

भारत सरकार  
जिन्हा मंत्रालय / राजस्व विभाग  
(केन्द्रीय अधिष्ठाता कार एवं सीमाशुल्क बोर्ड)  
मूल्यांकन महानिदेशालय  
५, १० एम, जवाहर नगर, नवीन सीमाशुल्क मार्ग,  
बोर्ड ऑफ टैक्स, मुम्बई - ४०० ००३, महाराष्ट्र, भारत  
दूरभाष: (०२२) २२७५००३, (०२२) २२७५००४  
फैक्स: (०२२) २२७३३०८३, (०२२) २२७३३०८४  
ई-मेल: dg.valuation@div.gov.in



GOVERNMENT OF INDIA  
MINISTRY OF FINANCE  
DEPARTMENT OF REVENUE  
Central Board of Indirect Taxes & Customs  
DIRECTORATE GENERAL OF VALUATION  
1<sup>st</sup> Floor, Annex Building, New Customs House,  
Balfour Estate, Mumbai-400 003, Maharashtra, INDIA  
Phone: (022) 22757203, (022) 22757212  
Fax: (022) 22633083, (022) 22700075  
E-mail: dg.valuation@div.gov.in

File No.: DGVAL/CONF/RTI/APL/2/2024-POLICY-O/o DG-VAL-MUMBAI

Date of order 10.05.2024 :

Date of issue: 10.05.2024

Order-in-Appeal No. 01/2024-RTI (Appeals)  
Order passed by Smt. M.S. Dhurat  
Additional Commissioner and First Appellate Authority

### प्रस्तावना / PREAMBLE

1. A copy of this order is provided free of cost to the person to whom it is issued.
2. An Appeal against this order shall lie with the Central Information Commission, the Second Appellate Authority, CIC Bhawan, Baba Gangnath Marg, Munirka, New Delhi-110067.  
Fax: 26186536 Helpline No. 011-26183053 Email: fdesk-cic@gov.in
3. An Appeal to this order may be preferred within 90 days from the date of receipt of this order as provided in RTI Act 2005.
4. For further information regarding procedure of appeals, please visit <http://cic.gov.in>

**Sub:** Online RTI Appeal No. DGVAL/A/E/24-00002 dated 29.04.2024 filed by  
under Section 19(1) of the Right to Information Act  
2005 against the CPIO's Order dated 29.04.2024 - reg.

\*\*\*\*\*

### **BRIEF FACTS OF THE CASE**

(hereinafter referred to as "the

Appellant") has filed an online RTI Appeal No. DGVAL/A/E/24/00002 dated 29.04.2024 on the RTI portal.

has filed the appeal under the provisions of Section 19(1) of the Right to Information Act, 2005 against the decision of Central Public Information Officer (hereinafter referred to as "the CPIO") whereby the information/documents requested vide RTI Request Registration No. DGVAL/R/E/24/00007 dated 25.04.2024 was not provided since the RTI portal on which the said RTI application was filed by Appellant was not meant for filing RTI application for information sought which pertains to State Government, hence the same was returned to appellant.

2. The Appellant had filed an online RTI Request bearing Registration No. DGVAL/R/E/24/00007 dated 25.04.2024, seeking information under the Right to Information Act 2005, which is reproduced below:

*"We are a rice mill constituted as private limited company registered under Companies Act. We want to purchase agricultural land for the purpose of growing paddy in the name of our company. But unfortunately whenever we approach District Registrar for Govt Valuation of any agricultural land which we intend to purchase in the name of our company, the proposed use is changed from Agricultural to Industrial by Registrar although we declare that we will use the said land for agriculture citing reason that a private limited company cannot purchase an agricultural land with proposed use as agriculture. This results in significant increase in the Govt Valuation we are forced to pay.*

*So, we want to know if as a rice mill and a private limited company are we entitled to purchase agricultural land as valuation of Agricultural land or not when we declare that we will use the said land only for agriculture. Further to inform you that our Memorandum and Articles of Association allow us to do cultivation.*

*We are awaiting your reply."*

3. It is observed that had sought the information regarding valuation method of land meant for agricultural/ industrial purpose by District Registrar in the state of West Bengal. The CPIO through RTI Portal held and informed the appellant on 29.04.2024 as follows:

*"As mentioned in the guidelines for use of this portal, this facility is not available for filing RTI applications for the public authorities under the State Governments. Since your RTI application is meant for a public authority under the State Government i.e. West Bengal, the same is returned herewith. You may file the same before the concerned public authority under the State Government."*

4. On being aggrieved, the Appellant filed the instant RTI Appeal No. DGVAL/A/E/24/00002 dated 29.04.2024 on the RTI portal mentioning in the column

**"Grounds for Appeal"** – *Provided Incomplete, Misleading or False Information*". The Text of RTI First Appeal is reproduced below:

