प्रधान मुख्य आयुक्त कार्यालय
केंद्रीय माल और सेवा कर,
अहमदाबाद क्षेत्र
जीएसटी भवन, राजस्व मार्ग,
अम्बावाड़ी, अहमदाबाद- ३८००१५

सत्यमेव जयते

Office of the
Principal Chief Commissioner
Central Goods & Services Tax,
Ahmedabad Zone,
GST Bhavan, Revenue Marg,
Ambawadi, Ahmedabad- 380015

Telephone: 079-26302133/6499 Email: ccu-cexamd@nic.in

DIN:- : 20220964000000017460

A. File Number : GCCO/RTI/FAAA/49/2022- Tech

B. Order in Appeal No. : 01/RTI (CCO)/AHD/2022-23

C. Passed by : Shri Amit Kumar Mishra,
Additional Commissioner & Appellate Authority,
O/o - Principal Chief Commissioner
Central GST, Ahmedabad Zone.

D. Date of order/Issue : 19.09.2022

E. Name and address of Applicant : Shri Mohit Agrawal 601 B, Aryavart Skies
Nehrunagar, Ambawadi, Gujarat, Pin – 380015

1. This Order-in-Appeal is granted to the concerned free of charge.

2. Any person aggrieved by this Order-in-Appeal may file an appeal under section 19 (3) of the Right to Information Act, 2005 to Central Information Commission, CIC Bhawan, Baba Gangnath Marg Munirka, New Delhi-110067.

3. Appeal shall be filed within ninety days from the date of receipt of this order in accordance with the provisions of section 19 (3) of the Right to Information Act, 2005, before the Central Information Commission.

ORDER-IN-APPEAL

The RTI Appeal under consideration has been filed by Shri Mohit Agrawal against the online reply given by the CPIO, Office of the Principal Chief Commissioner of Central GST, Ahmedabad Zone vide OIO No. 04/ RTI (CCO)/AHD/2022-23 with reference to his online RTI Application bearing Registration No. CCEAB/R/E/22/00043 dated 15-07-2022. The present appeal having Registration Number CCEAB/A/E/22/00003 dated 21-08-2022 has been filed online by the appellant.

2. The appellant vide his RTI application bearing Registration No. CCEAB/R/E/ 22/00043 dated 15-07-2022 filed online had sought certain information. The question at points b, c, d, m, n, o, p, q, r, s, z, aa, and bb of the RTI application dated 15-07-2022 read as under:

b. Please provide the copy of work distribution among the JC/ ADCs for each Commissionerate for above period.

c. Please inform whether there was any change in charge distribution of JC/ ADCs during the period from 05.11.2020 to 31.03.2021 by Chief Commissioner's office or by Ahmedabad, South Commissionerate. If yes, kindly provide the copy of Office Order redistributing the charges of JC/ADCs.

d. Please provide me the copy of note sheet on which decision was taken by Chief Commissioner/ Pr Commissioner/ Commissioner for redistribution of charges in respect of office order at para (c) above

m. Please provide me the details of all officers at the level of Joint Commissioner, Additional Commissioner, Commissioner, Pr. Commissioner and Chief Commissioner, who availed any kind of leave including Casual Leave, Earned Leave, Commuted Leave, Medical leave etc. during the period from 01.01.2021 to 31.03.2021. The same may be provided in tabular form indicating the nature of leave with the duration of such leave in respect of each officer.

n. Please inform the number and name of officers from the Ahmedabad Zone, who were deputed to Honorable Election Commission of India for election duty as Election Expenditure observer during the period from 01.01.2021 to 31.03.2021.

o. Please inform the number of officers out of above at para (n), who represented for exemption from duty to the CCO Office.

p. Please provide the copy of representation made by officers at para o above.

q. Please inform the name of officer whose representation was considered to be sent to CBIC/ Election Commission for consideration. Copy of note sheet wherein such decision taken may be provided.

r. Please inform the name of officer whose representation was not considered to be sent to CBIC/ Election Commission for consideration. Copy of note sheet wherein such decision taken may be provided.

s. One representation from exemption of duty was provided by Mr Mohit Agrawal vide his letter dated 16.03.2021. Please inform whether his representation was sent for consideration. Copy of note sheet wherein such decision taken may be provided.

