

Central Information Commission

Room No.307, II Floor, B Wing, August Kranti Bhawan, Bhikaji Cama Place, New Delhi-110066

Telefax:011-26180532 & 011-26107254 website-cic.gov.in

Appeal: No. CIC/DS/A/2012/000174

Appellant /Complainant : Shri Sumit Kumar Agrawal, Delhi

Public Authority : Income Tax Department, Patna
(Sh. Sanjay Kumar, IKTO/CPIO – through video Conferencing)

Date of Hearing : 27 April 2012

Date of Decision : 27 April 2012

Facts:-

1. Appellant submitted RTI application dated 30 August 2011 before the CPIO, Income Tax Office, Patna seeking the details of the PAN, Income Tax returns, etc of several persons.
2. Vide CPIO Order dated 7 October 2011, CPIO did not provide information to the Appellant as per section 8 (1) (e) and 8 (1) (j) of the RTI Act, 2005.
3. Not satisfied with the reply, Appellant preferred first Appeal to the First Appellate Authority dated 15 October 2010.
4. Vide FAA Order dated 20 December 2011, the FAA upheld the CPIO's order as the Appellant failed to establish any larger public interest.
5. Being aggrieved and not being satisfied by the above response of the public authority, the appellant preferred second appeal before the Commission.
6. Matter was heard today. Appellant appeared in person. Respondent was heard by a audio conferencing from Patna. Appellant states that he seeking information from the respondent in respect of Shri Ajay Kumar Tulsian – his father in law – as based on FIR no. 139 dated 18 April 2007 registered by Shri Tulsian against the appellant,

Appeal: No. CIC/DS/A/2011/000174

dowry case 'state versus Sumit Kumar Agrawal had been instituted against him at Delhi. Information was required to defend himself in this case.

Decision notice

7. Having heard both parties, based on the ratio held in Commission's order No CIC/LS/A/2010/001044-DS in the case of Manoj Kumar Saini vs Income Tax Department dated 24.3.2011, Commission directs respondent CPIO to provide the appellant with the net taxable income in respect of Shri Ajay Kumar Tulsian for the financial years 2003 – 04 and 2004- 05. Disclosure of information is considered necessary for the speedy dispensation of justice and also **to provide a level playing field to the appellant to defend himself in a criminal case in which the State is arraigned against him based on a complaint made by the third party.**

8. Information as above to be provided within three weeks of receipt of the order.

(Smt. Deepak Sandhu)
Information Commissioner (DS)

Authenticated true copy:

(T. K. Mohapatra)
Dy. Secretary & Dy. Registrar
Tel. No. 011-26105027

Copy to:-

1. Shri Sumit Kumar Agrawal
203, Samachar Apartments,
Mayur Vihar Phase-I
Delhi-110091
2. The CPIO
Income Tax Officer (Ward No. 4(1), Patna
Income Tax Office

Appeal: No. CIC/DS/A/2011/000174

4th Floor, Lok Nayak Jai Prakash Bhawan
Frazer Road, **Patna (Bihar)**

3. The Appellate Authority
Joint Commissioner of Income Tax
Range-4, Patna, Income Tax Office
4th Floor, Lok Nayak Jai Prakash Bhawan
Frazer Road, **Patna (Bihar)**