



**OFFICE OF THE
ASSAM STATE INFORMATION COMMISSION
JONAKKEE COMPLEX, PANJABARI, GUWAHATI-781 037**

Case No. : **KP(M) 658/2013**

Complainant/ appellant : **Joydev Das**

Respondent : **Commissioner of Taxes, Assam**

Date of hearing : **12-10-2015**

Complaint/ Second appeal heard by : **Shri H.S. Das, IAS (Retd)
Chief Information Commissioner, Assam**

O R D E R

The appellant Sri Joydeb Das is present. The public authority is represented by Sri P. K. Sinha, Assistant Commissioner of Taxes, Guwahati Unit 'D'. The second appeal petition dated 30-9-2013 is taken up for hearing in presence of both the parties.

From a perusal of the case records it is seen that Sri Joydev Das filed his RTI petition before the SPIO of the office of Commissioner of Taxes on 12-8-2013. By his RTI application he wanted copies of year-wise Entry Tax assessment documents of "M/S All Assam Wholesale Fish Trader's Association on raw fish under Assam Entry Tax Act. The applicant did not mention the period of such assessment, for which he wanted the said information. The Commissioner of Taxes transferred his RTI petition to the Assistant Commissioner of Taxes, Guwahati Unit 'D' under Section-3 of the RTI Act, 2005 for taking necessary action.

Being aggrieved for not receiving any information within the stipulated period of 30 days, the applicant filed his first appeal petition before the Commissioner of Taxes, Assam on 16-9-2013. Thereafter on 21-9-2013 the Superintendent of Taxes in the office of Asstt. Commissioner of Taxes, Unit-'D' wrote to the applicant Sri Joydeb Das stating that the information sought for by him is "Confidential" on the part of the Taxation Department and are saved as privileged communication. Hence it is not possible on my part to provide any assessment proceeding of aforesaid dealer for any year. On the other hand, it is also found prejudicial as well as detrimental to the aforesaid dealer i.e., All Assam Wholesale Fish Trader's Association".

Being aggrieved by the above response from the Asstt. Commissioner of Taxes, Guwahati Unit-'D', the appellant filed his second appeal petition before this Commission on 30-9-2013.

In response to the hearing notice issued by this Commission on the second appeal petition, Asstt. Commissioner of Taxes, Unit-'D' has filed a written submission on 7-10-2015 which is entered into the case records.

On this, this Commission is of the view that the Commissionerate of Taxes is not an organization exempted from the purview of RTI Act, 2005 of Govt. of Assam vide its Notification No. PLA.384/2005/54 dated 8th March, 2006.

The Commission, therefore, directs the Asstt. Commissioner of Taxes to make a written submission, justifying as to why he wants to withhold the information sought for by the petitioner indicating the public interest involved for such withholding or if any third party information is involved in the process. The appellant Sri Joydeb Das is also directed to furnish his written submission stating :-

- (a) The period for which he wants the said information,
- (b) What public interest will be served by disclosure of the information sought for by him, if it belongs to the category of third party information.

Both the appellant and the respondent will submit their submissions within 30 days from the date of receipt of this order i.e., latest by 11th November, 2015.

Fix 16-11-2015 at 12.30 P.M for the next date of hearing.

Sd/-
(H. S. Das)
Assam State Chief Information Commissioner,
Panjabari, Guwahati

Authenticated true copy.
Sd/-

Secretary & Registrar
Assam State Information Commission

Memo No. **KP(M) 658/2013 -A**

Dtd. 12-10-2015

Copy to;

1. Sri P. K. Sinha, Assistant Commissioner of Taxes, Guwahati Unit 'D', Guwahati-6 for information and necessary action.
2. Sri Joydeb Das, Ambari Fatashil , K. K. Road, Near Mayur Krishna Cinema Hall, House No.16, Guwahati-781 025 for information.
3. Computer Section for uploading in the Website.
4. Office File.

Secretary & Registrar
Assam State Information Commission