

F. No. 12-36/ / CESTAT/CPIO-ND/VPP/2017
Customs Excise and Service Tax Appellate Tribunal
West Block No 2, R.K. Puram, New Delhi-110 066

Dated:- 25/04/17

ID No. 12-36/17

Subject: Information sought under RTI Act, 2005.

Sir,

Please refer to RTI application No. 10402/17 dated 01/04/17 of Shri /Smt. **R.K. Jain** under RTI Act 2005 (copy enclosed) wherein certain information are sought as mentioned therein is related to your section.

Therefore, in terms of the provisions of Section 6(3) and Section 5(4) read with Section 5(5) of RTI Act 2005 the RTI application No. 10402/17 dated. 01/04/17 CPIO ID No. 12-36/17 is forwarded herewith to the you as deemed CPIO with the request to provide the correct and para wise information/inspection on or before 15/04/17 directly to the applicant and intimate the undersigned within the stipulated time failing which, you will be responsible for delay and penalty if any, under section 20 of RTI Act. You are, further requested to follow OM No.12/31/2013-IR dated;12.02.2013 circulated on 23.05.2013

Note:- RTI application's replies which are related to outer benches may be gathered form there by filing RTI applications there directly, for facilitation, CPIOs are nominated at all outer benches separately.

Encl: As above.


(V.P. Pandey)

Central Public Information Officer

Copy to:

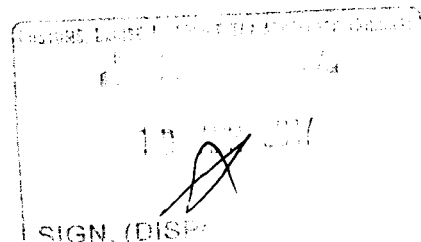
1. SPS to Hon. Pres. & PA to our Registrar

3. DR(A) 2/4/17

4. A.O. Please. Pursue information up to

4. _____

5. Sh. R.K. Jain, 1512-B, Bhishm Pitamah Marg,
Wazir Nagar, New Delhi-110003



o/c
Recd
18/4/17
07.4.17

1-03/CR/2017
03/04/2017

10-12-36/2017

Application under Section 6 of the Right to Information Act, 2005

Ref. No. RTI/P-195/10402/17
Dated : 1-4-2017

Customs Excise & Service Tax
Appellate Tribunal
03 APR 2017
West block No. 2, R.K. Puram
New Delhi-110066

Shri V.P.Pandey
CPIO & Asst. Registrar
Customs Excise & Service Tax Appellate Tribunal,
West Block 2, R.K.Puram,
New Delhi - 110066

1.	Name of the Applicant	R.K. Jain
2.	Address	1512-B, Bhishm Pitamah Marg Wazir Nagar New Delhi-110003
	(b) Phone Nos.	09810077977, 011-24651101, 011-24690707
	(c) Fax No.	011-24635243
3.	Whether a Citizen of India	Yes
4.	Particulars of Information	
	Details of information required	<p>(A) Please provide number of notesheets and correspondence pages contained in file no. F. No. 27(39)/Tranf. Policy/CESTAT/Admn. 08.</p> <p>(B) Please provide copies of all the correspondence pages and notesheets of the aforesaid file from 1-1-2016 till date.</p> <p>(C) The applicant has received information that hearing in some cases has been pre-pended. consequent to the aforesaid transfer order and in some cases, an early hearing has been granted. In this respect, please provide the following information:</p> <p>(i) Please provide the details of the cases in which the preponing of hearing have been granted by the Bench presided over by Ms. Archana Wadhwa at CESTAT Delhi from 27-3-2017 till the date of providing the information. Please also provide the copy of the order / notesheets, Appeal Number and the name of the parties and counsels</p> <p>(ii) Please provide the details of the cases in which early hearing requests have been granted by the Bench presided over by Ms. Archana Wadhwa at CESTAT Delhi from 27-3-2017 till the date of providing the information. Please also provide the copy of the order / notesheets, Appeal Number and the name of the parties and counsels.</p>

