

Appeal no. 40-21(A)/2015
S P Goyal

103A Krishna Chambers
59 New Marine Lines
Mumbai 400 020 (India)
Tel: 022-22624562 / 22661684
Fax: 022-22624587
Mobile: +91-9820239110
E-mail: spgoyal@rocketmail.com

File No. S-1231(AE)/8998

by speed post

Dated 29.01.2015

FORM-12

FORM OF APPEAL TO BE FILED U/S.19 (1) OF THE RTI ACT

Appeal Before :

First Appellate Authority (FAA) under RTI Act, 2005

Sh. Rakesh Kumar,

Hon'ble Member (T), CESTAT,

West Block No.2, R.K. Puram,

New Delhi-110066

1 Name of the Applicant

S.P. Goyal

2 Address

103A, Krishna Chambers,
59, New Marine Lines, Mumbai 400 020

3 Particulars of the CPIO

CPIO, In the office of the Hon'ble President
Customs, Excise & Service Tax Appellate
Tribunal, West Block No.2, R.K. Puram,
New Delhi 110066.

4 Date of submission of application
And application ID

Application File No. S-
1231(AE)/8897 dt. 14.11.2014 posted on
15.11.2014 and received by CPIO on date not
given (Copy Enclosed)
14.12.2014

5 Date on which 48 hours/30 days/40
days (as applicable) are over

6 Date of receipt of order of CPIO, if any
(certified copy of the order shall be
enclosed)

Order No. F.No.-09-187/CESTAT/CPIO-
ND/RP/2014 dated 06.01.2014 (wrongly
mentioned as 2014 instead of 2015) received
on 12.01.2015 (Certified Copy Enclosed)

7 Reason for Appeal:-

i) The information was not supplied in Time

Yes

ii) The information was not as per the format
mentioned in the application

Yes

iii) The information is not correct

Yes

iv) The information is not complete

Yes

v) This is an appeal by third party who is
aggrieved against proposed disclosure of
information by the CPIO to the applicant

No

vi) Any other reason, please specify

**Separate sheet attached for grounds of
appeal.**

8 If there is any delay in filing the appeal,
reasons for delay may be given

No

Acknowledgement .

Appeal ID No. S-1231(AE)

Date: 29.01.2015

S.P. Goyal

S.P. Goyal
(Appellant)

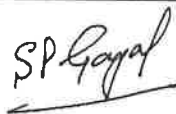
*If Citizen does not oppose injustice and crime then he is encouraging it.
If we are not part of solution then we are problem*

Separate Sheet

Appeal Ref. File No.S-1231(AE)/

Dated 29.01.2015

1	2	
Information sought vide Application File No. S-1231(AE)/8897 dt. 14.11.2014 received by CPIO on date not given	Information given under RTI Act vide Order No. F.No.-09-187/CESTAT/CPIO-ND/RP/2014 dt. 06.01.2014 of CPIO, CESTAT received on 12.01.2015	Reason & Ground of Appeal under Section 19(1) of Right to Information Act, 2005
<p>1. In order dt. 01.11.2013, Mr. D.N. Panda has stated under Para 18 as under:- "18. Heard both side and perused the record."</p> <p>Please give reasons why there is no note sheet of hearing to Revenue/Respondent in the Court file of above appeal.</p>	<p>I am to refer to your letter No. S-1231(AE)/8897 dated 14.11.2014, seeking information under RTI Act, 2005, and to inform you that your questions are relating judicial order dated 01-11-2013, which is outside the preview of RTI Act.</p>	<p>First of all CPIO has replied after 19 days of expiry of 40 days period. CPIO had transferred my Application vide F.No. 09-187/CESTAT/CPIO ND/RP/2014 under section 6(3) and section 5 (4) read with section 5(5) of RTI Act, 2005, the contents of which are self explanatory which was received on 19.12.2014, copy annexed marked as Annexure A, Page No. 1.</p> <p>CPIO has denied information when I have seeked information under section 4(1)(d) of RTI Act 2005. 4(1)(d) of RTI Act is reproduced in italics & bold as under:</p> <p><i>(d) provide reasons for its administrative or quasi-judicial decisions to affected persons.</i></p> <p>FAA is requested to get me information from CPIO in view of above section 4(1)(d) of RTI Act 2005. Also FAA is requested to take action that is impose penalty under section 20 of RTI Act 2005 @ Rs. 250 per day for not giving information on time which has caused be a great loss. Also FAA is requested is compensate me under section 19(8)(b) of RTI Act 2005 to the tune of Rs 50,000/-</p>

1	2	
Information sought vide Application File No. S-1231(AE)/8897 dt. 14.11.2014 received by CPIO on date not given	Information given under RTI Act vide Order No. F.No.-09-187/CESTAT/CPIO-ND/RP/2014 dt. 06.01.2014 of CPIO, CESTAT received on 12.01.2015	Reason & Ground of Appeal under Section 19(1) of Right to Information Act, 2005
in your order dt. 01.11.2013.		
5. Please inform whether you have perused test reports of CRCL as well as said to be of IPCL. If so, then give reason to accept both reports when they differ with each other on length of fibre & denier as well as evident that labels on bales are not actual details.		
6. Please inform whether Technical Member knows about quality of Fibre, fibre which do not possess uniform length & diameter. When it is established from the both reports that neither length of fibre is uniform nor dia, then on what ground/circumstances order passed in favour of revenue by Mr. D.N. Panda. Please provide documents relied upon that such consignment is not Waste Fibre as per Chapter 55 & other Technical Literature on CESTAT file of above appeal in paper book.		
Date : 29.01.2015 Place : Mumbai		 S.P. Goyal (Appellant)

Encl :

- [1] **ANNEXURE A, Page 1-** CPIO had transferred my Application vide F.No. 09-187/CESTAT/CPIO ND/RP/2014 under section 6(3) and section 5 (4) read with section 5(5) of RTI Act, 2005
- [2] Application File No. S-1231(AE)/8897 dated 14.11.2014 received by CPIO on date not given.
- [3] Certified copy of Order No. vide F.No.-09-187/CESTAT/CPIO-ND/RP/2014 dated 06.01.2014 (wrongly written as 2014) received on 12.01.2015.

