

1604/RT-16  
13/6/16

Appeal No 11-76 (A)/2016

PD no. 11-68/2016

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

Ref. No. : RTI/P-537/(9868/16)/Appeal/16355

Dated : 10-06-2016

To

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

Customs Excise & Service Tax  
Appellate Tribunal  
13 JUN 2016  
West Block No.-2, R.K. Puram,  
New Delhi - 110066

**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 & Assistant 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)	19-04-2016	
3.	Details of the order appealed against	Letter ID No. 11-68/2016 dated 12-5-2016 received on 19-5-2016	
4.	Prayer or relief sought	See Prayer clause at the end	
5.	Last date for filing the appeal	19-6-2016	
6.	Whether Appeal in Time.	Appeal in time	
7.	Copies of documents relied upon by the applicant	1. Copy of RTI Application dated 19-4-2016. (Annexure-1) 2. Copy of CPIO letter dated 21-4-2016. (Annexure-2) 3. Copy of CPIO letter dated 12-5-2016. (Annexure-3) 4. Copy of Appellant letter dated 20-5-2016. (Annexure-4)	

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### BRIEF FACTS OF THE CASE

- (1) That the appellant has filed an application dated 19-04-2016 (**Annexure – 1**) under Section 6 of the RTI Act, 2005 requesting for the following information:
- (A) *Please provide monthwise details of quantity of the photocopier papers / other papers purchased at CESTAT, Delhi from January, 2015 till the date of providing the information. Please also provide source of procurement and method of procurement. If monthwise details are not available then details may be provided as is available or convenient to you. Please also provide copies of the relevant registers or records in this respect.*
  - (B) *Please provide the number of photocopying machines installed in the photocopier section / room at CESTAT Delhi and the model and make of each photocopying machine.*
  - (C) *Please provide monthwise details of the number of packets / rims of photocopier papers of each size issued to photocopier section / room from January, 2015 till the date of providing the information. If monthwise details are not available then details may be provided as is available or convenient to you. Please also provide copies of the relevant registers or records in this respect.*
  - (D) *Please provide monthwise details of the number of packets / rims of photocopier papers / other papers issued to officers / sections other than photocopier section from January, 2015 till the date of providing the information. If monthwise details are not available then details may be provided as is available or convenient to you. Please also provide copies of the relevant registers or records in this respect.*
  - (E) *Please provide details of the quantity of photocopier paper returned by the photocopier section from January, 2015 till the date of providing the information.*
  - (F) *Please provide the quantity of the photocopier papers in stock with the photocopier section as on the date of providing the information.*

- (G) *Please provide the details of the records required to be maintained by the photocopier section and provide copies of the said records from 1-1-2015 till the date of providing the information.*
- (H) *Please provide details of numbers of multifunctional printer with photocopying facility are available at CESTAT, Delhi. Please also provide name and designation of the official to whom each one of them have been issued.*

**Note:-Please provide point-wise information/response for each of above points.**

- (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 and Assistant Registrar has deliberately and malafidely not provided complete and correct information as sought by the appellant. 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 and illegal and contrary to the provisions and spirit of the RTI Act, 2005 hence liable to be set aside.
- (2) That the information sought by the appellant is not exempted under Section 8 or 9 or any other provisions of the RTI Act, 2005, therefore, there was no valid cause or reason or ground for not providing the information.
- (3) That Shri V.P. Pandey, CPIO and Assistant Registrar (Excise) has not provided complete and correct information as sought in point (A) of RTI application in as much as details of the photocopier paper and other papers purchased from January 2015 till date has not been provided. Even the source of procurement and method of procurement has also not been provided. 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.

- (4) That Shri V.P. Pandey, CPIO and Assistant Registrar (Excise) has not provided details of the records that are required to be maintained by the photocopier section nor he has provided the name and designation of the officials posted in the photocopier section. 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.s
- (5) That the CPIO has not provided any information in relation to point (H) of the RTI Application. 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.
- (6) That the CPIO has erred in not providing the 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.
- (7) That the information sought is neither voluminous nor relate to older and larger period, thus could have easily been provided by the learned CPIO.
- (8) That as per proviso to Section 8(1) of the RTI Act, 2005, the information which can not 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.
- (9) That a personal hearing may be granted to the appellant before deciding the present appeal.
- (10) 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.

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- (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) That imposition of penalty may also be recommended against the CPIO for not providing the complete and correct information.
- (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 : 10-06-2016

FIRST APPELLATE AUTHORITY UNDER RTI Act  
Customs, Excise & Service Tax Appellate Tribunal,  
West Block No.2, R.K.Puram, New Delhi -110066

Received on  
21-11-2016

Date of hearing: 18.11.2016

Appeal No.11-76(A)/2016

CPIO ID No.11-68/2016

In the matter of

Shri R.K. Jain

Appellant

Vs.

CPIO, CESTAT Delhi


Respondent

Order No. 148/2016

Per V. Padmanabhan:

Shri R.K. Jain, applicant requested for information sought under point (A) relating to purchase of photocopier papers from January 2015 onwards and (H) regarding multi-functional printer,

2. The details may be provided within four weeks from the date of receipt of this order.
3. Appeal is disposed of.

  
(V. Padmanabhan)  
First Appellate Authority

To

Shri V.P. Pandey, CPIO, CESTAT, New Delhi

Copy to:

Shri R.K. Jain,, 1512-B, Bhishm Pitamah Marg, Wazir Nagar, New Delhi -110003.