



मुख्य आयुक्त का कार्यालय

Office of the Chief Commissioner

सीमा शुल्क एवं केन्द्रीय कर, विशाखापट्टनम् क्षेत्र

Customs & Central Tax, Visakhapatnam Zone

प्रथम तल, जीएसटी भवन, पत्तन क्षेत्र, विशाखापट्टनम् - 530035

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F.No. GCCO/RTI/FAAA/8/2025-REV-O/o CC-CGST-ZONE-VISAKHAPATNAM



अपील में आदेश संख्या. 01/2025-26

Order-in-Appeal No. 01/2025-26

(Order passed by Shri Kakarala Prasanth Kumar, First Appellate Authority/

Additional Commissioner of Central Tax & Customs,

CCO, Visakhapatnam Zone, Visakhapatnam)

प्रस्तावना / PREAMBLE

1. यह आदेश आर.टी.आई अधिनियम 2005 की धारा 19 के अन्तर्गत जारी किया गया है।
This Order-in-Appeal is issued under Section 19 of the Right to Information Act, 2005.
2. यदि आप इस आदेश से संतुष्ट न हो तो आप केन्द्रीय सूचना आयोग, सीआईसी भवन, बाबा गंगनाथ मार्ग, मुनिर्का, नई दिल्ली-110067 के सम्मुख आर.टी.आई. अधिनियम, 2005 की धारा 19 की उप-धारा (3) के अन्तर्गत एक अपील दायर कर सकते हैं।
An appeal against the Order can be preferred to the Central Information Commission, CIC Bhawan, Baba Gangnath Marg, Munirka, New Delhi-110067 under Sub-section (3) of Section 19 of the Right to Information Act, 2005.
3. इस आदेश की प्राप्ति की तारीख से 90 दिनों के भीतर अपील दायर किया जाना चाहिए।
An Appeal against this order must be filed within 90 days from the date of receipt of this order.
4. कृपया अपील की प्रक्रिया से सम्बन्धित अधिक जानकारी/स्पष्टता के लिए: <http://cic.gov.in> को देखें।
For further information/clarity regarding procedure of appeals, please visit, <http://cic.gov.in>.

विषय/Sub: Right to Information Act, 2005- Appeal filed by Shri N. Satyanarayana –
Order passed under Section 19(1) of the RTI Act, 2005 – Regarding.

The RTI Appeal with Registration No: CECVZ/A/E/25/00017 dated 18.12.2025 is filed by Shri N. Satyanarayana (hereinafter referred to as the "the Appellant" or "the Applicant"), Assistant Commissioner (AR), Customs, Excise & Service Tax Appellate Tribunal (CESTAT), South Bench, Chennai-600006 e-mail [vallabhanarayana999@gmail.com] through online portal against the reply of CPIO i.e. Assistant Commissioner, CCO, Visakhapatnam vide letter GCCO/RTI/APP/817/2025-REV-O/o CC-CGST-ZONE-VISAKHAPATNAM dated 10.12.2025 for the RTI application under Registration No. CECVZ/R/T/25/00476 dated 27.11.2025.

1.1 FIRST APPEAL

The appellant states that this is the First Appeal under Section 19(1) of the Right to Information Act, 2005, arising out of an illegal, nonspeaking and evasive reply issued by the Central Public Information Officer, Office of the Chief Commissioner of Customs & Central Tax, Visakhapatnam Zone, whereby statutory information has been constructively denied under the guise of transfer and a mechanically invoked exemption.

1.2 RELIEF SOUGHT IN THE APPEAL

The appellant, inter-alia, sought for issuance of directions for disclosure of the information sought for and also demand corrective, deterrent and accountability-oriented relief and requested for setting aside the reply dated 10.12.2025 issued by the CPIO, on the reasons that there was no point-wise reply; it was an illegal and non-speaking order & it was contrary to Sections 7(1) and 7(8) of the RTI Act, 2005; it invoked exemptions mechanically and it was vitiated by non-application of mind.

1.3 PERSONAL HEARING OFFERED

In the interest of natural justice, after filing the appeal on 18.12.2025, the appellant was offered personal hearing on 24.12.2025 at 3:00 PM to hear the appeal, vide this office letter GCCO/RTI/FAAA/8/2025-REV-O/o CC-CGST-ZONE-VISAKHAPATNAM dated 19.12.2025. The appellant also was given an option to attend the hearing either in person or virtually. The said letter was communicated through e-mail address provided in the appeal form by the appellant. However, the appellant neither attended personally nor responded seeking the option of virtual hearing.

