

D/MO. 3253/CR-14 Appeal No. 10-12(A)/2015
 63/ RK (FAA)/2014
 1/10/14
 S/S to FAA
 I.D. No. 09-149/2014

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

Ref. No. : RTI/P-537/(8620/14)/Appeal/15442

Dated : 01-10-2014

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 (1) Shri A. Mohan Kumar, Registrar and Deemed CPIO (2) Shri Rajender Prasad CPIO & Accounts Officer (b) Address Customs Excise & Service Tax Appellate Tribunal, West Block 2, R.K.Puram, New Delhi - 110066
2.	Date of submission of application	02-09-2014
3.	Details of the order appealed against	ID No. 09-149/2014 dated 26-9-2014
4.	Prayer or relief sought	See Prayer clause at the end
5.	Last date for filing the appeal	26-10-2014
6.	Whether Appeal in Time.	Appeal in time
7.	Copies of documents relied upon by the applicant	1. Copy of RTI application dated 2-9-2014. (Annexure-1) 2. Copy of CPIO's letter dated 3-9-2014. (Annexure-2) 3. Copy of Appellant's letter dated 9-9-2014. (Annexure-3) 4. Copy of CPIO's letter dated 26-9-2014. (Annexure-4)

BRIEF FACTS OF THE CASE

(1) That the appellant has filed an application dated 02-09-2014 (**Annexure – 1**) under Section 6 of the RTI Act, 2005 requesting for the following information:

(A) *The Gujarat High Court in the case of Commissioner v. Small Industries Development Bank of India - Tax Appeal No.341 of 2014, decided on 09.07.2014 and Commissioner v. Subhash Metal Industries - Tax Appeal No. 567 of 2014, decided on 09.07.2014 (copy enclosed), has directed the Registrar of CESTAT to maintain two separate registers with respect to the Appeal in which stay has been granted fully or partly and the appeal in which no stay has been granted. In this respect, please provide the following information for all the Benches of CESTAT including Zonal Benches:*

(i) *Please provide number of cases in which the stay orders have been granted by the CESTAT as on 01.09.2014 or any other date of September, 2014*

(ii) *Please provide number of cases in which no stay order has been granted by the CESTAT as on 01.09.2014 or any other date of September, 2014*

(iii) *Please provide copies of the two registers as referred in the above orders of the Gujarat High Court. In case manual registers are not available then digital data may be provided.*

(iv) *Please provide the names of the officials who are responsible for maintenance of the above registers in respect of each Bench of CESTAT.*

(B) *Please provide list of files from which the information as sought above is provided by you*

(C) *Please provide copies of all note sheets and correspondence pages of the RTI file in which this application has been dealt with, till the date of providing the information. In case of correspondence emanating from me, only copy of first page of each document may be provided.*

NOTE: The above information is also held by Shri A. Mohan Kumar, Registrar, therefore, this application may also be forwarded to him under Section 5(4) & 5(5) of the RTI Act.

- (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 A. Mohan Kumar, Registrar and Deemed CPIO and Shri Rajender Prasad, CPIO, have deliberately and malafidely provided incomplete and incorrect information despite point-wise specific information sought by the Appellant. The appellant being aggrieved by the said order of the CPIO is filing the present appeal.
- (4) That Shri A. Mohan Kumar, Registrar and Deemed CPIO and Shri Rajender Prasad, CPIO, have deliberately and malafidely provided incomplete and incorrect information with a view to cause obstruction to the information without any reasonable cause. Therefore, they are liable for penal action under section 20 of the RTI Act, but the First Appellate Authority has no powers to take penal action u/s 20 of the RTI Act, hence the appellant reserves his right to file direct complaint to the CIC for enforcement of section 20 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 A. Mohan Kumar, Registrar and Deemed CPIO and Shri Rajender Prasad, CPIO, have not provided the complete and correct information as sought by the appellant in Point (A), (B) & (C) of the RTI

Application. Therefore, the order of the CPIO in this respect is incorrect and illegal and liable to be set aside and the CPIO be directed to provide the information in time bound frame.

- (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 the 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 : 01-10-2014

C/C

ANNEXURE - I

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

Ref. No. : RTI/P-195/8620/14

Dated : 2-9-2014

To

Shri Rajender Prasad
CPIO & Accounts Officer
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) The Gujarat High Court in the case of Commissioner v. Small Industries Development Bank of India - Tax Appeal No. 341 of 2014, decided on 09.07.2014 and Commissioner v. Subhash Metal Industries - Tax Appeal No. 567 of 2014, decided on 09.07.2014 (copy enclosed), has directed the Registrar of CESTAT to maintain two separate registers with respect to the Appeal in which stay has been granted fully or partly and the appeal in which no stay has been granted. In this respect, please provide the following information for all the Benches of CESTAT including Zonal Benches:</p> <p>(i) Please provide number of cases in which the stay orders have been granted by the CESTAT as on 01.09.2014 or any other date of September, 2014.</p> <p>(ii) Please provide number of cases in which no stay order has been granted by the CESTAT as on 01.09.2014 or any other date of September, 2014.</p> <p>(iii) Please provide copies of the two registers as referred in the above orders of the Gujarat High Court. In case manual registers are not available then digital data may be provided.</p>

	<p>(iv) Please provide the names of the officials who are responsible for maintenance of the above registers in respect of each Bench of CESTAT.</p> <p>(B) Please provide list of files from which the information as sought above is provided by you.</p> <p>(C) Please provide copies of all note sheets and correspondence pages of the RTI file in which this application has been dealt with, till the date of providing the information. In case of correspondence emanating from me, only copy of first page of each document may be provided.</p> <p>NOTE: The above information is also held by Shri A. Mohan Kumar, Registrar, therefore, this application may also be forwarded to him under Section 5(4) & 5(5) of the RTI Act.</p> <p>Note:-Please provide pointwise information/ response for each of above points.</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. 27F 664333 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

Hr...

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

TAX APPEAL NO. 567 of 2014

FOR APPROVAL AND SIGNATURE:

HONOURABLE MR.JUSTICE M.R. SHAH Sd/-

and

HONOURABLE MR.JUSTICE K.J.THAKER Sd/-

-
- 1 Whether Reporters of Local Papers may be allowed to see the judgment ?
 - 2 To be referred to the Reporter or not ?
 - 3 Whether their Lordships wish to see the fair copy of the judgment ?
 - 4 Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 or any order made thereunder ?
 - 5 Whether it is to be circulated to the civil judge ?
-

COMMISSIONER OF CENTRAL EXCISE....Appellant(s)

Versus

SUBHASH METAL INDUSTRIES....Opponent(s)

Appearance:

MR AY KOGJE, ADVOCATE for the Appellant(s) No. 1

NOTICE SERVED BY DS for the Opponent(s) No. 1

CORAM: **HONOURABLE MR.JUSTICE M.R. SHAH**
and
HONOURABLE MR.JUSTICE K.J.THAKER

Date : 09/07/2014

ORAL JUDGMENT

(PER : HONOURABLE MR.JUSTICE M.R. SHAH)

1.00. Feeling aggrieved and dissatisfied with the impugned order passed by the learned Customs, Excise and Service Tax Appellate Tribunal, Ahmedabad dated 6/12/2013 being Order No.M-15949-15961/2013 by which the learned Appellate Tribunal has extended the stay granted earlier beyond the total period of 365 days from the date of grant of initial stay, the appellant has preferred the present Tax Appeal with the following proposed substantial questions of law :

"(1) Whether in the facts and circumstances of the case the Hon'ble Customs, Excise and Service Tax Appellate Tribunal (CESTAT), West Zonal Bench, Ahmedabad while passing Misc. Order No.M/15949-15961/2013 dated 6/12/2013 passed in Appeal No.E/967/2011, committed an error of fact and law in extending stay beyond the period of 365 days, in violation of statutory provisions contained in Section 35C(2A) of Central Excise Act, 1944?

(2) Whether in the facts and circumstances of the case the Hon'ble CESTAT has jurisdiction to extend a stay beyond the period statutorily fixed under provisions of S.35C(2A) of the C.E. Act, 1944?

(3) Whether in the facts and circumstances of the case is it obligatory upon the Hon'ble CESTAT to assign reasons while passing the impugned order?

(4) Whether in the facts and circumstances of the case is it obligatory upon the Hon'ble CESTAT to narrate the facts of the case while applying the principles laid down by Hon'ble Court

in any Judgement cited as precedent?"

2.00. By our earlier order dated 3/7/2014, Notice for final disposal has been issued. Though served, nobody appears on behalf of the respondent.

3.00. The issue involved in the present appeal and the substantial questions of law raised in the present appeal are as such not res-integra in view of the decision of this Court dated 9/7/2014 rendered in Tax Appeal No.341 of 2014 and other allied Tax Appeals.

