



प्रधानसीमाशुल्कआयुक्त(सामान्य)कार्यालय

OFFICE OF THE PRINCIPAL COMMISSIONER OF CUSTOMS (GENERAL)

नवीनसीमाशुल्कभवन, बलार्डइस्टेट,

NEW CUSTOM HOUSE, BALLARD ESTATE,

मुंबई/MUMBAI- 400 001

[टेलीफोननं./Tel. No. (022) 22634330 फ़ैक्सनं./Fax No (022)22757416]

फ़ाइल नं. : RTI/Gen/Appeal/BSM/51/2018-19

आदेशतिथि : 01.10.2018

जारीकरनेकीतिथि : 01.10.2018

आदेशसंख्या: 51/2018-19

द्वारापारित :श्री बी. एस. मीना
अपर सीमाशुल्क आयुक्त
सूचना का अधिकार अधिनियम के प्रथम अपीलीय प्राधिकारी
प्रधान सीमा शुल्क आयुक्त (सामान्य) का कार्यालय
नवीन सीमा शुल्क भवन,
बेलाड इस्टेट, मुंबई- 400 001

प्रस्तावना

- 1) यह प्रति उस व्यक्ति के प्रयोग के लिए निःशुल्क है जिसके लिए यह पारित किया गया है।
- 2) सूचना का अधिकार अधिनियम 2005 धारा की 19 (3) के तहत इस आदेश के विरुद्ध अपील, आदेश पारित करने की अंतिम तिथि या आदेश प्राप्ति की तिथि से 90 दिनोंके भीतर, केन्द्रीय सूचना आयोग, नई दिल्ली में की जा सकती है।
- 3) इस आदेश में प्रस्तावना सहित कुल 03 पृष्ठ सम्मिलित हैं।

BRIEF FACTS OF THE CASE

Sub: Order re-issued by the First Appellate Authority (FAA) in response to Honourable CIC's order no. CIC/CCUM1/A/2017/141248-BJ dated 05.9.18 in case of second appeal filed by Shri. Rambhau B. Shinde.

This order is passed following the directions of the Honourable CIC in its order no. CIC/CCUM1/A/2017/141248-BJ dated 05.9.18 in case of second appeal filed by Shri. Rambhau B. Shinde against the order of the FAA bearing F.No. RTI/GEN/Appeal/SKHM/42/2017-18 dated 14.07.2017.

Briefly the facts of the case are that the Appellant residing at B-701, Grit Residency CHS Ltd., Near Shankara Colony, Opposite Indian Oil Nagar, Govandi, Mumbai-400043 had sought following information under the Right to Information Act, 2005 vide his RTI application dated 07.03.2017, received in RTI General, NCH, Mumbai on 09.03.2017; the same are reproduced as under:-

"1. Give inspection of entire records of International Freight System Company Pvt. Ltd. (CHA 11/598) having address at 101/102 Span Landmark, 145 Andheri- Kurla Road, Andheri (E), Mumbai-93 pertaining to all statutory obligations such as:-

- (a) Form A under regulation No. 5.
- (b) Permanent pass in G form under regulation no. 20.
- (c) Temporary license in form B.
- (d) Examination under regulation no. 9.
- (e) Any change in name or transfer of license.
- (f) Any change in name of person/s from time to time qualifying examination under regulations no. 18.
- (g) Details of employment of persons to act as agent/s under regulation no. 20.
- (h) Bond executed under regulation no. 11."

The CPIO/RTI (General), NCH, Mumbai vide his Order F. No. RTICG/GEN-362/2016-17 dated 23.03.2017 has disposed of the same, with respect to information sought by the appellant in the RTI application which is reproduced as under:-

"It is informed that the details sought by you under point no. 1(a) to (h) regarding inspection of records of Customs Broker M/s. International Freight System Company Private Limited, CB No. 11/598 qualifies as Third Party information. Since, you have not cited any larger public interest, behind seeking the requisite information, the disclosure of the same merits exemption under the provisions of section 8(d) of RTI Act, 2005."

Aggrieved by the CPIO's above said reply, the applicant Shri. Rambhau B. Shinde had filed the first appeal with following mentioned grounds of appeal.

Grounds of Appeal

1. The applicant claims that the information sought by him does not fall under the provisions of section 11(1).
2. The applicant maintains that the information sought does not pertain to third party.
3. The applicant has questioned the CPIO as to why he did not examine the objection of the party from public interest point of view.
4. The applicant is not satisfied by no mention of refusal of information on account of objection from International Freight Systems Company if at all CPIO wanted to treat it as third party information.

The then First Appellate Authority's Order dated 14.7.2017 is quoted below -

"I find in the original application the appellant sought information about a custom broker m/s International freight system including inspection of documents. In the appeal stage he has raised doubts of illegal activities carried out by the CB. I find that the CPIO has correctly denied the information. The appellant has not made out a case for seeking private information in public interest.", accordingly I reject the appeal filed by the appellant."

The appellant presented his case with the Hon'ble CIC on 16.06.2017 and the Hon'ble CIC in its Order dated 05.09.2018 which was received in this office on 18.09.2018 is quoted as below:

"Keeping in view the facts of the case and the submissions made by the appellant, the Commission directs the FAA to re-examine the matter and provide a suitable reply to the Appellant in accordance with the provisions of the RTI Act, 2005 within a period of 15 days from the date of receipt of this order."

Following the directions of the Honourable CIC, the case was re-examined and the below mentioned findings were made:

FINDINGS

The RTI application of the applicant dated 07.03.2017, the CPIO's reply dated 23.03.2017, first appeal of the appellant dated 17.04.2017 and the FAA's order dated 14.07.2017 were gone through and the report was sought from the concerned section.

While going through the above, it was observed that the information sought by the appellant pertained to the third party. As per section 11 of the RTI Act, 2005, letter vide F. No. RTI/Gen/Appeal/42/2017-18 dated 24.9.18 seeking concurrence from the third party M/s. International Freight System Company Pvt. Ltd. (CHA No. 11/598) was issued. The third party in its reply dated 27.09.2018 refused to disclose information related to its company to appellant as it feared that the same may be misused by the appellant for ulterior motives.

As the third party has declined to concur to provide the information to the appellant, hence, the same cannot be made available to the appellant.

In view of the foregoing discussion, the following order is passed in compliance of Hon'ble CIC's Orders dated 05.09.2018.

ORDER

As the information pertains to third party and he has declined to share his information and hence cannot be provided under Section 11 of the RTI Act, 2005,

B-I
11/10/18
(DR. B.S. MEENA)
APPELLATE AUTHORITY
ADDL. COMMISSIONER OF CUSTOMS (G),
NEW CUSTOM HOUSE, MUMBAI.

Copy to :

1. Shri Rambhau B. Shinde,
B-701, Grit Residency CHS Ltd.,
Near Shankara Colony, Opposite Indian Oil Nagar,
Govandi, Mumbai - 400043
2. The Information Commissioner,
Central Information Commission,
Baba Gangnath Marg, Munirka,
New Delhi - 110067.
3. The CPIO RTI (G), NCH, Mumbai.
4. Office Copy

*Both
Sent by
Speed Post
Copy
01/10/18*

RTI file