2. DISCUSSION & FINDINGS:

I have carefully gone through the RTI application dated 27.11.2025, the reply furnished by the CPIO and the appeal against the same dated 18.12.2025. Since, the appellant did not avail the opportunity offered to hear the appeal in person, I proceed to pass the order based on the facts available on record.

2.1. BRIEF FACTS OF THE RTI APPLICATION

As seen from the Online RTI application dated 27.11.2025, it was transferred from Central Vigilance Commission, New Delhi to Central Board of Excise and Customs (CBIC) on 27.11.2025 under reference number CBECC/R/T/25/00608.

The said application was transferred from the CBIC to Nodal Officer of the Office of the Chief Commissioner, Visakhapatnam Zone, Visakhapatnam through online portal, under registration number CECVZ/R/T/25/00476 dated 27.11.2025.

The nodal officer transferred the said application under Section 6(3) of the RTI Act,2005 to the CPIO, CCO, Visakhapatnam. The present appeal under decision is against the reply of the CPIO, CCO, Visakhapatnam dated 10.12.2025 for the said application filed.

2.2 INFORMATION SOUGHT FOR IN THE APPLICATION

As seen from the RTI application dated 27.11.2025, the applicant filed RTI application before the CPIO, Central Vigilance Commission, New Delhi with the following text:

Respected Sir,

"An application seeking certified information concerning the complaint/petition dated 08.09.2025, duly dispatched via Speed Post AD to the Central Vigilance Commission regarding harassment, abuse of process, jurisdictional overreach by CBI, and denial of RTI access by CBIC, DGV and CBIC officials, which remains pending consideration and directly impact sub-judice matters before the Hon'ble High Court of Andhra Pradesh and Central Administrative Tribunal."

In the enclosure to the said RTI application, the applicant stated inter-alia, that;

- *On 08.09.2025, I submitted a detailed complaint/petition to the Central Vigilance Commission via Speed Post A/D, highlighting sustained harassment, illegal disciplinary action, and misuse of investigative powers by CBIC, DGV, and CBI officials.*
- *The CVC, vide letter dated 29.09.2025, sought confirmation and proof of identity, which I duly provided through a signed Confirmation Letter dated*

15.10.2025, along with supporting documents and evidence available up to 14.10.2025.

and sought certified information in 10 points in relation to the complaint/petition dated 08.09.2025 made by him before the said Commission.

2.3 The applicant specifically requested the following information.

"III. information requested

*Please provide **certified copies** of the following, in respect of my complaint/petition dated **08.09.2025** submitted to the Central Vigilance Commission:*

- 1. Diary number, registration details, and inward acknowledgement issued by Central Vigilance Commission.*
- 2. Certified copy of the note sheet/file notings made on my complaint.*
- 3. Certified copy of all endorsements, minutes, and directions by Central Vigilance Commission officers.*
- 4. Copies of all correspondence forwarding my complaint to any Ministry/Department (including DoR/CBIC, DGV, CVC, DoPT, CBI, or others).*
- 5. Copies of replies/acknowledgements received from the above Ministries/Departments.*
- 6. Present status of my complaint, including whether action has been closed, is pending, or under examination.*
- 7. Certified copy of the final order/closure note (if any) issued by Central Vigilance Commission or concerned Ministry.*
- 8. Certified list of officers who examined, processed, or signed upon my complaint file.*
- 9. Certified details of the date-wise movement of my complaint file within Central Vigilance Commission (file movement register extract).*
- 10. If no action has been taken, a certified statement of reasons for inaction."*

2.4 CONTENTS OF THE COMPLAINT DATED 08.09.2025

The applicant/appellant was working in Visakhapatnam Customs House, Visakhapatnam till 30.11.2022 and transferred to the AR office of the CESTAT, Chennai. As seen from the copy of complaint dated 08.09.2025 attached to the RTI application filed before the CVC, the applicant challenges the issues of taking action by the Director General of Vigilance i.e. caste verification through the District Collector, Visakhapatnam against the fake caste certificate ; Second charge-sheet filed by CBI; FIR filed by the CBI; Cancellation of the fake caste certificate; Disposing the applicant's RTI applications without reasoned Speaking Orders by DGV/CBIC/CBI etc., by referring certain Court Orders. However, the scope of the present appeal is limited to the disposal of the RTI application dated 27.11.2025 received by the CPIO-CCO.