z. Please inform the action taken subsequently by Pr. Commissioner, Ahmedabad South/ Chief Commissioner, CGST Zone, Ahmedabad, in respect of leave letter dated 18.03.2021 by Mr. Mohit Agrawal. Copy of the relevant note sheet be provided.

aa. Please inform whether there was finding by any office under Chief Commissioner, Ahmedabad, CGST Zone or any other office to the effect that this Leave Application dated 18.03.2021 was circulated on social ie. Whatsapp. Please provide a copy of the document/ evidence based upon which such finding was made.

bb. Please inform whether there was finding by any office under Chief Commissioner, Ahmedabad, CGST Zone or any other office to the effect that this Leave Application dated 18.03.2021 was circulated on social by Mr Mohit Agrawal ie the applicant. Please provide a copy of the document/ evidence based upon which such finding was made.

3. In response to the said application, the CPIO, Office of the Principal Chief Commissioner of Central GST, Ahmedabad Zone, vide OIO NO.04/RTI(CCO)/AHD/22-23 dated 11-08-2022, replied to the above question, as under –

Point No.(b)

Information related to the work distribution of Additional/Joint Commissioner of other commissionerates is done and maintained with the respective Commissionerates.

Point No. (c)

Change in charge distribution of ADC/JC is done by respective commissionerates.

Point No. (d)

The information sought is in connection with point (c) is maintained by the respective Commissionerate.

Point No. (m)

Such information cannot be disclosed because it contains personal information of an individual and not in larger public interest and thus attracting section 8(1)(j) of the RTI Act, 2005.

Point No. (n)

As per available record and vide letter No. 464/ECI/LET/EEM/Exp.Obs/EEPS/2021/Vol.I dated 06-03-2021-

04 officers of Ahmedabad Zone were deputed to the Election Commission as Expenditure observer.

1. *Shri Marut Tripathi*
2. *Shri Milan Kumar Singh*
3. *Shri Joginder Singh*
4. *Shri Manish Kumar Chavda*

Point No. (o)

One officer.

Point No. (p)

Such information cannot be disclosed because it contains personal information of an individual and not in larger public interest and thus attracting section 8(1)(j) of the RTI Act, 2005.

Point No. (q)

Such information cannot be disclosed because it contains personal information of an individual and not in larger public interest and thus attracting section 8(1)(j) of the RTI Act, 2005

Point No. (r)

As per records not available

Point No. (s)

As per records not available

Point No. (z)

Such information cannot be disclosed because it contains personal information of an individual and not in larger public interest and thus attracting section 8(1)(j) of the RTI Act, 2005.

Point No. (aa)

There was a finding regarding circulation of leave application on social media. Document/evidence regarding such finding cannot be shared because it contains personal details of other officers thus attracting section 8(1)(j) of the RTI Act, 2005.

Point No. (bb)

There was a finding regarding circulation of leave application on social media. Document/evidence regarding such finding cannot be shared because it contains personal details of other officers thus attracting section 8(1)(j) of the RTI Act, 2005.

4. Being aggrieved with the said reply, the appellant Shri Mohit Agrawal has preferred the present appeal under the provisions of RTI Act, 2005 on the grounds that the

(i) Information in respect of points b, c, d has been unjustly denied by CPIO on the basis that information relating to the same is maintained/available with the respective Commissionerates.

(ii) Information in respect of points n. o, r, and s has been intentionally provided false and incorrect in defiance of provisions of RTI Act and the records.

(iii) Information in respect of points m, p, q, z, aa and bb has been unjustly denied on the basis that such information being personal information of an individual and not in larger public interest thus attracting section 8(1)(j) of the RTI Act,2005.

The appellant has further requested to direct the CPIO to provide correct and truthful information in respect of points b, c, d, m, n, o, p, q, r, s, z, aa, and bb of the RTI application dated 15-07-2022.

