

11-15(9)/2016

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11/8/CR-16
29/2/16
PAA
157/SLOU/RTI/14
12/14 To

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

Ref. No. : RTI/P-537/(9534/15)/Appeal/16156

Dated : 26-02-2016

Shri S.K.Mohanty
1st Appellate Authority Under RTI Act, 2005,
Customs, Excise & Service Tax Appellate Tribunal,
West Block 2, R.K.Puram,
New Delhi - 110066

40
29/2

29/02/16

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)	01-10-2015	
3.	Details of the order appealed against	CPIO's letter ID No.10-199/2016 dated 19-2-2016	
4.	Prayer or relief sought	See Prayer clause at the end	
5.	Last date for filing the appeal	19-3-2016	
6.	Whether Appeal in Time.	Appeal in time	
7.	Copies of documents relied upon by the applicant	1. Copy of RTI application dated 1-10-2015. (Annexure-1) 2. Copy of CPIO's letter dated 14-10-2015 transferring RTI application in question to various Deemed CPIOs (Annexure-2) 3. Copy of Appellant's reminder letters dated 19-10-2015 to various Deemed CPIOs (collectively marked as Annexure-3).	

10/2/16



		4. Copy of CPIO's letter dated 21-10-2015.(Annexure-4) 5. Copy of Appellant's letter dated 23-10-2015.(Annexure-5) 6. Copy of Appellant's letter dated 6-2-2016.(Annexure-6) 7. Copy of CPIO's letter dated 19-2-2016.(Annexure-7)
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BRIEF FACTS OF THE CASE

(1) That the appellant has filed an application dated 01-10-2015 (**Annexure – 1**) under Section 6 of the RTI Act, 2005 requesting for the following information:

(A) Please provide copies of the correspondences with enclosures, orders, directions, judgments, degrees, and notices received from the Hon'ble High Courts and the Hon'ble Supreme Court of India from 1-9-2015 till the date of the providing the information.

(B) Please provide copies of the Registers, records, computer data diarising the communications, notices, directions, judgments and degrees received from the Hon'ble High Courts and the Hon'ble Supreme Court of India from 1-9-2015 till the date of providing the information.

(C) Please provide details about compliance of the said orders including remand cases by Hon'ble Supreme Court and High Courts.

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 & Asst. Registrar and Shri Mohinder Singh, Dy. Registrar (Customs, Service Tax and Antidumping Branch) and Deemed CPIO have deliberately and malafidely not provided complete 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

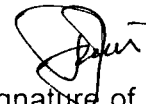
- (1) That the order in question of the CPIO is incorrect and illegal and contrary to the provisions and spirit of the RTI Act, 2005 hence liable to be set aside.
- (2) That the information sought by the appellant is not exempted under Section 8 or 9 or any other provisions of the RTI Act, 2005, therefore, there was no valid cause or reason or ground for not providing the information.
- (3) That the appellant in Point (A) & (B) of his RTI Application has sought copies of the documents from 1-9-2015 till the date of providing the information. Since the information in question has been provided by the Shri Mohinder Singh, Dy. Registrar (Customs, Service Tax and Antidumping Branch) and Deemed CPIO on 19-2-2016, the copies of the documents till date that or at least till January, 2016 should have been provided by the CPIO / Deemed CPIO, therefore Shri V.P. Pandey, CPIO and Assistant Registrar (Excise) and Shri Mohinder Singh, Dy. Registrar (Customs, Service Tax and Antidumping Branch) and Deemed CPIO may be directed to provide the information from 1-10-2015 till the date of their response i.e. 19-2-2016 or 31-1-2016 which is convenient to them.
- (4) 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.
- (5) That the information sought is neither voluminous nor relate to older and larger period, thus could have easily been provided by the learned CPIO.
- (6) 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.
- (7) That a personal hearing may be granted to the appellant before deciding the present appeal.
- (8) 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 : 26-02-2016

etc

Annexure-1

3

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

Ref. No. :RTI/P-195/9534/15

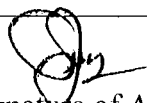
Dated : 1-10-2015.

To

CPIO
Customs Excise & Service Tax Appellate Tribunal,
West Block 2, R.K.Puram,
New Delhi - 110066

Customs Excise & Service Tax Appellate Tribunal
West Block 2, R.K.Puram
New Delhi - 110066
05 OCT 2015

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	(A) Please provide copies of the correspondences with enclosures, orders, directions, judgments, degrees, and notices received from the Hon'ble High Courts and the Hon'ble Supreme Court of India from 1-9-2015 till the date of the providing the information. (B) Please provide copies of the Registers, records, computer data diarising the communications, notices, directions, judgments and degrees received from the Hon'ble High Courts and the Hon'ble Supreme Court of India from 1-9-2015 till the date of providing the information. (C) Please provide details about compliance of the said orders including remand cases by Hon'ble Supreme Court and High Courts. Note:-Please provide pointwise information/response for each of above points.
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. 32F 042634 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

Uttara

Annexure-2 (6)

F.No. ^{SKV} 10-199.../CESTAT/CPIO-ND/~~10~~/2015,
Customs, Excise and Service Tax, Appellate Tribunal,
West block No.2, R.K.Puram, New Delhi-110066.

