



सत्यमेव जयते

GOVERNMENT OF INDIA  
MINISTRY OF FINANCE  
DEPARTMENT OF REVENUE  
CENTRAL BOARD OF EXCISE & CUSTOMS  
NORTH BLOCK, NEW DELHI - 110 001.

F. No. 21000/31/2012-OSD (ICD)

New Delhi, the 25<sup>th</sup> of October, 2012

To,

**Shri Bharat Bhogilal Patel,**  
1/43, Juhu Goldmist C.H.S, Juhu Gulmohar Road,  
Near Saurashtra Society,  
J.V.P.D Scheme, Mumbai (Maharashtra) - 400 049.

**Subject:** Request for information under Right to Information Act, 2005 - regarding.

Sir,

Please refer to your letter No. NIL dated September 18, 2012 requesting for information under Right to Information Act, 2005 duly forwarded by the Section Officer (RTI Cell), Department of Revenue vide Dy. No. 163837/2012-RTI Cell dated September 26, 2012 *inter alia* seeking details under Right to Information Act, 2005 with respect to the following namely:-

***“(a) Received letter from Prime Minister’s Office having reference no. RTI/4004/2011-PMR dated 25<sup>th</sup> October, 2011 to my letter written to same office on 31<sup>st</sup> January, 2011 which was transferred to your Ministry by PMO ID No. 14/3/2011-PMP3/316978 dated 24-08-2011. Please let me know what action has been taken on the said issue which was mention in the said letter.***

***(b) Received letter having 0997/RTI/09/12-13 dated 12<sup>th</sup> Sep. 2012 from President’s Secretariat in reply to my letter dated 3<sup>rd</sup> January 2011, which was transfer to your Ministry for taking necessary action. Please let me know what action has been taken on the said issue which was mention in the said letter. Please provide file No. under which the notification No. 38/96-Cus and Notification No. 41/2012-Cus have been dealt with.”***

1.1. The applicant has deposited the requisite fee for seeking information under RTI Act, 2005, through Postal Order for Rs. 10/-.

2. At the outset, the nature of the information sought by the applicant is examined vis-à-vis the definition of “information” as defined in Section 2 (f) of the Right to Information Act, 2005 which states that:

Received  
29/10/2012  
Bharat Patel

***“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;***

2.1. In this regard, it would also be apt to mention Para (9) of guide for the public authorities issued by Department of Personnel & Training vide No. 1/4/2008-IR dated 25th April, 2008 envisages that:

***“Only such information is required to be supplied under the Act which already exists and is held by the public authority or held under the control of the public authority. It is not required under the Act to create information; or to interpret information; or to solve the problems raised by the applicants; or to furnish replies to hypothetical questions”.***

3. On perusal of the request, it is noticed that the applicant has not sought records/copies pertaining to correspondence such as any particular letter, Office Memorandum etc. but has sought to know the action taken on the issue mentioned in two references transferred by the Prime Minister’s Office (PMO ID No. 14/3/2011-PMP3/316978 dated August 24, 2011) and by the President’s Secretariat (P1/E/1711110095 dated November 17, 2011) respectively.

4. Based on the definition and explanation on the scope of the information under Section 2(f) of the RTI Act, 2005 as highlighted in Para 2 above, it is evident that the CPIO is required to provide information that already exists and which is not available in the public domain. The information sought by the applicant appears to be covered under the definition of “information” and is being provided.

5. In response to query at (a) above, the details of action taken is as under:

5.1. Prime Minister’s Office vide letter dated 24<sup>th</sup> August, 2011 forwarded letter dated August 3, 2011 from the applicant. Thereafter, reports from following authorities were called for:

(a). Chief Commissionerate of Customs, Mumbai-III Zone, 5<sup>th</sup> Floor, AVAS Corporate Point, Makhwana Lane, Andheri Kurla Road, Behind S. M. Centre, Andheri (East), Mumbai – 400 059; and,

(b). Risk Management Division (RMD), Directorate of Systems, 13, Sir Vithaldas Thackersey Marg, Opp. Patkar Hall, New Marine lines, Mumbai- 400 020.

5.2. Chief Commissionerate of Customs, (Mumbai-III Zone) vide letter F. No. S/II-8(01) CCO/M-III/09 (Part-II) dated October 19, 2011 and Risk Management Division, Directorate of Systems, Mumbai vide letter F. No. I (29)08/2010Sys-RMD-

IPR/8450 dated September 22, 2011 sent their reports. Copies of the reports received from the above two authorities are enclosed as **Annexure-A & B.**

5.3 The aforesaid report of RMD was forwarded to the Chief Commissioner of Customs (Mumbai-III Zone) vide Board's letter F. No. 26000/7/2011-OSD (ICD) dated November 18, 2011 for further action. The copy of the said forwarding letter is enclosed as **Annexure-C.**

6. In response to query at (b) above, the details of action taken is as under:

6.1. President's Secretariat forwarded representation dated November 3, 2011 from the applicant. In response therefor, a report to the Additional Comptroller, Public -I Section, President Secretariat, Rashtrapati Bhavan, New Delhi - 110 004 was sent. Copy of the report sent to President's Secretariat is enclosed as **Annexure-D.**

7. An appeal against this order shall lie with Director (ICD), CBEC, Department of Revenue, Ministry of Finance, Room No. 49, North Block, New Delhi - 110 001 who is an Appellate Authority under the Right to Information Act, 2005, within thirty days of the receipt of this reply.

Yours sincerely,

*Abhinav*  
25/10/12

(ABHINAV GUPTA)

Under Secretary & CPIO  
Room No. 227A, North Block.  
Telephone: 011-2309 4610

Enclosures: As Above.

Copy for Information To:

- RTI Cell, Department of Revenue, Ministry of Finance, North Block, New Delhi - 110 001 with reference to the above referred Diary No Dy. No. 163837/2012-RTI Cell dated September 26, 2012.

*Sd/-*

(ABHINAV GUPTA)  
Under Secretary & CPIO