

# Central Information Commission

Decision No.309/IC(A)/2006  
F. No.CIC/MA/A/2006/00611

Dated, the 28th September, 2006

Name of the Appellant : Br. Pranesh Chaitanya, Schoolpara, P.O.  
Kamakhyaguri – 736 202, Dt. Jalpaiguri, (WB)

Name of the Public Authority: Office of the Director of Income-Tax  
(Exemption), Income Tax Department, 10B  
Middleton Row (6<sup>th</sup> floor), Kolkata – 700 071

## **DECISION**

### **Facts:**

1. The appellant had asked for the following information relating to Ramakrishna Vedanta Ashram and Ramakrishna Vedanta Math:

- (i) *“Trust Deed of R.K.V.A., Darjeeling created on 11.09.1936 and Trust Deed of R.K.V. Math. Kol-6 created in 1938.*
- (ii) *The procedure of amalgamation (all the papers on it).*
- (iii) *The sale procedure of Ivy and Labyrinth Cottages (Swiss Hotel).*
- (iv) *Current BOG exemption Certificate of the I.T. Act that enjoys by the Ramkrishna Vedanta Math Kol.700 006.*
- (v) *Selected portions of the minute-book of both the ashram and Math.*
- (vi) *Audit Report from 1959 to 2004.”*

2. In his reply, the CPIO stated that the documents sought relate to the third parties, who have stated that the appellant *‘was expelled from the Ramkrishna Ashram for his anti-Math activities and therefore none of the documents should be supplied to him’*. The CPIO also informed that there was no public interest in disclosure of the information sought.

3. Being not satisfied with the response of the CPIO, he filed his 1<sup>st</sup> appeal to the appellate authority, who ordered for the disclosure of information sought under point 1 & 4, and for the remaining information the case was remanded to the CPIO for reconsideration. Subsequently, the appellant was informed that the information sought under points 2, 3 & 5 were not in possession of the CPIO. Hence, they could not be supplied. As regards information sought under point 6,

inspection of available records was provided. The appellant has however alleged that complete documents were not shown to him.

### **Commission's Decision**

4. The information sought include both the documents like audit reports created by the public authority and the papers like trust deeds submitted along with the I.T. returns. The CPIO is expected to provide only those documents that are due to public action. The personal information of the third party may not be disclosed u/s 8(1)(j) of the Act.

5. In the instant case, there is as such no denial of information, as the documents available in office of the CPIO have already been furnished. The documents, which are not due to the public authority or those that are not available with them, cannot be furnished. The available audit reports, as asked for by the appellant should, however, be furnished within 15 working days from the date of issue of this decision.

6. The appeal is accordingly disposed of.

Sd/-

(Prof. M.M. Ansari)  
Information Commissioner

Authenticated true copy:

(L.C. Singhi)  
Additional Registrar

Cc:

1. Br. Pranesh Chaitainya, Schoolpara, P.O. Kamakhyaguri – 736 202, Dt. Jalpaiguri, (WB)
2. Sh. Bratati Mukherjee, CPIO, Office of the Director of Income-Tax (Exemption), Income Tax Department, 10B Middleton Row (6<sup>th</sup> floor), Kolkata – 700 071