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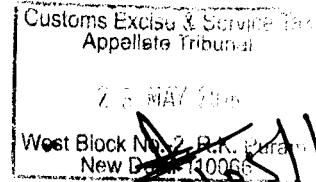
**First Appeal under Section 19 of the Right to Information Act, 2005**

Ref. No. :RTI/P-537/(9833/16)/Appeal/16310

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



**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)	14-04-2016	
3.	Details of the order appealed against	Letter ID No. 11-64/2016 dated 5-5-2016	
4.	Prayer or relief sought	See Prayer clause at the end	
5.	Last date for filing the appeal	5-6-2016	
6.	Whether Appeal in Time.	Appeal in time	
7.	Copies of documents relied upon by the applicant	1. Copy of RTI Application dated 14-4-2016. <b>(Annexure-1)</b> 2. Copy of CPIO letter dated 21-4-2016. <b>(Annexure-2)</b> 3. Copy of CPIO letter dated 5-5-2016. <b>(Annexure-3)</b>	

### **BRIEF FACTS OF THE CASE**

- (1) That the appellant has filed an application dated 14-04-2016 (**Annexure – 1**) under Section 6 of the RTI Act, 2005 requesting for the information specified therein.
- (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 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.
- (4) The CPIO and the Deemed CPIOs are deliberately and malafidely obstructing the information without any reasonable cause therefore they are liable for penal action. The First Appellate Authority is not empowered to take action under section 20 of the RTI Act, therefore the appellant reserves his right to move direct complaint to CIC u/s 18 of the RTI Act.

### **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 the certified copies of the information as sought in point (A) 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.
- (4) That Shri V.P. Pandey, CPIO and Assistant Registrar (Excise) has

deliberately and malafidely did not provide the copy of letter dated 5-11-2015 of the then CPIO from the CPIO's file under ID No. 10-127/2015, as there has been forgery in the copy of the said letter and the CPIO has modified his order as seen during the hearing before the First Appellate Authority. Though the CPIO during the hearing committed to provide the copies of the documents but had not provided the same thus the appellant compelled to file RTI application and still the CPIO has deliberately, malafidely and persistently obstructed the information. Therefore, CPIO may be directed to provide point-wise information with copy of the said letter to the appellant within time bound frame and he is liable for penalty under section 20(1) of the RTI Act and recommendation for disciplinary action under section 20(2) of the RTI Act, for delaying and obstructing the information in question, without any reasonable cause

- (5) That the CPIO and deemed CPIOs have provided different dates for inspection whereas as per the scheme of the RTI Act, the CPIO should have consolidated the information and provided inspection in a practical manner on one or two days rather than providing piece-meal inspection of the records. 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.

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(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.
- (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 on 28/9/16

**APPELLATE AUTHORITY  
UNDER RIGHT TO INFORMATION ACT, 2005  
CUSTOMS, EXCISE AND SERVICE TAX  
APPELLATE TRIBUNAL,  
WEST BLOCK 2, R.K. PURAM, NEW DELHI – 110 066**

**Date of Hearing/decision: 23.09.2016**

**Appeal No.11-58 (A)/CESTAT/FAA/VP/2016**

**CPIO, I.D. No. 11-64/CESTAT/CPIO-VPP/2016**

Sh. R.K.Jain

Appellant

Vs.

Sh. V.P. Pandey, Asst. Registrar/CPIO

Respondent

**ORDER**     142/2016

CPIO agreed to provide information at point 'A' and point 'B' within seven days from the receipt of this order. Regarding point 'C' appellant will undertake inspection as offered by CPIO.

2. The appeal is disposed of in above terms.

  
(V. Padmanabhan)  
Appellate Authority

Copy to :-

1. Sh. R.K.Jain, 1512, Bhishm Pitamah Marg  
Wazir Nagar, New Delhi-110 003.
2. Shri V.P. Pandey, Asst. Registrar/CPIO, CESTAT, New Delhi.
3. Office copy