

11-44(A)/2016

①

1298/CR-16  
13/5/16

no/sicr/1272/16  
24/5/16  
To

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

Ref. No. : RTI/P-537/(9871/16)/Appeal/16290

Dated : 12-05-2016

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 MAY 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 CPIO (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	CPIO ID No. 11-67/2016 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 19-4-2016. <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. <b>(Annexure-3)</b> 4. Copy of Appellant letter dated 2-5-2016. <b>(Annexure-4)</b> 5. Copy of CPIO letter dated 5-5-2016. <b>(Annexure-5)</b>

SPS to Hmiller  
SJ AA.

13/05/16

**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) *The Registrar CESTAT by his order F.No.8/2/CESTAT/Comp/08-Vol-I dated 29-1-2014 has stated that the display boards installed in the Court room are not properly functioning/operative and directed for proper and effective operation and control of display boards. The Registrar has also warned that malfunctioning and non functioning of display boards be brought to the notice of the Computer section for suitable remedial measures and any lapse in this regards would be viewed seriously. In this regard, please provide the following information:-*

- (i) *Please provide datewise details of the feedback received by the Computer section regarding malfunctioning and non functioning of display boards. Please also provide copies thereof and the datewise action taken by the CESTAT in this respect.*
- (ii) *Please provide the number of display boards installed in the CESTAT and their current status about their functioning*
- (iii) *In case any of the display board is non functional, please intimate the date from which it is non functional.*
- (iv) *Is it true that none of the display board is non functional for last two years? If no, kindly intimate the period since when they are non functional.*

(B) *Please provide the datewise details of the steps taken and action taken by Shri A. Mohan Kumar, Registrar for compliance to his own order dated 29-1-2014.*

(C) *Please provide the inspection of the following files*

- (i) *F.No.8/2/CESTAT/Comp/08-Vol-I*
- (ii) *(1)/CESTAT/Comp/SOFT/2012*
- (iii) *1-1/CESTAT/Comp/06 Vol-II*
- (iv) *03-2/Software-Project/Comp/09*

(D) Please provide details and list of the files in which computerisation and website development is dealt with. After providing this information, provide inspection of all such files.

(E) Please provide details and list of the files in which the communication relating to NIC is dealt with. After providing this information, provide inspection of all such files.

Note : (1) Since the information as sought above, is held by the Registrar, therefore this application may also be forwarded/transferred to him also.

**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 CPIO has deliberately and malafidely modified his order dated 21-4-2016 without any authority. The appellant being aggrieved by the said order of the CPIO is filing the present appeal.

#### **GROUNDS 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 the CPIO by his order 21-4-2016 has correctly forwarded the RTI Application to the Registrar, CESTAT and the Technical Officer and the Computer In-charge, but by order dated 5-5-2016, the CPIO without any authority reviewed his order and withdrawn the forwarding of RTI Application to the Registrar. The appellant understand that the CPIO is

being pressurized not to forward the RTI Application to the Registrar, CESTAT, who is the Head of the Registry and is boss in the office. The CPIO has given no reason for material for reviewing his earlier order. Therefore, the order of the CPIO is liable to be set aside with direction to direction to the Registrar to provide the information available with him.

- (4) That Shri A. Mohan Kumar, Registrar and Deemed CPIO, is also the holder of the information and Head of the Registry, he is handling the matter, therefore, he may be directed to provide the information available with 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.
- (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 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.

- (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 : 12-05-2016

filed on  
06/7/16

**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 - 044(A)/CESTAT/FAA- SKM/2016**  
**CPIO ID NO. 11 - 67/2016**

Shri R.K.Jain

...Appellant

Vs.

CPIO, CESTAT

...Respondent

Date of hearing/decision: 29.6.2016

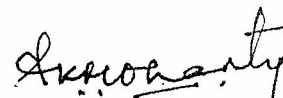
**ORDER**

95/2016

The grievance of the appellant in this appeal is against Corrigendum dated 5.5.2016 issued by the CPIO demarking the transfer of RTI application to the Registrar. Further the grievance is also that the request for inspection of documents as regards Point No. D & E has not been considered favourably by the CPIO. Pursuant to the appeal, the CPIO submits that the information can be furnished and inspection can be allowed to the appellant.

2. Considering the above submissions, I direct the CPIO to furnish the information and allow the appellant to inspect the documents preferably within a period of four weeks from the date of receipt of this order.

3. The appeal is disposed of accordingly.



**(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. letter No. RTI/10-102(A)/CESTAT/FAA-SKM/2015.
2. CPIO, CESTAT, New Delhi.
3. Office Copy