

Customs Excise and Service Tax Appellate Tribunal
West Block No 2, R.K. Puram, New Delhi-110 066

13

FAA Section

Dated: 11.09.2018

Sub: Forwarding of Hon'ble FAA's Order - reg.

Sir,

I am directed to forward herewith the copies of the following Orders passed by Hon'ble First Appellate Authority, CESTAT, New Delhi.

1. 15/2018 in CPIO ID No. 12-54/2017 dt. 30.08.2018
2. 16/2018 in CPIO ID No. 13-49/2018 dt. 30.08.2018



SPS/PA to the Hon'ble FAA

Encl.

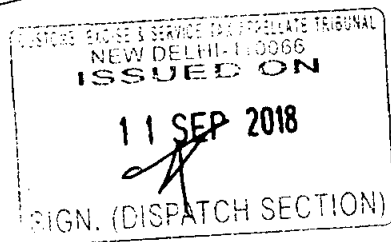
1. Copies of the Ld. FAA's orders.

To:

1. Shri R. K. Jain, 1512-B,
Bhishma Pitamaha Marg,
Wazir Nagar,
New Delhi- 110003

2. CPIO, CESTAT, New Delhi





(12)
Recd
10/09/18

APPELLATE AUTHORITY
UNDER RIGHT TO INFORMATION ACT, 2005
Customs, Excise & Service Tax Appellate Tribunal
West Block-2, R.K. Puram, New Delhi-110066.

Appeal No.12-39(A)/CESTAT/FAA-RG/2017
CPIO ID NO.12-54/CESTAT/CPIO-VPP/2017

Shri R.K. Jain

...Appellant

Vs.

**Shri V.P. Pandey, Asst. Registrar,
CESTAT /CPIO, New Delhi.**

...Respondent

Date of Hearing: 30.08.2018

ORDER 15/2018

In furtherance of notice dated 21.08.2018 Mr. R.K.Jain appeared for the appellant and Mr. V.P. Pandey, Asst. Registrar appeared for the Department.

2. Before beginning of the hearing on the appeal, the appellant expressed his desire for not pressing the impugned appeal. The appeal accordingly stands disposed of as being not pressed for.


(RACHNA GUPTA)
APPELLATE AUTHORITY

Copy to:-

1. Shri.R.K.Jain, 1512-B, Bhishm Pitamah Marg, Wazir Nagar, New Delhi-110003, w.r.t. letter No. RTI/P-537/ (10471/17) /Appeal/ **16780 dated 16.02.2018.**
2. Shri V.P. Pandey, Asst. Registrar / CPIO, CESTAT, New Delhi.
3. Office Copy

(11)

CUSTOMS, EXCISE & SERVICE TAX APPELLATE TRIBUNAL
WEST BLOCK-2 R.K.PURAM
New Delhi-110066

Dated: 21.08.2018

Notice for Hearing

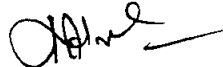
The Hon'ble First Appellate Authority, Ms. Rachna Gupta, Member (Judicial), CESTAT, New Delhi, shall hear the following appeals on **30.08.2018 at 03.30 PM** filed by Shri R. K. Jain. under the provisions of RTI Act, 2005.

Sl. No.	CPIO Appeal No.	Against CPIO ID No.	Appeal No. of Appellant	Name of the Applicant
01.	Appeal No.12-39(A)/2017	12-54/2017	16780/2017	Sh. R.K. Jain
02	Appeal No. 13-01(A)/2018	13-49/2018	16806/2018	Sh. R.K. Jain

I am directed to inform all concerned to be present for hearing on **30.08.2018 at 03.30 PM** with relevant document in the Chamber of the First Appellate Authority, CESTAT, New Delhi.

It is made clear that in case of failure on the part of the appellant to appear before the Appellate Authority on scheduled date & time, it will be presumed that the appellant has nothing more to say and the appeal shall be disposed of based on available records.

Note:- 1. If the applicant has already filed 2nd appeal before the Hon'ble CIC, then this notice may be ignored and a copy of the same may be placed at the time of hearing in relation to that matter.