Dated 14/10/15

ID No. 10-199/15


Subject: Information sought under RTI Act 2005.

Sir,

Please refer to RTI application of
Shri R.K. Jain
Under RTI Act 2005 vide No. 9534/15 dated
01/10/15 (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. 9534/15 dated 01/10/15 CPIO ID No 10-199/2015 is
forwarded herewith to the following officers as deemed CPIO with the
request to provide correct and para-wise information/inspection on or
before 23/10/15 directly to the applicant and intimate the
undersigned within the stipulated time, failing which you are
personally 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

Encl: as above


01/10/15
(S.K. Verma)
Asstt. Registrar/CPIO

To

1. Asstt Registrar CESTAT, N.D. Custom Branch.
2. Asstt Registrar CESTAT, N.D. Excise Branch.
3. Asstt Registrar CESTAT, N.D. SM. Branch.
4. AC/IO, Computer P/c for uploading on website

Copy for information to:-

Sh R.K. Jain,
1512-B BHISHAM PITAMAH MARG,
WAZIR NAGAR
NEW DELHI-110002

16666
R.K. Jain file

o/c

Annexure-3

(7)

R.K. JAIN M.Com., LL.B.

President, Excise and Customs Bar Association

Editor of

EXCISE LAW TIMES & SERVICE TAX REVIEW

and author of

Central Excise Law Guide; Central Excise Tariff of India;
Central Excise Law Manual; Customs Tariff of India;
Customs Law Manual; Excise & Customs Circulars
& Clarifications; Excise & Customs Case Reference;
Service Tax Law Guide; Service Tax Handbook;
Handbook of Duty Drawback on Goods &
Services; Valuation under Central Excise; Hand-
book of Foreign Trade Policy & Procedures

Customs Excise & Service Tax
Appellate Tribunal
19 OCT 2015
1512, Block 2, R.K. Puram
West Block 2, R.K. Puram
New Delhi-110066
Wazir Nagar,
NEW DELHI - 110 003.
PHONE : 24693001-3004
MOBILE : 9810077977
Fax No. 011-24635243

RTI/P-195/9534/15/R17009
19-10-2015

Asstt. Registrar, SM
Customs Excise & Service Tax Appellate Tribunal,
West Block 2, R.K.Puram,
New Delhi- 110066

Sub: My RTI Application No. RTI/9534/15, dated 1/10/2015

Dear Sir,

This refers to the letter F.No. 10-199/CESTAT/CPIO-ND/SKV/2015 dated 14-10-2015 of Mr. S.K. Verma, Asstt. Registrar/CPIO, transferring my aforesaid RTI application to you under section 6(3) and section 5(4) read with section 5(5) of the RTI Act, 2005, for providing the information to me. You are requested to kindly provide the information at the earliest as under section 7(1) of the RTI Act, information is to be provided within 30 days of the RTI Application.

Thanking you,

Yours faithfully,



[R.K. Jain]

Annexure-4

8

F.No. 10-199/CESTAT/CPIO-ND/^{SKV}/2015
Customs Excise and Service Tax Appellate Tribunal
West Block No 2, R.K.Puram, New Delhi-110 066

Dated 21/10/15

ID No. 10-199/15

To,

Shri 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. 9534/15 Dt. 01/10/15
and our ID No. 10-199/15 the information received from PR-8M
containing 69 pages is enclosed herewith for your reference
please.

You are, Therefore, requested to please acknowledge the
receipt and deposit Rs. 138- (@2/- per page) to this Tribunal by
cash or DD in favour of Accounts Officer, CESTAT, New Delhi.

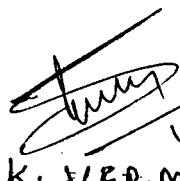
~~F. Decision Renewed
on 21/10/2015~~

Encl:- As above

Copy to:- Computer Section for Website

Recd by hand on 21/10/15

V-16718


w 24/10
(S.K. VERMA)
Asstt. Registrar/CPIO

9

**CUSTOMS EXCISE & SERVICE TAX APPELLATE TRIBUNAL
WEST BLOCK-2 R.K. PURAM NEW DELHI-110066**

DT. 19-10-2015

**Ref: SUPPLY OF INFORMATION IN RTI No. 9534/2015, ID NO
14-199/2015. SM (BR).**

Following information are supplied for informer for RTI information
seeker.

Point (A) Total no. of pages 67.

Point (B & C) Total no. of pages 2.

Your's Sincerely

(S. K. Verma)

Asst. Registrar/C.P.I.O.

19/10.

CPIO
19/10
H.C. (RTI)

otc

Annexure-5

(10)

R.K. JAIN M.Com., LL.B.