5. **The personal hearing in virtual mode was held on 19.09.2022.,** wherein Shri Mohit Agrawal has appeared for personal hearing through virtual mode. He has reiterated his earlier submissions made in appeal dated 21.08.2022. Further he has stated that information in respect of points b, c, d has been unjustly denied by CPIO on the basis that information relating to the same is maintained/available with the respective Commissionerates. He stated that the information was sought in respect of entire Zone and therefore, even if the information was held by respective Commissionerates, it should have been sent to them under Section 6(3) of the RTI Act,2005. Further, work allocation could be possible only after distribution of charges by CCO and that copy of the same has also not been provided. He further stated that relevant documents have also been enclosed with the written submission, which prove that the information in respect of paras n, o, r and s has been intentionally provided false and incorrect in defiance of provisions of RTI Act. He requested that the veracity of information provided may kindly be directed to be verified once more. He has submitted that information in respect of points m, p, q, z, aa and bb has been unjustly denied on the basis that such information being personal information of an individual and not in larger public interest thus attracting section 8(1)(j) of the RTI Act,2005. He also submitted that case laws have already been submitted in this regard apart from information has been distorted intentionally and has been read exactly as at para (aa) while the information sought is completely distinct. He has also requested for providing the information to the earliest-

6. I have carefully gone through the facts of the case and submissions made by the appellant. The present appeal has been filed against the reply given by the CPIO in respect of points b, c, d, m, n, o, p, q, r, s, z, aa and, bb. Accordingly, I proceed to take the point for decision

6.1 **Points b, c and d**: - In respect of points b, c and d, the appellant has submitted that if the information was available with any of the subordinate offices of the PCCO , the same should have been transferred to said offices under Section 6(3) but the same was done to certain public offices only. In his reply vide OIO dtd. 11.08.2022 pertaining to point b, c and d the CPIO has stated that information related to the work distribution of Additional/Joint Commissioner of other Commissionerates is done and maintained with the respective Commissionerates.

6.2 As for as point (b) is concern the appellant has sought "copy of work distribution among the JC/ ADCs for each Commissionerate for the period from 5.11.2020 to 31.03.2021. Reply to the same was given that information related to the work distribution of Additional/Joint commissioners of other Commissionerates is done and maintained with the respective Commissionerates. **I order that information sought may be transferred by the CPIO to all the concerned Commissionerates of the zone for providing the information in accordance with the provisions of RTI Act,2005.**

6.3 Vide point (c) the appellant has sought information "whether there was any change in charge distribution of JC/ ADCs during the period from 05.11.2020 to 31.03.2021 by Chief Commissioner's office or by Ahmedabad, South Commissionerate. If yes, kindly provide the copies of Office Order redistributing the charges of JC/ADCs." **In this regard, I order that copies of Office Order redistributing the charges of JC/ADCs issued by Chief Commissioner's office or by Ahmedabad, South Commissionerate may be provided to the appellant.**

6.4 The appellant vide point (d) sought information i.e "the copy of note sheet on which decision was taken by Chief Commissioner/ Pr. Commissioner/ Commissioner for redistribution of charges in respect of office order at para (c) above. **In this regard, I order that copy of note sheet on which decision was taken by Chief Commissioner/ Pr. Commissioner/ Commissioner for redistribution of charges in respect of office order at para (c) above issued by Chief Commissioner's office or by Ahmedabad, South Commissionerate may be provided to the appellant**.

7. The appellant has submitted that information in respect of points n, o, r, and s has been intentionally provided false and incorrect in defiance of provisions of RTI Act and the records. He has submitted copies of deputation order F.No. 464/ECI/LET/EEM/Exp. Obs./EEPS/2021/Vol.I dtd. 15.03.2021 issued by the Election Commission of India , New Delhi and his representation dtd. 16.03.2021 and submitted that these documents are supposed to be in the records of Pr CCO office.

7.1 As for as Point (n) is concern, the appellant has sought information of "the number and name of officers from the Ahmedabad Zone, who were deputed to Honorable Election Commission of India for election duty as Election Expenditure observer during the period from 01.01.2021 to 31.03.2021." In this regard, the reply was given to the appellant that as per available record vide letter No. 464/ECI/LET/EEM/Exp.Obs/EEPS/2021/Vol.I dated 06-03-2021, 04 officers of Ahmedabad Zone were deputed to the Election Commission as Expenditure observer.

