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OFFICE OF THE COMMISSIONER OF CUSTOMS (IMPORT-II),

आयुक्त सीमाशुल्क (आयात- II) का कार्यालय ,

NEW CUSTOM HOUSE, BALLARD ESTATE, MUMBAI - 1

नवीन सीमाशुल्क भवन, बेलार्ड इस्टेट, मुंबई-1

का.सं. आरटीआई/आयात-II-30/2018-19

आदेश की तिथि : 27/07/2018

जारी करने की तिथि : 27/07/2018

द्वारा पारित आदेश : श्री. सुखपाल एस. धानी

केन्द्रीय जन सूचना अधिकारी, (सी. पी. आई. ओ.)

सहायक आयुक्त सीमाशुल्क (आयात-II)

नवीन सीमाशुल्क भवन, बेलार्ड इस्टेट, मुंबई-1

आदेश सं. 29/2018-19

प्रस्तावना

1. यह प्रति जिसे यह जारी की गई है के उपयोग के लिए निःशुल्क है ।
2. इस निर्णय के विरुद्ध, प्रथम अपीलीय प्राधिकारी, अपर आयुक्त सीमाशुल्क (आयात), प्रथम तल, नवीन सीमाशुल्क भवन, बेलार्ड इस्टेट, मुंबई- 400 001 के समक्ष अपील की जा सकती है।
3. सूचना का अधिकार अधिनियम, 2005, की धारा 19 के अनुसार इस निर्णय की प्राप्ति के 30 दिनों के अंदर अपील का दाखिला आवश्यक है।
4. अपील व्यक्तिगत रूप से अपर आयुक्त सीमाशुल्क (आयात), प्रथम तल, नवीन सीमाशुल्क भवन, बेलार्ड इस्टेट, मुंबई- 400 001 या उनकी ओर से अधिकृत किसी अधिकारी के समक्ष रखी जाए।

विषय : सूचना का अधिकार अधिनियम, 2005 के तहत **Shri Dipak Mehta**, द्वारा दायर आवेदन दिनांक **27.06.2018** रहित - संदर्भित ।

1. An application dated 27.06.2018 filed by Shri Dipak S. Mehta, Jt. Managing Director, Vishal Export Overseas Ltd., C/o. Shri D. D. Mehta, 19, Ishavasyam Society, Near Luv-Kush Bungalows, Satellite, Ahmedabad 380 015. (Hereinafter referred to as Applicant) under Right to Information Act, 2005, received in this department on 02.07.2018.
2. Following information was sought by the Applicant under RTI Act, 2005.

Please provide dates and value of debit of 03 No.s of DEPB License (list of 3 DEPB Licenses)

Sr. No.	DEPB Licenses No.	Date	File No.	Name of party
01	0810135827	10.08.2018	08/93/051/00021/AM/16	Vishal Exports Overseas Ltd.
02	0810136028	10.09.2015	08/93/015/00030/AM/16	-do-
03	0810136250	12.10.2015	08/93/00040/AM/16	-do-

3. RTI application is provided after due examination of the reply concerned section as under:

In this connection information was sought from M/s. Vishal Exports Overseas Limited as to whether to disclose the information under section 11 of the RTI Act, 2005, as it's a third party information. It has been informed of by the Chairman & Managing Director, of M/s. Vishal Exports Overseas Limited as not to disclose any information to any Director of their company to safeguard the interest of their clients as Section 8 (1)(d) of the RTI Act. In view of the same, the said information is not disclosed under section 11 of RTI Act, as third party information as per the Section 8 (1)(d) of the RTI Act..

4. An appeal against this order may be made under section 19(1) of the RTI Act 2005 to the First Appellate Authority (FAA):-

Name and address of the Appellate Authority:

Shri M. Rammohan Rao,
Joint Commissioner of Customs (Import-II)
1st floor, Main Building, New Custom House,
Ballard Estate, Mumbai - 400 001.

ORDER

- 5 The Application is disposed of accordingly.

o/c

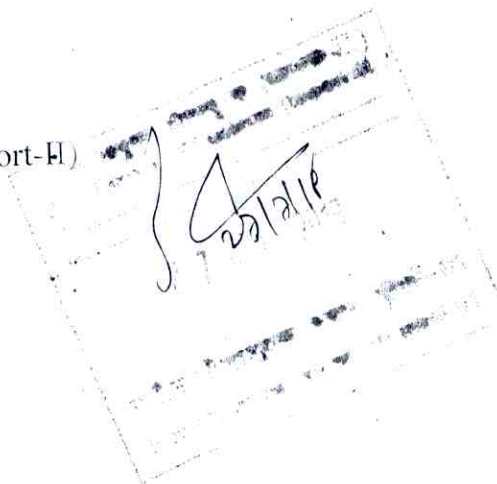
(सुखपाल एस. धानी)
केन्द्रीय जन सूचना अधिकारी, (सी. पी. आई. ओ.)
सहायक आयुक्त सीमाशुल्क (आयात-II)

Copy to:-

1. Shri Dipak S. Mehta,
Jt. Managing Director, Vishal Export Overseas Ltd.,
C/o. Shri D. D. Mehta,
19, Ishavasyam Society,
Near Luv-Kush Bungalows,
Satelite, Ahmedabad 380 015.

