

	आयुक्त का कार्यालय, सीमा शुल्क कांडला OFFICE OF THE PRINCIPAL COMMISSIONER OF CUSTOMS, न्यू कस्टम हाउस, कांडला – ३७०२१० NEW CUSTOM HOUSE, KANDLA-370 210 दूरभाष संख्या - ०२८३६- २७१४६८/४६९, फ़ैक्स संख्या - ०२८३६-२७१४६७ Phone No:02836-271468/469, Fax No.02836-271467
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Date :- 06-10-2026

RTI Appeal Order No. 02/2026-27

RTI Application No.: CCCGZ/R/T/26/00261 dated 02.07.2026

RTI Appeal No. CCCGZ/A/E/26/00009 dated 01.08.2026

1	Date of RTI Application	02.07.2026
2	Name of the Applicant	Shri Ishaan Agarwal, 61 2nd floor Jain Rd, Block D, Laxmi Vihar, Mohan Garden Uttam Nagar, New Delhi, Pin:110059
2	Date of RTI Application received by CPIO	02.07.2026
3	Date of Reply by CPIO	30.07.2026
4	Name of CPIO	Shri Manish Rajnikant Bhatt
5	Date of First Appeal Application	01.08.2026
6	Date of Receipt of Appeal Application at First Appellate Authority Office	01.08.2026

Brief Facts of the Case:

1. The applicant Shri Ishaan Agarwal, 61 2nd floor Jain Rd, Block D, Laxmi Vihar, Mohan Garden Uttam Nagar, New Delhi, Pin:110059 had filed RTI Application under RTI Act 2005, having application No. CCCGZ/R/T/26/00261 dated 08.07.2026. In the said RTI application, he sought following information mentioned below:-

“ 1. Provide the **Certified True Copies** [under Section 2(j)(ii) of the RTI Act, 2005, bearing the official seal, signature, and designation of the certifying officer] of all the final tabular statements, logs, and records compiled regarding the **Maritime Scanner Operational Downtime Logs** across the 5 highest and 5 lowest revenue-generating seaports.

2. Provide the **Certified True Copies** of all financial clearings, invoices, and disbursement files under Annual Maintenance Contracts (AMCs) cleared for heavy scanning equipment concessionaires at the targeted 10 seaport locations.

3. Provide the **Certified True Copies** of all internal official file notings, mechanical/software diagnostic reports, and official correspondence concerning CCTV and perimeter intrusion sensor failures inside the Customs Bound Areas.

4. Provide the **Certified True Copies** of the tabular breakdown contrasting market values of contraband seized under Section 110 against formal Show-Cause Notices (SCN) issued under Section 124 or criminal prosecutions launched under Section 135 at the 10 targeted seaports.

5. Provide the **Certified True Copies** of the field intelligence compliance logs indicating

formal

summons issued under Section 108, alongside records of non-compliance and subsequent penal actions initiated.

*6. Provide the **Certified True Copies** of the physical inventory registers listing uncleared or abandoned bulk sea cargo containers exceeding 180 days at Container Freight Stations (CFS).*

*7. Provide the **Certified True Copies** of all final Internal Audit Reports and review findings compiled by the Directorate General of Audit (Customs) or the Comptroller and Auditor General (CAG) regarding cargo leakages or processing gaps.*

*8. Provide the **Certified True Copies** of the summary tracking registers and vigilance inquiry records concerning official corruption or disciplinary penalty proceedings against Gazetted and Non-Gazetted officers at these stations.*

*9. Provide the **Certified True Copies** of the official logs capturing monthly Maritime Cargo Dwell-Time metrics and the exact frequency of manual clearance overrides executed to bypass the automated Risk Management System (RMS). ”*

2. Since the information sought was pertained to various section of Custom House Kandla, therefore, the information was called from them, On the basis of reply received from them, the CPIO, Custom House Kandla replied as under:-

