



भारत सरकार
GOVERNMENT OF INDIA
प्रधान आयुक्त का कार्यालय
OFFICE OF THE PRINCIPAL COMMISSIONER
सीजीएसटी आयुक्तालय, गुवाहाटी
CGST COMMISSIONERATE, GUWAHATI
५ वीं मंजिल, जीएसटी भवन, केदार रोड,
माछखोवा, गुवाहाटी - ७८१००१
5TH FLOOR, GST BHAWAN, KEDAR ROAD,
MACHKHOWA, GUWAHATI - 781001
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ORDER-IN-APPEAL NO. 03/2024-25

Shri Sachin Das,
Nalbari, Assam - 781335
(e-Mail: sachindas19851@gmail.com)

- Appellant

The Central Public Information Officer
O/o the Pr. Commissioner of CGST & CE
Guwahati, Kedar Road, Machkhowa
Guwahati, Assam - 781001

- Respondent

First Appellate Authority: Shri Thomas Basumatary, Additional Commissioner, O/o the Pr. Commissioner of CGST & CE, Guwahati, Kedar Road, Machkhowa, Guwahati, Assam - 781001

RELEVANT FACTS EMERGING FROM APPEAL

RTI Request Registration No. CCCEC/R/E/24/00060 dated 07/10/2024
CPIO Replied on: 05/11/2024

RTI First Appeal Registration No. CCCEC/A/E/24/00011 dated 06/11/2024
Date of Hearing: 1st on 13/12/2024 & 2nd on 24/01/2025

BRIEF FACTS OF THE CASE

1.1 Shri Sachin Das (henceforth referred to as 'appellant' for the sake of brevity) vide RTI Application Registration No. CCCEC/R/E/24/00060 dated 07/10/2024 (henceforth referred to as 'RTI Application' for the sake of brevity) has sought information under the Right to Information Act, 2005. The RTI Application was directly filed by the Applicant to the CPIO, CGST Commissionerate, Guwahati for providing following information -

- i. Total amount allotted to CGST Guwahati under Medical Head between 01.01.2024 and 30.09.2024.
- ii. Total No. of medical bills submitted to CGST Guwahati between 01.01.2024 and 05.10.2024.

- iii. Kindly provide the date of submission of medical bills and date of reimbursement of these medical bills in each grade, i.e, Group A, Group B and Group C separately.
- iv. Name of the Group A officer of the rank AC/DC who has the charge of Medical Bills.
- v. Prescribed time period for reimbursement of medical bills as instructed by CGHS SOP.
- vi. No. of departmental vehicles allotted to CGST Guwahati.
- vii. Officers in the rank of AC/DC using the departmental vehicles for daily commute to office and how many of them are still availing TPT allowance.

1.2 That, the CPIO, CGST Commissionerate, Guwahati sought assistance of (1) the Chief Accounts Officer for Point No. (i) to (v) of RTI Application and (2) the Assistant Commissioner (PRO) for Point No. (vi) and (vii) of RTI Application under Section 5(4) of the said Act in providing the information sought for by the RTI Applicant.

1.3 Based on the reply received from the Chief Accounts Officer and the Assistant Commissioner (PRO), the following information was provided –

- i. Not available with CGST & CE Commissionerate, Guwahati.
- ii. Total 102 Bills have been submitted to CGST Guwahati between 01.01.2024 and 05.10.2024 among which 64 bills are sanctioned and 38 are pending.
- iii. Details provided in Annexures (A, B & C). The accounts of reimbursement are not currently available.
- iv. No AC/DC is currently holding the charge of Medical Bill.
- v. The new timelines prescribed for settlement of normal medical claims are 30 days from the date of submission to the payment by PAO.
- vi. 01 (one).
- vii. No officer in the rank of AC/DC is using the departmental vehicles for daily commute to office.

1.4 That, being aggrieved, the applicant filed First Appeal Registration No. CCCEC/A/E/24/00011 dated 06/11/2024 (henceforth referred to as 'First Appeal' for the sake of brevity) before the First Appellate Authority (FAA)- The Additional Commissioner, O/o the Pr. Commissioner of CGST & CE, Guwahati on following grounds –

- i. How is it possible that Guwahati Commissionerate has no information about the amount allocated to them under medical head;
- ii. No information about medical bills submitted by Group A officers and their date of reimbursement provided;
- iii. No data provided about date of medical bill submission and date of reimbursement of these respective bills in each grade provided by Guwahati Commissionerate;
- iv. An officer in the rank of AC/DC who holds the charge of administration, holds the charge of sanctioning medical bills, if there no AC/DC who is holding charge at present, if yes, how files are put up in administration now?

1.5 The Appellant was granted hearing notice by the FAA for appearance on 13/12/2024 at 11:30 am. On the date of hearing, the Respondent was present, but, the Appellant did not appear for the personal hearing.

1.6 Further, one more opportunity has been provided to the Appellant to appear before

the FAA 24/01/2025 at 11:00 am. But, the Appellant did not appear nor send any communication through e-Mail/Post.

DISCUSSION AND FINDINGS

2.1 I have carefully considered the application, the response, the appeal and the records made available and finds that the matter can be decided based on the material available on record.

