

No.K1-23286/11/CT

Office of the Commissioner of Commercial Taxes,
Thiruvanthapuram Date 07/09/2011

From

The Commissioner

To

All Deputy Commissioners

Sir,

Sub: Petition filed by M/s.Poonam Grah Nirman Pvt. Ltd. Ambalapuzha,
Alleppey District- Directions issued - reg
Ref: Petition dated 06.07.2011 filed by Sri.R.Anantha Narayanan,
Managing Director, M/s.Poonam Grah Nirman Pvt. Ltd.

Sri.R.Anantha Narayanan, Managing Director of M/s.Poonam Grah Nirman Pvt. Ltd, has approached the Commissioner of Commercial Taxes with a petition. The facts leading to the complaint in brief are as under.

M/s.Poonam Grah Nirman Pvt. Ltd is a registered Pvt. Ltd company having registered office at Mumbai and having branch office at Mani Madom, Alleppey District. The Company is a registered dealer before the Commercial Tax Officer (WC) Alleppey. It is complained that Commercial Tax Officer (WC) Alleppey has furnished information about the assessment particulars of the company , true copy of the balance sheet, profit and loss account, banks statements and details of creditors to some fictitious person disguised as one Padmakumari, Padmavisalam, Amayida, Ambalapuzha, without taking the consent of the Company. The officer had furnished the information to an RTI application submitted before him by Smt.Padmakumari. It is alleged that information so collected is being utilized against the interest of the company. It is complained that by providing the secret trades to unknown person, without taking the consent of the company, the officer has violated Sec 85 of the KVAT Act 2003 and also Sec 81 (j) of the RTI Act which prohibits furnishing of personal details.

After examining the contentions raised by petitioner and the relevant provision of the RTI Act namely Sec:11(1) and Sec 8, 1 (j) regarding third party information and disclosure of information it is found that though the officer had acted as per provisions of the RTI Act, it was not strictly in tune with Section 11 of the RTI Act 2005.

In this case, since the information sought was a third party information, the officer ought to have taken the consent of the petitioner. Moreover regarding third party information unless the officer is of the view that larger public interest demands immediate disclosure, the same need not be disclosed without consent

In the above circumstance, it is hereby directed that as far as the disposal of request regarding the third party information are concerned, the consent of the third party may be sought by invoking Sec 11 or Sec 8, 1(j) of the RTI Act as the case may be. With the above direction the petition is disposed off accordingly.

Sd/-

COMMISSIONER