“The information sought in the RTI is bulk and general in nature, which is not readily available on record and hence cannot be generated or compiled under the RTI Act, 2005. Further, the requested information pertains to enforcement against smuggling and customs violations, involving intelligence-based operations, seizures, show cause notices, prosecutions, and consequential actions. Disclosure of such consolidated enforcement statistics may adversely affect the enforcement mechanisms and may hamper the economic interests of the State. Accordingly, the information is exempt from disclosure under Section 8(1)(a)/8(1)(h) of the RTI Act, 2005 being information the disclosure of which would prejudicially affect the economic interests of the State”

3. Being aggrieved by the order of CPIO, the applicant preferred an appeal dated 01.08.2026, before the First Appellate Authority, C.H. Kandla, wherein it is requested that:

“ The Appellant respectfully challenges the CPIO's rejection order on the following grounds:

“1. Failure to Upload Order on RTI Online Portal (Deemed Refusal u/s 7(2))

- The RTI Online Portal was established by DoPT to ensure instant digital access to disclosures. Disposing of an online RTI application by citing a postal dispatch number without attaching/uploading the reply document on the portal violates online processing mandates and constitutes a Deemed Refusal under Section 7(2).

- Merely typing a dispatch number to clear portal pending metrics, while leaving the citizen without access to the actual content, is an illegal administrative shortcut under Section 7(1).

2. Non-Supply of Certified Copies under Section 2(j)(ii)

- The Appellant explicitly demanded certified copies of all public records.

- The CPIO uploaded zero certified files, digital signature certificates (DSC), or stamped attachments under registration CCCGZ/R/T/26/00261. Failing to furnish certified copies directly under the active online file constitutes a procedural breach of Section 2(j)(ii) read with Section 7(1).

3. Evasion of Internal Record Sourcing under Section 5(4) / 5(5)

- As the nodal CPIO of Gujarat Customs Zone, the CPIO was statutorily obligated under Section 5(4) to retrieve and aggregate operational and audit records from all major ports under Gujarat Zone (Mundra, Kandla, Hazira) rather than issuing opaque dispatch notes to bypass statutory scrutiny."

4. Discussion:

4.1 I carefully gone through the RTI Application, CPIO reply and the Grounds of Appeal filed by the applicant.

4.2 I find from the original RTI application that the appellant had sought information as indicated in para 1 above.

4.3. I find that CPIO while passing order has denied the information in terms of under Section 8(1)(a)/8(1)(h) of the RTI Act, 2005. Section 8(1) of the RTI Act 2005 is reproduced below :-

" 8. Exemption from disclosure of information.—

(1) Notwithstanding anything contained in this Act, there shall be no obligation to give any citizen,—

(a) information, disclosure of which would prejudicially affect the sovereignty and integrity of India, the security, strategic, scientific or economic interests of the State, relation with foreign State or lead to incitement of an offence;

(b) information which has been expressly forbidden to be published by any court of law or tribunal or the disclosure of which may constitute contempt of court;

(c) information, the disclosure of which would cause a breach of privilege of Parliament or the State Legislature;

(d) information including commercial confidence, trade secrets or intellectual property, the disclosure of which would harm the competitive position of a third party, unless the competent authority is satisfied that larger public interest warrants the disclosure of such information;

(e) information available to a person in his fiduciary relationship, unless the competent authority is satisfied that the larger public interest warrants the disclosure of such information;

(f) information received in confidence from foreign Government;

(g) information, the disclosure of which would endanger the life or physical safety of any person or identify the source of information or assistance given in confidence for law enforcement or security purposes;

(h) information which would impede the process of investigation or apprehension or prosecution of offenders;

(i) cabinet papers including records of deliberations of the Council of Ministers, Secretaries and other officers:

Provided that the decisions of Council of Ministers, the reasons thereof, and the material on the basis of which the decisions were taken shall be made public after the decision has been taken, and the matter is complete, or over:

Provided further that those matters which come under the exemptions specified in this section shall not be disclosed;

(j) information which relates to personal information the disclosure of which has no relationship to any public activity or interest, or which would cause unwarranted invasion of the privacy of the individual unless the Central Public Information Officer or the State Public Information Officer or the appellate authority, as the case may be, is satisfied that the larger public interest justifies the disclosure of such information:

Provided that the information which cannot be denied to the Parliament or a State Legislature shall not be denied to any person."