4.00. While answering the same questions which are involved in the present appeals, by judgement and order in Tax Appeal No.341 of 2014 and other allied Tax Appeals, this Court has observed and held as under :

"6.00. In view of the above and for the reasons stated above, question No.1 is answered against the revenue and in favour of the assessee and it is held that in case and having satisfied that delay in not disposing of the appeal within 365 days (total) from the date of grant of initial stay is not attributable to the appellant / assessee in whose favour stay has been granted and that the Appellate Tribunal is satisfied that such appellant / assessee has fully cooperated in early disposal of the appeal and/or has not indulged into any delay tactics and/or has not taken any undue advantage, the learned Appellate Tribunal may, by passing a speaking order as observed hereinabove, extend stay even beyond the total period of 365 days from the date of grant of initial stay. However, as observed by

the Hon'ble Supreme Court in the case of Kumar Cotton Mills Pvt. Ltd (supra), it should not be construed that any latitude is given to the Appellate Tribunal to extend the period of stay except on good cause and if the Appellate Tribunal is satisfied that the matter could not be heard and disposed of by reason of the fault of the Appellate Tribunal for the reasons not attributable to the assessee. It also may not be construed that the Appellate Tribunal can extend stay indefinitely. On expiry of every 180 days the concerned assessee / appellant is required to submit an appropriate application before the learned Appellate Tribunal to extend the stay granted earlier and the Appellate Tribunal may extend the stay for a further period but not beyond 180 days at a stretch and on arriving at the subjective satisfaction, as stated hereinabove, the Appellate Tribunal may extend the stay even beyond 365 days from the date of grant of initial stay and even thereafter. Meaning thereby after 180 days, the Appellate Tribunal is required to review the situation and consider the application for extension of stay appropriately. Thus, on expiry of maximum period of 180 days the assessee / appellant is required to submit application for extension of stay each time and the Appellate Tribunal is required to consider the individual case and pass a speaking order, as stated hereinabove. By the aforesaid it may also not be understood that the Appellate Tribunal may go on extending the stay indefinitely and may not dispose of the appeals within stipulated time i.e. within 365 days from the date of grant of initial stay and/or at the earliest. All efforts shall be made by the learned Appellate Tribunal to

dispose of the appeals at the earliest more particularly in a case where stay is operative against the revenue.. The learned Appellate Tribunal and/or registrar of the Appellate Tribunal is required to maintain separate register with respect to the appeals in which stay has been granted fully and/or partially and appeals in which no stay has been granted and the Appellate Tribunal must and shall give priority to the appeals in which stay has been granted, continued and/or extended.

7.00. So far as the Question No.2 is concerned, i.e. Whether the learned Appellate Tribunal is required to pass a speaking order while extending stay or not, for the reasons stated above, the said question is answered in favour of the revenue - department and against the assessee. Consequently, all the matters are remanded to the learned Appellate Tribunal to pass appropriate order afresh and pass speaking and reasoned order in light of the observations made hereinabove. Such exercise shall be completed within a period of two months from today. So as to see that the applications of the respective appellants / assesses for extension of stay do not become infructuous, it is directed that the stay order which is extended by the Appellate Tribunal shall be continued for a further period of two months. It goes without saying that even during the aforesaid period of two months, the Appellate Tribunal may dispose of the appeals finally.

7.00. All these appeals are partly allowed to the aforesaid extent and the matters are remitted

back to the file of the learned Appellate Tribunal for passing orders afresh, as stated above."

5.00. In view of the above and for the reasons stated in Tax Appeal No.341 of 2014 and other allied Tax Appeals, Question Nos.1 and 2 are held against the revenue and in favour of the assessee and Question Nos.3 and 4 are answered in favour of the revenue and against the assessee. The matter is remanded to the learned Appellate Tribunal to pass a fresh speaking order on the application submitted by the assessee to extend the stay granted earlier in light of our observations made in the judgement and order passed in Tax Appeal No.341 of 2014 and other allied Tax Appeals, within a period of two months from today. So as to see that the application of the assessee for extension of stay does not become infructuous, it is directed that the stay order which is extended by the learned Appellate Tribunal shall be continued for a further period of two months. It goes without saying that during the aforesaid period of two months, the learned Appellate Tribunal may dispose of the appeal finally.

6.00. With this present present appeal is partly allowed to the aforesaid extent and the matter is remitted to the file of the learned Appellate Tribunal for passing fresh order, as stated above. No costs.

Sd/-
(M.R.SHAH, J.)

Sd/-
(K.J.THAKER, J.)

भारतीय डाक विभाग द्वारा जारी किया गया यह डाक टिकट केवल डाक के माध्यम से ही भुगतान किया जा सकता है।

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डाक महानिदेशक DIRECTOR GENERAL OF POSTS.

PAY TO Accounts Officer,
CESTAT, New Delhi को

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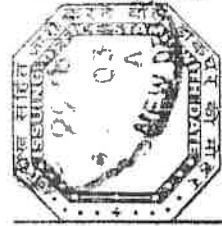
G.P.O. New Delhi

के डाकघर में भेजा करें।

P. K. JAIN
1512-B, Bhishm Pitamah Marg
Wazir Nagar
New Delhi-110006

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भारतीय डाक विभाग द्वारा जारी किया गया यह डाक टिकट केवल डाक के माध्यम से ही भुगतान किया जा सकता है।

F.No. 09-149...../CESTAT/CPIO-ND/RP/2014 ,
Customs, Excise and Service Tax, Appellate Tribunal,
West block No.2, R.K.Puram, New Delhi-110066.

ANNEXURE-2

Dated-- 3/9/14

ID No.-- 09-149/2014


Subject: Information sought under RTI Act 2005.

Sir,

Please refer to RTI application of
Shri R. K. Jain
Under RTI Act 2005 vide No. 8620/14 dated
2/9/14 (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. 8620/14 dated 2/9/14 CPIO ID No 09-149/2014 is
forwarded herewith to the following officers as deemed CPIO with the
request to provide correct and para-wise information/inspection on or
before 15/9/14 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


(Rajender Prasad)
Accounts Officer/CPIO

To Registrar, CESTAT, ND

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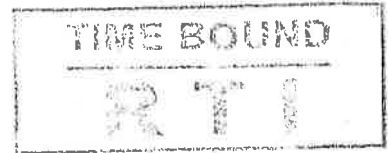
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Copy for information to:-

✓ Sh. R. K. Jain,
1512-B BHISHAM PITAMAH MARG,
WAZIR NAGAR

o/c



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

ANNEXURE - 3

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

RTI/P-195/8620/14/R12471
09-09-2014

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



Sub: My RTI Application No. RTI/8620/14, dated 2/9/2014

Dear Sir,

This refers to the letter No. F.No. 09-149/CESTAT/CPIO-ND/RP/2014 dated 03.09.2014 of Mr. Rajender Parsad, CPIO & Accounts Officer, CESTAT, New Delhi - 110066, transferring my aforesaid RTI application to you under section 5(4) read with section 5(5) of the RTI Act, 2005, for providing the information to me. As a Deemed CPIO, 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

F.No.09-149 CESTAT/CPIO-ND/RP/2014
Customs Excise and Service Tax Appellate Tribunal
West Block No 2, R.K.Puram, New Delhi-110 066

Dated 26-09-2014
ID No. 09-149/2014

✓ 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. 8620/14 Dt. 02-09-2014
and our ID No. 09-149/14 the information received from Registrar, CESTAT
containing One 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.

Indy
(Rajender Prasad)
Accounts Officer/CPIO

V-11589

Gurpreet Singh

RTI No. 09-149/2014

With reference to the RTI No. 09-149/2014 it is submitted that as per Hon'ble Gujarat High Court in the case of Commissioner V/s Small Industries Development Bank of India, all the bench registries are directed to maintain two separate registers with respect to the appeal in which stay has been granted fully or partly and the appeal in which no stay has been granted vide Circular F.No.01/04/Circular /CESTAT/2014 dated 04.09.2014


Registrar 2578

CPIO
CESTAT
New Delhi

2025/CPIO
26/09/2014

**IN THE CUSTOMS, EXCISE AND SERVICE TAX
APPELLATE TRIBUNAL,
WEST BLOCK 2, R.K. PURAM, NEW DELHI – 110 066
PRINCIPAL BENCH**

Date of Hearing/decision: 16.01.2015

**Appeal No.10-12 (A)/CESTAT/FAA/RK/2015
CPIO I.D. No. 09-149/CESTAT-CPIO/RP/2014**

Sh. R.K. Jain

Appellant

Vs.

Sh. Rajender Prasad, CPIO, CESTAT

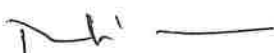
Respondent

ORDER

12/2015

Per Rakesh Kumar:-

The appellant vide RTI application dated 09/09/14 filed under Section 6 of the RTI Act, 2005 had sought certain information. The applicant in the RTI application citing the judgment of Hon'ble Gujarat High Court in the case of **Commissioner vs. Small Industries Development Bank of India in Tax Appeal No. 341 of 2014 & others, decided on 09/07/14 and Commissioner vs. Subhash Metal Industries in Tax Appeal No. 567 of 2014 decided on 09/7/14**, wherein the Registrar of the Tribunal has been directed to maintain two separate registers in respect of the appeals in which the stay has been granted fully or partly and appeals in which no stay has been granted, has sought information in respect of the cases in which the stay has been granted by the Tribunal as on 01/9/14 and the cases in which no stay has been granted by the Tribunal as on

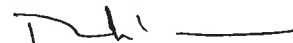


01/9/14. Since, the information provided by the CPIO on the points in the RTI application has not been found satisfactorily by the appellant, this appeal has been filed.

2. Heard both the sides.

3. Shri R.K. Jain, stated that the similar RTI application had been made at Calcutta Bench of the Tribunal and in respect of that RTI application, Member (Judicial), Kolkata as the First Appellate Authority has passed an order dated 25/11/14 and that similar direction may be issued in respect of this RTI application also.

4. **The CPIO is directed to furnish this information as required by the appellant in accordance with the order dated 25/11/14 passed by Member (Judicial), Kolkata, as First Appellate Authority in respect of ^{an} appeal filed by the same appellant wherein an identical issue is involved.**


(Rakesh Kumar)

First Appellate Authority

To

1. Sh. R.K.Jain, 1512, Bhishm Pitamah Marg
Wazir Nagar, New Delhi-110 003.

Copy of CPIO.