Annexure A, Page no. 1

File No. 09-187 / CESTAT/CPIO ND/RP/2014,
Customs, Excise and Service Tax, Appellate Tribunal,
West Block No. 2, K.K. Puram, New Delhi 110066

Dated 14.11.2014

ID No. 09-187/2014

Subject: Information sought under RTI Act 2005.

Sir,

Please refer to RTI application of
Shri S.P. Goyal
Under RTI Act 2005 vide No. 5-1231/AE/8897 dated
14.11.2014 (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. 5-1231/AE/8897 dated 14/11/2014 CPIO ID No. 09-187/2014 is
forwarded herewith to the following officers as deemed CPIO with the
request to provide correct and para-wise information/inspection on or
before 19/12/14 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

RECEIVED	
Date	<u>19.12.14</u>
File No.	<u>1231(AE)</u>
No.(In)	<u>7134</u>
No.(Out)	
Sl	<u>B</u>

(Rajender Prasad)
Accounts Officer/CPIO

To

1. AR, Customs & ST, Computer Section for website.
Copy to: Shri S.P. Goyal, 103A Krishna Chambers, 59 New Marine Lines
Mumbai - 400020

S P Goyal

103A Krishna Chambers
59 New Marine Lines
Mumbai 400 020 (India)
Tel: 022-22624562 / 22661684
Fax: 022-22624587
Mobile: +91-9820239110
E-mail: spgoyal@rocketmail.com

File No. S-1231(AE)/8897

By Speed-Post

Date: 14.11.2014

Central Public Information Officer
In the office of the Hon'ble President
Customs, Excise & Service Tax Appellate Tribunal
West Block No.2, R.K. Puram
New Delhi 110066.



Dear Sir,

Sub: Information under Section 4(d) of Right to Information Act, 2005 – Reason in Appeal No.C/250-253/2008-CU, Order reserved on dt.03.05.2013 and pronounced on dt.01.11.2013

I enclose herewith Postal Order No.10F 858659 dated 14.11.2014 of Rs.10/-. Please fill up your name or account number yourself and give me the following information under Section 4(d) of RTI Act, 2005:-

1. In order dt. 01.11.2013, Mr. D.N. Panda has stated under Para 18 as under:-
“18. Heard both side and perused the record.”

Please give reasons why there is no note sheet of hearing to Revenue/Respondent in the Court file of above appeal.

2. Please give reason under Section 4(d) of RTI Act, why you have not discussed paper book Pages 553 & 317 Pages i.e Total 870 Pages. If perused as stated as in order under Para-18 and why there is no reference of any page of paper book in your order dt. 01.11.2013.

3. If you have perused, give reason why you have passed order contrary to material/evidence on your Court File of CESTAT such –

Page 308 – Letter of CRCL in response to Letter of Sanjay Haryan dt. 03.02.2007

- (2) Decitex of 16 micron thickness fibre = 2.33
- (3) Denier of 16 micron thickness fibre = 2.12

In test report of CRCL signed by Mr. R.N.S. Yadav, Dy. Chief Chemist has stated that fibres are uniform of 16 micron.

But test result said to be of IPCL Denier is 2.5 to 4.2 which is evident either 16 micron test is wrong or IPCL.

4. Please give reason why this point is not discussed in your order dt. 01.11.2013.

5. Please inform whether you have perused test reports of CRCL as well as said to be of IPCL. If so, then give reason to accept both reports when they differ with each other on length of fibre & denier as well as evident that labels on bales are not actual details.
6. Please inform whether Technical Member knows about quality of Fibre, fibre which do not possess uniform length & diameter. When it is established from the both reports that neither length of fibre is uniform nor dia, then on what ground/circumstances order passed in favour of revenue by Mr. D.N. Panda. Please provide documents relied upon that such consignment is not Waste Fibre as per Chapter 55 & other Technical Literature on CESTAT file of above appeal in paper book.
7. Please give reason to favour revenue & harm to appellant by stating falsely perused the record when none of the paper is discussed in the order by Mr. D.N. Panda. Is it not illegal act of CESTAT Members?
8. Please give reason for such illegal act & how you will compensate the losses of appellant.
9. Please inform whether Technical Member understands Technical points of Test Reports of IPCL and CRCL or not.
10. Please inform whether actual test results of CRCL are perused by both Members, if so, inform the page number of Paper Book of Appellant in CESTAT Court file

I hope to hear soon or within prescribed period as per Right to Information Act, 2005.

Thanking you
Yours faithfully



S.P. GOYAL.

Encl: Postal Order No.10F 858659 dated 14.11.2014 of Rs.10/-.

F.No.-09-187/CESTAT/CPIO-ND/RP/2014,
Customs, Excise and Service Tax,
Appellate Tribunal,
West Block No.2, R.K.Puram,
New Delhi-110066.

Dated : 06-01-2014.

To

✓ Shri S.P.Goyal,
103A Krishna Chambers
59 New Marine Lines
Mumbai-400020.

Sub: information under RTI Act – 2005.


Sir,

I am to refer to your letter No.S-1231 (AE)/8897 dated 14-11-2014, seeking information under RTI Act. 2005, and to inform you that your questions are relating judicial order dated 01-11-2013, which is outside the preview of RTI Act.

If aggrieved, you may file an appeal before First Appellate Authority, Sh. Rakesh Kumar, Hon'ble Member (T), CESTAT, West Block No.2, R.K.Puram, New Delhi-110066.