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		<p>(D) Please provide information whether any representation has been received against the aforesaid transfer order. If yes, please provide the date of the said representations.</p> <p>(E) Please provide name of the Member who has made the representation as referred to in Point (C) above.</p> <p>(F) Please provide copy of the representation with all markings and endorsement thereon.</p> <p>(G) Please provide the copy of the order / directions passed on the said order and in case, it is pending consideration, kindly specify so.</p> <p>(H) Please provide the name of the Members, who have drawn advance towards TA/DA, as directed in the said order and the amount of the advance drawn by each Member and date on which it was drawn.</p> <p>(I) Please provide copy of the relieving slip / memo in consequence to the aforesaid transfer order.</p> <p>Note:-Please provide pointwise information/ response for each of above points.</p>	<p>SPS to Hon Pres. & P.A. to Reg.</p> <p>do</p> <p>do</p> <p>do</p> <p>DR(A) A-Dr. (b1) - Rep. A.R.</p> <p>DR(A)</p>
5.	I state that the information sought is covered under RTI Act and does not fall within the exemptions contained in sections 8 or 9 or any other provisions of the Right to Information Act, 2005 and to the best of my knowledge it pertains to your office. Information is being sought in larger public interest.		
6.	A Postal Order No. 38F 171731 for Rs. 10 towards payment of fee is enclosed herewith. You are requested to filling the name in which the Postal Order is payable.		
7.	As per Section 7 of the RTI Act, 2005 information is to be provided within 30 days of the Application.		

Signature of Applicant
Telephone No. : 9810077977
011-24651101, 24690707
Fax No. 011-24635243

Place : New Delhi

Encl. : as above

Hira/-----AR

F. No. 12-36 / CESTAT/CPIO-ND/VPP/2017
Customs Excise and Service Tax Appellate Tribunal
West Block No 2, R.K. Puram, New Delhi-110 066

Dated. 23/8/17

ID No. 12-36/17

To,

Sh. R.K. Jain
1512-B, Bhishm Pitamah Marg,
Wazir Nagar, New Delhi-110003

Subject: Information under Right to Information Act 2005.


Sir,

Please refer to your RTI application No. 10402/17 Dt. 01/04/17 and our ID No. 12-36/17 the information received from Accounts Officer containing 01 Page is enclosed herewith for your reference please.

You are, Therefore, requested to please acknowledge the receipt and deposit Rs. ₹ (@ 2/- per page) to this Tribunal by cash or DD in favour of Accounts Officer, CESTAT, New Delhi.

Note:- RTI application's replies which are related to outer benches may be gathered form there by filing RTI applications there directly, for facilitation, CPIOs are nominated at all outer benches separately.

If aggrieved, you may file an appeal under section 19 of RTI Act within thirty days before Hon'ble First Appellate Authority, CESTAT New Delhi.


(V.P. Pandey)

Central Public Information Officer

OK



Received
25/5/17

F.NO. 70/CESTAT/CASH/RTI/2016-17
Customs, Excise and Service Tax,
Appellate Tribunal,
West Block No. 2, R.K.Puram,
New Delhi-110066

Dated : 24.05.2017

To,

Shri V P Pandey/CPIO
CESTAT,
NEW DELHI..

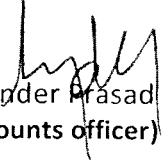
Subject : Information sought under RTI Act 2005 – regarding

Sir,

Please refer this section letter No. 70/CESTAT/CASH/RTI/2017-18 dated 17.04.2017 and your letter No. 12-36/CESTAT/CPIO-ND/VPP/2017 dated 05.04.2017 and Sh. R.K. Jain letter dated 06.05.2017. The requested information is furnished as under.


Name	Transfer order No.	Transfer from	To	Bill No. & dated	Amount of the Advance
Smt. Archana Wadhwa, Member (J)	27(39)/Tranf. Policy/CESTAT/Admn.08	CESTAT, Delhi	CESTAT, Chennai	81 dated 25.04.17	2,00,000
Smt. Sulekha Beevi C.S., Member (J)	-Do-	CESTAT, Hyderabad	CESTAT, Chennai	1640 dated 29.03.17	2,50,000
Sh. M.V. Ravindran, Member (J)	-Do-	CESTAT, Mumbai	CESTAT, Hyderabad	Pertains to Mumbai	NA
Sh. D.N. Panda, Member (J)	-Do-	CESTAT, Chennai	CESTAT, Mumbai	Pertains to Chennai	NA

Yours faithfully


Rajender Prasad
(Accounts officer)

Copy for information to :-

Shri R K Jain, 1512-B, Bhisham Pitamah Marg, Opp. ICICI Bank of Defence Colony,
New Delhi - 110003


(Rajender Prasad)
Accounts Officer

F. No. 12-36 / CESTAT/CPIO-ND/VPP/2017
Customs Excise and Service Tax Appellate Tribunal
West Block No 2, R.K. Puram, New Delhi-110 066

Dated. 02/05/17

ID No. 12-36/17

To,

Sh. R.K. Jain
1512-B, Bhishm Pitamah Marg,
Wazir Nagar, New Delhi-110003

Subject: Information under Right to Information Act 2005.