1. Shri Marut Tripathi
2. Shri Milan Kumar Singh
3. Shri Joginder Singh
4. Shri Manish Kumar Chavda.

The appellant has attached a copy of deputation order dtd. 15.03.2021 from Election Commission stating that it is in respect of deputation of Shri Mohit Agrawal and sought information about its receipt in CCO office. **I order that CPIO may examine this document submitted in appeal and provide the information sought related to them, if available, in accordance with the provisions of RTI Act,2005**.

7.2 As for as Point (o) is concern the appellant has sought information i.e. "number of officers out of above at para (n), who represented for exemption from duty to the CCO Office". To this point also appropriate reply was given by the CPIO informing about exemption given to only one officer.

7.3 As for as Point (r) is concern, the appellant has sought information i.e " the name of officer whose representation was not considered to be sent to CBIC/ Election Commission for consideration. Copy of note sheet wherein such decision taken may be provided ". In reply to this point , CPIO has informed that as per record the information was not available . Now the appellant has attached a copy of representation dtd. 16.03.2021 from Shri Mohit Agrawal. **I order that CPIO may examine these documents submitted in appeal and provide the information sought related to them, if available, in accordance with the provisions of RTI Act,2005.**

8. The appellant has further submitted that information in respect of points m, p, q, z, aa and bb has been denied on the basis that such information being personal information of an individual and not in larger public interest thus attracting section 8(1)(j) of the RTI Act,2005. The appellant has submitted that he has not asked for any pervasive, private or individual information in respect of any individual. The information has been sought only in respect of general information of public authority being able to put up in public domain without affecting the rights to individual privacy. He has cited some case laws also to support his contention.

8.1 As for as Point (m) is concern the appellant has sought information i.e "the details of all officers at the level of Joint Commissioner, Additional Commissioner, Commissioner, Pr. Commissioner and Chief

Commissioner, who availed any kind of leave including Casual Leave, Earned Leave, Commuted Leave, Medical leave etc. during the period from 01.01.2021 to 31.03.2021. The same may be provided in tabular form indicating the nature of leave with the duration of such leave in respect of each officer." Such information has been denied by the CPIO on the ground that it contains personal information of an individual and not in larger public interest and thus attracting section 8(1)(j) of the RTI Act, 2005.

8.2 As for as Point (p) is concern the appellant has sought information i.e "the copy of representation made by officers who sought exemption from Election duty". This information has been denied by the CPIO on the ground that it contains personal information of an individual and not in larger public interest and thus attracting section 8(1)(j) of the RTI Act, 2005.

8.3 As for as Point (q) is concern the appellant has sought information i.e "the name of officer whose representation was considered to be sent to CBIC/ Election Commission for consideration. Copy of note sheet wherein such decision taken may be provided". This information has been denied by the CPIO on the ground that it contains personal information of an individual and not in larger public interest and thus attracting section 8(1)(j) of the RTI Act, 2005.

8.4 As for as Point (z) is concern the appellant has sought information i.e "the action taken subsequently by Pr. Commissioner, Ahmedabad South/ Chief Commissioner, CGST Zone, Ahmedabad, in respect of leave letter dated 18.03.2021 by Mr. Mohit Agrawal. Copy of the relevant note sheet be provided". This information has been denied by the CPIO on the ground that it contains personal information of an individual and not in larger public interest and thus attracting section 8(1)(j) of the RTI Act, 2005.

8.5 Regarding the denial of information on the ground that it contains personal information of an individual and not in larger public interest and thus attracting section 8(1)(j) of the RTI Act, 2005 in respect of **point No. (m), (p) and (q)** , I observe that Section 8 of the RTI Act, 2005 provides exemption from disclosure of information. Sub-section (1)(j) of Section 8 lays down that the there is no obligation to give any citizen *"information which relates to personal information the disclosure of which has no relationship to any public activity or interest, or which would cause unwarranted invasion of the privacy of the individual unless the Central Public Information Officer or the State Public Information Officer or the appellate authority, as the case may be, is satisfied that the larger public interest justifies the disclosure of such information."* Thus, Clause (j) of Section 8(1) provides qualified exemption from disclosure of personal information. However, such exemption may be overridden where the Information Officer is satisfied that larger public interest justifies the disclosure.

