of the builder flat/property since 1st April, 2010 till date.

2. Shri Aujender Singh filed a second appeal dated 21.06.2015 on the grounds that information has been denied by the CPIO as well as the First Appellate Authority (FAA) on the ground that information sought is in the nature of opinion and interpretation of statute and seeking such information is beyond the scope of the RTI Act. The appellant has stated that if the information sought is in the nature of opinion or interpretation, then every information will fall in this category and has requested the Commission to direct the concerned CPIO to provide the information sought by him.

Hearing:

3. The appellant Shri Aujender Singh was not present despite notice. The respondent Dr. Gaurav Mittal, OSD and CPIO (Service Tax) CBEC was present in person.

4. The respondent submitted that an online reply was sent to the appellant on 16.01.2015. The respondent further submitter that the appellant was informed that the information sought by him involves interpretation of the statute, rules and circulars issued thereunder, which is not covered under the Right to Information Act, 2005. Further, it is not open to the appellant to demand from the respondents to interpret the provisions of Rules and instructions for his benefit. These rules and instructions are all in the public domain. It is open to the appellant to interpret these rules as he deems fit. The respondent further submitted that the FAA vide order dated 26.03.2015 had observed that “ The information sought by the appellant is in the nature of opinion and interpretation of statues and its provisions in the light of the

situations described in the appellant's appeal. Such information sought, is beyond the scope of the RTI Act”.

Decision:

5. The Commission, after hearing the submissions of the respondent and perusing the records, finds no grounds to interfere with the order of the FAA dated 26.03.2015.
6. With the above observations, the appeal is disposed of.
7. Copy of the decision be provided free of cost to the parties.

(Sudhir Bhargava)
Information Commissioner

Authenticated true copy

(V.K. Sharma)
Designated Officer