Yours faithfully,


(Rajender Prasad)
CPIO, CESTAT.

RECEIVED	
Date	12-01-15
File No.	1231(AE)
No.(In)	7191
No.(Out)	
Sign	

Appeal No. 10-22(A)/2015

प्रथम अपील

माता अपीलेट अथोरिटी

क. एस. एक्साइज एण्ड सर्विस टैक्स ट्रिब्यूनल, नई दिल्ली



पत्र संख्या-सूचना- 2896

दिनांक - 27-01-2015

विषय - समयान्तर्गत सूचना उपलब्ध नहीं होने पर प्रथम अपील

महोदय,

आवेदन पत्र संख्या 2844 दिनांक 06-12-2014 (छाया प्रति सलग्न) द्वारा दो बिन्दुओं की रचना मंगा गया लेकिन अधिनियम में निर्णित समयान्तर्गत सूचना अधिकारी ने न तो वांछित सूचना उपलब्ध कराया है और न ही कोई पत्रोत्तर दिया।

अधिनियम के प्रावधानों के तहत प्रथम अपील दाखिल करते हुए आग्रह है कि वांछित सूचना उपलब्ध कराने तथा अधिनियम के प्रावधानों का उल्लंघन करने वाले जन सूचना अधिकारी तथा सम्बन्धित अधिकारी के खिलाफ सख्त कार्यवाही करने का कष्ट करें।

आपका

महेन्द्र अग्रवाल

326-एरड प्रिंस काम्पलेक्स, हजरतगंज लखनऊ-226001

मो-9415376117 ईमेल-news-kootchakra@gmail.com

152/REG/2015
2/2/2015

श्रीमान जन सूचना अधिकारी

कस्टम एक्साइज एंड सर्विस टैक्स ट्रिब्यूनल, नई दिल्ली

पत्र संख्या-सूचना- 2844

दिनांक - 06-12-2014

विषय - सूचना का अधिकार अधिनियम के तहत सूचना हेतु आवेदन

महोदय,

सूचना का अधिकार अधिनियम 2005 के तहत सूचना प्राप्त करने हेतु मय आवेदन शुल्क (पोस्टल आर्डर नम्बर 16 एफ 177226, मूल्य दस रुपया) आवेदन प्रेषित हैं।

मेसर्स यूटीलिटी पावरटेक लि, रिहन्दनगर सोनभद्र ने कमिश्नर सर्विस टैक्स इलाहाबाद के आदेश संख्या VI(ST) Dem (12) Ad: 135/2011, OIO No. (ST-148/2011) 39 of 2012 dt. 05-12-2012 के विरुद्ध ट्रिब्यूनल में अपील संख्या **ST/56315/2013** तथा **ST/56316/2013** दाखिल कर रखी हैं। जिसमें स्थगन संख्या **ST/S/56780/2013** तथा **ST/S/56780/2013** हैं।

क्या चाहिये-

- 1- उक्त वादों के दाखिल होने से लेकर वर्तमान तक (प्रत्येक तारिखों पर) पारित आदेशों का सम्बन्धित अभिलेखों सहित छाया प्रति उपलब्ध कराये।
- 2- उक्त वादों में पत्रावली में मौजूद सभी अभिलेखों की छाया प्रति उपलब्ध कराये।

आपका

महेन्द्र अग्रवाल

AL LUCKNOW GFO 226001
H RU9617520621N
Counter No:8, CP-Code:Rn,
To:REGISTRAR,CPID
DELHI, PIN:110066
From:MAHENDRA AGRAWAL, XO
Wt:10grams,
Amt:22.00, 06/12/2014, 12:18
<Track on www.indiapost.gov.in>

326 ए, प्रिंस काम्पलेक्स, हजरतगंज, लखनऊ-226001
मो-9415376117 ईमेल-news-kootchakra@gmail.com

**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: 09.04.2015

Appeal No.10-22 (A)/CESTAT/FAA-RK/2015

CPIO I.D. No. 09-210/CESTAT/CPIO-RP/2014

Shri Mohinder Aggrawal

Appellant

Vs.

CPIO, CESTAT

Respondent

ORDER

13/2015

Per Rakesh Kumar:-

The appellant under RTI application dated 06/12/14 had sought certain documents in respect of appeal No. ST/56315 and 56316 of 2013 filed by M/s Utility Powertech Ltd., Rihand Nagar, Sohanbudra. Since, the information sought was not received by the appellant within one month, treating the same as deemed refusal, this appeal has been filed.

2. Today, this matter had been fixed for hearing, the appellant has not turned up. Heard the CPIO. On going through the records, it is seen that while the appeal has been filed on 27/01/2015, the required documents had been sent to the appellant on 05/2/15. In view of this, the appeal is dismissed as infructuous.

(Rakesh Kumar)
First Appellate Authority

To

1. Shri Mohinder Aggrawal, 326A, Prince Complex, Hajratganj, Lucknow - 226 001.
2. Copy of CPIO.

13/4/15
ISSUED ON
SIGN. (DEPUTY SECTION)
CUSTOMS, EXCISE & SERVICE TAX
APPELLATE TRIBUNAL
NEW DELHI-110066

3. Office copy

Appeal No. 10-23(A)/2015

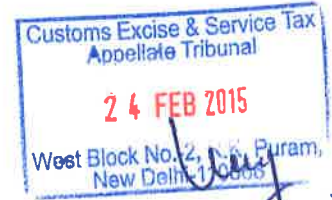
①

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

Ref. No. : RTI/P-537/(8943/15)/Appeal/15654

Dated : 24-02-2015

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)	12-01-2015	
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	12-3-2015	
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 12-1-2015. (Annexure-1) 2. Copy of CPIO's letter dated 15-1-2015. (Annexure-2) 3. Copy of Appellant's letter dated 19-1-2015. (Annexure-3) 4. Copy of Appellant's letter dated 19-1-2015. (Annexure-4)	

