

NAVEEN JINDAL
RTI RESPONSE

Speed post

No.

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Office of the
Dy. Commissioner of Income Tax,
Hisar

Dated : 22.03.2010.

Order U/s 7(1) of the Right to Information Act, 2005 :

Shri Anil Bairwal, C/o Association for Democratic Reforms, B-1/6, Hauz Khas, New Delhi, has moved an application dated 22nd Feb., 2010, received in this office on 11.03.2010 through the CIT, Hisar's letter F.No.Addl.CIT/Hisar/RTI/2009-10/1494 dated 11th instant; seeking certain information under sub section (3) of Section 6 of the Right to Information Act, 2005, in respect of the different four Members of Parliament. In this connection, it may be mentioned that out of the four MPs mentioned in the application of the applicant, Shri Naveen Jindal, M.P., is assessed to tax with this office. The requisite information in respect of Sh. Naveen Jindal, M.P. is provided as under :

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|-----|---|---|--|
| 1) | Whether the above mentioned MP have filed their I.T>Returns For the all the five years (2004-2009)? | : | Yes, the assessee has filed his returns of income for all the five years i.e for the F/Ys 2004-05 to 2008-09 |
| 1a) | Please provide the years for which the MP has not filed his returns? | : | NA, being returns for all the aforementioned years have been filed. |
| 1b) | Please provide details of the Income Tax Returns & asstt. Orders for all the years for which returns have been filed. | : | In this regard, it may be mentioned that the details of the income tax returns or copies of the assessment orders of the |

assessee for the aforementioned five years cannot be supplied; as the information sought is third party information and supply of the same will tantamount to invasion of privacy of the said individual. Section 8(1)(j) of the RTI Act, 2005 specifically prohibits to furnish any information which relates to personal information of a person which has no relationship to any public activity or interest or which would cause invasion of privacy of an individual, which is reproduced below:

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"Information which relates to personal information the disclosure of which has no relationship to any public activity or interest, or which would cause unwarranted invasion of the privacy of the individual unless the Central Public Information Officer or the State Public Information Officer or the appellate authority, as the case may be, is satisfied that the large public interest justifies the disclosure of such information."

2. Further, the provisions of Section 138(1)(b) of the Act also place specific bar upon supply of any information of the assessee to any other person unless the Commissioner of Income Tax is satisfied that it is in public interest to do so.

3. In view of the nature of information sought, I am satisfied that furnishing of information about an individual assessee does not serve any public interest and it is specifically prohibited U/s 138(1)(b) of the Act as well as U/s 80(1)(j) of the RTI Act, 2005, hence the request of the applicant in respect of this information is hereby rejected.

—Sd—

(R.P.Dhanda)

Dy. Commissioner of Income Tax

Hisar cum CPIO

७०२ C.I.T. Hisar

Copy is submitted to :

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22-3-10
- ✓ 1. Shri Anil Bairwal, C/o Association for Democratic Reforms, B-1/6, Hauz Khas, New Delhi.
 2. The Commissioner of Income Tax, Hisar for his kind information.
 3. The Addl. Commissioner of Income Tax, Hisar Range, Hisar, for his kind information.

—Sd—

(R.P.Dhanda)

Dy. Commissioner of Income Tax

Hisar cum CPIO

Nameen Jindal, 1st Appeal Response
file second appeal

**Office of the Addl. Commissioner of Income-tax,
Hisar Range, Hisar-cum- Appellate Authority**

Name of the applicant	:	Sh. Anil Bairwal, National Co - ordinator Association for Democratic Reform, B-1/6, Hauz Khas, New Delhi.
Date of filling of appeal	:	22.04.2010 received in this office on 11-05-2010.
Name of Officer who made the said order	:	Sh. R.P. Dhanda, DCIT -cum- Central Public Information Officer (CPIO), Hisar
Date(s) of hearing	:	20.05.2010
Date of order	:	26.05.2010

Order u/s 19 of the Right to Information Act, 2005

This appeal arises against the order dated 22-03-2010 passed by the Deputy Commissioner of Income Tax - cum - Central Public Information Officer (CPIO), Hisar under section 7 (1) of the Right to Information Act, 2005.

2. The ground of appeal is as under :-


That the order passed u/s 7(1) of the Right to Information Act, 2005 by the CPIO i.e. Deputy Commissioner of Income Tax - cum - Central Public Information Officer, Hisar is not justified denying the information required under the Act as the applicant has called for details of Income Tax returns or copies of assessment orders for the last five years of the assessee Sh. Naveen Jindal M.P. Which has been denied being third party information and the supply of the same will tantamount to invasion of privacy of the said individual and which is prohibited under section 8(1)(j) of the RTI Act, 2005.

3. The applicant i.e. Sh. Anil Bairwal (hereinafter referred as applicant) is afforded an opportunity of being heard on 20-05-2010. On the said date, the applicant informed telephonically that he will not be able to attend personally and the appeal may be decided on the grounds of appeal. The applicant was informed to submit written reply in this regard. The applicant submitted written submission vide letter dated 19-05-2010 which was received in this office on 24-05-2010 wherein the applicant has reiterated the same version as informed telephonically supra.

4. I have examined the matter and found that the information about Sh. Naveen Jindal M.P. has no relationship to any public purpose and the disclosure of which would be unwarranted invasion of the individual and I am of the view that furnishing of information about an individual assessee is prohibited under section 8(1)(j) of the RTI Act, 2005. However the information which does not violate the provisions of section 8(1)(j) of the RTI Act, 2005 has been provided by the Deputy Commissioner of Income Tax - cum- Central Public Information Officer, Hisar. Therefore, I do not interfere in the order passed by the Deputy Commissioner of income Tax-cum - Central Public Information Officer (CPIO), Hisar under section 7(1) of the RTI Act, 2005 and the request of the applicant cannot be accepted in view of the decisions of the Hon'ble Central Information Commission, New Delhi given in the following cases:-

- (i) The Hon'ble Central Information Commission vide decision no. 40/IC(A)/06. F.No. CIC/MA/A/2006/00109 dated 16th May 2006 in the case of Rattan lal Sikri, 203/9, Moh. Chakravarti, Kurukshetra vs. Chief Commissioner of Income Tax, Aayakar Bhawan, Sec-2, Panchkula.
- (ii) Sh. Bhushan Kumar, 426-BIP Colony, Sec-30-31, Faridabad, Haryana Vs. CCIT, NWR, Chandigarh and CIT, Patiala vide order F.No. CIC/AT/A/2007/00464 dated 9th July 2007.

5. In case, the applicant desires to appeal against this order he may do so within 30 days of receipt of this order to the Hon'ble Central Information Commission, B-Wing, August Kranti Bhawan, Bhikaji Cama Place, New Delhi.


(Kartar Singh)

Addl. Commissioner of Income-tax
Hisar Range Hisar-cum-Appellate Authority

Copies to :-

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26.5.16 ✓

- Sh. Sh. Anil Bairwal, National Co Ordinator Association for Democratic Reform, B-1/6, Hauz Khas, New Delhi.
2. The Central Information Commission, B-Wing, August Kranti Bhawan, Bhikaji Cama Place, New Delhi.
3. The Commissioner of Income Tax, Hisar.
4. The Dy. Commissioner of Income Tax- cum - CPIO, Hisar.


(Kartar Singh)

Addl. Commissioner of Income-tax
Hisar Range Hisar-cum-Appellate Authority