

**OFFICE OF THE
ADDL. COMMISSIONER OF INCOME TAX
RANGE-47, NEW DELHI**

Dated: 09-8-2012

1. Name of the Appellant : Sh. Anil Bairwal
2. Address : National Coordinator,
Association for Democratic Reforms,
B-1/6, Upper Ground Floor, Hauz Khas,
New Delhi-110016
3. Date of receipt of Application : 12-7-2012
4. Date of Order : 09.08.2012

Order u/s 19(6) of the Right to Information Act, 2005,

This appeal was received on 12.7.2012. The main grievance is, non-disclosure of information regarding Sh. Dushyant Singh. The applicant filed application under RTI Act, seeking information in respect of two persons one of them being Hon'ble Sh. Dushyant Singh whose Permanent Account Number was not given.

The CPIO vide order dated 06.06.2012 has noted as below:-

"In the case of Sh. Dushyant Singh no PAN no. is given nor traced out from this office, therefore no information can be given in his case in the absence of PAN."

During appellant proceeding the representative of the applicant requested for providing the information. He also pointed out that the Date of Birth and the Father's name as per their letter dated 15.05.2010 had been given (Sh. Dushyant Singh S/o Sh.Hemant Singh, Date of Birth 11.09.1973). But showed their inability to give the PAN.

Decision

The RTI Act, gives the mandant for supplying information which is in the possession of the CPIO and for this the applicant has to give full particulars about the information/persons for which information is required. In the

present case for retrieving information about the assessee, his/her PAN is required. Without PAN it is not possible for the CPIO to retrieve the information or to find out where the return is being filed.

The RTI Act, does not give powers to the CPIO to make detailed enquires or investigations. In the present case the CPIO has expressed his inability to provide information about Sh. Dushyant Singh because his PAN is not given. To this extent the action of the CPIO is justified. But since the father's name and Date of Birth is given he may try to find out the PAN, if possible.

Then he should give information if the PAN is with him after following the proper procedure as per RTI Act, section 11 or transfer the application to the CPIO where the PAN of Sh. Dushyant singh lies. In case the PAN is not retrieved then a request may be made to the applicant to provide the PAN of Sh. Dushyant Singh.

The appeal is accordingly disposed off.

If not satisfied, an appeal against the above may be filed with the Central Information Commission Room No. 308, B- Wing, August Kranti Bhawan, Bhikaji Cama Place, New Delhi- 110066.


(Dr. Devender Singh)
Appellant Authority & Addl. CIT,
Range -47, New Delhi,

Copy to:

1. The Appellant.
2. The CPIO/ITO 47(1), Mayur Bhawan, New Delhi.


Appellant Authority & Addl. CIT,
Range -47, New Delhi,



Addl. Commissioner of Income Tax
Range-47, New Delhi

F.No. Addl.CIT/R-47/2012-13/87

**OFFICE OF THE
ADDL. COMMISSIONER OF INCOME TAX,
RANGE-47, NEW DELHI.**

Dated: 01.06.2012


To,
The CPIO/ Income Tax Officer,
Ward 47(1), Mayur Bhawan,
New Delhi

Sub: RTI Appeal in the case of Sh. Anil Bairwal-reg-

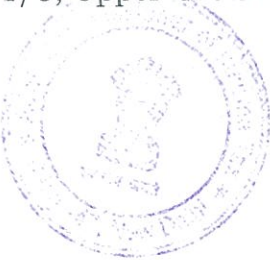
Please find enclosed herewith the order dated 10.5.2012 passed by the Hon'ble Central Information Commission vide no. File No. CIC/DS/A/2011/004234/RM received from Central information Commission Club Building (Near Post Office) Old JNU Campus New Delhi-110067.

You are requested to take necessary action as per direction of CIC and in terms of appeal order passed by this office vide order no. F.No. Addl.CIT R-47/2010-11/173 dated 10.8.2010. The compliance in the matter may be sent at the earliest.

Encl: As above


(Dr. Devender Singh)
Addl. Commissioner of Income Tax,
Range -47,Mayur Bhawan, New Delhi,

✓ Copy to Sh. Anil Bairwal, National Coordinator, Association for Democratic Reforms,
B-1/6, Upper Ground Floor, Hauz Khas, New Delhi-110016




Addl. Commissioner of Income Tax,
Range -47,Mayur Bhawan, New Delhi,

Addl. Commissioner of Income Tax
Range-47, New Delhi

OFFICE OF THE
CENTRAL PUBLIC INFORMATION OFFICER
[INCOME TAX OFFICER, WARD 47(1), NEW DELHI]
ROOM NO. 425, 4th FLOOR, MAYUR BHAWAN,
C.P. NEW DELHI – 110001

Fno.ITO/W 47(1)RTI/2012-13/ 61

Dated:- 06-06-2012.

To,

Shri Anil Bairwal
National Coordinator,
Association for Democratic Reforms
B-1/6, Upper Ground Floor, Hauz Khas
New Delhi-16.

Sub:- Application for information under RTI Act 2005 Reg.

Kindly refer to the order of the Central Information Commission vide file no CIC/DS/A/2011/004234/RM received in this office on 21-5-2012 on the above mentioned subject. Where in it has been remanded to the appellate authority with direction to ensure that orders of the appellate authority dated 10-8-2010 has to be complied and appropriate orders passed.

In this regard the letter has been written to Shri Uday Singh, 31, Paschimi Marg, Vasant Vihar, New Delhi u/s 11 of the RTI Act whether the information should be disclosed or not. In this regard the letter has been received in this office on 31-05-2012 stating that he cannot give consent to give copies of his IT returns to the person in question stating improper breach of his personal privilege and also a potential security threat to part his personal details to unknown persons. There for in continuance to our letter dated 9-6-2010 and objection filed by the assessee, the copies of the Income tax returns for A.Y. 2005-06,2006-07,2007-08,2008-09 & 2009-10. Is not given. However the assessee has filed return during above stated period.

In the case of Dushyant Singh no pan no is given nor traced out from this office, there for no information can be given in his case in the absence of PAN.

In case the applicant is not satisfied with the above order, he may file an appeal against this order, if he so desire, before the Appellate Authority i.e. Addl. Commissioner of Income Tax, Range-47, New Delhi,4th Floor, Roomno-428, Mayur Bhawan, C. P., New Delhi – 110001, within 30 days of receipt of this order on payment of the prescribed fee.



Copy for information to: -

- 1 The Appellate Authority, Addl. Commissioner of Income tax Range-47 with respect to his letter in this regard for necessary information.
- 2 The third party Shri Uday Singh, 31, Paschimi Marg, Vasant Vihar, New Delhi-57. For information.

(B.S.Negi)

INCOME TAX OFFICER, WARD 47(1), NEW DELHI

INCOME TAX OFFICER, WARD 47(1), NEW DELHI

Income Tax Officer
Ward-47(1), Room No.-425,
Mayur Bhawan, New Delhi