4.4. Being aggrieved by the order of CPIO, the applicant filed an appeal on the grounds stated as mentioned in Para 3 above.

4.5 I find that the reply of the information sought under the said RTI was sent on 31.07.2026 at the email-id mentioned in the aforementioned RTI Application vide registration no. CCCGZ/R/T/26/00261 dated 02.07.2026.

4.6 I find that the reasons given by the CPIO broadly fall under the following four categories:

(a) the information sought in the RTI application is bulk and general in nature;

(b) the information is not readily available on record and, hence, cannot be generated or compiled under the RTI Act, 2005;

(c) the information is exempt from disclosure under Section 8(1)(a) of the RTI Act, 2005; and

(d) the information is exempt from disclosure under Section 8(1)(h) of the RTI Act, 2005.

4.7 I find that the applicant has sought information under nine different points, and the CPIO has not provided specific reasons for denying the information sought in respect of each point. Further, it has not been indicated under which of the above categories of reasons the rejection of each query falls.

4.8 As per Section 7(9) of the RTI Act, 2005, information shall ordinarily be provided in the form in which it is sought, unless providing it in such form would disproportionately divert the resources of the public authority or would be detrimental to the safety or preservation of the record in question. However, the provision does not, by itself, constitute a ground for denial of information. Where the information is otherwise disclosable but is voluminous, the CPIO may consider providing access in an appropriate form, or furnish the information on payment of the prescribed fee, as applicable.

4.9 I find that the CPIO has not examined the information sought at a granular level and has stated generally that the information is not readily available on record and, hence, cannot be generated or compiled. The CPIO shall re-examine each query and ascertain whether the information sought is available on the records of this office. Where the information is available in existing records, the same shall be provided in accordance with the provisions of the RTI Act. Where the information is not available in the records in the

form sought, the CPIO shall clearly state so. The CPIO is not required to create or generate information which is not available on record, or to undertake an exercise of analysis or inference that is not contemplated under the RTI Act.

4.10 I find that the CPIO needs to examine, on a query-wise basis, whether any part of the information sought is exempt from disclosure under Section 8(1)(a) or Section 8(1)(h) of the RTI Act, 2005. Wherever exemption is claimed, the specific provision invoked and the reasons justifying its applicability to the information sought shall be clearly stated. In particular, where exemption under Section 8(1)(h) is claimed, the CPIO shall indicate how disclosure of the information at the relevant stage would impede the process referred to in the said provision.

5. In the light of the above facts and discussion, I find that the response provided by the CPIO is not sufficiently specific or point-wise. The CPIO is directed to re-examine the RTI application and provide a point-wise response to the appellant in respect of each query. Wherever the information is available on record and is not otherwise exempt from disclosure, the same shall be provided in accordance with the provisions of the RTI Act, 2005. Wherever information is denied, the specific provision of the Act relied upon shall be clearly cited against the relevant query, along with reasons for its applicability. Where the information sought is voluminous, the CPIO shall, wherever applicable, issue cost intimation to the applicant, specifying the number of pages and the applicable fees, in accordance with Section 7(3) of the RTI Act, 2005. Where the information sought is not available on record or would require creation of information not maintained by the public authority, the CPIO shall clearly state the same.

6. If the appellant is not satisfied with the order/ information provided, he/she may file an appeal before Central Information Commission, CIC Bhavan, Baba Gangnath Marg, Munirka, New-Delhi-110067, within 90 days of receipt of this order.

Date: 06-10-2026

Digitally signed by
MANISH KUMAR MEENA
Date: 06-10-2026
13:36:00
(Manish Kumar Meena)
Additional Commissioner &
First Appellate Authority
Custom House, Kandla.

Copy to:

1. Shri Ishaan Agarwal, 61 2nd floor Jain Rd, Block D, Laxmi Vihar, Mohan Garden Uttam Nagar, New Delhi, Pin:110059. Email: ishaanagarwal8944@gmail.com
2. Shri Manish Rajnikant Bhatt (CPIO), Custom House, Kandla.
3. The Assistant Commissioner (EDI), Custom House, Kandla for uploading on website.