Sir,

Please refer to your RTI application No. 10402/17 Dt. 01/04/17 and our ID No. 12-36/17 the information received from PAT Rajgaria containing 01 Page is enclosed herewith for your reference please.

You are, Therefore, requested to please acknowledge the receipt and deposit Rs. _____ (@ 2/- per page) to this Tribunal by cash or DD in favour of Accounts Officer, CESTAT, New Delhi.

Note:- RTI application's replies which are related to outer benches may be gathered form there by filing RTI applications there directly, for facilitation, CPIOs are nominated at all outer benches separately.

If aggrieved, you may file an appeal under section 19 of RTI Act within thirty days before Hon'ble First Appellate Authority, CESTAT New Delhi.


(V.P. Pandey)

Central Public Information Officer





DR (A) \$
A.O. Have already replied
which have already been
forwarded to the applicant-

Customs Excise & Service Tax Appellate Tribunal
West Block No.2, R.K. Puram, New Delhi – 66

Dated : 01.05.2017
CPIO I.D. No. 12-36/2017

Sub: Information under the RTI Act, 2005 – reg.

With reference to the RTI application no. RTI/P-195/10402/17 dated 1.4.2017 filed by Shri R.K. Jain in CPIO I.D. No. 12-36/2017, I am directed to inform you that the relevant information pertaining to Registrar office is as under:

(A-C), (E-I) Information doesn't pertain to Registrar Office. CPIO may obtain the same from the DR(Admn.)/ Accounts Officer.

(D) One representation dated 03.04.2017 under Diary No. 1336/2017 was received in the office of the Registrar from Ms. Archana Wadhwa, Member (J) which was further marked to DR(A). CPIO may obtain further information from the DR(Admn.).


15/5/17
P.A. to Registrar

To

CPIO, CESTAT, New Delhi

already replied by DR(A) & Accounts Section and the same is forwarded to the applicant vide CPIO'S letter dt - 19/4/17

01/05/17

F. No. 12-36 / CESTAT/CPIO-ND/VPP/2017
Customs Excise and Service Tax Appellate Tribunal
West Block No 2, R.K. Puram, New Delhi-110 066

Dated. 9/5/2017

ID No. 12-36/2017

To,

Sh. R.K. Jain
1512-B, Bhishm Pitamah Marg,
Wazir Nagar, New Delhi-110003

Subject: Information under Right to Information Act 2005.


Sir,

Please refer to your RTI application No. 12402/17 Dt. 01/5/17 and our ID No. 12-36/17 the information received from Sps to Hon'ble President ADRA containing 102 is enclosed herewith for your reference please. FOI

You are, Therefore, requested to please acknowledge the receipt and deposit Rs. _____ (@ 2/- per page) to this Tribunal by cash or DD in favour of Accounts Officer, CESTAT, New Delhi.

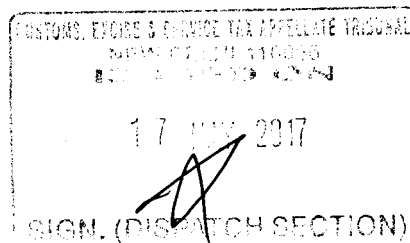
Note:- RTI application's replies which are related to outer benches may be gathered form there by filing RTI applications there directly, for facilitation, CPIOs are nominated at all outer benches separately.

If aggrieved, you may file an appeal under section 19 of RTI Act within thirty days before Hon'ble First Appellate Authority, CESTAT New Delhi.


