Under Section 19(1) of the Right to Information Act, 2005, the applicant, if aggrieved by this order, can prefer an appeal within thirty days from the date of receipt of order to the designated authority under RTI Act, 2005 i.e., Shri. K. Bala Kishan Raju, Additional Commissioner, Medchal Commissionerate, GST Bhavan, L.B.Stadium Road, Basheerbagh, Hyderabad-500004.

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(Order Passed by Sri Y. Venkata Ratnam, Assistant Commissioner & CPIO, Medchal Commissionerate)


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Please refer to your application dated 27.06.2018, under RTI Act, 2005 received in this office on 05.07.2018.

2 The Section 2(j) of the RTI Act speaks of “the right to information accessible under this Act which is held by or under the control of any public authority”. The inference from the text of this sub-section, is that an information to which a citizen will have a right should be shown to be a) an information which is accessible under the RTI Act and b) that it is held or is under the control of a certain public authority. This should mean that unless an information is exclusively held and controlled by a public authority, that information cannot be said to be an information accessible under the RTI Act. Inferentially it would mean that once a certain information is placed in the public domain accessible to the citizens either freely, or on payment of a pre-determined price, that information cannot be said to be 'held' or 'under the control of the public authority and, thus would cease to be an information accessible under the RTI Act.

3 Since the information sought for already exists in the public domain viz. CBEC website and other public websites, it is beyond RTI Act, and can not be furnished

To:
G.Harikishan Goud, 4-1-663 and 4-1-665, Jambagh X Road, Nr. M.J. Market, Hyderabad-500195.

//By Speed Post//

Copy submitted to the Chief Commissioner, GST & Customs, Hyderabad Zone, Hyderabad w.r.t letter C.No.IV/16/160/2018-CC(HZ) RTI dated 09.07.2018.

[Y.VENKATA RATNAM] 
Sahayak Aayukta (K.Log.SU.A.) 
ASSISTANT COMMISSIONER (CPIO)