

1385/CR-16
24/5/16

229/SICR/RTI/16
24/5/16

11-56(A)/2016

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

Ref. No. :RTI/P-537/(9867/16)/Appeal/16312

Dated : 23-05-2016

To

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 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	(1) Shri V.P. Pandey, CPIO and Assistant Registrar (Excise) (2) Shri A. Mohan Kumar, 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 CPIO ID No. 11-69/2016 dated 6-5-2016	
4.	Prayer or relief sought	See Prayer clause at the end	
5.	Last date for filing the appeal	6-6-2016	
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 Registrar letter dated 6-5-2016. (Annexure-3)	

23/05/16

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 inspection of the records relating to (i) Appeal No. C/174/11 - Mahesh & Co. v. CC (Export), New Delhi (ii) Appeal Nos. C/201/2011 to C/246/2011 - Rajasthan Watches.*
- (B) *Please provide details of the cases which have to be adjourned by the Excise Bench, Customs & Service Tax Bench and Single Member Bench, as the impugned order was passed by Shri R.K. Singh. While providing details, please also intimate the Appeal No. and Name of the Party and the date when it was last listed.*
- (C) *Please provide details of the cases which have not been listed in the Excise Bench, Customs & Service Tax Bench and Single Member Bench, as the impugned order was passed by Shri R.K. Singh. While providing details, please also intimate the Appeal No. and Name of the Party.*
- (D) *Please provide the details of the cases in which Shri R.K. Singh has recured since the date of his joining at CESTAT, Delhi.*
- (E) *Please provide copy of the note put up by Shri R.K. Singh for conference at Mumbai in 2016.*
- (F) *Please provide the file number in which the matter concerning CESTAT Members conference held on January, 2016 is dealt with and provide copies of all correspondence*
- (G) *Please provide the copy of the Minutes of the Members' Conference held in January, 2016 and also provided details of the action taken and copies of the relevant records.*
- (H) *Please provide details of the action taken on the decision taken in the Minutes of Members' Conference held in May, 2016. Please also provide copies of all relevant records.*

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 Assisant Registrar (Excise) and Shri A. Mohan Kumar, Registrar have deliberately and malafidely not provided complete and correct information as sought by the appellant, whereas the other Deemed CPIOs to whom the RTI Application has been forwarded have not responded to the RTI Application. The appellant being aggrieved by the said order of the CPIO is filing the present appeal.

GROUND OFS OF APPEAL

- (1) That the order in question of the CPIO is incorrect and illegal and contrary to the provisions and sprit 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 A. Mohan Kumar, Registrar and Deemed CPIO has not provided the information as sought in Point (G) & (H) of the RTI Application. Therefore, he may be directed to provide the information in question to the appellant within time bound frame.
- (4) That Shri V.P. Pandey, CPIO and Assistant Registrar (Excise) and the other Deemed CPIOs have neither responded nor provided the information as sought in Point (A) to (D) of the RTI Application despite the CPIO having forwarded the copy of the RTI Application to them. Therefore, they may be directed to provide the information in question to the appellant within time bound frame.
- (5) 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

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be set aside with direction to provide point-wise information to the appellant within time bound frame.

- (6) That the information sought is neither voluminous nor relate to older and larger period, thus could have easily been provided by the learned CPIO.
- (7) 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.
- (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 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 : 23-05-2016

Received
03/08/2016

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.11-56(A)/CESTAT/FAA-SKM/2016
CPIO ID NO.11-69/CESTAT/CPIO-VP/2016

Shri R.K. Jain ...Appellant

Vs.

Shri V.P. Pandey, Asst. Registrar/CPIO ...Respondent

Date of Hearing/Decision: 11.07.2016

ORDER 100/2016

This appeal is not pressed by the appellant. Therefore,
the same is disposed of as not pressed.


(S.K. MOHANTY)
APPELLATE AUTHORITY

Copy to:-

1. Shri.R:K.Jain, 1512-B, Bhishm Pitamah Marg, Wazir Nagar, New Delhi-110003.
2. Shri V.P. Pandey, Asst. Registrar/ CPIO, CESTAT, New Delhi.
3. Office Copy

Anitha