*"Although we wanted information in general regarding valuation without mentioning any State Authority but the question was by passed mentioning that the RTI should be filed with West Bengal State Govt. We want to know the law in general without being state specific. So, please go through per RTI Request and provide appropriate answer as per law which is applicable to every pvt ltd. company in the country."*

5. It is observed from the text of RTI appeal that the Appellant wanted information in general regarding valuation of land in various states. It appears that the appellant was not knowing the function of this office i.e, Directorate General of Valuation, CBIC which falls under the Ministry of Finance, Central Board of Indirect Taxes & Customs (CBIC) which does not deal with valuation of land. The main functions of Directorate General of Valuation is to assist Central Board of Indirect Taxes & Customs (CBIC) in policy matters concerning Customs Valuation, providing guidance to field formations for checking undervaluation / over valuation of imported or export goods so as to prevent leakage of Customs revenue, coordinating Customs valuation matters with relevant international organizations and other sources abroad etc.

### **RECORD OF PERSONAL HEARING**

6. The Appellant was intimated through RTI portal on 02.05.2024 to appear before the First Appellate Authority for the Personal Hearing on 07.05.2024 at 12.00 PM.

vide email dated 07.05.2024 informed that he doesn't want to take personal hearing and take decision as per available information.

### **DISCUSSION AND FINDINGS**

7. I have carefully gone through the Appeal dated 29.04.2024 filed by the Appellant viz. \_\_\_\_\_, on the RTI portal under Section 19(1) of the Right to Information Act, 2005, submissions made in respect of Personal Hearing and all the relevant documents and provisions of the Right to Information Act 2005.

8.1 I find that the original application i.e. RTI Registration No. DGVAL/R/E/24/00007 dated 25.04.2024 was filed by the Appellant seeking the following information :

*"We are a rice mill constituted as private limited company registered under Companies Act. We want to purchase agricultural land for the purpose of growing paddy in the name of our company. But unfortunately whenever we approach District Registrar for Govt Valuation of any agricultural land which we intend to purchase in the name of our*

*company, the proposed use is changed from Agricultural to Industrial by Registrar although we declare that we will use the said land for agriculture citing reason that a private limited company cannot purchase an agricultural land with proposed use as agriculture. This results in significant increase in the Govt Valuation we are forced to pay.*

*So, we want to know if as a rice mill and a private limited company are we entitled to purchase agricultural land as valuation of Agricultural land or not when we declare that we will use the said land only for agriculture. Further to inform you that our Memorandum and Articles of Association allow us to do cultivation.*

*We are awaiting your reply."*

**8.2** The CPIO through RTI Portal held and informed the appellant on 29.04.2024 as follows:

*"As mentioned in the guidelines for use of this portal, this facility is not available for filing RTI applications for the public authorities under the State Governments. Since your RTI application is meant for a public authority under the State Government i.e. West Bengal, the same is returned herewith. You may file the same before the concerned public authority under the State Government."*

Hence, the only issue before me is to decide whether the CPIO had provided incomplete, misleading or false Information to Appellant as claimed by Appellant in his Appeal dated 29.04.2024.

**8.3** I find that the CPIO, indeed, had not provided any information to Appellant as the information called for was not available in Directorate General of Valuation, CBIC hence cannot be claimed by Appellant that the CPIO had provided incomplete, misleading or false information. As explained at Para 5 above, Director General of Valuation, CBIC does not deal with the valuation of land. Further, CPIO had also advised the Appellant to file his RTI application before the concerned public authority under the State Government. Further, as per the provisions of OM No.10/02/02008-IR dated 12th June, 2008, if any information which is the concern of a public authority under any State Government, the CPIO receiving the application should inform the applicant that the information may be had from the concerned State Government. The extract of the said provision is re-produced below: -

*"If a person makes an application to a public authority for some information which is the concern of a public authority under any State Government or the Union Territory Administration, the Central Public Information Officer (CPIO) of the public authority receiving the application should inform the applicant that the information may be had from the concerned State Government/UT Administration. Application, in such a case, need not be transferred to the State Government/UT Administration."*

8.4 In view of above, I found that CPIO has correctly returned back the original RTI application to appellant with an advice to file the said RTI application before the concerned public authority under the State Government. Hence, I am of the opinion that the CPIO had not provided incomplete, misleading or false Information to Appellant as claimed by Appellant in his Appeal dated 29.04.2024.

9. In view of the above discussion, I pass the following Order :-

**ORDER**

I hold that the CPIO had not provided incomplete, misleading or false Information to Appellant and has further correctly advised the Appellant to file the RTI application before the concerned public authority under the State Government of West Bengal.

The Appeal is disposed of accordingly.

Signed by

Manisha Satish Dhurat

Date: 10-05-2024 12:42:10

( Smt. M.S. Dhurat )

Additional Commissioner and First Appellate Authority

To,