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30/5/16  
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To

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

Ref. No. : RTI/P-537/(9866/16)/Appeal/16330  
Dated : 28-05-2016

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

West Block 2, R.K. Puram,  
New Delhi - 110066  
28/05/16

**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, 2, West Block, R.K. Puram, New Delhi - 110066
2.	Date of submission of application (Copy of application attached)	18-04-2016
3.	Details of the order appealed against	Deemed Refusal
4.	Prayer or relief sought	See Prayer clause at the end
5.	Last date for filing the appeal	18-06-2016
6.	If appeal is being filed after 30 days, the reasons which prevented from filing appeal in time	Appeal in time
7.	Copies of documents relied upon by the applicant	1. Copy of RTI Application dated 18-4-2016. <b>(Annexure-1)</b> 2. Copy of CPIO letter dated 21-4-2016. <b>(Annexure-2)</b>

3. Copy of Appellant letter dated 2-5-2016. (Annexure-3)

### BRIEF FACTS OF THE CASE

- (1) That the appellant has filed an application dated 18-04-2016 (**Annexure – 1**) under Section 6 of the RTI Act, 2005 requesting for the following information:
- (A) *Please provide the dates on which Shri A. Mohan Kumar, Registrar, CESTAT, has been on station leave from 1-1-2013 till the date of providing the information except on official tour, from CESTAT Headquarter.*
- (B) *Please provide the dates on which Shri A. Mohan Kumar, Registrar, CESTAT, has been away from CESTAT Headquarter from 1-1-2013 till the date of providing the information, except on official tour.*
- (C) *Please provide the dates on which Shri A. Mohan Kumar, Registrar, CESTAT, has been away from CESTAT Headquarter from 1-1-2013 till the date of providing the information, without station leave.*
- (D) *Please provide details of the dates on which Shri A. Mohan Kumar, Registrar, CESTAT, has proceeded on leave while on tour.*
- (E) *Please provide the details of the tour undertaken by the Registrar, CESTAT from 1-1-2013 till the date of providing the information.*

**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 the appellant received letter dated 21-04-2016 (**Annexure-2**) of Shri V.P. Pandey, CPIO & Assistant Registrar, CESTAT, New Delhi to DR/AR (Admin.), CESTAT, New Delhi. The Appellant vide letter dated 02-05-2016 (**Annexure-3**) requested the said authority to provide the desired

information within the period of 30 days as stipulated under Section 7(1) of the RTI Act, 2005. The Appellant has neither received any information nor any response from the said authority therefore, as per Section 7(2) of the RTI Act, 2005, the request for information shall be deemed to have been refused. Thus being aggrieved by such refusal, this Appeal.

### GROUNDS OF APPEAL

- (1) That the action of the learned CPIO and the deemed CPIO in not providing the information to the appellant is illegal and contrary to the provisions and spirit of the RTI Act, 2005.
- (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 and therefore, there was no valid cause or reason or ground for not providing the information.
- (3) That the inaction of Shri V.P. Pandey, CPIO & Assistant Registrar is in violation of Sections 7(1) and 7(2) of the RTI Act, 2005 and is therefore, illegal. Such inaction is deemed to be a refusal to the request of the appellant without any reasonable cause or ground hence is illegal.
- (4) That the information sought is neither voluminous nor relate to older and larger period, thus could have easily been provided by the learned CPIO.
- (5) That the appellant is citizen of India and fulfilled all other requirements of the RTI Act and the Rules made thereunder and is entitled to the information in question.
- (6) 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.
- (7) 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.

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- (8) That a personal hearing may be granted to the appellant before deciding the present appeal.
- (9) 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 CPIO may be directed to provide the information in question within a time bound frame.
- (c) That any other relief as the Appellate Authority deem fit and proper may also be ordered in favour of the appellant.
- (d) 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 : 28-05-2016

Received  
04/08/16

**FIRST APPELLATE AUTHORITY**  
UNDER RIGHT TO INFORMATION ACT, 2005  
Customs, Excise & Service Tax Appellate Tribunal  
West Block-2, R.K. Puram, New Delhi-66.

**Appeal No.11-62(A)/CESTAT/FAA- SKM/2016**  
**CPIO ID NO. 11-72/2016**

Shri R.K.Jain ...Appellant

Vs.

CPIO, CESTAT ...Respondent

Date of decision: 20.07.2016

**ORDER** *23/2016*

Pursuant to appeal, the CPIO submits that the information cannot be furnished in the shape/ way, the appellant seeks the same. However, he has no objection in furnishing the available information to the appellant.

2. In view of above, I direct the CPIO to furnish the information available in the office within a period of 4 weeks from the date of receipt of this order. The appeal is allowed.

*S.K. Mohanty*  
29/07.16  
**(S.K. MOHANTY)**  
**APPELLATE AUTHORITY**

Copy to:-

1. Shri.R.K.Jain, 1512-B, Bhishm Pitamah Marg, Wazir Nagar, New Delhi-110003, w.r.t.
2. CPIO, CESTAT, New Delhi.
3. Office Copy