BRIEF FACTS OF THE CASE

2

- (1) That the appellant has filed an application dated 12-01-2015 (**Annexure – 1**) under Section 6 of the RTI Act, 2005 requesting for the following information:
 - (A) *Please provide details and copy of the following information, document, records, files in relation to Appeal Nos. E/50430 of 2014-EX(DB), in the case of Foil Pack Industries v. Commissioner of Central Excise and Appeal Nos. E/50582/2014 to E/50588/2014, E/50605/2014, E/51932/2014 in the case of P.K. Verma, Golden Tobacco Co. etc. and all applications connected or filed in these appeals and connected appeals*
 - (i) *Copies of all records of proceedings and notesheet orders in the aforesaid matters.*
 - (ii) *Copies of all notes and reports of the Registry.*
 - (iii) *Copies of first five pages of appeals and copies of all vakalatnamas with date of filing.*
 - (iv) *Copy of compliance reports and date of the reporting the compliance.*
 - (v) *Date and number of the Misc. Applications/Stay applications filed and first two pages of each application;*
 - (vi) *Copies of all Notice of Hearing and After Court Cause Lists*
 - (vii) *Copies of Written Arguments, if any, filed.*
 - (B) *Please provide copy of last five pages of impugned order appealed against.*
 - (C) *Please provide the copies of all applications/request/ mention made by any party to the said appeals/ applications including for early hearing.*
 - (D) *Please provide copy of After-Court Cause List, Asstt. Registrar's Diary and Appendix XXXVI and XXXVII for 24-11-2014 to 28-11-2014 of Central Excise Division.*
- (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 15-1-2015 (**Annexure-2**) of the CPIO, CESTAT to AR (Excise), CESTAT & Computer Section, CESTAT.

The Appellant vide letters dated 19-1-2015 (**Annexure-3 & 4**) requested the said authorities 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 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 : 24-02-2015

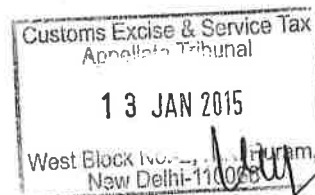
Application under Section 6 of the Right to Information Act, 2005

Ref. No. :RTI/P-195/8943/15

Dated : 12-1-2015

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 details and copy of the following information, document, records, files in relation to Appeal Nos. E/50430 of 2014-EX(DB), in the case of Foil Pack Industries v. Commissioner of Central Excise and Appeal Nos. E/50582/2014 to E/50588/2014, E/50605/2014, E/51932/2014 in the case of P.K. Verma, Golden Tobacco Co. etc. and all applications connected or filed in these appeals and connected appeals</p> <p>(i) Copies of all records of proceedings and notesheet orders in the aforesaid matters.</p> <p>(ii) Copies of all notes and reports of the Registry.</p> <p>(iii) Copies of first five pages of appeals and copies of all vakalatnamas with date of filing.</p> <p>(iv) Copy of compliance reports and date of the reporting the compliance.</p> <p>(v) Date and number of the Misc. Applications/Stay applications filed and first two pages of each application;</p> <p>(vi) Copies of all Notice of Hearing and After Court Cause Lists</p> <p>(vii) Copies of Written Arguments, if any, filed.</p> <p>(B) Please provide copy of last five pages of impugned order appealed against.</p>

		(C) Please provide the copies of all applications/request/ mention made by any party to the said appeals/ applications including for early hearing. (D) Please provide copy of After-Court Cause List, Asstt. Registrar's Diary and Appendix XXXVI and XXXVII for 24-11-2014 to 28-11-2014 of Central Excise Division. Note:- Please provide point-wise 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 226826 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.	

Place : New Delhi
Encl. : as above
Hira/---
sk


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

F.No...10-07...../CESTAT/CPIO-ND/RP/2015,
Customs, Excise and Service Tax, Appellate Tribunal,
West block No.2, R.K.Puram, New Delhi-110066.

(7)

Dated 15/11/15ID No. 10-07/15

Subject: Information sought under RTI Act 2005.

Sir,

Please refer to RTI application of
Shri R. K. Jain
Under RTI Act 2005 vide No. 8943/15 dated
12-1-15 (copy enclosed) wherein certain information are sought
as mentioned therein is related to your section.

Therefore, in terms of the provisions of Section 6(3) and Section
5(4) read with Section 5(5) of RTI Act, 2005, the RTI application
No. 8943/15 dated 12/1/15 CPIO ID No 10-07/15 is
forwarded herewith to the following officers as deemed CPIO with the
request to provide correct and para-wise information/inspection on or
before 30/01/2015 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 Excise, CESTAT New Delhi
- 2 Computer Section for Website
- 3 _____

Copy for information to:-

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

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 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

TIME BOUND

RTI

ANNEXURE- 3

19 JAN 2015

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

15/12-B, Bhishm Pitamah Marg,
Wazir Nagar,
NEW DELHI - 110 003.
PHONE : 24693001-3004
MOBILE : 9810077977
Fax No. 011-24635243

RTI/P-195/8943/15/R13845
19-01-2015

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

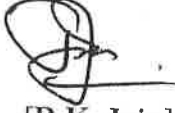
Sub: My RTI Application No. RTI/8943/15, dated 12/1/2015

Dear Sir,

This refers to the letter F. No. 10-07/CESTAT/CPIO-ND/R.P./2015 dated 15-1-2015 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]

dc

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

TIME BOUND

RTI

ANNEXURE-4

Excise & Service Tax
Appellate Tribunal

19 JAN 2015

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-195/8943/15/R13846
19-01-2015

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

Sub: My RTI Application No. RTI/8943/15, dated 12/1/2015

Dear Sir,

This refers to the letter F. No. 10-07/CESTAT/CPIO-ND/RP/2015 dated 15-1-2015 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. 10-23(A)/CESTAT/FAA-RK/2015
CPIO ID NO. 10-07/CESTAT/CPIO-RP/2014

Sh. R.K. Jain.