2.5 REPLY FURNISHED BY THE CPIO VIDE LETTER DATED 10.12.2025 ARE AS HEREUNDER:

It is to inform you that,

- *the complaint no.125683/2025 dated 08.09.2025, was forwarded from DGoV, Hqrs, New Delhi to DGoV, HZU;*
- *then DGoV, HZU forwarded to CCO, Visakhapatnam vide their letter dated 21.11.2025; and*
- *the same was forwarded from this office to Custom House, Visakhapatnam vide letter dated 27.11.2025, for information and further necessary action.*

Further, you have sought for copies of documents in respect of your complaint dated 08.09.2025. In this regard, it is to inform that the said documents, note-sheets, correspondence could not be provided, as they are covered under Section 8(1)(h) of the RTI Act,2005.

In this regard, you may refer to the order of the CIC vide Decision No. CIC/SB/A/2016/900433 dated 08.05.2017 (Appellant: Shri Manjit Singh, Respondent: CPIO, Central Vigilance Commission, New Delhi), wherein it was held that the information sought by the appellant cannot be disclosed as it is exempted from disclosure as per Section 8(1)(h) of the RTI Act, since the proceedings in the disciplinary case initiated against him have not reached a logical conclusion. A copy of the said order is attached herewith for reference.

3. In these facts and circumstances, the appellant aggrieved by the reply of the CPIO, filed the present appeal. The applicant claims (**at Para I (2)** of the annexure of his appeal) that: -

*"The Central Vigilance Commission, having duly registered the complaint, transferred the RTI application under Section 6(3) of the RTI Act to the CBIC / Office of the Chief Commissioner of Customs & Central Tax, Visakhapatnam Zone, **expressly recognizing that the said authority was the custodian of the records sought.** Upon such /transfer, the statutory duty to decide the RTI application stood conclusively fastened upon the Respondent CPIO."*

The RTI application filed before the CVC was transferred to the CBIC and thereafter to the CPIO-CCO, and there by the appellant comes to the conclusion that the CPIO - Office of the Chief Commissioner, Visakhapatnam is the custodian of the records sought for. Whereas, the office of the Chief Commissioner of Central Taxes and Customs, Visakhapatnam is not the Custodian of the records/documents/files of the Central Vigilance Commission, New Delhi where the complaint dated 08.09.2025 is being dealt with and also where the original RTI application has been filed, as alleged by the appellant. Therefore, the allegations based on his own conclusions by the appellant that the CPIO-CCO is the Custodian of the said information and refused to provide / denied all the certified copies sought for etc., are factually incorrect.

4. The further ground raised by the appellant is that, the reply of the CPIO-CCO is not point wise. The point-wise reply is called for from the CPIO-CCO and it is reproduced hereunder.

REPLY FOR THE POINTS 1 to 10

Point 1:- ***Dairy number, registration details, and inward acknowledgment issued by Central Vigilance Commission –***

The information is **not** held by this office

Point 2:- ***Certified copy of the note sheet / file notings made on my complaint***

As the original application has been filed with CVC, the information sought pertains to CVC and as such the information sought is **not** held by this office

Point 3:- ***Certified copy of all endorsements, minutes, and directions by Central Vigilance Commission officers –***

The information is **not** held by this office

Point 4:- ***Copies of all correspondence forwarding my complaint to any Ministry / Department (including DoR / CBIC, DGV, CVC, DoPT, CBI, or others) –***

The information to the extent available in this office has already been provided to the applicant vide this office reply dated 10.12.2025.

Point 5:- ***Copies of replies / acknowledgements received from the above Ministries / Departments –***

As the original application has been filed with CVC, the information sought pertains to CVC and as such the information sought is **not** held by this office.

Point 6:- ***Present status of my complaint, including whether action has been closed, is pending or under examination –***

As the complaint has been filed with CVC, and as the matter is w.r.t. Group -A officer, action / proceedings lie with the Board / CVC. As such the information sought is **not** held by this office.

