



GOVERNMENT OF INDIA
O/O THE ASSISTANT COMMISSIONER OF CUSTOMS
POSTAL APPRAISING DEPARTMENT
12, KIRAN SHANKAR ROY ROAD, KOLKATA-700 001

F.No.S4(Misc.)-15/2018 PAD

RTI/KOL/CUS/Post - 43 dt. 05.07.19/PAD

Date :05/07/2019

To

Shri Sadhan Naskar,
Flat No. D-279 (2nd floor),
Customs & CGST Residential Complex,
179, Shantipally, Kolkata – 700107.

Sir,

Subject: Information sought under RTI act, 2005-reg.

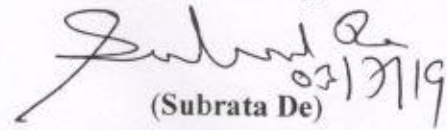
Please refer to your RTI Application No. CCUKL/R/2019/80035 dated 27.05.2019 & CCO Registration No. 131/CCO/KOL/CUS/RTI/2019 dated 29.05.2019 received by the undersigned on 06.06.2019 on subject cited above.

2. In this regard, the point-wise reply to your RTI Application, *ibid*, is presented below:-
- i. It is informed that a copy of your RTI Application has been marked to the CPIO, Vigilance, Custom House, Kolkata for providing you a suitable reply.
 - ii. As regards to the Call Memo cum SCN issued u/s 108 of Custom Act, 1962 vide F.No. S4(Misc)Imp-06/2014/PAD dated 21.01.2014, you are informed that the said Call Memo/SCN has been issued under Custom Act, 1962 to a third party hence the same along with file notings cannot be shared with you. In this regard, section 8(1) (d) of the RTI Act, 2005 is invoked, the recipient of the Call Memo/SCN concerned being the affected third party.
 - iii. With reference to the goods mentioned in the aforesaid Call Memo/SCN, it is informed that the RTI act does not cast on the public authority any obligation to answer queries in which a petitioner attempts to elicit answers to his questions with prefixes such as why, what, when and whether. The petitioner's right extends only to seek information as defined in Section 2(f) of the RTI Act either by pinpointing the file, document, paper or record etc. or by mentioning the type of information as may be available with the specified public authority. Further, this view has been upheld by Hon'ble CIC vide File Nos.CIC/BS/A/2012/000767+000768+000919/1607 dated 04.01.2013.

iv. As regards to the Call Memo cum SCN issued u/s 108 of Custom Act, 1962 vide F.No. S4(Misc)Imp-06/2014/PAD dated 21.01.2014, you are informed that the said invoice and COO contain third party information hence the same cannot be shared with you. In this regard, section 8(1) (d) of the RTI Act, 2005 is invoked, the recipient of the Call Memo/SCN concerned being the affected third party.

3. Appeal, if any, against the information provided, *ibid*, may be preferred before the Appellate Authority, Shri Kumar Amrendra Narayan, Additional Commissioner of Customs (Port), Custom House, 15/1 Strand Road, Kolkata – 700001 within 30 days from the date of receipt of this letter.

Yours sincerely,



03/31/19

(Subrata De)
Assistant Commissioner of Customs
Postal Appraising Department
12, Kiran Shankar Roy Road, Kolkata

Copy for information to:-

The Deputy/Assistant Commissioner of Customs, RTI Cell (Port), Custom House, Kolkata.