केन्द्रीय सूचना आयोग
Central Information Commission
बाबा गंगनाथ मार्ग, मुनिरका
Baba Gangnath Marg, Munirka
नई दिल्ली, **New Delhi – 110067**

द्वितीय अपील संख्या / Second Appeal No.:- CIC/CCITD/A/2018/144211-BJ

Mr. ....अपीलकर्ता/Appellant

VERSUS
बनाम

CPIO and ITO, Ward – 47(1),
Office of the ITO
Room No. 203, Drum Shape Building
I. P. Estate, New Delhi – 110002 ...प्रतिवादीगण /Respondent

Date of Hearing : 13.01.2020
Date of Decision : 15.01.2020

Date of RTI application	16.04.2018
CPIO's response	01.05.2018
Date of the First Appeal	18.05.2018
First Appellate Authority's response	06.06.2018
Date of diarised receipt of Appeal by the Commission	13.07.2018

ORDER

FACTS:

The Appellant vide his RTI application sought information on 11 points with regards to the TEP dated 18.12.2017 filed against one Mr. N[illegible]el, whether he was an income tax assessee, if so, whether he had been filing his income tax returns on a regular basis, and other related issues thereto.

The CPIO, vide its letter dated 01.05.2018, stated that the information sought pertained to an individual and does not involve any public interest and the disclosure of which would cause invasion of privacy, hence the information was denied u/s 8(1)(j) of the Act. Further, a reference was made to the decision of the High Court of Delhi in *Dr. Pankaj Kumar Bhatt v. Chief Commissioner of Income Tax* WP (C) 11136/2017. Dissatisfied with the response of the CPIO, the Appellant approached the FAA. The FAA, vide its order dated 06.06.2018, stated that the CPIO had informed of the exception taken u/s 8(1)(h) of the Act as the investigation was underway and directed him to complete the same in a time bound manner and intimate the Appellant the outcome upon completion.

HEARING:

Facts emerging during the hearing:

The following were present:

Appellant: Mr. a along with Mr.

Respondent: Absent;

The Respondent remained absent during the hearing despite prior intimation. The Appellant reiterated the contents of the RTI application and stated that the information sought had not been received despite several reminders issued to the Income Tax Authorities. He requested the Commission to stipulate time lines within which the investigation was to be completed. The Commission referred to the decision of the High Court of Delhi in a similar matter decided by the Hon'ble High Court of Delhi in Mohd. Naeem Ahmed vs. Director of Income Tax and Ors, WP (C) 1112/2018 dated 27.03.2019 and the decision of the Hon'ble High Court of Delhi in a similar matter in *Pr. DIT (Inv) (1) vs. Ashwani Kumar, W.P.(C) 11591/2017* dated 22.12.2017 wherein the decision of the Commission wherein a direction was issued to the Pr. DIT (Inv) (1) to inform the status of the Petition/Complaint dated 12.02.2016 addressed to PMO, within a period of 30 days from the date of receipt of this order was stayed.

The Commission thus referred to the order dated 18/06/2013 (File No. CIC/RM/A/2012/000926 Sh. Ved Prakash Doda v/s ITO) wherein it was held as under:

> "6. It has been the stand of the Commission that in respect of a tax evasion petition, once the investigation is completed, the appellant should be informed the broad results of the investigation, without disclosing any details. The appellant has a right to know as to whether the information provided by him was found to be true or false."

While relying on the aforementioned decision of the Commission in the matter of Ved Prakash Doda, the Commission in Mohd Naeem Ahmed vs. CPIO, ITO, CRU, New Delhi and CPIO, ITO, Ward 56 (1), New Delhi in CIC/CC/A/2015/004382/BS/10949 dated 29.07.2016 held as under:

> "In the matter at hand investigation/assessment is in progress. The CPIO/ITO Ward 56(1) should disclose the broad outcome of the TEP to the appellant as soon as the assessment is completed."

The aforementioned decision was upheld by the Hon'ble High Court of Delhi in the matter of Mohd. Naeem Ahmed vs. Director of Income Tax and Ors, WP (C) 1112/2018 dated 27.03.2019. The relevant extracts of the order are mentioned hereunder:

> *"3. Mr. Bharat Bhushan Bhatia, learned counsel appearing for the petitioner, during his arguments stated that he would be satisfied if the petitioner is informed the ultimate outcome of the investigation / assessment. It goes without saying that in terms of the direction of the CIC, the CPIO / ITO of the Ward concerned is / are required to disclose the broad outcome of the TEP to the petitioner herein.* ***There is no reason to disbelieve that they shall not disclose the same after the investigation / assessment is over.***

4. Mr. Zoheb Hossain, learned Senior Standing Counsel appearing for the respondents assures the Court that the said procedure shall be followed in this case. Taking the statement on record, I am of the view no further orders are required to be passed in this writ petition"

The Respondent was not present to contest the submissions of the Appellant or to substantiate their claims further.

DECISION:

Keeping in view the facts of the case and the submissions made by the Appellant and in the light of the decisions cited above, the Commission instructs the Respondent to disclose the broad outcome of the TEP filed by the Appellant as and when the investigation in the matter was completed.

The Appeal stands disposed accordingly.

(Bimal Julka) (बिमल जुल्का)
(Information Commissioner) (सूचना आयुक्त)

Authenticated true copy
(अभिप्रमाणित सत्यापित प्रति)

(K.L. Das) (के.एल.दास)
(Dy. Registrar) (उप-पंजीयक)
011-26182598/ kl.das@nic.in
दिनांक / Date: 15.01.2020