

CENTRAL INFORMATION COMMISSION

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File No.CIC/RM/A/2013/000323

Appellant: Shri Amanulla Khan, Pune.
Public Authority: Tax Recovery Officer & A.O., Range-7 & Addl. CIT, Range-1, Pune
Date of Hearing: 17.09.2013
Date of decision: 17.09.2013

Heard today, dated 17.09.2013 through video conferencing.

Appellant is present with Shri Vishal Shinde, Advocate.

The Public Authority is represented by Shri Rajeev Harit, Addl CIT, Range 1, Pune/FAA.

FACTS

Vide RTI dt 8.11.12, appellant had sought copies of IT Returns of Shri Chandrakant Shivarkar for five years including details of tax paid and properties purchased.

2 Shri PP Barate, CPIO/ITO Ward 1(3), Pune vide letter dt 14.12.12, observed that a notice was issued u/s 11 to the third party who had objected to his personal information being provided. Hence the information was denied.

3. An appeal was filed on 28.12.12.

4. AA vide order dt 28.1.13, quoting the decision of the Supreme Court in the case of Girish Ramchandra Deshpande, upheld the decision of the CPIO and denied information u/s 8(1)(j).

5. Submissions made by the appellant and public authority were heard. Appellant submitted that the wife of Shri Chandrakant Shivarkar is a Councilor in Pune Municipal Corporation and in her affidavit filed before the Election Commission, she has disclosed that her husband, Shri Chandrakant Shivarkar owns 11 flats. The appellant is seeking copies of IT Returns to see whether details of these properties are reflected in his IT Returns. The AA submitted that in case the appellant has any specific information relating to concealment, he can provide the information to the IT authorities who would enquire into the matter. However, copies of ITRs is personal information and hence it was denied u/s 8(1)(j) of the RTI Act.

DECISION

6. The Hon'ble Supreme Court in the case of Girish Ramchandra Deshpande has held that Income Tax Returns is personal information and exempt from disclosure u/s 8(1)(j) of the RTI Act unless larger public interest is shown. In the instant case, the appellant has not been able to show any larger public interest. Accordingly, the denial of information u/s 8(1)(j) is upheld.

The appeal is disposed of.

Sd/-

(Rajiv Mathur)

Central Information Commissioner

Authenticated true copy forwarded to:

The TRO & CPIO
O/o the Tax Recovery Officer & AO
Range -7, 60/61, Erandwane, Praptikar
Sadan, Karve Road, Pune -411004.

The Addl.CIT & First Appellate Authority
O/o the Addl. Commissioner of Income Tax
Range -1, 1st Floor, Shankersheth Road,
Pune -411 037.

Shri Amanulla Khan
Bungalow No.1, Krantiveer Tatya Tope
Co.Op.Hsg.Society Ltd. No.2, Wanowarie,
Pune -411040.

(Raghubir Singh)
Deputy Registrar
.09.2013