Issued by Speed Post
22/7/18 Em 932801872

2. Joint Commissioner of Customs (Import-II)
New Custom House,
Ballard Estate, Mumbai - 400 001.



FORM - A
[(See Rule 3(1))]

Application form for obtaining Information

I.D.No.
(for office use)

TO
The Central Public Information Officer
& Asstt. Commissioner of Customs (Imports-II)
New Custom House, 2nd floor
Fort, Mumbai 400001

2/5/18
2/5/18 (IMPORT)
2/5/18 (IMPORT)
New Custom House
Fort
Mumbai

1. Name of the applicant : Dipak S. Mehta
Full Address : Jt. Managing Director
Vishal Exports Overseas Ltd.
C/o Shri DD Mehta
19, Ishavasyam Society
Near Luv-Kush Bungalows
Satelite, Ahmedabad 380015

2. Particulars of information :
Required (in brief)

Please provide the following information:

A. Please provide dates and value of debit of 3 No.s of DEPB License (List of 3 DEPB Licenses issued is attached here-with). The applicant is attaching copy of Order dated 25/04/2018 passed by Hon'ble Central Information Commission directing DGFT, Ahmedabad to provide information sought about release of DEPB Licenses which information was refused by CIPO of DGFT on the grounds that such information is third party information. Such contention was overturned by the Central Information Commission, New Delhi in Appeal No. 104483/2017 where the appellant was the present applicant and the

Dr. S. S.

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instant 3 Licenses are part of such information provided by DGFT, Ahmedabad.

B. The applicant is not seeking any information about any third party such as item of import, country of origin, name of exporting party/country, name of tenderer of DEPB License which could possibly be termed as information regarding trade secrets, competitive advantage or commercial confidence of a third party and thus no bar u/s 8(1)(d) is applicable which please note. The Applicant is simply seeking date of debit of each License and Amount of debit which in fact is a statistical data available under your control.

C. It is further submitted that the present applicant had sought details of debit of 3 DEPB Licenses from the Central Public Information Officer, Jawaharlal Nehru Port Trust, JN Custom House, Nhava-sheva, Tal. Uran, Dist. Raigad on 18/05/2018 and the said CPIO was pleased to send the required information. A copy of order no. 21/2018-19 dated 11/06/2018 is attached for your information and ready reference.

D. Your kind attention is invited to proviso of section 8 (j) which states ".... Provided that the information which can not be denied to the Parliament or a State Legislature shall not be denied to any person."

Attention is also invited to Guideline "*Guide to the Right to Information Act, 2005*" dated 28.11.2013 bearing O.M. No. 1/32/2013-IR at clause no.16. The said clause clarifies that if an application under the Act is made by an office-bearer of any company, indicating his name, and such applicant is a citizen of India, then information may be supplied to him. This provision is a reiteration of the previous "*Guide to the Right to Information Act, 2005*" dated 05.10.2009 bearing O.M. No. 1/4/2009-IR at clause 17.

Signature

I hereby state that the information sought is not covered under categories which are exempted from disclosure of information under section 8 or section 9 of the Information Act, 2005 and to the best of my knowledge, it is pertaining to your Department/office.

F. I enclose herewith Demand Draft / Pay Order No.: 001169 dated 27/06/2018 for Rs. 100/= drawn in favour on Central Public Information Officer, Office of the Commissioner of Customs, Mumbai towards the fees payable.

Place : Ahmedabad

Dipak S. Mehta

Date : 27/06/2018

(Dipak S. Mehta)
Applicant

Encl. :


1. List of 3 DEPB Licenses with photo-copy of License(s) as above
2. Copy of CIC Order dated 25/04/2018 in Appeal No. 104483/2017
3. Copy of Order No. 21/2018-19 dated 11/06/2018 passed by CPIO, Custom Commissioner's Office, JNPT, Nhava-sheva, Tal. Uran, Dist. Raigad.

(24)

Annexure to RTI Application of Dipak S Mehta

Sr. No.	DEPB License No.	Date	File No.	Name of party
01	0810135827	10/08/2015	08/93/051/00021/AM/16	Vishal Exports Overseas Ltd.
02	0810136028	10/09/2015	08/93/051/00030/AM/16	DO
03	0810136250	12/10/2015	08/93/051/00040/AM/16	DO

Date: 27/06/2018
Place : Ahmedabad


(Dipak S Mehta)
Applicant