

CENTRAL INFORMATION COMMISSION

Club Building (Near Post Office)

Old JNU Campus, New Delhi-110067

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File No.CIC/DS/A/2011/003792/RM

Appellant: Shri Nemi Chand Jain, 202,  
Upasana Apartment, E-14, Behari  
Marg, Banipark, Jaipur

Public Authority: Asstt. Commissioner of IT, 6(1) &  
Addl. Commissioner of IT, Range  
6(1), Mumbai

Date of Hearing: 02.01.2013

Date of decision: 02.01.2013

Heard today, dated 02.01.2013 through video conferencing.

Appellant present.

The Public Authority is represented by Shri Sarvana Kumaran, DCIT, 6(1) and Shri Anjan Kumar, Addl. Commissioner of IT, Range 6(1), Mumbai.

FACTS

Vide RTI dt 23.7.11, appellant had sought information on six points relating to reassessment of tax of Bajaj Health and Nutrition Pvt. Ltd.

2. CPIO vide letter dt 18.8.11 observed that as the information requested is third party information, a notice u/s 11(1) was issued to the third party who have objected to disclosure of information. Accordingly, the information sought was denied.

3. An appeal was filed on 5.9.11 wherein it was held that the reassessment has been made following information provided by the appellant vide letter dt. 23.10.09.

4. AA vide order dt 27.9.11, quoting several CIC's decision including the case of Milap Choraria, upheld the decision of the CPIO.

5. Submissions made by the appellant and public authority were heard. The appellant submitted that the information had been provided by him and hence he should be provided the information.

#### DECISION

6. The Hon'ble Supreme Court in the case Girish Ramchandra Deshpande Vs. CIC dated October 3,2012 has held that the details disclosed by a person in his Income Tax Returns are "personal information" which stand exempted from disclosure u/s 8(1)(j) of the RTI Act unless a larger public interest is involved. In the instant case, the appellant has not been able to establish that the information sought for is for larger public interest. In fact, the appellant has sought this information on the ground that it was on the basis of his complaint that the IT authorities had ordered reassessment. In the light of the Supreme Court decision, the Commission concurs with the decision of the CPIO and Appellate Authority.

7. However, as the appellant has provided information relating to tax evasion, the CPIO is directed to inform the appellant as to whether the information provided by him was true or false and to disclose the broad outcome of the reassessment, without divulging specific details, once the process is completed.

The appeal is disposed of.

Sd/-

(Rajiv Mathur)

Central Information Commissioner

Authenticated true copy forwarded to :

The Asstt. Commissioner & CPIO (RTI Cell)  
O/o the Asstt. Commissioner of Income Tax 6(1)  
Room no. 506, 5<sup>th</sup> Floor, Aayakar Bhawan  
M.K. Road, Mumbai -400 020.

The Addl. Commissioner & First Appellate Authority (RTI Cell)  
O/o the Addl. Commissioner of Income Tax 6(1)  
Room no. 511, 5<sup>th</sup> Floor, Aayakar Bhawan  
M.K. Road, Mumbai -400 020.

Shri. Nemi Chand Jain  
202, Upasana Aparment  
E-14, Bihari Marg, Banipark, Jaipur -302016.

(Raghubir Singh)

Deputy Registrar

.01.2013