Point 7:- ***Certified copy of the final order / closure note (if any) issued by Central Vigilance commission or concerned Ministry –***

The information is **not** held by this office

Point 8:- ***Certified list of officers who examined, processed, or signed upon my complaint file –***

As the original application has been filed with CVC, the information sought pertains to CVC and as such the information sought is **not** held by this office

Point 9:- ***Certified details of the date-wise movement of my complaint file within Central Vigilance Commission (file movement register extract) –***

The information is **not** held by this office

Point 10:- ***If no action has been taken, a certified statement of reasons for inaction.***

As the original application has been filed with CVC, the information sought pertains to CVC and as such the information sought is **not** held by this office.

5. WHETHER INFORMATION SOUGHT FOR IS AVAILABLE WITH THE OFFICE OF THE CHIEF COMMISSIONER OR OTHERWISE

Factually, the application was filed with the CVC, New Delhi where the appellant filed a complaint dated 08.09.2025 and by the RTI application the applicant sought for information regarding forwarding his complaint to other Departments by the CVC. Under point no. 4 the appellant sought for ***Copies of all correspondence forwarding my complaint to any Ministry / Department (including DoR / CBIC, DGV, CVC, DoPT, CBI, or others)*** – and under point no.6, he sought for the ***Present status of his complaint, including whether action has been closed, is pending or under examination.***

In this regard, it is to place on record that any action or proceedings against a Group-A officer lies with CBIC / CVC, as the case may be. In terms of Section 2(j) of RTI Act, 2005, "Right to Information" means the right to information accessible under this Act **which is held by or under the control of any public authority**. As the CPIO of office of the Chief Commissioner, Visakhapatnam (Public Authority) the CPIO is not the custodian of the information of CVC, New Delhi or the CBIC.

The CPIO, CCO, Visakhapatnam can provide the information available under his control & to the extent it is not exempted. Accordingly, the CPIO-CCO vide this office reply dated 10.12.2025 provided the information to the extent available i.e. status of the complaint against point 4. However, the CPIO did not provide any documents supporting the status, by relying on the Central Information Commission's Decision No. CIC/SB/A/ 2016/900433 dated 08.05.2017 (Appellant: Shri Manjit Singh, Respondent: CPIO, Central Vigilance Commission, New Delhi), wherein it was held that the information sought by the appellant cannot be disclosed as it is exempted from disclosure as per Section 8(1)(h) of the RTI Act, since the proceedings in the disciplinary case initiated against him have not reached a logical conclusion. It is evidenced by the appellant's complaint dated 08.09.2025 enclosed to the application, various proceedings in the cases initiated against him have not reached any logical conclusion and therefore such information is exempted under RTI, as well narrated in the said decision.

6. In view of the above, as the CPIO of the Office of the Chief Commissioner, Visakhapatnam is not the custodian of the said information sought for, I do not find any intention of concealing the information on the part of the CPIO as alleged by the appellant. On receipt of the RTI application by transfer on 27.11.2025 the CPIO provided reply on 10.12.2025, within 30 days of the time limit under Section 7(1) of the RTI Act,2005. Further the CPIO provided the status of the matter/s to the extent available and not exempted, as detailed in the preceding paras.

7. The only ground considered is that the CPIO did not furnish point wise reply. Now it is provided in the para 4 above.

DECISION

Accordingly, the appeal is disposed-off.

Digitally signed by
PRASANTH KUMAR K
Date: 07-01-2026
18:52:45
(काकराला प्रशांत कुमार /Kakarala Prasanth Kumar)
First Appellate Authority
अपर आयुक्त/ Additional Commissioner

To,
Shri N. Satyanarayana,
Assistant Commissioner (AR)
Customs, Excise & Service Tax Appellate Tribunal (CESTAT),
South Bench, Chennai-600006.
(Through Email to: vallabhanarayana999@gmail.com)

Copy Submitted to: The Chief Commissioner of Central Tax & Customs, Visakhapatnam Zone, Visakhapatnam – 530035.

Copy to:

1. The CPIO/Deputy Commissioner, O/o the Chief Commissioner of Central Tax & Customs, Visakhapatnam Zone, Visakhapatnam for necessary action.
2. The Superintendent, Media Cell (CCO-VZ) for uploading into Department's Website.