

**OFFICE OF THE  
CENTRAL PUBLIC INFORMATION OFFICER,  
INCOME TAX OFFICER-18(1)(1),  
ROOM NO 103 1<sup>ST</sup> FLOOR PIRAMAL CHAMBERS, MUMBAI**

Name and Address of the applicant	Shri Anil Bairwal Table No 4, kiswanis centre, 4 <sup>th</sup> floor B 35, Qutub Institutional Area, New Dehli 110006
Date of Application under RTI Act, 2005	14/01/2013
Date of Submission of Application	24/01/2013 by post to ITO-18(2)(1)
Date of receipt of application, on transfer, from other public authority	NA
Subject Matter	Income Tax Returns of MNS
Period	Assessment year 2012-13
Date of Disposal	22/02/2013

**ORDER U/S. 7(1) OF THE RIGHT TO INFORMATION ACT, 2005**

Shri Anil Bairwal, hereinafter referred to as "the application", has made an application under section 6(1) of the Right to Information Act, 2005, hereinafter referred to as 'the Act', requesting for disclosure of Information, pertaining to the period mentioned above:

1. Whether the political Maharashtra Navnirman Sena has filed its complete Income tax return for the above mentioned A.Y. 2012-13.
2. Has the party submitted its returns in the latest format by the ECI based on the ICAI recommendations.
3. What is the last date for filing of Income Tax Returns for the assessment year 2012-13 for the political party?
4. If the ITRs are available for the above mentioned party, kindly provide the full Income Tax Returns containing the following documents for the above mentioned assessment year:
  - : - Income & Expenditure accounts
  - : - Balance Sheet
  - : - Auditors Reports
  - : - Schedules
  - : - Contributions Reports
  - : - Copy of Assessment orders
5. If no, whether any notice has been sent or any action taken against Maharashtra Navnirman Sena for not filing Income Tax Returns before the last date of filing? Kindly provide a copy of the same.
2. The information sought by the application is available with this office but exempted from disclosure under clause(j) of section 8(1) of the RTI Act, 2005.

The information is defined as under:

"(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 law for the time being in force."



3. The applicant has desired information and the Act does not require the CPIO furnish the same in the manner as desired by the applicant Reliance in this regard is placed on the decision of the Hon'ble Apex Court in the case of Girish Ramchandra Deshpande Vs. CIC, SLP(Civil), No. 27734 of 2012 dated 03.10.2012 wherein the Apex Court held that the details disclosed by a person in his income tax returns are "personal information" which stand exempted from disclosure under clause (j) section 8(1) of the RTI Act, unless involves a larger public interest.
4. In the case of Ms Anumeha, C/o Association for Democratic Reforms, B-1, 6, Hauz Khas, New Delhi-110 016 the Hon'ble CIC vide his order dated 29-04-2008 directs the public authorities to provide information to the appellant i.e. Ms anumeha.

I have gone through the decision of Hon'ble CIC where in para 38 itself reproduce the provisions of section 138, to need more clarification, again reproduced as under

**Under the provisions of Section 138(2) of the Income Tax Act, the confidentiality of information provided by the assessee is to be maintained.**

[Disclosure of information respecting assessee.

138[(1)(a)] the Board or any other income-tax authority specified by it a general or special order in this behalf may furnish or cause to be furnished to –

- (i) Any officer, authority or body performing any functions under any law relating to the imposition of any tax, duty or cess, or to dealings in foreign exchange as defied in section 2(d) of the Foreign Exchange Regulation Act, 1947(7 of 1947); or
- (ii) such officer, authority of body performing functions under any other law as the Central Government may, if in its opinion it is necessary so to do in the public interest, specify by notification in the Official Gazette in this behalf,

any such information[received or obtained by any income-tax authority in the performance of his function under this Act], as may, in the opinion of the Board or other income-tax authority, be necessary for the purpose of enabling the officer, authority or body to perform his or its functions under that law.

(b) where a person makes an application to the [Chief Commissioner or Commissioner] in prescribed form for any information relating to any assessee [received or obtained by any income-tax authority in the performance of his functions under this Act], the [Chief Commissioner or Commissioner] may, if he is satisfied that it is in the public interest so to do, furnish or cause to be furnished the information asked for[\*\*\*] and his decision in this behalf shall be final and shall not be called in question in any court of law.]

(2) Notwithstanding anything contained in sub-section (1) or may other law for the time being in force, the Central Government may, having regard to the practices and usages customary or any other relevant factors, by order notified in the Official Gazette, direct that no information or document shall be furnished or produced by a public servant in respect of such matters relating to such class of assesses or expect to such authorities as may be specified in the order.]

An RTI Act to provide for setting out the practical regime of right to information for citizens to secure access to information under the control of public authorities,



in order to promote transparency and accountability in the working of every public authority, the constitution of a Central Information Commissioner and State Information Commissioner and for matter connected therewith or incidental thereto.'

6. To summarize, the applicant's request for disclosure of information on point no 4 is accepted to avail the copies of the information the applicant has to pay requisite fees to govt. exchequer as per RTI Act,
7. As far as point no 1,2 and 5, Maharashtra Navnirman Sena has filed its complete Income Tax return for the above mentioned A.Y 2012-13 and also filed copy to the Election Commission of India. Maharashtra Navnirman Sena filed its return on income in time.  
In respect of point no 3 the same information is available in public domain.

In view of the above, the above referred application has been disposed off under section 7(1) of the RTI Act, 2005. If the applicant is aggrieved by this order, he may file an appeal u/s. 19 of the Act before the Addl. Commissioner of Income Tax Range-18(1), Mumbai, the first appellate Authority, having office at 1<sup>st</sup> Floor Piramal Chamber, lalbaug, Parel, Mumbai- 400 012, within 30(thirty) days from the date of receipt of this order.



( A.UNNIKRISHNAN NAIR )  
Central Public Information Officer,  
Income-tax Officer – 18(1)(1),Mumbai



**INCOME TAX DEPARTMENT, MUMBAI.**  
**OFFICE OF THE INCOME TAX OFFICER 18(2)(1) AND**  
**CENTRAL PUBLIC INFORMATION OFFICER,**

ROOM NO. 110,1<sup>st</sup> FLOOR, PIRAMAL CHAMBERS,LALBAUG,PAREL, MUMBAI,PIN – 400 012.

Telephone: 24118701

No. ITO 18-(2)(1)/RTI/2012-13

dated:24/01/2013

To  
The Income Tax Officer-18(1)(1) and CPIO  
Mumbai

Sir,

Sub: Right to Information application in case of Maharashtra Navnirman  
Sena-reg

Kindly refer to the above,

Please find enclosed herewith RTI application received from Shri Anil Bairwal, from Association for Democratic Reforms for information of Income Tax Returns in the case of Maharashtra Navnirman Sena, since case is under your jurisdiction.

The application is submitted alongwith IPO of Rs. 10 and copy of CIC order.

Thanking you,

Yours faithfully

Enclosed: As above



(SALIL K AHIRE)  
ITO-18(2)(1),& CPIO,Mumbai

Copy to.

1. Applicant for further correspondence.
2. Additional commissioner of Income Tax 18(2) And CPIAA, Mumbai
3. Additional commissioner of Income Tax 18(1) And CPIAA, Mumbai



ITO-18(2)(1) & CPIO, Mumbai