SPS/PA to Member (Judicial)
First Appellate Authority

To

1. Shri R. K. Jain,
1512-B, Bhishma Pitamaha Marg,
Wazir Nagar, New Delhi-110003
2. Dy. Registrar (Admin) For Sl. No. 1
3. In-Charge, C. R. Section/T. O. For Sl. No. 2
4. CPIO, CESTAT, New Delhi. For both
5. Guard file/office copy



592/CR/2018
19/02/2018

FAA - 12-5310/2017

12-5310/2017

spg
CPIO
pl pln in file
for PH. (10)

First Appeal under Section 19 of the Right to Information Act, 2005

Ref. No. :RTI/P-537/(10471/17)/Appeal/16780

Dated : 16-02-2018

To

1st Appellate Authority under RTI Act, 2005
Customs, Excise & Service Tax Appellate Tribunal,
West Block 2, R.K.Puram,
New Delhi - 110066

By *[Signature]*
18 FEB 2018
West Block No. 2
New Delhi
19/2/2018

A. Contact Details :

1.	Name of the Appellant	R.K. Jain
2.	Address	1512-B, Bhishm Pitamah Marg Wazir Nagar New Delhi-110003

B. Details About RTI Request :

1.	Particulars of the CPIO against whose order appeal is preferred	(a) Name	Shri V.P.Pandey CPIO & Asst. Registrar
		(b) Address	Customs Excise & Service Tax Appellate Tribunal, West Block 2, R.K.Puram, New Delhi - 110066
2.	Date of submission of application (Copy of application attached)	20-05-2017	
3.	Details of the order appealed against	ID No.12-54/2017 dated 9-1-2018 recd on 12-1-2018	
4.	Prayer or relief sought	See Prayer clause at the end	
5.	Last date for filing the appeal	12-2-2018 [That the delay in filing the Appeal is due to the mixing-up the documents in the Office of the Appellant, therefore, <u>the delay of 5 days in filing the Appeal, may be condoned.</u>]	
6.	Whether Appeal in Time.	Appeal in time	
7.	Copies of documents relied upon by the applicant	1. Copy of RTI application dated 20-5-2017. (Annexure-1) 2. Copy of CPIO's letter dated 9-1-2018. (Annexure-2)	

189/vp/18
21.2.18

9

BRIEF FACTS OF THE CASE

- (1) That the appellant has filed an application dated 20-05-2017 (**Annexure – 1**) under Section 6 of the RTI Act, 2005 requesting for the information as specified in para 4 thereof.
- (2) That the appellant vide para 5 of his said application has also made a declaration that the information sought for is not exempted under Section 8 or 9 of the RTI Act, 2005 and also stated that to the best of the knowledge of the appellant, the information pertains to the Office of the CPIO in question.
- (3) That Shri V.P.Pandey, CPIO has failed to provide complete and correct information as sought by the appellant within the specified period. The appellant being aggrieved by the said order of the CPIO is filing the present appeal.

GROUND OF APPEAL

- (1) That the order in question of the CPIO is incorrect, illegal and contrary to the provisions and spirit of the RTI Act, 2005 hence liable to be set aside.
- (2) That the CPIO has failed to provide complete and correct information, inasmuch as the information has been provided only in relation to 17 letters out of the 39 letters for which information was sought. The CPIO, therefore, may be directed to provide the balance information within time bound frame.
- (3) That even the part information provided is incomplete and incorrect, as the date of the letter regarding which the information is provided, is not matching with the information sought. The CPIO may be directed to provide complete and correct information
- (4) That the CPIO has erred in not providing the complete and correct information to the appellant though as per the provisions of the RTI Act, the appellant is entitled to information as sought by him. Therefore, the order of the CPIO is liable to be set aside with direction to provide point-wise information to the appellant within time bound frame.

(A)

- (5) That as per proviso to Section 8(1) of the RTI Act, 2005, the information which cannot be denied to the Parliament or the State Legislatures shall not be denied to any person. The information sought by the appellant in the subject application is the one which cannot be denied to the Parliament or the State Legislatures and hence it cannot be denied or refused to the appellant.
- (6) That a personal hearing may be granted to the appellant before deciding the present appeal.
- (7) That the delay of 5 days in filing the Appeal due to mixing-up the documents in the Appellant's office and delay is bonafide, therefore, it may be condoned, as there is a sufficient cause for condoning the delay.
- (8) This is without prejudice to the right of the appellant to add, alter or modify any of the grounds of this appeal and adduce oral or written evidence at the time of hearing or till the appeal is disposed of.

PRAYER

Under the circumstances, the appellant prays as under:

- (a) That the Original Records may be summoned and perused.
- (b) That the order of the CPIO may be set aside to the extent it has been appealed against and CPIO/Deemed CPIOs may be directed to provide the information in question within time bound frame.
- (c) Delay in filing the Appeal, being bonafide, may be condoned.
- (d) That any other relief as the Appellate Authority deem fit and proper may also be ordered in favour of the appellant.
- (e) That a personal hearing may be granted to the appellant before deciding the appeal.



Signature of Appellant
Telephone No. : 9810077977
24651101
Fax No. 011-24635243

Place : New Delhi
Dated :16-02-2018