3. office copy

5/2/15
ISSUED ON
SIGN. (DESPATCH SECTION)
CUSTOMS, EXCISE & SERVICE TAX
APPELLATE TRIBUNAL
NEW DELHI-110005

SPS DfAA

Appeal No. 10-13(A)/2015

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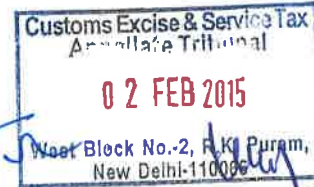
First Appeal under Section 19 of the Right to Information Act, 2005
against Deemed Refusal

Ref. No. : RTI/P-537/(8892/14)/Appeal/15617

Dated : 02-02-2015

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 Rajender Prasad CPIO & Accounts Officer
		(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)	17-12-2014	
3.	Details of the order appealed against	Deemed Refusal	
4.	Prayer or relief sought	See Prayer clause at the end	
5.	Last date for filing the appeal	17-02-2015	
6.	If appeal is being filed after 30 days, the reasons which prevented from filing appeal in time	Appeal in time	
7.	Copies of documents relied upon by the applicant	1. Copy of RTI Application dated 17-12-2014. (Annexure-1) 2. Copy of CPIO letter dated 18-12-2014. (Annexure-2) 3. Copy of Appellant letter dated 02-01-2015. (Annexure-3)	

Dy No. 386/CX-15
2/2/15CPIO
17153/RK (FAR) (2015)
3/2/15

2/2/15

2

BRIEF FACTS OF THE CASE

- (1) That the appellant has filed an application dated 17-12-2014 (**Annexure – 1**) under Section 6 of the RTI Act, 2005 requesting for the following information:
 - (A) *Please provide the following information in relation to Appeal Nos. C-54232-54233 of 2014 [Sunil Bajaj v. CC (Import & General), New Delhi*
 - (i) *Copies of all Orders, Order Sheets / Record of Proceedings.*
 - (ii) *Copies of all the notes put up by the registry with orders thereon.*
 - (iii) *Copy of relevant daily diary of the Court Master in Form XXXVI and daily diary of AR in Form XXXVII or diary maintained in any other format by the Court Master and AR.*
 - (iv) *Copies of all notice of hearing issued to parties.*
 - (v) *Copies of any Court directions/orders received in the aforesaid matter.*
 - (vi) *Copies of all Vakalatnamas and no objections filed in case of change of lawyer. Please also intimate the date of filing of each Vakalatnama.*
 - (B) *After providing the above information, please provide inspection of all records, documents, note-sheets and files relating to the information as referred to in point (A) above. Please provide inspection of complete file(s) even if they contain part of the information. Please note that I will undertake the inspection only if it is necessary in view of incorrect and incomplete information provided by you.*
- (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 the appellant received letter dated 18-12-2014 (**Annexure-2**) of the Shri Rajender Prasad CPIO & Accounts Officer to Assistant Registrar, Customs & Service Tax. The Appellant vide letter dated 02-01-2015 (**Annexure-3**) requested the said authority to provide the desired

3

information within the period of 30 days as stipulated under Section 7(1) of the RTI Act, 2005. The Appellant has neither received any information nor any response from the said authority therefore, as per Section 7(2) of the RTI Act, 2005, the request for information shall be deemed to have been refused. Thus being aggrieved by such refusal, this Appeal.

GROUND OF APPEAL

- (1) That the action of the learned CPIO and the deemed CPIO in not providing the information to the appellant is illegal and contrary to the provisions and spirit of the RTI Act, 2005.
- (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 and therefore, there was no valid cause or reason or ground for not providing the information.
- (3) That the inaction of Shri Rajender Prasad, CPIO & Accounts Officer is in violation of Sections 7(1) and 7(2) of the RTI Act, 2005 and is therefore, illegal. Such inaction is deemed to be a refusal to the request of the appellant without any reasonable cause or ground hence is illegal.
- (4) That the information sought is neither voluminous nor relate to older and larger period, thus could have easily been provided by the learned CPIO.
- (5) That the appellant is citizen of India and fulfilled all other requirements of the RTI Act and the Rules made thereunder and is entitled to the information in question.
- (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) 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.
- (8) That a personal hearing may be granted to the appellant before deciding the present appeal.

④

- (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 CPIO may be directed to provide the information in question within a time bound frame.
- (c) That any other relief as the Appellate Authority deem fit and proper may also be ordered in favour of the appellant.
- (d) 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 : 02-02-2015

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

Ref. No. :RTI/P-195/8892/14

Dated : 17-12-2014

To

Shri Rajender Prasad
CPIO & Accounts Officer
Customs Excise & Service Tax Appellate Tribunal,
West Block 2, R.K.Puram,
New Delhi – 110066

Customs Excise & Service
Appellate Tribunal

17 DEC 2014

West Block No.-2
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 the following information in relation to Appeal Nos.C-54232-54233 of 2014 [Sunil Bajaj v. CC (Import & General), New Delhi</p> <p>(i) Copies of all Orders, Order Sheets / Record of Proceedings.</p> <p>(ii) Copies of all the notes put up by the registry with orders thereon.</p> <p>(iii) Copy of relevant daily diary of the Court Master in Form XXXVI and daily diary of AR in Form XXXVII or diary maintained in any other format by the Court Master and AR.</p> <p>(iv) Copies of all notice of hearing issued to parties.</p> <p>(v) Copies of any Court directions/orders received in the aforesaid matter.</p> <p>(vi) Copies of all Vakalatnamas and no objections filed in case of change of lawyer. Please also intimate the date of filing of each Vakalatnama.</p> <p>(B) After providing the above information, please provide inspection of all records, documents, note-sheets and files relating to the information as referred to in point (A) above. Please provide inspection of complete file(s) even if they contain part of the information. Please note that I will undertake the inspection only if it is necessary in view of incorrect and incomplete information provided by you.</p>

6

	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. 16F 225990 for Rs.10 towards payment of fee is enclosed herewith. You are requested to filling the name in which the Postal Order is payable.
8.	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/----

F.No. 09-211/CESTAT/CPIO-ND/RP/2014,
Customs, Excise and Service Tax, Appellate Tribunal,
West block No.2, R.K.Puram, New Delhi-110066.

Dated 18-12-2014

ID No. 09-211/2014

Subject: Information sought under RTI Act 2005.

Sir,

Please refer to RTI application of
Shri R.K. Jain
Under RTI Act 2005 vide No. 8892/14 dated
17-12-2014 (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. 8892 dated 17/12/14 CPIO ID No 09-211/2014 is
forwarded herewith to the following officers as deemed CPIO with the
request to provide correct and para-wise information/inspection on or
before 05/01/2015 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

(Rajender Prasad)
Accounts Officer/CPIO

To

1 AR, Customs & ST.

2 _____

3 _____

Copy for information to:-

Sh R.K. Jain,
1512-B BHISHAM PITAMAH MARG,
WAZIR NAGAR
NEW DELHI-110003

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

Customs Excise & Service Tax
Appellate Tribunal
08 JAN 2015
1512-B, Bhashin Puram Marg,
Wazir Nagar,
NEW DELHI - 110 003.
PHONE : 24693001-3004
MOBILE : 9810077977
Fax No. 011-24635243

RTI/P-195/8892/14/R13705
02-01-2015

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

Sub: My RTI Application No. RTI/8892/14, dated 17/12/2014

Dear Sir,

This refers to letter No.F.No.09-211/CESTAT/CPIO-ND/RP/2014 dated 18.12.2014 of Shri Rajender Prasad, Account Officer / CPIO, CESTAT, New Delhi, transferring my aforesaid RTI Application to you under Section 6(3) 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]

IN THE CUSTOMS, EXCISE AND SERVICE TAX APPELLATE
TRIBUNAL

R.K. PURAM, WEST BLOCK NO. 2, NEW DELHI-110066
PRINCIPAL BENCH

Date of hearing/decision: 10/04/2015

Appeal No. 10-13(A)/CESTAT/FAA-RK/2015
CPIO ID NO. 09-211/CESTAT/CPIO-RP/2014

Sh. R.K. Jain.

Appellant

Vs.

Sh. Rajender Prasad,
CPIO, CESTAT

Respondent

ORDER

14/2015

Per: Rakesh Kumar

Heard both the sides.

2. Since the required information has been provided, the appeal is not pressed. . Accordingly, the same stands disposed off.



(Rakesh Kumar)
First Appellate Authority

To

1. Sh. R.K. Jain, 1512, Bhishm Pitamah Marg,
Wazir Nagar, New Delhi-110003.
2. Copy of CPIO.

✓ 3. office copy

Handwritten signature
22/4/15

22/4/15
ISSUED ON

SIGN. (DEPUTY COMMISSIONER)
CUSTOMS, EXCISE AND SERVICE TAX
APPELLATE TRIBUNAL
NEW DELHI-110066
Handwritten signature: RK

Appeal No. 10. - 14(A)/2015
149/KE CFAA/2015

211/CR-15
19/01/15

21/1/15

①

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

Ref. No. : RTI/P-537/(8862/14)/Appeal/15604

Dated : 17-01-2015

To

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

19 JAN 2015

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 Rajender Prasad CPIO & Accounts Officer
		(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)	04-12-2014
3.	Details of the order appealed against	Deemed Refusal
4.	Prayer or relief sought	See Prayer clause at the end
5.	Last date for filing the appeal	04-02-2015
6.	If appeal is being filed after 30 days, the reasons which prevented from filing appeal in time	Appeal in time
7.	Copies of documents relied upon by the applicant	1. Copy of RTI Application dated 4-12-2014. (Annexure-1) 2. Copy of CPIO letter dated 11-12-2014. (Annexure-2) 3. Copy of Appellant letter dated 15-12-2014. (Annexure-3)

SPS to Hsuke

FAD

CPLG
21/1

BRIEF FACTS OF THE CASE

(1) That the appellant has filed an application dated 04-12-2014 (**Annexure – 1**) under Section 6 of the RTI Act, 2005 requesting for the following information:

(A) *Please provide the following information in relation to Appeal Nos. (i) E/3590/05 (ii) E/186/2011 (iii) E/3437-3439/12 (iv) E/59971-59972/13 (v) E/2198/06 (vi) E/2935 & 2950/05 (vii) C/59-72/08 (viii) ST/59240/2013 (Thai Airways International Public Company Limited) (ix) ST/3592/2012 (Emirates)*

- (i) Please provide copies of all order sheets / record of proceedings.*
- (ii) Please provide copies of all notesheets put up by the Registry*
- (iii) Copies of First four pages of the Appeal and Stay Application*
- (iv) Copies of Vakalatnamas and all notices of hearing issued or returned undelivered.*

(B) *Please provide copies of all after court cause list and supplementary cause list in relation to above cases.*

(C) *After providing above information, please provide inspection of all records, documents, notesheets & files relating to information as referred in point (A) to (B) above. Please provide inspection of complete file(s) even if they contain part of information*

(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 the appellant received letter dated 11-12-2014 (**Annexure-2**) of the Shri Rajender Prasad, CPIO & Accounts Officer, CESTAT, New Delhi to Assistant Registrar, Excise / Customs & ST / SM, CESTAT, New Delhi. The Appellant vide letter dated 15-12-2014 (**Annexure-3**) requested the said authority to provide the desired information within the period of 30 days as stipulated under Section 7(1) of the RTI Act, 2005. The Appellant

has neither received any information nor any response from the said authority therefore, as per Section 7(2) of the RTI Act, 2005, the request for information shall be deemed to have been refused. Thus being aggrieved by such refusal, this Appeal.

GROUND OF APPEAL

- (1) That the action of the learned CPIO and the deemed CPIO in not providing the information to the appellant is illegal and contrary to the provisions and spirit of the RTI Act, 2005.
- (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 and therefore, there was no valid cause or reason or ground for not providing the information.
- (3) That the inaction of Shri Rajender Prasad, CPIO & Accounts Officer is in violation of Sections 7(1) and 7(2) of the RTI Act, 2005 and is therefore, illegal. Such inaction is deemed to be a refusal to the request of the appellant without any reasonable cause or ground hence is illegal.
- (4) That the information sought is neither voluminous nor relate to older and larger period, thus could have easily been provided by the learned CPIO.
- (5) That the appellant is citizen of India and fulfilled all other requirements of the RTI Act and the Rules made thereunder and is entitled to the information in question.
- (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) 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.
- (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 CPIO may be directed to provide the information in question within a time bound frame.
- (c) That any other relief as the Appellate Authority deem fit and proper may also be ordered in favour of the appellant.
- (d) 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 : 17-01-2015

o/c

ANNEXURE-1
(3)

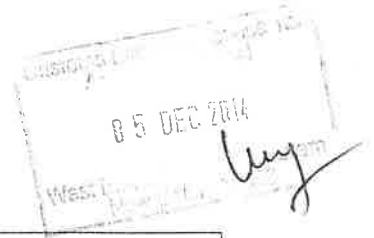
Application under Section 6 of the Right to Information Act, 2005

Ref. No. :RTI/P-195/8862/14

Dated : 4-12-2014

To

Shri Rajender Prasad
CPIO & Accounts Officer
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 the following information in relation to Appeal Nos.(i) E/3590/05 (ii) E/186/2011 (iii) E/3437-3439/12 (iv) E/59971-59972/13 (v) E/2198/06 (vi) E/2935 & 2950/05 (vii) C/59-72/08 (viii) ST/59240/2013 (Thai Airways International Public Company Limited)(ix) ST/3592/2012 (Emirates)</p> <p>(i) Please provide copies of all order sheets / record of proceedings.</p> <p>(ii) Please provide copies of all notesheets put up by the Registry</p> <p>(iii) Copies of First four pages of the Appeal and Stay Application</p> <p>(iv) Copies of Vakalatnamas and all notices of hearing issued or returned undelivered.</p> <p>(B) Please provide copies of all after court cause list and supplementary cause list in relation to above cases.</p> <p>(C) After providing above information, please provide inspection of all records, documents, notesheets & files relating to information as referred in point (A) to (B) above. Please provide inspection of complete file(s) even if they contain part of information</p> <p>Note:-Please provide pointwise information/response for each of above points.</p>

6

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. 16F 225957 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

asn/-----8862

(7)

F.No.D.9.196...../CESTAT/CPIO-ND/RP/2014,
Customs, Excise and Service Tax, Appellate Tribunal,
West block No.2, R.K.Puram, New Delhi-110066.

Dated 11/12/14

ID No. 09-196/2014

Subject: Information sought under RTI Act 2005.

Sir,

Please refer to RTI application of
Shri R.K. Jain
Under RTI Act 2005 vide No. 8862/2014 dated
4/12/14 (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. 8862/14 dated 4/12/14 CPIO ID No 09-196/2014 is
forwarded herewith to the following officers as deemed CPIO with the
request to provide correct and para-wise information/inspection on or
before 18/12/14 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

(Rajender Prasad)
Accounts Officer/CPIO

To

1 AR, Excise / Customs SST/Sm

2 _____

3 _____

Copy for information to:-

Sh. R.K. Jain,
1512-B BHISHAM PITAMAH MARG,
WAZIR NAGAR
New Delhi-110003

o/c.

ADDITIONAL 3

8

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

Customs Excise & Service Tax
Appellate Tribunal

16 DEC 2014

West Block No.-2, R.K. Puram,
New Delhi-110066

1512-B, Bhishm Pitamah Marg,

Wazir Nagar,

NEW DELHI - 110 003.

PHONE : 24693001-3004

MOBILE : 9810077977

Fax No. 011-24635243

RTI/P-195/8862/14/R13497

15-12-2014

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

Sub: Mv RTI Application No. RTI/8862/14, dated 4/12/2014

Dear Sir,

This refers to letter No.F.No.09-196/CESTAT/CPIO-ND/RP/2014 dated 11.12.2014 of Shri Rajender Prasad, Accounts Officer / CPIO, CESTAT, New Delhi, 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]

O/C

9

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

Customs Excise & Service Tax
Appellate Tribunal
16 DEC 2014
West Block No. 2, R.K. Puram
New Delhi-110066

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

RTI/P-195/8862/14/R13498
15-12-2014

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

Sub: My RTI Application No. RTI/8862/14. dated 4/12/2014

Dear Sir,

This refers to letter No.F.No.09-196/CESTAT/CPIO-ND/RP/2014 dated 11.12.2014 of Shri Rajender Prasad, Accounts Officer / CPIO, CESTAT, New Delhi, 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]

OK

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

Customs Excise & Service
Appellate Tribunal

16 DEC 2014

West Block No. 2, R.K. Puram,
New Delhi-110066

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

RTI/P-195/8862/14/R13500
15-12-2014

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

Sub: My RTI Application No. RTI/8862/14, dated 4/12/2014

Dear Sir,

This refers to letter No.F.No.09-196/CESTAT/CPIO-ND/RP/2014 dated 11.12.2014 of Shri Rajender Prasad, Accounts Officer / CPIO, CESTAT, New Delhi, 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]

IN THE CUSTOMS, EXCISE AND SERVICE TAX APPELLATE
TRIBUNAL

R.K. PURAM, WEST BLOCK NO. 2, NEW DELHI-110066
PRINCIPAL BENCH

Date of hearing/decision: 10/04/2015

Appeal No. 10-14(A)/CESTAT/FAA-RK/2015
CPIO ID NO. 09-196/CESTAT/CPIO-RP/2014

Sh. R.K. Jain.

Appellant

Vs.

Sh. Rajender Prasad,
CPIO, CESTAT

Respondent

ORDER

15/2015

Per: Rakesh Kumar

Heard both the sides.

2. Since the required information has been provided, the appeal is not pressed. Accordingly, the same stands disposed off.



(Rakesh Kumar)
First Appellate Authority

To

1. Sh. R.K. Jain, 1512, Bhishm Pitamah Marg,
Wazir Nagar, New Delhi-110003.
2. Copy of CPIO.

3. office copy

hydM
22/4/15

22/4/15
ISSUED ON
SIGN. (OF
CUSTOMS, EXCISE AND SERVICE TAX
APPELLATE TRIBUNAL
NEW DELHI-110066

Appeal no. 10-15(A)/2015

CPLK

13/1/15

①

Dy no. 93/ER-15
9/1/15

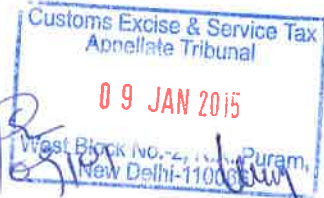
First Appeal under Section 19 of the Right to Information Act, 2005

Ref. No. : RTI/P-537/(8791/14)/Appeal/15583

Dated : 08-01-2015

SPS to Hathi
AAA
137/RTI/15
13/1/15

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 Rajender Prasad CPIO & Accounts Officer
		(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)	04-11-2014	
3.	Details of the order appealed against	F.No. 09-180/CESTAT/CPIO-ND/RP/2014 dated 29-12-2014	
4.	Prayer or relief sought	See Prayer clause at the end	
5.	Last date for filing the appeal	29-1-2015	
6.	Whether Appeal in Time.	Appeal in time	
7.	Copies of documents relied upon by the applicant	1. Copy of RTI Application dated 4-11-2014. (Annexure-1) 2. Copy of CPIO's letter dated 3-12-2014. (Annexure-2) 3. Copy of CPIO's letter dated 29-12-2014. (Annexure-3)	