2.2 It is found that the Appellant has sought information as mentioned in Para 1.1 in his RTI Application and the CPIO, CGST Commissionerate has provided the information as mentioned in Para 1.3 in respect of CGST Commissionerate, Guwahati.

2.3 It is found that the Appellant was not satisfied with the information provided regarding Medical Bills as in Sl. No. (i) to (iv) of the reply to RTI Application and filed an Appeal.

2.4 Now I proceed to discuss the point wise information, as sought for, by the Appellant in his Appeal petition filed before the First Appellate Authority.

(i) How is it possible that Guwahati Commissionerate has no information about the amount allocated to them under medical head

The information, as sought for, appears to be a clarificatory in nature, and I proceed to decide the matter in terms of Section 2 of the RTI Act, 2005.

No specific information is sought in the RTI application. Under RTI Act, the CPIO is required to furnish the information available on record and is not required to answer queries which are interrogatory in nature nor is he required to furnish opinion based on interpretation of Rules, Procedure or precedents.

The established norm in terms of RTI Act has been quoted time and again in plethora of cases at every level – from CIC upto Supreme Court. A few of such cases are discussed below, which are illustrative in nature and I found them relevant in the present appeal.

The Commission based on a perusal of the facts on record, in the matter of Ravi Kumar vs National Highways Authority of India observes that the information sought for in the RTI Application in the form of seeking answers to the interrogatories, clarifications and justifications which do not conform to Section 2(f) of the RTI Act.

It is an admitted fact that the CPIO is only a communicator of information based on the records held in the office and hence, he is not expected to create information as per the desire of the Appellant. As per Section 2(f) of the RTI Act, the reasons/opinions/advises/rules can only be provided to the applicants if it is available on record of the Public Authority.

The public authority under the RTI Act is not supposed to create information; or to interpret information; or to solve the problems raised by the applicants; or to furnish replies to hypothetical questions. Only such information can be had under the Act which already exists with the public authority.

In this regard FAA relies upon the judgment of Hon'ble Supreme Court in the matter of Central Public Information Officer, Supreme Court of

India Vs Subhas Chandra Agarwal in Civil Appeal no. 10044 of 2010 with Civil Appeal No. 10045 of 2010 and Civil Appeal No. 2683 of 2010, wherein it was held as under:

“43. It must be kept in mind that the transparency cannot be allowed to run to its absolute, considering the fact that the efficiency is equally important principle to be taken into fold. We may note that right to information should not be allowed as a tool of surveillance to scuttle effective functioning of judiciary. While applying second step the concerned authority needs to balance these considerations as well.”

Similarly, in the matter of Dr. Celsa Pinto, Ex-Officio Joint Secretary,(School Education) vs. The Goa State Information Commission [2008 (110) Bom L R 1238], the Hon'ble Bombay High Court held as under:

"..... In the first place, the Commission ought to have noticed that the Act confers on the citizen the right to information. Information has been defined by Section 2(f) as follows.

Section 2(f) -Information means any material in any form, including records, documents, memos e-mails, opinions, advices, press releases, circulars, orders, logbooks, contracts, reports, papers, samples, models, data material held in any electronic form and information relating to any private body which can be accessed by a public authority under any other law for the time being in force;

The definition cannot include within its fold answers to the question why which would be the same thing as asking the reason for a justification for a particular thing. The Public Information Authorities cannot expect to communicate to the citizen the reason why a certain thing was done or not done in the sense of a justification because the citizen makes a requisition about information. Justifications are matter within the domain of adjudicating authorities and cannot properly be classified as information."

(ii) No information about medical bills submitted by Group A officers and their date of reimbursement provided;

(iii) No data provided about date of medical bill submission and date of reimbursement of these respective bills in each grade provided by Guwahati Commissionerate;

The information, as sought for, is not readily available with the office and substantial resources are to be deployed to generate the same. Further, it appears that the disclosure of the sought information will not serve any larger public interest. In the absence of any cogent reason brought on record to establish the necessity of disclosure of the information sought by the respondent in the interest of public especially so for “sustainable public interest” the appellate authority is not inclined to interfere in the information already provided by the CPIO.

(iv) An officer in the rank of AC/DC who holds the charge of administration, holds the charge of sanctioning medical bills, if there no AC/DC who is holding charge at present, if yes, how files are put up in administration now?

The information sought is clarificatory in nature and does not falls in the ambit of information under Section 2(f) of the RTI Act, 2005. The same has been deliberated upon and reliance is placed on the case laws mentioned above.

2.4 It is found that the Appellant has not appeared on the date(s) fixed for personal hearing.

2.5 On perusal of records, it was found that a point wise reply as per available records was provided to the Appellant by the Respondent and no further information remains to be provided to the Appellant.

ORDER

3.1 I found that the information available with the CPIO has already been communicated to the appellant and the information provided appears to be proper and just. The same merits no intervention at this state. The appeal stands disposed of accordingly.

(Thomas Basumatary)
FAA/ Additional Commissioner
CGST & CE, Guwahati

To,

1. Shri Sachin Das, Nalbari, Assam - 781335 (sachindas19851@gmail.com).
2. The CPIO, CGST & CE Commissionerate, Guwahati.
3. The Superintendent (Systems), CCO Guwahati Zone with request to upload the order on the website of Zone.