



प्रधानसीमाशुल्कआयुक्त(सामान्य)कार्यालय

OFFICE OF THE PRINCIPAL COMMISSIONER OF CUSTOMS (GENERAL)

नवीनसीमाशुल्कभवन, बलार्डइस्टेट,

NEW CUSTOM HOUSE, BALLARD ESTATE,

मुंबई/MUMBAI- 400 001

[टेलीफोनन/.Tel. No. (022) 22634330 फ़ैक्सन/Fax No (022)22757416]

फ़ासं : RTI/Gen/Appeal/BSM/35/2018-19

आदेशतिथि : 21.08.2018

जारीकरनेकीतिथि : 21.08.2018

आदेशसंख्या: 35/2018-19

द्वारापारित : श्रीबी. एस. मीना

अपरसीमाशुल्कआयुक्त

सूचनाकाअधिकारअधिनियमकेप्रथमअपीलीयप्राधिकारी

प्रधानसीमाशुल्कआयुक्त(सामान्य)काकार्यालय

नवीनसीमाशुल्कभवन,

बेलाडइस्टेट, मुंबई- 400 001

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#### प्रस्तावना

- 1) यहप्रतिउसव्यक्तिकेप्रयोगकेलिएनिःशुल्कहैजिसकेलिएयहपारितकियागयाहै।
- 2) सूचनाकाअधिकारअधिनियम 2005 कीधारा 19 (3) के तहत इस आदेश के विरुद्ध अपील,आदेश पारित करने की अंतिम तिथि या आदेश प्राप्त की तिथि से 90 दिनोंके भीतर,केन्द्रीय सूचना आयोग,नई दिल्ली में की जा सकती है।
- 3) इसआदेशमेंप्रस्तावनासहितकुल03पृष्ठसम्मिलितहैं।

## BRIEF FACTS OF THE CASE

**Subject: - Appeal filed by Shri Dev Narayan, under Section 19(1) of the Right to Information Act, 2005 against CPIO's Order No. RTICG/GEN-108/2018-19 dated 18.07.2018.**

This is an order passed in the case of an appeal dated 20.07.2018, filed by Shri.Dev Narayan (hereinafter referred to as the Appellant) against the order of the CPIO bearing F.No.RTICG/GEN-108/2018-19 dated 18.07.2018.

Briefly the facts of the case are that the Appellant residing at Quarter No. 2433, Building No. 57, CGS Colony, Antop Hill, Sector 7, Mumbai- 400037, had sought following information under the Right to Information Act, 2005 vide his RTI application dated 19.06.2018, received in RTI General, NCH, Mumbai on 22.06.2018, the same are reproduced as under:-

*"Provide certified copy of the para wise comments given by P and E Section to CCPD and affix clear Govt. Seal on RTI reply also."*

The CPIO/RTI (General), NCH, Mumbai vide his Order F. No. RTICG/GEN-108/2018-19 dated 18.07.2018 has disposed of the same, with respect to information sought by the appellant in the RTI application which is reproduced as under:-

*"In this regard, it is to inform that the same set up of parawise comments forwarded to appellate authority has been provided to ShriDev Narayan.*

*Both the sets of parawise comments were not certified as there is no requirement of such clarification since the information / data already available on records has been examined and the parawise comments based on facts were prepared.*

*It may be noted that under the provision of RTI Act only the information/ data available on records is to be furnished to the applicant. Certification is not mandatory".*

Aggrieved by the CPIO's above said reply, the applicant Shri Dev Narayan has filed appeal dated 20.07.2018 and the same was received in this office on 25.07.2018.

## GROUND OF APPEAL

Aggrieved by the CPIO's above said reply, the applicant Shri Dev Narayan has filed the present appeal on the following grounds –

1. *Refused access to Information Requested.*

## PERSONAL HEARING

The personal hearing was granted to the appellant on 08.08.2018, 09.08.2018 & 10.08.2018 at 12.15 pm but he did not turn up for the same.

## FINDINGS

I have gone through the RTI application dated 19.06.2018 received in this office on 22.06.2018 and reply dated 18.07.2018 and appeal application filed by the Appellant dated 20.07.18 received in this office on 25.07.18.

It has been observed that the information sought by the appellant i.e. certified copy of para wise comments given by P&E section to Honourable Chief Commissioner for Persons with Disability to which the CPIO responded by stating that the same set of para wise comments which were forwarded to the Honourable Appellate Authority were provided to the appellant as well. Since both the copies were not certified there was no requirement of such clarification.

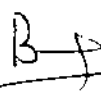
Further, it is noticed from the CIC's order dated 22.8.12 which the Appellant had enclosed with his Appeal that in that case the Appellant Shri Ved Prakash Ahulwalia had requested the CPIO, Lok Sabha Secretariat for the *certified copy of a certain notification* laid on the table of the Lok Sabha whereas in this Appeal the applicant Shri Dev Narayan has requested to provide him *certified copy of the para wise comments given by P & E Section to Honourable Chief Commissioner for Persons with Disability*. The above enclosed case has no relevance in this particular case as the information available on records was examined and the para wise comments based on facts were prepared.

It has also been observed that the same matter of appeal filed by the same appellant was decided in our office vide order RTI/GEN/APPEAL/BSM/19/2018-19 dated 25.07.2018 and also the CIC vide order no. CIC/AD/A/2013/001326-SA dated 25.06.2014 has decided that:

- a) No scope of repeating under RTI Act.
- b) Citizen has no Right to repeat.
- c) Repetition shall be ground of refusal.
- d) Appeals can be rejected.

## ORDER

In view of the above, the Appeal filed by the Appellant is rejected as per the provision of RTI Act, 2005.

  
(DR. B.S. MEENA) 21/08/2018  
APPELLATE AUTHORITY  
ADDL. COMMISSIONER OF CUSTOMS (G),  
NEW CUSTOM HOUSE, MUMBAI.

Copy to :

1. Shri Dev Narayan, Quarter No. 2433 Building No. 57 CGS Colony, Antop Hill, Sector- 7, Mumbai - 400037.
2. The CPIO RTI (G), NCH, Mumbai
3. Office Copy