BRIEF FACTS OF THE CASE

- (1) That the appellant has filed an application dated 04-11-2014 (**Annexure – 1**) under Section 6 of the RTI Act, 2005 requesting for the following information:
 - (A) *Please provide copy of the third party audit report of the proactive disclosure filed by your public authority as referred to in para 4.4 of DOPT OM No. 1/6/2011-IR dated 15-4-2013. Please also intimate the File no. in which the above DOPT OM has been dealt with and provide copies of all the notesheets of the said file.*
 - (B) *Please provide datewise details of the compliance to DOPT OM No. 1/1/2013-IR dated 21-10-2014 and the name of the officer/officers who are responsible for its implementation w.e.f. 31-10-2014. Please also intimate the File no. in which the above DOPT OM has been dealt with and provide copies of all the notesheets of the said file.*
 - (C) *Please provide datewise details of the action taken for the implementation and compliance of DOPT OM No. F/1/8/2012-IR dated 11-9-2012 and OM No. 1/8/2012-IR dated 3-4-2013.*
- (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 Rajender Prasad, CPIO & Accounts Officer has deliberately and malafidely provided incomplete and incorrect information despite point-wise specific information 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 Shri Rajender Prasad, CPIO & Accounts Officer and Shri Sunil Kumar, Incharge Computer Section and deemed CPIO have deliberately and malafidely provided incomplete and incorrect information despite point-wise specific information sought by the Appellant. Therefore, the order of the CPIO in this respect is incorrect and illegal and liable to be set aside and the CPIO be directed to provide the information in time bound frame.
- (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 the 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 : 08-01-2015

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

Ref. No. :RTI/P-195/8791/14

Dated : 4-11-2014

To

Shri Rajender Prasad
CPIO & Accounts Officer
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 copy of the third party audit report of the proactive disclosure filed by your public authority as referred to in para 4.4 of DOPT OM No. 1/6/2011-IR dated 15-4-2013. Please also intimate the File no. in which the above DOPT OM has been dealt with and provide copies of all the notesheets of the said file.</p> <p>(B) Please provide datewise details of the compliance to DOPT OM No. 1/1/2013-IR dated 21-10-2014 and the name of the officer/officers who are responsible for its implementation w.e.f. 31-10-2014. Please also intimate the File no. in which the above DOPT OM has been dealt with and provide copies of all the notesheets of the said file.</p> <p>(C) Please provide datewise details of the action taken for the implementation and compliance of DOPT OM No. F/1/8/2012-IR dated 11-9-2012 and OM No. 1/8/2012-IR dated 3-4-2013.</p> <p>Note:- Please provide point-wise information/response for each of above points.</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. 27F 667736 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

Him/---
HR

F.No. 09180/ CESTAT/CPIO-ND/RP/2014
Customs Excise and Service Tax Appellate Tribunal
West Block No 2, R.K.Puram, New Delhi-110 066

Dated--31/12/14--

ID No. 09180/14

To,

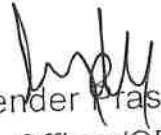
Shri R.K. Jain
15 B- Bhisma Pitamaha
Marg. Wazir Nager,
New Delhi - 110003.

Subject: Information under Right to Information Act 2005.

Sir,

Please refer to your RTI application No--8791/14----- Dt--4/12/14--
and our ID No..09180/14.. the information received from ~~AR (Admn)~~
containing --01-- 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.


(Rajender Prasad)
Accounts Officer/CPIO

8

F. No ID No 33 (256) RTI/Misc/CESTAT/ND/Admn-2014

ID No 09-180/2014

Dated : 25/11/2014

Subject: Information sought under RTI Act 2005 - reg

Sir,

With reference to your letter No F. No 09-180/CESTAT/CPIO-ND/RP/2014 dated 10/11/2014, ID No 09-180/2014. The requisite information is as under:-

Point A to C – Information not available in Administration Section.


(Mukesh Gupta)
Assistant Registrar (Admn)

To,

Shri Rajender Prasad
Account Officer /CPIO


25/11/14



(9)

F.No. 03/10/ CESTAT/CPIO-ND/RP/2014
Customs Excise and Service Tax Appellate Tribunal
West Block No 2, R.K.Puram, New Delhi-110 066

Dated---28/12/14

ID No. 03-180/2014

To,

Shri R.K. Jain
1512-B- Bhishma Pitamaha
Marg, Wazir Nager,
New Delhi - 110003.

Subject: Information under Right to Information Act 2005.

Sir,

Please refer to your RTI application No---8791/2014--- Dt---4/11/14---
and our ID No. 03-180/2014 the information received from ~~Do~~ Computer R.
containing ~~02~~ 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.

Encl:- As above.

(Rajender Prasad)
Accounts Officer/CPIO

Copy to Computer R. for upload.

10

F.No 7(1)/CESTAT/RTI/CompSec/2014
CUSTOMS, EXCISE & SERVICE TAX APPELLATE TRIBUNAL,
WEST BLOCK NO.2, R.K. PURAM, NEW DELHI.

Dated: 18.12.2014

Note

Sub: Information sought under RTI Act-2005
CPIO ID No. 09-180/2014-reg.

Please refer to note dated 10/11/2014, of CPIO issued vide F.No. 09- 180/CESTAT/CPIO-ND/RP/2014 on the captioned subject. The point wise information sought in the subject RTI application is furnished below.

- A. Computer Section does not possess the information. The information may be obtained from the relevant section.
- B. OM number 1/1/2013-IR dated 21-10-14. The said OM envisages addition of a new feature to the CPIO/FAA's module on the "RTI Online" portal for uploading the reply to RTI application and first appeal respectively on the website of the department. As the 'RTI Online' module is yet to be adopted by CESTAT, the feature is yet to be implemented.

af
18/12/14
Subant Kumar

2058/CPIO
19/12/2014

(11)

However, computer section is uploading the scanned copies of RTI application/appeals and responses thereto as and when received from the office of CPIO.

- C. CESTAT is heavily depending on NIC for the content maintenance, and updation of the website. Despite serious efforts on behalf of CESTAT, NIC has not been able to provide the dynamic module of website in absence of which all the information in nature of voluntarily disclosure cannot be displayed on the website. CESTAT is in process of pursuing NIC to develop and supply the dynamic module of website.


(Sunil Kumar)
Computer Section

To

The CPIO, CESTAT Delhi

**IN THE CUSTOMS, EXCISE AND SERVICE TAX APPELLATE
TRIBUNAL
R.K. PURAM, WEST BLOCK NO. 2, NEW DELHI-110066
PRINCIPAL BENCH**

Date of hearing/decision: 10/04/2015

**Appeal No. 10-15(A)/CESTAT/FAA-RK/2015
CPIO ID NO. 09-180/CESTAT/CPIO-RP/2014**

Sh. R.K. Jain.

Appellant

Vs.

**Sh. Rajender Prasad,
CPIO, CESTAT**

Respondent

ORDER 16/2015

Per: Rakesh Kumar

The applicant vide RTI application dated 4/11/2014 had sought certain information. Since he is not satisfied with the information furnished, this appeal has been filed.

2. Heard both the sides.

3. While information in respect of Point 'C' has been furnished. The information in respect of Point 'A' has not been furnished at all and information in respect of Point 'B' is only part information. The information in respect of Point 'A' and the remaining in respect of Point 'B' may be furnished to the applicant within 3 weeks' time.

4. Since the information sought is in respect of maintenance of the CESTAT's website, the necessary information in this regard must be provided by the AR (Admin.) as well as by the AR (Computer).



5. In this regard, the Registrar is also directed to see to it that the required information from the concerned sections is compiled and sent to the CPIO for onward transaction of the applicant.


(Rakesh Kumar)
First Appellate Authority

To

1. Sh. R.K. Jain, 1512, Bhishm Pitamah Marg,
Wazir Nagar, New Delhi-110003.
2. Copy of CPIO.

✓ 3. office copy

Lyddy
22/4/15

22/4/15
ISSUED ON
SIGN. (DEPT. SECRETARY)
CUSTOMS, EXCISE & SERVICE TAX
APPELLATE TRIBUNAL
NEW DELHI-110056
Rk

Appeal No. 10-16(A)/2015

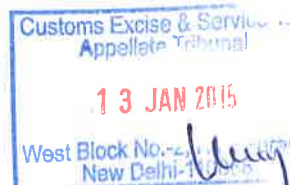
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CPIB

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

Ref. No. RTI/P-537/(8831/14)/Appeal/15593

Dated : 13-01-2015



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 Rajender Prasad CPIO & Accounts Officer
		(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)	28-11-2014
3.	Details of the order appealed against	Deemed Refusal
4.	Prayer or relief sought	See Prayer clause at the end
5.	Last date for filing the appeal	28-1-2015
6.	If appeal is being filed after 30 days, the reasons which prevented from filing appeal in time	Appeal in time
7.	Copies of documents relied upon by the applicant	1. Copy of RTI Application dated 28-11-2014. (Annexure-1) 2. Copy of CPIO letter dated 11-12-2014. (Annexure-2) 3. Copy of Appellant letter dated 15-12-2014. (Annexure-3)

BRIEF FACTS OF THE CASE

(1) That the appellant has filed an application dated 28-11-2014 (**Annexure – 1**) under Section 6 of the RTI Act, 2005 requesting for the following information:

(A) Please provide the following information in relation to Appeal Nos.E/60723/2013-Ex-(DB) & E/60685/2013-Ex(DB) (Kissan Fat Limited), E/50052/2014 (Narbada Industries), E/56303/2013 (Monu Steels), E/56903/2013 (Kailash Traders), E/56755/2013 (Shub Labh Ispat Ltd.), E/56756/2013 (Nawal Kumar Daga, Director), E/1500/2005-SM (Pankaj Industries), E/1503/2005-SM (Durga Steels & Rolling Mills), E/57424/2013-SM (Banswara Syntex Ltd.), E/57427/2013-SM (Mahamaya Steel Industries), C/729/2009-SM (Shri Raj Kumar Batra), & C/50/2010-SM (Shri Raj Kumar Batra),

(i) Please provide copies of all order sheets / record of proceedings.

