

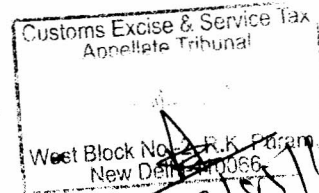
1295/CP-16
13/5/16198/15124(R15)
2-15/16**First Appeal under Section 19 of the Right to Information Act, 2005**

Ref. No. : RTI/P-537/(9636/15)/Appeal/16273

Dated : 12-05-2016

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, Bhisim 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 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)	30-12-2015
3.	Details of the order appealed against	Letter ID No. 10-246/2015 dated 28-4-2016
4.	Prayer or relief sought	See Prayer clause at the end
5.	Last date for filing the appeal	28-5-2016
6.	Whether Appeal in Time.	Appeal in time
7.	Copies of documents relied upon by the applicant	1. Copy of RTI Application dated 30-12-2015. (Annexure-1) 2. Copy of CPIO's letter dated 31-12-2015. (Annexure-2) 3. Copy of Appellant's letter dated 7-1-2016. (Annexure-3) 4. Copy of CPIO's letter dated 21-1-2016. (Annexure-4) 5. Copy of Appellant's letter dated 28-1-2016. (Annexure-5) 6. Copy of CPIO's letter dated 8-1-2016.

SRS to H/w/m/s
S. KA
13/05/16

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	(Annexure-6) 7. Copy of Asstt. Registrar's letter dated 28-4-2016. (Annexure-7)
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BRIEF FACTS OF THE CASE

(1) That the appellant has filed an application dated 30-12-2015 (**Annexure – 1**) under Section 6 of the RTI Act, 2005 requesting for the following information:

(A) *Please provide copies of all records of proceedings and orders (except final order) passed in the following appeals and also copies of all the Vakalatnamas and Notesheets put up by the Registry and orders thereon. Please also provide copy of the Mention Memo, if any and direction for out of turn listing / hearing of the matter*

- (i) *Appeal No.E/1460/2007 (Dewan Sugars Ltd.)*
- (ii) *Appeal No.E/2549 & 2550/2011 (Mercury Rubber Mills)*
- (iii) *Appeal No. ST/1838 to 1840/2010 (Siddharth Tubes Ltd.)*
- (iv) *Appeal No.E/2165/2010 (Garg Ispat Udyog Ltd.)*
- (v) *Appeal No.E/2166/2010 (Shri J.D. Gupta, MD)*
- (vi) *Appeal No.E/1003/2006 (Soorajmull Bajjnath Industries (P) Ltd.)*
- (vii) *Appeal No. E/1572/2006 (C.C.E. Delhi IV vs K.K.Kohli & Brothers Pvt. Ltd.)*
- (viii) *Appeal No E/1698/2009 (Savitri Con-Cast Ltd. Vs C.C.E. Jaipur I)*
- (ix) *Appeal No E/1905/2010 (Khetan Alloys Pvt. Ltd. Vs C.C.E. Jaipur I)*
- (x) *Appeal No E/672/2010 (Barijoriwala Rolling Mills Pvt. Ltd. Vs C.C.E. Jaipur I)*
- (xi) *Appeal No E/394/2012 (Tricolite Electrical Industries vs C.C.E. Delhi I)*
- (xii) *Appeal No E/1650/2005 (Swaraj Foundry Division vs C.C.E. Ludhiana)*
- (xiii) *Appeal No E/2390/11(Meera Glass)*

(B) *Please also provide print copy of the Computer generated report from the CESTAT data base containing details of the Case History, Application History, Appeal/Application details etc. with diary no and impugned order details in relation to each of the above cases.*

(C) *Please provide the current status of the aforesaid appeals and next date of hearing, if any.*

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 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 the CPIO has not provided the complete and legible copies of the information sought in Point (B) of the RTI Application (**Annexure-8**). 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 the CPIO has not provided information as sought in Point (C) 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.
- (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.
- (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 : 12-05-2016

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 - 046(A)/CESTAT/FAA- SKM/2016

CPIO ID NO. 10- 246/2016

Shri R.K.Jain

...Appellant

Vs.

CPIO, CESTAT

...Respondent

Date of decision: 29.6.2016

ORDER 86 / 2016

Pursuant to the appeal, the CPIO submits that the related case records contained in A(i) , (ii), (iii), (vi) and (xiii) of the RTI Application are to be transferred to the newly by constituted Benches, and as such, the information can be obtained from those Benches.

2. Considering the above, I direct the CPIO to forward the copy of this order to the concerned Benches with direction to furnish the information directly to the appellant.

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