Appellant

Vs.

Sh. Rajender Prasad,
CPIO, CESTAT

Respondent

ORDER 19/2015

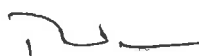
Per: Rakesh Kumar

The applicant vide RTI application dated 12/1/20-15 had sought certain information ^{and} regarding documents, records, files in relation to the appeal no. E/50430 of 2014 EX (DB) in the case of Foil Pack Industries Vs. Commissioner of Central Excise and Appeal Nos. E/50582/2014 to E/50588/2014, E/50605/2014, E/51932/2014 in the case of P.K. Verma, Golden Tobacco Co. etc. Since the applicant has not received the required information and files, this appeal has been filed

2. Heard both the sides.

3. CPIO states that the required files and information is to be provided by the Assistant Registrar, Central Excise Branch and in spite of 3 reminders ^{having} ~~have~~ been issued to him on 15/01/2015, 25/02/2015 and 23/03/2015, there has been no response from him.

4. AR, Central Excise, is directed to furnish the required information and documents immediately to the CPIO to enable him to



and the documents
pass on the same to the applicant. The information to be provided
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

lyddy
22/4/15

22/4/15
ISSUED ON
SIGN (OFF)
CUSTOMS DE
APPELLATE
SIN/Del HI-110056
RK
ATION
SERVICE TAX
INAL

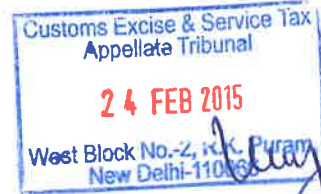
Appeal No. 10-24(A)/2015

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

Ref. No. : RTI/P-537/(8945/15)/Appeal/15656

Dated : 24-02-2015

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)	12-01-2015
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	12-3-2015
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 12-1-2015 (Annexure-1) 2. Copy of CPIO's letter dated 15-1-2015. (Annexure-2) 3. Copy of Appellant's letter dated 19-1-2015. (Annexure-3) 4. Copy of Appellant's letter dated 19-1-2015. (Annexure-4)

BRIEF FACTS OF THE CASE

(1) That the appellant has filed an application dated 12-01-2015 (**Annexure – 1**) under Section 6 of the RTI Act, 2005 requesting for the following information:

(A) Please provide details and copy of the following information, document, records, files in relation to Appeal No. ST/50421/2014/ST(SM) in the case of Punjab National Bank v. Commissioner, Jaipur, Appeal No. ST/50483/2014/ST(SM) in the case of Punjab National Bank v. Commissioner, Jaipur and all applications connected or filed in these appeals and connected appeals

(i) Copies of all records of proceedings and notesheet orders in the aforesaid matters.

(ii) Copies of all notes and reports of the Registry.

(iii) Copies of first five pages of appeal and copies of all vakalatnamas with date of filing.

(iv) Copy of compliance reports and date of the reporting the compliance.

(v) Date and number of the Misc. Applications/Stay applications filed;

(vi) Next date of hearing

(vii) Copies of all Notice of Hearing and After Court Cause Lists

(viii) Copies of Written Arguments, if any, filed.

(B) Please provide copies of impugned order passed by the lower authority.

(C) Please provide the copies of all applications/request/ mention made by any party to the said appeals/ applications including for early hearing

(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 15-1-2015 (**Annexure-2**) of the CPIO, CESTAT to AR (SM) & Computer Section, CESTAT. The Appellant vide letters dated 19-1-2015 (**Annexure-3 & 4**) requested the said authorities 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 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 : 24-02-2015

o/c

ANNEXURE-1

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

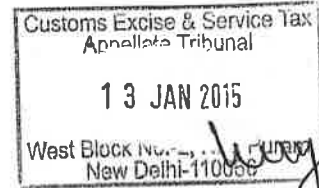
5

Ref. No. :RTI/P-195/8945/15

Dated : 12-1-2015


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 details and copy of the following information, document, records, files in relation to Appeal No. ST/50421/2014/ST(SM) in the case of Punjab National Bank v. Commissioner, Jaipur, Appeal No. ST/50483/2014/ST(SM) in the case of Punjab National Bank v. Commissioner, Jaipur and all applications connected or filed in these appeals and connected appeals</p> <p>(i) Copies of all records of proceedings and notesheet orders in the aforesaid matters.</p> <p>(ii) Copies of all notes and reports of the Registry.</p> <p>(iii) Copies of first five pages of appeal and copies of all vakalatnamas with date of filing.</p> <p>(iv) Copy of compliance reports and date of the reporting the compliance.</p> <p>(v) Date and number of the Misc. Applications/Stay applications filed;</p> <p>(vi) Next date of hearing</p> <p>(vii) Copies of all Notice of Hearing and After Court Cause Lists</p> <p>(viii) Copies of Written Arguments, if any, filed.</p> <p>(B) Please provide copies of impugned order passed by the lower authority.</p>

	(C) Please provide the copies of all applications/request/ mention made by any party to the said appeals/ applications including for early hearing Note:- Please provide point-wise 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 226817 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

Hiru/-----
ssk

ANNEXURE-2

F.No.....10-09...../CESTAT/CPIO-ND/RP/2015,
Customs, Excise and Service Tax, Appellate Tribunal,
West block No.2, R.K.Puram, New Delhi-110066.

(7)

Dated 15/01/15ID No. 10-09/2015

Subject: Information sought under RTI Act 2005.

Sir,

Please refer to RTI application of
Shri R.K. Jain
Under RTI Act 2005 vide No. 8945/15 dated
12-1-15 (copy enclosed) wherein certain information are sought
as mentioned therein is related to your section.