(ii) Please provide copies of all notesheets put up by the Registry

(iii) Copies of First four pages of the Appeal and Stay Application

(iv) Copies of Vakalatnamas and all notices of hearing issued or returned undelivered.

(B) Please provide copies of all after court cause list and supplementary cause list in relation to above cases.

(C) Please provide certified copies of all supplementary cause list issued for all Delhi Benches from 1-7-2014 till date of providing information.

(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 the appellant received letter dated 11-12-2014 (**Annexure-2**) of the Shri Rajender Prasad, Accounts Officer/CPIO, CESTAT to AR, Excise, AR, SM & T.O. Computer Section, CESTAT. The Appellant vide letter

dated 15-12-2014 (**Annexure-3**) requested the said authority to provide the desired information within the period of 30 days as stipulated under Section 7(1) of the RTI Act, 2005. The Appellant has neither received any information nor any response from the said authority therefore, as per Section 7(2) of the RTI Act, 2005, the request for information shall be deemed to have been refused. Thus being aggrieved by such refusal, this Appeal.

GROUND OF APPEAL

- (1) That the action of the learned CPIO and the deemed CPIO in not providing the information to the appellant is illegal and contrary to the provisions and spirit of the RTI Act, 2005.
- (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 and therefore, there was no valid cause or reason or ground for not providing the information.
- (3) That the inaction of Shri Rajender Prasad, CPIO & Accounts Officer is in violation of Sections 7(1) and 7(2) of the RTI Act, 2005 and is therefore, illegal. Such inaction is deemed to be a refusal to the request of the appellant without any reasonable cause or ground hence is illegal.
- (4) That the information sought is neither voluminous nor relate to older and larger period, thus could have easily been provided by the learned CPIO.
- (5) That the appellant is citizen of India and fulfilled all other requirements of the RTI Act and the Rules made thereunder and is entitled to the information in question.
- (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) 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.

- (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 CPIO may be directed to provide the information in question within a time bound frame.
- (c) That any other relief as the Appellate Authority deem fit and proper may also be ordered in favour of the appellant.
- (d) 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 : 13-01-2015

AC

ANNEXURE-1

5

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

Ref. No. :RTI/P-195/8831/14

Dated : 28-11-2014

To

Shri Rajender Prasad
CPIO & Accounts Officer
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 the following information in relation to Appeal Nos.E/60723/2013-Ex-(DB) & E/60685/2013-Ex(DB) (Kissan Fat Limited), E/50052/2014 (Narbada Industries), E/56303/2013 (Monu Steels), E/56903/2013 (Kailash Traders), E/56755/2013 (Shub Labh Ispat Ltd.), E/56756/2013 (Nawal Kumar Daga, Director), E/1500/2005-SM (Pankaj Industries), E/1503/2005-SM (Durga Steels & Rolling Mills), E/57424/2013-SM (Banswara Syntex Ltd.), E/57427/2013-SM (Mahamaya Steel Industries), C/729/2009-SM(Shri Raj Kumar Batra), & C/50/2010-SM (Shri Raj Kumar Batra),</p> <p>(i) Please provide copies of all order sheets / record of proceedings.</p> <p>(ii) Please provide copies of all notesheets put up by the Registry</p> <p>(iii) Copies of First four pages of the Appeal and Stay Application</p> <p>(iv) Copies of Vakalatnamas and all notices of hearing issued or returned undelivered.</p> <p>(B) Please provide copies of all after court cause list and supplementary cause list in relation to above cases.</p> <p>(C) Please provide certified copies of all supplementary cause list issued for all Delhi Benches from 1-7-2014 till date of providing information.</p> <p>Note:-Please provide pointwise information/response for each of above points.</p>

6

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. 16F 224539 for Rs. 10 towards payment of fee is enclosed herewith. You are requested to filling the name in which the Postal Order is payable.
8.	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

hk

(7)

F.No. 09-202...../CESTAT/CPIO-ND/RP/2014,
Customs, Excise and Service Tax, Appellate Tribunal,
West block No.2, R.K.Puram, New Delhi-110066.

Dated 11/12/14ID No. 09-202/2014

Subject: Information sought under RTI Act 2005.

Sir,

Please refer to RTI application of
Shri R.K. Jain
Under RTI Act 2005 vide No. 8831/14 dated
28/11/14 (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. 8831/14 dated 28/11/14 CPIO ID No 09-202/2014 is forwarded herewith to the following officers as deemed CPIO with the request to provide correct and para-wise information/inspection on or before 18/12/14 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

(Rajender Prasad)
Accounts Officer/CPIO

To

- 1 AR, Excise / SM, CESTAT, New Delhi
- 2 PO, Computerized for uploading on website
- 3 _____

Copy for information to:-

Sh R.K. Jain

1512-B BHISHAM PITAMAH MARG,
WAZIR NAGAR, NEW DELHI-110003.

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

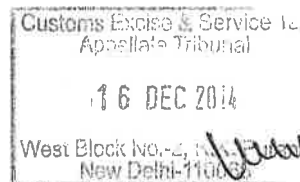
President, Excise and Customs Bar Association

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-195/8831/14/R13529
15-12-2014

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

Sub: My RTI Application No. RTI/8831/14, dated 28/11/2014

Dear Sir,

This refers to letter No.F.No.09-202/CESTAT/CPIO-ND/RP/2014 dated 11.12.2014 of Shri Rajender Prasad, Account Officers / CPIO, CESTAT, New Delhi, 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]

97C

9

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

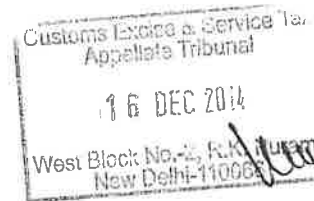
President, Excise and Customs Bar Association

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-195/8831/14/R13530
15-12-2014

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

Sub: My RTI Application No. RTI/8831/14, dated 28/11/2014

Dear Sir,

This refers to letter No.F.No.09-202/CESTAT/CPIO-ND/RP/2014 dated 11.12.2014 of Shri Rajender Prasad, Account Officers / CPIO, CESTAT, New Delhi, 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]

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

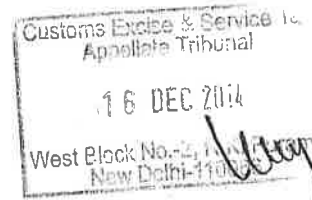
President, Excise and Customs Bar Association

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-195/8831/14/R13531
15-12-2014

Technical officer (Computer)
Customs Excise & Service Tax Appellate Tribunal,
West Block 2, R.K.Puram,
New Delhi- 110066

Sub: My RTI Application No. RTI/8831/14, dated 28/11/2014

Dear Sir,

This refers to letter No.F.No.09-202/CESTAT/CPIO-ND/RP/2014 dated 11.12.2014 of Shri Rajender Prasad, Account Officers / CPIO, CESTAT, New Delhi, 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]

IN THE CUSTOMS, EXCISE AND SERVICE TAX APPELLATE
TRIBUNAL
R.K. PURAM, WEST BLOCK NO. 2, NEW DELHI-110066
PRINCIPAL BENCH

Date of hearing/decision: 10/04/2015

Appeal No. 10-16(A)/CESTAT/FAA-RK/2015
CPIO ID NO. 09-202/CESTAT/CPIO-RP/2014

Sh. R.K. Jain.

Appellant

Vs.

Sh. Rajender Prasad,
CPIO, CESTAT

Respondent

ORDER 17/2015

Per: Rakesh Kumar

The applicant had sought certain point wise information vide RTI application dated 28/11/2014. Since the applicant is not satisfied with the information furnished, this appeal has been filed.

2. Heard both the sides.
3. It is seen that only part information has been provided and the balance information is yet to be supplied.
4. In view of this, the CPIO is directed to furnish the balance information within three weeks.


(Rakesh Kumar)
First Appellate Authority

- 22/4/15 To
1. Sh. R.K. Jain, 1512, Bhishm Pitamah Marg,
Wazir Nagar, New Delhi-110003.
 2. Copy of CPIO.