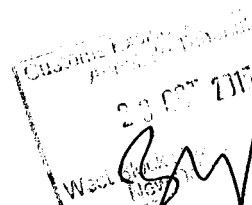
President, Excise and Customs Bar Association

Editor of

EXCISE LAW TIMES & SERVICE TAX REVIEW

and author of

Central Excise Law Guide; Central Excise Tariff of India;
Central Excise Law Manual; Customs Tariff of India;
Customs Law Manual; Excise & Customs Circulars
& Clarifications; Excise & Customs Case Referencer;
Service Tax Law Guide; Service Tax Handbook;
Handbook of Duty Drawback on Goods &
Services; Valuation under Central Excise; Hand-
book of Foreign Trade Policy & Procedures



**1512-B, Bhishm Pitamah Marg,
Wazir Nagar,
NEW DELHI - 110 003.
PHONE : 24693001-3004
MOBILE : 9810077977
Fax No. 011-24635243**

RTI/P-195/9534/15/R17086
23-10-2015

Shri S.K.Verma

CPIO & Asst. Registrar

Customs Excise & Service Tax Appellate Tribunal,

West Block 2, R.K.Puram,

New Delhi- 110066

Sub: My RTI Application No. RTI/9534/15, dated 1/10/2015

Dear Sir,

As desired vide your letter bearing F.No.10-199/CESTAT/CPIO-ND/SKV/2015 dated 21-10-2015, **enclosed** please find herewith the following Postal Orders for **Rs.140/-**

- 1) Postal Order No. 46H 593956 for Rs.100/-
- 2) Postal Order No. 05G 427810 for Rs.20/-
- 3) Postal Order No. 05G 427811 for Rs.20/-

The excess amount of Rs.2/- is waived in your favour.

Thanking you,

Yours faithfully,

[R.K. Jain]

Encl: As above

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o/c

Annexure-6

(11)

Customs Excise & Service Tax
Appellate Tribunal
08 FEB 2016
West Block 2, R.K. Puram
New Delhi - 110066

R.K. JAIN M.Com., LL.B.

President, Excise and Customs Bar Association

Editor of

EXCISE LAW TIMES & SERVICE TAX REVIEW

and author of

Central Excise Law Guide; Central Excise Tariff of India;
Central Excise Law Manual; Customs Tariff of India;
Customs Law Manual; Excise & Customs Circulars
& Clarifications; Excise & Customs Case Reference;
Service Tax Law Guide; Service Tax Handbook;
Handbook of Duty Drawback on Goods &
Services; Valuation under Central Excise; Hand-
book of Foreign Trade Policy & Procedures

1512-B, Bhishm Pitamah Marg,

Wazir Nagar,

NEW DELHI - 110 003.

PHONE : 24693001-3004

MOBILE : 9810077977

Fax No. 011-24635243

RTI/P-195/9534/15/R17821

06-02-2016

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

Sub: My RTI Application No. RTI/9534/15, dated 1/10/2015

Dear Sir,

This refers to my aforesaid RTI Application No. 9534 dated 1-10-2015 (Your ID No. 10-199/15). The following information has not so far been provided:-

Point (A) to (C) - No response / information provided by Customs & Service Tax Branch and Excise Branch

You are once again requested to provide complete information or pass an appealable order.

Thanking you,

Yours faithfully,



[R.K. Jain]

Annexure-7

SKY.
F. No. 10-199/CESTAT/CPIO-ND/VPP/2015
Customs Excise and Service Tax Appellate Tribunal
West Block No 2, R.K. Puram, New Delhi-110 066

12

Dated. 19/02/16
ID No. 10-199/2016

To,

Sh. R.K. Jain
15/2-B, Bhishm Pitamah Marg,
Wazirpur
New Delhi - 110003,

Subject: Information under Right to Information Act 2005.

Sir,

Please refer to your RTI application No. 9534/15
Dt. 01/10/15 and our ID No. 10-199/2015 the
information received from Customs Board containing
52 pages 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.

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

Encls:- As above

Copy to:- Computer section for website

(13)

CUSTOMS, EXCISE & SERVICE TAX APPEAL BRANCH

Dated: 18/02/2016

Subject: Information sought under R.T.I Act 2005.
Reference: Sh. R.K.Jain R.T.I. application No.P-195/9534/15 dated 01-10-2015
(CPIO ID No.10-199/2015) and reminder dt.06/02/2016.

Sir,

Kindly refer to Shri R.K.Jain R.T.I application under reference wherein he has requested to provide the information as mentioned there in:

In this regard please find enclosed copies of orders/directions/judgements/degrees received in the month of September 2015 from the Hon'ble High Courts/Supreme Court of India consisting of 52 pages.

Therefore, CPIO is requested for transmit the same to the applicant

Head Clerk,
Customs Appeal Branch.

hr
18/02

18/02/2016
Deputy Registrar,
CESTAT,
New Delhi.

To,

AR/CPIO,CESTAT,
New Delhi

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.11-15(A)/2016
CPIO ID NO. 10-199/2015

Shri R.K.Jain ...Appellant

Vs.

CPIO, CESTAT ...Respondent

Date of Hearing/decision: 10.05.2016

ORDER 79/2016

The appellant submits that during pendency of appeal, the information sought for has been provided by the CPIO. Thus, he does not want to press the appeal. Considering the facts that the information has already been provided and the appellant specifically request for withdrawing of appeal, the request is considered and the appeal is dismissed as withdrawn.


(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