Therefore, in terms of the provisions of Section 6(3) and Section
5(4) read with Section 5(5) of RTI Act, 2005, the RTI application
No. 8945/15 dated 12-1-15 CPIO ID No 10-09/15 is
forwarded herewith to the following officers as deemed CPIO with the
request to provide correct and para-wise information/inspection on or
before 30/01/2015 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

hph
(Rajender Prasad)
Accounts Officer/CPIO

To

1 AR SM CESTAT N. Delhi

2 Computer Section for Website

3 _____

Copy for information to:-

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

o/c

TIME BOUND

RTI

ANNEXURE-3

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

19 JAN 2015

Post Box 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-195/8945/15/R13840
19-01-2015

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

Sub: My RTI Application No. RTI/8945/15, dated 12/1/2015

Dear Sir,

This refers to the letter F. No. 10-09/CESTAT/CPIO-ND/RP/2015 dated 15-1-2015 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.

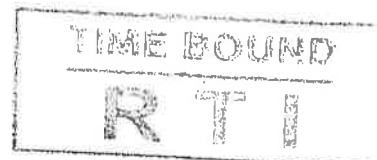
Thanking you,

Yours faithfully,



[R.K. Jain]

o/c



ANNEXURE-- 4 (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

19 JAN 2015

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

RTI/P-195/8945/15/R13841
19-01-2015

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

Sub: My RTI Application No. RTI/8945/15, dated 12/1/2015

Dear Sir,

This refers to the letter F. No. 10-09/CESTAT/CPIO-ND/RP/2015 dated 15-1-2015 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. 10-24(A)/CESTAT/FAA-RK/2015
CPIO ID NO. 10-09/CESTAT/CPIO-RP/2014

Sh. R.K. Jain.

Appellant

Vs.

Sh. Rajender Prasad,
CPIO, CESTAT

Respondent

ORDER 20/2015

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

hpd/y
22/4/15

22/4/15
RECEIVED ON
SIGN
CUSTOMS
APPELLATE TRIBUNAL
NEW DELHI-110066

Appeal No. 10-25(A)/2015

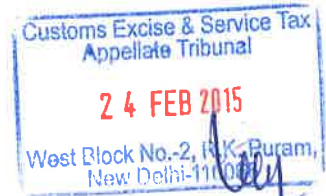
①

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

Ref. No. : RTI/P-537/(8944/15)/Appeal/15655

Dated : 24-02-2015

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 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)	12-01-2015
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	12-3-2015
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 12-1-2015. (Annexure-1) 2. Copy of CPIO's letter dated 15-1-2015. (Annexure-2) 3. Copy of Appellant's 3 letters dated 19-1-2015. (Annexure-3, 4 & 5)

2

BRIEF FACTS OF THE CASE

- (1) That the appellant has filed an application dated 12-01-2015 (**Annexure – 1**) under Section 6 of the RTI Act, 2005 requesting for the following information:
- (A) *Please provide details and copy of the following information, document, records, files in relation to Appeal Nos. ST/55497/2013 in the case of Gupta Electric Decorators, Appeal No. C/605/2008, C/610/2008 and C/611/2008 in the case of Defence Agro, Appeal No. C/471/2009 in the case of Hotline CPT Ltd., Appeal No. C/490/2011 in the case of SHEEFA EXPORTS (P) LTD. and Appeal Nos. C/550/2010 and C/551/2010 in the case of Neelam Steel and all applications connected or filed in these appeals and connected appeals*
 - (i) *Copies of all records of proceedings and notesheet orders in the aforesaid matters.*
 - (ii) *Copies of all notes and reports of the Registry.*
 - (iii) *Copies of first three pages of appeal and copies of all vakalatnamas with date of filing.*
 - (iv) *Copy of compliance reports and date of the reporting the compliance.*
 - (v) *Date and number of the Misc. Applications/Stay applications filed;*
 - (vi) *Next date of hearing*
 - (vii) *Copies of all Notice of Hearing and After Court Cause Lists*
 - (viii) *Copies of Written Arguments, if any, filed.*
 - (ix) *Copies of all High Court Orders in the case*
 - (B) *Please provide copies of last five pages of impugned order passed by the lower authority.*
 - (C) *Please provide the copies of all applications/request/ mention made by any party to the said appeals/ applications including for early hearing*
 - (D) *Please provide the current status of the case.*
- (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 15-1-2015 (**Annexure-2**) of the CPIO, CESTAT to AR (Customs/ST) & Computer Section, CESTAT. The Appellant vide letters dated 19-1-2015 (**Annexure-3, 4 & 5**) requested the said authorities 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 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.

④

- (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 : 24-02-2015

0/c

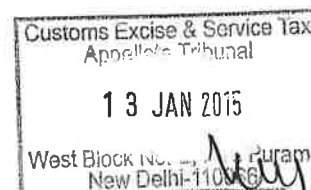
ANNEXURE- 1

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

Ref. No. :RTI/P-195/8944/15
Dated : 12-1-2015


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	(A) Please provide details and copy of the following information, document, records, files in relation to Appeal Nos. ST/55497/2013 in the case of Gupta Electric Decorators, Appeal No. C/605/2008, C/610/2008 and C/611/2008 in the case of Defence Agro, Appeal No. C/471/2009 in the case of Hotline CPT Ltd., Appeal No. C/490/2011 in the case of SHEEFA EXPORTS (P) LTD. and Appeal Nos. C/550/2010 and C/551/2010 in the case of Neelam Steel and all applications connected or filed in these appeals and connected appeals (i) Copies of all records of proceedings and notesheet orders in the aforesaid matters. (ii) Copies of all notes and reports of the Registry. (iii) Copies of first three pages of appeal and copies of all vakalatnamas with date of filing. (iv) Copy of compliance reports and date of the reporting the compliance. (v) Date and number of the Misc. Applications/Stay applications filed; (vi) Next date of hearing (vii) Copies of all Notice of Hearing and After Court Cause Lists (viii) Copies of Written Arguments, if any, filed. (ix) Copies of all High Court Orders in the case

	<p>(B) Please provide copies of last five pages of impugned order passed by the lower authority.</p> <p>(C) Please provide the copies of all applications/request/ mention made by any party to the said appeals/ applications including for early hearing</p> <p>(D) Please provide the current status of the case.</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. 16F 266828 for Rs. 10 towards payment of fee is enclosed herewith. You are requested to filling the name in which the Postal Order is payable.
7.	As per Section 7 of the RTI Act, 2005 information is to be provided within 30 days of the Application.