3. Office copy

22/4/15
ISSUED ON
SIGN (DEPT. SECTION)
CUSTOMS, EXCISE & SERVICE TAX
APPELLATE TRIBUNAL
NEW DELHI-110066

Appeal No. 10-17 (A)/2015

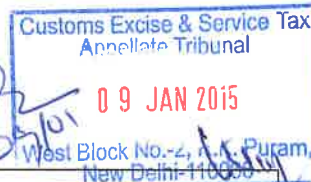
①

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

Ref. No. : RTI/P-537/(7337/13)/Appeal/15585

Dated : 08-01-2015

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	(1) Shri Rajender Prasad CPIO & Accounts Officer (2) Shri Mukesh Gupta – Assistant Registrar (Excise Branch), Deemed CPIO (3) Technical Officer (Computer Section) Deemed CPIO
		(b) Address	CESTAT West Block 2, R.K. Puram, New Delhi - 110066
2.	Date of submission of application	17-10-2013	
3.	Details of the order appealed against	F.No. 08-214/CESTAT/CPIO-ND/RP/2013 dated 29-12-2014	
4.	Prayer or relief sought	See Prayer clause at the end	
5.	Last date for filing the appeal	29-1-2015	
6.	Whether Appeal in Time.	Appeal in time	
7.	Copies of documents relied upon by the applicant	1. Copy of RTI Application dated 17-10-2013. (Annexure-1) 2. Copy of CPIO's letter dated 30-10-2013. (Annexure-2) 3. Copy of CPIO's letter dated 2-12-2013. (Annexure-3) 4. Copy of Appellate Order dated 14-10-2014. (Annexure-4)	

		5. Copy of CPIO's letter dated 1-1-2014. (Annexure-5)
		6. Copy of CPIO's letter dated 29-12-2014. (Annexure-6)

BRIEF FACTS OF THE CASE

(1) That the appellant has filed an application dated 17-10-2013 (Annexure – 1) under Section 6 of the RTI Act, 2005 requesting for the following information:

- (A) *Please provide details of the implementation of the direction issued in para 1.4.1 of the Guidelines enclosed with Office Memoranda No. 1/6/2011-IR , dated 15 April 2013 of the DOPT regarding proactive disclosure of RTI applications, appeals received and their responses on your website with search facility based on keyword.*
- (B) *Provide copy of the Action Taken Report submitted on the compliance of the Guidelines issued under Office Memoranda No. 1/6/2011-IR , dated 15 April 2013 of DOPT, as required under para 4.3 of the said Guidelines*
- (C) *Provide datewise details of the action taken by your public authority in relation to paragraph 4.1, 4.2, 4.4 and 4.7 of the aforesaid Guidelines of the DOPT and copies of all notesheets & correspondence*
- (D) *Please provide datewise details of the compliance of para 3.6 of the aforesaid Guidelines.*
- (E) *Please provide list of directions given in the aforesaid Guidelines which have not so far been implemented/operationalised by you till 17.10.2013 and expected date by which each one of them is expected to be implemented.*

NOTE:- As per paragraph 4.1 of the aforesaid guidelines all public authorities, including CIC is to make the aforesaid guidelines fully operationalised within a period of six-month, the said period of six-month has expired on 15th of October 2013, as the guidelines in question were issued on 15 April 2013.

(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 Rajender Prasad, CPIO & Accounts Officer, Shri Mukesh Gupta – Assistant Registrar (Excise Branch), Deemed CPIO and the Technical Officer (Computer Section), Deemed CPIO, have deliberately and malafidely provided incomplete and incorrect information. 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 Shri Rajender Prasad, CPIO & Accounts Officer, Shri Mukesh Gupta – Assistant Registrar (Excise Branch), Deemed CPIO and the Technical Officer (Computer Section), Deemed CPIO, have deliberately and malafidely provided incomplete and incorrect information. Therefore, the order of the CPIO in this respect is incorrect and illegal and liable to be set aside and the CPIO be directed to provide the information in time bound frame.
- (4) That Shri Rajender Prasad, CPIO, CESTAT New Delhi, is not providing the information, which the Public Authority is required to proactively disclosed, hence, they are denying the information resulting in obstruction of the same without any reasonable cause. Therefore, he may be directed to provide the information.
- (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 the 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 : 08-01-2015

0/c
Annexure 1

5

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

Ref. No. :RTI/P-265/7337/13

Dated : 17-10-2013

To


Shri S.Bhowmick,
CPIO & Under Secretary Ad-IC Section,
Ministry of Finance, Department of Revenue,
Room No.220A, North Block,
New Delhi - 110001

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 details of the implementation of the direction issued in para 1.4.1 of the Guidelines enclosed with Office Memoranda No. 1/6/2011-IR , dated 15 April 2013 of the DOPT regarding proactive disclosure of RTI applications, appeals received and their responses on your website with search facility based on keyword.</p> <p>(B) Provide copy of the Action Taken Report submitted on the compliance of the Guidelines issued under Office Memoranda No. 1/6/2011-IR , dated 15 April 2013 of DOPT, as required under para 4.3 of the said Guidelines</p> <p>(C) Provide datewise details of the action taken by your public authority in relation to paragraph 4.1, 4.2, 4.4 and 4.7 of the aforesaid Guidelines of the DOPT and copies of all notesheets & correspondence</p> <p>(D) Please provide datewise details of the compliance of para 3.6 of the aforesaid Guidelines.</p> <p>(E) Please provide list of directions given in the aforesaid Guidelines which have not so far been implemented/operationalised by you till 17.10.2013 and expected date by which each one of them is expected to be implemented.</p>

15/10/13

अंतर-दी.आई. सेल
RTI Cell

	<p>NOTE:- As per paragraph 4.1 of the aforesaid guidelines all public authorities, including CIC is to make the aforesaid guidelines fully operationalised within a period of six-month, the said period of six-month has expired on 15th of October 2013, as the guidelines in question were issued on 15 April 2013.</p> <p>Note:-Please provide point-wise information/ response for each of above points.</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. 13F 808369 for Rs. 10 towards payment of fee is enclosed herewith. You are requested to filling the name in which the Postal Order is payable.
8.	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

asn/—7337

F.No.R.20011/74/2013-Ad.IC (CESTAT)
Government of India
Ministry of Finance
Department of Revenue

Annexure 2 (7)

New Delhi, dated 30.10.2013

To ✓
Shri R.K. Jain,
1512-B, Bhishm Pitamah Marg,
Wazir Nagar, Delhi- 110003

Subject: RTI Application No. RTI/P-265/7337/13 dated 17.10.2013- reg.

Sir,

I am to refer to your above referred RTI application dated 17.10.2013 and to say that the steps taken regarding proactive disclosure under Section 4 of the RTI Act, 2005 as per instructions circulated by the DOP&T can be informed by US(RTI), Department of Revenue. As such, the concerned authority was requested to provide you the information vide our letter F.No.20011/70/2013-Ad.IC (CESTAT) dated 18.10.2013 (copy enclosed for ready reference) in response to your identical RTI application No.RTI/P-265/7257/13 dated 08.10.2013 on the similar issues.

2. Regarding action taken by the undersigned as CPIO, it is informed that CESTAT Section of the DoR is responsible for selection of Members (Judicial & Technical) in CESTAT and as such this section administers the Customs, Excise and Service Tax Appellate Tribunal Members (Recruitment and Conditions of Service) Rules, 1987, which is available on the department's website www.dor.gov.in. A copy of the DOP&T OM F.No.1/6/2011-IR dated 15.04.2013 alongwith its enclosures has also been forwarded to CESTAT for taking necessary action at their end. Accordingly, a copy of your RTI application is being forwarded to CPIO, CESTAT for providing you the requisite information relating to CESTAT.

3. In case, you are not satisfied with this reply, an appeal may be filed before Shri Ajay Kumar Nema, Director (HQ), First Appellate Authority, Room No. 48-A, Department of Revenue, North Block, New Delhi-01 within 30 days of receipt of this letter.

Encl: As above

Yours faithfully,



(S.Bhowmick)

Under Secretary to the Govt. of India & CPIO

Tel. No. 2309 5367

Copy to: CPIO, CESTAT, West Block No.2, R.K. Puram, Delhi-110066; for necessary action.

120-8

F.No.R-20011/70/2013-Ad.IC (CESTAT)
Government of India
Ministry of Finance
Department of Revenue

New Delhi, dated the 18th October, 2013

To

Under Secretary and CPIO (RTI Cell)
Department of Revenue
North Block, New Delhi

Subject: Transfer of RTI application u/s 6(3) of RTI Act-2005-reg.

Sir,

The undersigned has received the RTI application No.RTI/P-265/7257/13 dated 08.10.2013 from Shri R.K.Jain, 1512-B, Bhishm Pitamah Marg, Wazir Nagar, New Delhi forwarded by the RTI Cell of this department vide FTS.No.188680/2013-RTI Cell dated 11.10.2013. As the subject matter of the RTI application is more closely related to the function of RTI Cell, a copy of the same is transferred herewith to you under Section 6(3) of the RTI Act for providing the requisite details to the RTI applicant.

Yours faithfully,



(S.Bhowmick)

Under Secretary (CAT) and CPIO
Tel.No.2309 5367

Encl: RTI Application with annexure.

Copy to:

Shri R.K.Jain, Editor, 1512-B, Bhisham Pitamah Marg, Wazir Nagar, New Delhi w.r.t. the RTI application mentioned above.

O/C
Jisud with encl
18/10/13

Annexure 43 (9)

F.No...08-244.../CESTAT/CPIO-ND/RP/2013,
Customs, Excise and Service Tax, Appellate Tribunal,
West block No.2, R.K.Puram, New Delhi-110066.

Dated 2/12/13

ID No. 08/244

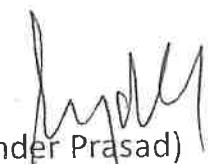
Subject: Information sought under RTI Act 2005.

Sir,

Please refer to RTI application of
Shri R.K. Jain (Transferred from M/WSH)
Under RTI Act 2005 vide No. 7337/13 dated
17/10/13 (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. 7337/13 dated 17/10/13 CPIO ID No 08-244/13 is
forwarded herewith to the following officers as deemed CPIO with the
request to provide correct and para-wise information/inspection on or
before 13/12/13 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


(Rajender Prasad)
Accounts Officer/CPIO

To

1 AR (Admn)

Copy to: 2 Registrar, CESTAT, New Delhi - for information.
2 Sh. R.K. Jain, 1512 B, Bhisim Pitamah Marg,
Wazir Nager, New Delhi - 110003.
— for information B.

V-6962

**IN THE CUSTOMS, EXCISE AND SERVICE TAX
APPELLATE TRIBUNAL, NEW DELHI
PRINCIPAL BENCH, COURT NO. I**

Date of Hearing/decision: 14.10.2014

**Appeal No. 09-051(A)/CESTAT/FAA-RK/2014
CPIO, I.D. No. 08-214/CESTAT/CPIO-ND/RP/2013**

Sh. R.K.Jain

Appellant

Vs.