8.6 I find that the RTI Act, 2005 does not define the term *'personal information'*. However, the Hon'ble Supreme Court of India, in its decision dated 13.11.2019, in Civil Appeal No. 10044 of 2010 titled *Central Public Information Officer, Supreme Court of India vs Subhash Chandra Agarwal,* has delineated the term *'personal information'* to mean *'....any information which is capable of identifying a natural person is classified as personal information'*. The Hon'ble Court has also held that *"such personal information is entitled to protection from unwarranted invasion of privacy and conditional access is available when stipulation of larger public interest is satisfied"*. I find that the names/details of officers, relates to their personal information, the disclosure of which would cause unwarranted invasion of an individual's privacy and serves no larger public interest.

8.7 As for as point No. (z) is concern appellant himself during personal hearing as informed that the said information is pertaining to him, therefore I order that CPIO may provide the information for this point in accordance with the provisions of RTI Act,2005.

8.8 As for as Point (aa) is concern the appellant has sought information i.e "whether there was finding by any office under Chief Commissioner, Ahmedabad, CGST Zone or any other office to the effect that this Leave Application dated 18.03.2021 was circulated on social i.e. Whatsapp. Please provide a copy of the document/ evidence based upon which such finding was made." The CPIO has replied that, \there was a finding regarding circulation of leave application on social media and it was further informed that that document/evidence regarding such finding cannot be shared because it contains personal details of other officers thus attracting section 8(1)(j) of the RTI Act, 2005. However, I hold that such information may be provided to the appellant in case the finding by CCO office is related to the appellant only and not other officers.

8.9 As for as Point (bb) is concern the appellant has sought information i.e. "whether there was finding by any office under Chief Commissioner, Ahmedabad, CGST Zone or any other office to the effect that this Leave Application dated 18.03.2021 was circulated on social by Mr. Mohit Agrawal i.e. the applicant. Please provide a copy of the document/ evidence based upon which such finding was made." The CPIO has replied that, there was a finding regarding circulation of leave application on social media and it was further informed that that document/evidence regarding such finding cannot be shared because it contains personal details of other officers thus attracting section 8(1)(j) of the RTI Act, 2005. However, I hold that such information may also be provided to the appellant in case the finding by CCO office is related to the appellant only and not other officers.

9 Public interest test in context of RTI act would mean reflecting upon object and purpose behind right to information, right to privacy and consequences of invasion, and breach of confidentiality and possible harm and injury that would be cause to third party with reference to a particular information and the person. Ongoing through the RTI application dated 15.07.2022 of the appellant, I find that the appellant has not been able to demonstrate that larger public interest justifies the disclosure of such information. I hold that when an appellant seeks names/details/copies/grounds of others' requests, it is purely personal information which has no relationship with any public interest or activities and is thus exempted under section 8(1)(j) of the Act. I am not satisfied that larger public interest justifies disclosure of such information.

9.1 Also, in point no. 8 of Part – IV (For Public Information Officers) of the *Guide on the Right to Information, Act, 2005* updated on 28th November, 2013, it is clarified that the answering Public Information Officer should check whether the information sought or a part thereof is exempt from disclosure under Section 8 or Section 9 of the Act. Request in respect of part of the application which is so exempt may be rejected and rest of the information should be provided immediately or after receipt of additional fees, as the case may be. I find that the CPIO has correctly answered some of the question posed by the appellant in his RTI Application dated 15.07.2022 and has rejected some of the request of the appellant by informing him about the reasons for such rejection.

10 In view of the above facts, I allow the appeal in respect of point no. b, c, d, n, r, s, z, aa, and bb and reject in respect of point o, m, p and q as mentioned above.

19.09.2022

(Amit Kumar Mishra)
(Appellate Authority),
Additional Commissioner
Central GST, Ahmedabad Zone
Ahmedabad

By EMail
To

Shri Mohit Agrawal
601 B, Aryavart Skies
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Copy to:
1. The CPIO, CCO, Central GST, Ahmedabad Zone, Ahmedabad for information please.
2. The Deputy/Assistant Commissioner (Systems), Central GST & Central Excise, Ahmedabad-South with a request to upload the same on the website.