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

Place : New Delhi

Encl. : as above

Hira/---
hr

F.No...10-08...../CESTAT/CPIO-ND/RP/2015,
Customs, Excise and Service Tax, Appellate Tribunal,
West block No.2, R.K.Puram, New Delhi-110066.

Dated 15/1/15ID No. 10-08/15

Subject: Information sought under RTI Act 2005.

Sir,

Please refer to RTI application of
Shri R.K. Jain
Under RTI Act 2005 vide No. 8944/15 dated
12-1-15 (copy enclosed) wherein certain information are sought
as mentioned therein is related to your section.

Therefore, in terms of the provisions of Section 6(3) and Section
5(4) read with Section 5(5) of RTI Act, 2005, the RTI application
No. 8944/15 dated 12-01-15 CPIO ID No 10-08/2015 is
forwarded herewith to the following officers as deemed CPIO with the
request to provide correct and para-wise information/inspection on or
before 30/01/15 directly to the applicant and intimate the
undersigned within the stipulated time, failing which you are
personally responsible for delay and penalty if any, under section 20 of
RTI Act. You are, further requested to follow OM No.12/31/2013-IR
dated 12-02-2013 circulated on 23-05-2013

Encl: as above


(Rajender Prasad)
Accounts Officer/CPIO

To

1. AR Customs/ST
2. Computer Section for website
3. _____

✓ Copy for information to:-

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

o/c

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

President, Excise and Customs Bar Association

Editor of

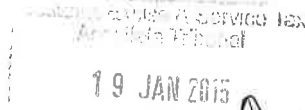
EXCISE LAW TIMES & SERVICE TAX REVIEW

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-195/8944/15/R13843
19-01-2015

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


Sub: My RTI Application No. RTI/8944/15, dated 12/1/2015

Dear Sir,

This refers to the letter F. No. 10-08/CESTAT/CPIO-ND/R.P./2015 dated 15-1-2015 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]

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

President, Excise and Customs Bar Association

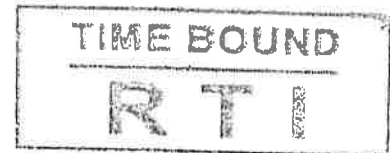
Editor of

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

o/c



ANNEXURE-4

19 JAN 2015

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

RTI/P-195/8944/15/R13844
19-01-2015

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

Sub: My RTI Application No. RTI/8944/15, dated 12/1/2015

Dear Sir,

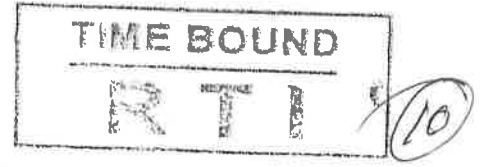
This refers to the letter F. No. 10-08/CESTAT/CPIO-ND/R.P./2015 dated 15-1-2015 of Shri Rajender Prasad, Accounts Officer/ CPIO, CESTAT, New Delhi, transferring my aforesaid RTI application to you under section 6(3) and Section 5(4) read with Section 5(5) of the RTI Act, 2005, for providing the information 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



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

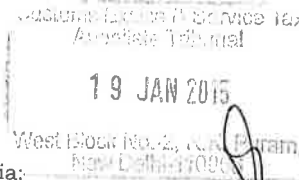
President, Excise and Customs Bar Association

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-5

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

RTI/P-195/8944/15/R13842
19-01-2015

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

Sub: My RTI Application No. RTI/8944/15, dated 12/1/2015

Dear Sir,

This refers to the letter F. No. 10-08/CESTAT/CPIO-ND/RP/2015 dated 15-1-2015 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. 10-25(A)/CESTAT/FAA-RK/2015
CPIO ID NO. 10-08/CESTAT/CPIO-RP/2014

Sh. R.K. Jain.

Appellant

Vs.

Sh. Rajender Prasad,
CPIO, CESTAT

Respondent

ORDER 21/2015

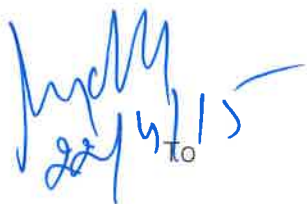
Per: Rakesh Kumar

The applicant vide RTI application dated 12/1/2015 had sought certain information as well as documents, records and files in respect of certain appeals. Though the CPIO has furnished the information/documents, according to the applicant, the furnished information /document are not complete and hence, this appeal has been filed.