Sh. Rajender Prasad, CPIO

Respondent

ORDER -050/2014

Per Rakesh Kumar:-

The appellant vide RTI Application dt. 17.10.2013 have sought the following Information:-

- (A) Please provide details of the implementation of the direction issued in para 1.4.1 of the Guidelines enclosed with Office Memoranda No. 1/6/2-011-1R, dt. 15.04.2013 of the DOPT regarding proactive disclosure of RTI application, appeals received and their responses on your website with search facility based on keyword.
- (B) Please provide copy of the Action Taken Report submitted on the compliance of the Guidelines issued under Office Memoranda No. 1/6/2011-1R, dt. 15.04.2013 of DOPT, as required under para 4.3 of the said Guidelines.
- (C) Please provide details of the action taken by your public authority in relation to paragraph 4.1., 4.2, 4.4 and 4.7 of the aforesaid Guidelines of the DOPT and copies of all note sheets and correspondence.
- (D) Please provide datewise details of the compliance of para 3.6 of the aforesaid Guidelines.

1

(H)

- (E) Please provide list of directions given in the aforesaid Guidelines which have not so far been implemented/operationalised by you till 17.10.2013 and expected date by which each one of them is expected to be implemented.

2. The information sought is about the implementation of the directions issued in para 1.4.1 of the Guidelines enclosed with Office Memoranda No. 1/6/2-011-1R, dt. 15.04.2013 of the DOPT regarding proactive disclosure of information about the RTI applications and appeals received and their responses on the website and also the Action Taken Report of compliance of the Guidelines.

3. Heard both the sides.

4. The CPIO is directed to furnish pointwise information about each point. The copies of the note sheets of the files in which the matter of implementation of DOPT Guidelines dt.15.04.2013 has been dealt with, may also be provided to the Applicant on payment of the applicable fee. The furnishing of information and the documents may be completed within three weeks time.



(Rakesh Kumar)
Member(Technical)

To

1. Sh. R.K.Jain, 1512, Bhishm Pitamah Marg
Wazir Nagar, New Delhi-110 003.
2. Copy to CPIO.
3. *closed file / OC*

Annex 5

(12)

F.No...08-214.../CESTAT/CPIO-ND/RP/2013,
Customs, Excise and Service Tax, Appellate Tribunal,
West block No.2, R.K.Puram, New Delhi-110066.

Dated 01.01.2014

ID No. 08-214/13

To


✓ Shri R.K.Jain,
1512, Bhishma Pitamah Marg,
Wazir Nagar,
New delhi-110003.

Subject: information under Right to Information Act.2005.

Sir,

Please refer to your RTI application No. 7337/13 dated 17-10-13
and Tribunal's ID No. 08-214 the information received from AR (Admin)
containing 2 pages is endorsed herewith for your reference please.

You are therefore, requested to acknowledge the receipt of the same and
deposit Rs. @2/- per page to this Tribunal by cash or DD in favour of
Accounts Officer, CESTAT, New delhi.



(Rajender Prasad)
Accounts Officer/CPIO

14-73374

13

F. No ID No 33(205)RTI/Misc/CESTAT/ND/Admn-2013

ID No 08-214/2013

Dated : 12/12/2013

Subject: Information sought under RTI Act 2005 - reg

Sir,

With reference to your letter No F. No 08-214/CESTAT/CPIO-ND/RP/2013 dated 02/12/2013 ID No 08-214/2013.

In this connection it is submitted that the information as asked vide above mentioned RTI has already been forwarded to you vide our letter No 33(199)/RTI/Misc/CESTAT/ND/Admn- 2013 dated 29/11/2013 in response to CPIO ID No 08/205/2013 on the similar issue.

However a copy of our letter stated above is enclosed for your ready reference.

b
27.12
(Mukesh Gupta)
Assistant Registrar (Admn)

To, ✓
Shri Rajender Prasad
Account Officer /CPIO

m r p
Hyd
27/12

1604/CPIO
27/12/2013

Annex 7- (19)

F. No ID No 33(199)RTI/Misc/CESTAT/ND/Admn-2013

ID No 08-205/2013

Dated : 29/11/2013

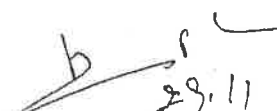
Subject: Information sought under RTI Act 2005 - reg

Sir,

With reference to your letter No F. No 08-205/CESTAT/CPIO-ND/RP/2013 dated 23/10/2013 ID No 08-205/2013.


In this connection it is submitted that the Para wise information as asked by Sh RK Jain, vide his RTI application No 7338/13 dt 17/10/2013 and CPIO ID No 08/205/13 the Ministry of Personnel, Pubic Grievances & Pensions letter No 1/6/2011-IR and its guidelines received in this office on 25/10/2013 and the copy of the same has been forwarded to all DR/AR alongwith CPIO, New Delhi on 07.11.2013 for necessary compliance of the above OM.

This may please be inform to the Applicant.



(Mukesh Gupta)
Assistant Registrar (Admn)

To,

Shri Rajender Prasad
Account Officer /CPIO


2/12/13



ISSUED ON 02/12/13
SIGNATURE 

Annexure 6

(15)

F.No. ~~08-24/14~~ CESTAT/CPIO-ND/RP/2013
Customs Excise and Service Tax Appellate Tribunal
West Block No 2, R.K.Puram, New Delhi-110 066

Dated--29/12/14

ID No. ~~08-24/14~~

To,

✓
Mr. R. K. Jais,
1512 B, Bhishma Pitamah Marg,
Wazir Nagar,
New Delhi - 110003.

Subject: Information under Right to Information Act 2005.

Sir,

In compliance of FAA's order no. 50/2014
Please refer to your RTI application No. ~~7337/13~~ Dt. ~~17/10/13~~
and our ID No. ~~08-24/14~~ 2013. the information received from ~~TD, Computer PC~~
containing ~~02~~ 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.


(Rajender Prasad)

Accounts Officer/CPIO

Encl: As above

Copy to TD, Computer PC for uploading.

Note

Sub: Compliance Order No. 050/2014 passed by the Hon'ble First Appellate authority under RTI Act.2005

Refer: Appeal No. 09-051(A)/CESTAT/FAA-RK/2014
CPIO ID No. 08-214/CESTAT/CPIO-ND/RP/2013

Please refer note dated 2/12/2014 of CPIO enclosing copy of above referred order. In this regard following information is furnished for compliance of the said order:-

- A) Computer Section is uploading the scanned copies of RTI application/appeals and responses thereto as and when received from the the office of CPIO.
- B) Action Taken Report is to be compiled and forwarded to CIC by the Administration Section/CPIO. As far as Computer Section is concerned the compliance of the guidelines issued vide Office Memorandum dated 15/10/2013 is pending for want of updation and renovation of the website by NIC.
- C) Computer unit is responsible for compliance of para 4.1, 4.2, 4.4 & 4.7 only in respect of the display on the website. As informed earlier, the said compliance is still pending for want of full operationnalisation of the website.
- D) As has been informed earlier, NIC is being persuaded to expedite the job of full operationalisation of the website. The Computer Unit uploads and displays information reduced in electronic form in respect of records/information received from various sections, of the CESTAT. Information about Causelist, Supplementary Causelist, Judgment, applications Tour Order, Rosters, Notices, Circular etc. are uploaded on the

2067/CPIO
22/12/2014

periodic basis. Once the full operationalisation of website is achieved, guidelines issued under Para 3.6 can be completely complied with.

E) Full compliance of the guidelines pertaining to Computer Section can be carried out once,

- i) The information/disclosure are made available to Computer Section in digital form by different sections of the CESTAT, and
 - ii) The dynamic module of website of CESTAT is launched by NIC.
-

F.No 7(1)/CESTAT/RTI/CompSec/2014

Dated : 19-12-2014

 19/12/14
Technical Officer
Computer Section

To

The CPIO, CESTAT Delhi

**IN THE CUSTOMS, EXCISE AND SERVICE TAX APPELLATE
TRIBUNAL
R.K. PURAM, WEST BLOCK NO. 2, NEW DELHI-110066
PRINCIPAL BENCH**

Date of hearing/decision: 10/04/2015

**Appeal No. 10-17(A)/CESTAT/FAA-RK/2015
CPIO ID NO. 08-214/CESTAT/CPIO-RP/2014**

Sh. R.K. Jain.

Appellant

Vs.

**Sh. Rajender Prasad,
CPIO, CESTAT**

Respondent

ORDER 18/2015

Per: Rakesh Kumar

The applicant under the RTI application dated 17/10/2013 had sought certain information point wise in respect of the implementation of the directions issued in para 1.4.1 of the guidelines enclosed with Office Memorandum No. 1/6/2011-IR dated 15/4/2013 of the DOPT. This OM is regarding pro-active disclosure of RTI applications, the appeals received and their responses on the organisation's website with search facility based on key word. Though the CPIO has furnished point wise reply, the applicant is not satisfied with the same as according to him, the information supplied is not complete. Hence, this appeal has been filed.

2. Heard both the sides.
3. Since for maintenance of the website, the AR (Administration) and AR (Computer) are involved, the Registrar is directed to see to it that the required information is supplied to the CPIO for onward



transmission to the applicant. The information is to be furnished within 3 weeks' time.


(Rakesh Kumar)
First Appellate Authority

To

1. Sh. R.K. Jain, 1512, Bhishm Pitamah Marg,
Wazir Nagar, New Delhi-110003.
2. Copy of CPIO.

3. office copy

Recd
hydl
22/4/15

22/4/15
ISSUED ON
SIGN. (DESP
CUSTOMS, EXCISE
APPELLATE T. BUNAI
NEW DELHI-110003)
RB
SERVICE TAX