(V.P. Pandey)

Central Public Information Officer

o/c



CUSTOMS, EXCISE & SERVICE TAX APPELLATE TRIBUNAL
NEW DELHI

08.05.2017

SUB : RTI REPLY TO ID NO. 12-36/2017

This is with reference to the letter No. RTI/P-195/10402/17/R21761 dated 06.05.2017 [**copy enclosed**] regarding RTI Application No. RTI/10402/17 dated 01.04.2017 of the Applicant addressed to the undersigned pursuant to the inadvertent reference of the provisions of Section 6(3) made in the covering memorandum while forwarding the application *inter alia* to SPS to Hon'ble President for providing the information, though Section 5(5) read with Section 5(4) of the RTI Act, 2005 were rightly invoked.

Before providing the desired information, it would be beneficial to appreciate the exact intent of the Legislature laid down under Section 6(3) of the Act which reads as under :

“Section 6(3)

(3) Where an application is made to a public authority requesting for an information,—

- (i) which is held by another public authority; or
- (ii) the subject matter of which is more closely connected with the functions of another public authority, the public authority, to which such application is made, shall transfer the application or such part of it as may be appropriate to that other public authority and inform the applicant immediately about such transfer:

Provided that the transfer of an application pursuant to this sub-section shall be made as soon as practicable but in no case later than five days from the date of receipt of the application.”

From the above, it is clear that Section 6(3) talks about “**Public Authority**”.

Hence, it would be prudent to understand the meaning of “Public Authority” as has been defined under Section 2(h) of the Act which reads as under :

"A "public authority" means any authority or body or institution of self-government established or constituted –

- (a) by or under the Constitution;
- (b) by any other law made by Parliament;
- (c) by any other law made by State Legislature;
- (d) by notification issued or order made by the appropriate Government, and includes any –
 - (i) body owned, controlled or substantially financed;
 - (ii) non-Government organization substantially financed, directly or indirectly by funds provided by the appropriate Government."

From the reading of the aforesaid, it is clear that an official in itself cannot be deemed as a public authority.

As far as Sections 5(4) and 5(5) are concerned, the same read as under :

"5(4) The Central Public Information Officer or State Public Information Officer, as the case may be, may seek the assistance of any other officer as he or she considers it necessary for the proper discharge of his or her duties."

AND

"5(5) Any officer, whose assistance has been sought under sub-section (4), shall render all assistance to the Central Public Information Officer or State Public Information Officer, as the case may be, seeking his or her assistance and for the purposes of any contravention of the provisions of this Act, such other officer shall be treated as a Central Public Information Officer or State Public Information Officer, as the case may be."

Section 5(4) provides that **CPIO may seek assistance of any other officer for proper discharge of his/her duties** and Section 5(5) binds the concerned Officer to assist the CPIO for providing the information to the Applicant. Therefore, the called for information in para (D) of the application is being supplied under Section 5(4) of the Act that a representation dated 29.03.2017 has been received from Ms. Archana Wadhwa, Member (Judicial), CESTAT, New Delhi.


(J.K. GOLAY)

SPS TO HON'BLE PRESIDENT

CPIO

F.No. 33/RTI/Misc./CESTAT-ND/Admn.2016
Customs Excise & Service Tax Appellate Tribunal
West Block No. 2, R.K. Puram, New Delhi – 66

Dated: 21.04.2017

I.D. No. 12-36/2017

Sub : Information sought under Right to Information Act, 2005

With reference to the RTI application dated 05.04.2017 filed by Shri R. K. Jain in CPIO I.D. No. 12-36/2017, please find enclosed herewith point wise reply concerning the Administration section is as under :

- Reply to (A) and (B)** Notesheet Pages 1 to 70
Correspondence pages 1 to 319
Copy of all the correspondence pages and notesheets of the aforesaid file from 01.01.2016 to 02.09.2016 has already been provided to you vide RTI ID no. 11-04/2016 & 11-09/2016.
Copies of notesheet (P-64 to 70) and correspondence pages (P-306-319) w.e.f. 02.09.2016 – till date is enclosed.
- Reply to (C)** Does not pertain to administration section.
- Reply to (D)** One representation has been received on 29.03.2017.
- Reply to (E)** Mrs. Archana Wadhwa, Hon'ble M(J) has made a representation for considering to transfer her to Mumbai instead of Chennai.
- Reply to (F)** Copy of the representation is already endorsed under Para (B) above.
- Reply to (G)** Copy of the order passed and its communication is also enclosed under para (B) above.
- Reply to (H)** Does not pertain to administration section.
- Reply to (I)** Available ^{copies of} relinquishment / assumption of charge are enclosed.


(Bineesh Kumar K.S.)
Deputy Registrar(Admn.)