2. CPIO is directed to provide the copies of the following appeal no.

1. C/605/2008, C/610/2008 and C/611/2008 (Defence Agro)
2. C/471/2009 (Hotline CPT Ltd.)
3. C/550-551/2010 (Neelam Steel)


(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

22/4/15
ISSUED ON
SIGN. (D)
CUSTOMS &
APPELLATE
NEW DELHI-110066
(NON)
SERVICE TAX
TRIBUNAL

Dyno. 745/EX-15
9/3/15
To Hoihe
SPS
PETA
177/RK/AA/115
10/03

Appeal No. 10-26(A)/2015

①

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

Ref. No. : RTI/P-537/(8952/15)/Appeal/15669

Dated : 07-03-2015

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
09 MAR 2015

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)	15-01-2015
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	15-3-2015
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 15-1-2015.(Annexure-1) 2. Copy of CPIO's letter dated 15-1-2015.(Annexure-2) 3. Copy of Appellant's 3 letters dated 17-1-2015.(Annexure-3)

2

BRIEF FACTS OF THE CASE

(1) That the appellant has filed an application dated 15-01-2015 (**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) C/50750/2014 (Gopal Agarwal) (ii) C/55690/2014 (Neelkanth International) (iii) C/55691/2014 (Windsor Exports) (iv) ST/55707/2014 (Mayor & Co.)*

(i) *Copies of all Order Sheets/Record of Proceedings.*

(ii) *Copies of all the notes put up by the registry with orders thereon.*

(iii) *Copies of any order/directions for out of turn listing of the matter*

(iv) *Details of the date on which the aforesaid matter was mentioned. Please also provide copies of the mention memo and directions thereon.*

(v) *Copies of all the After Court Cause Lists and 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.*

(vi) *Copies of all notice of hearing issued to parties.*

(vii) *Copies of all Vakalatnamas and no objections filed in case of change of lawyer. Please also intimate the date of filing of each Vakalatnama.*

(viii) *Copies of 1st four pages of appeals & last pages of impugned order.*

(B) *Please provide list of files from which the information as sought above is 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 15-1-2015 (**Annexure-2**) of the CPIO, CESTAT to AR(Customs/ST) & Computer Section. The Appellant vide letters dated 17-1-2015 (**Annexure-3**) requested the said authorities 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 CPIO, CESTAT 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 : 07-03-2015

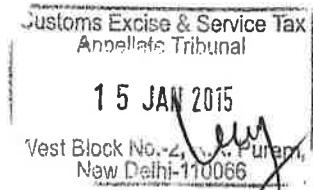
Application under Section 6 of the Right to Information Act, 2005

Ref. No. :RTI/P-195/8952/15

Dated : 15-01-2015

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) C/50750/2014 (Gopal Agarwal) (ii) C/55690/2014 (Neelkanth International) (iii) C/55691/2014 (Windsor Exports) (iv) ST/55707/2014 (Mayor & Co.)</p> <p>(i) Copies of all Order Sheets/Record of Proceedings.</p> <p>(ii) Copies of all the notes put up by the registry with orders thereon.</p> <p>(iii) Copies of any order/directions for out of turn listing of the matter</p> <p>(iv) Details of the date on which the aforesaid mater was mentioned. Please also provide copies of the mention memo and directions thereon.</p> <p>(v) Copies of all the After Court Cause Lists and 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>(vi) Copies of all notice of hearing issued to parties.</p> <p>(vii) 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>

		(viii) Copies of 1st four pages of appeals & last pages of impugned order. (B) Please provide list of files from which the information as sought above is provided by you. 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 266789 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/—8952
asn

F.No. 10-13...../CESTAT/CPIO-ND/RP/2015,
Customs, Excise and Service Tax, Appellate Tribunal,
West block No.2, R.K.Puram, New Delhi-110066.

Dated- 15/01/15

ID No. 10-13/2015

Subject: Information sought under RTI Act 2005.

Sir,

Please refer to RTI application of
Shri R.K. Jain
Under RTI Act 2005 vide No. 8952/15 dated
15.01.15 (copy enclosed) wherein certain information are sought
as mentioned therein is related to your section.

Therefore, in terms of the provisions of Section 6(3) and Section
5(4) read with Section 5(5) of RTI Act, 2005, the RTI application
No. 8952/15 dated 15.01.15 CPIO ID No 10-13/2015 is
forwarded herewith to the following officers as deemed CPIO with the
request to provide correct and para-wise information/inspection on or
before 30/01/2015 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 AD Customs/IT
- 2 Computer Section for web
- 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

d/c

TIME BOUND

RTI

⑧

Customs Excise & Service Tax
Appellate Tribunal

19 JAN 2015

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

ANNEXURE- 3

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

RTI/P-195/8952/15/R13830
17-01-2015

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

Sub: My RTI Application No. RTI/8952/15, dated 15/1/2015

Dear Sir,

This refers to the letter F. No. 10-13/CESTAT/CPIO-ND/RP/2015 dated 15-1-2015 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]

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

o/c
Customs Excise & Service
Appellate Tribunal

19 JAN 2015

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

TIME BOUND

RTI

ANNEXURE-

9

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

RTI/P-195/8952/15/R13829
17-01-2015

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

Sub: My RTI Application No. RTI/8952/15, dated 15/1/2015

Dear Sir,

This refers to the letter F. No. 10-13/CESTAT/CPIO-ND/RP/2015 dated 15-1-2015 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]

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

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Editor of

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Service Tax Law Guide; Service Tax Handbook;
Handbook of Duty Drawback on Goods &
Services; Valuation under Central Excise; Hand-
book of Foreign Trade Policy & Procedures

Customs Excise & Service Tax
Appellate Tribunal

19 JAN 2015

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

TIME BOUND

RTI

ANNEXURE-10

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

RTI/P-195/8952/15/R13831
17-01-2015

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

Sub: My RTI Application No. RTI/8952/15, dated 15/1/2015

Dear Sir,

This refers to the letter F. No. 10-13/CESTAT/CPIO-ND/RP/2015 dated 15-1-2015 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. 10-26(A)/CESTAT/FAA-RK/2015
CPIO ID NO. 10-13/CESTAT/CPIO-RP/2014

Sh. R.K. Jain.

Appellant

Vs.

Sh. Rajender Prasad,
CPIO, CESTAT

Respondent


ORDER

22/2015

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.

✓ 2. Office Copy

hpd
22/4/15

22/4/15
ISSUED ON
SIGN. (R)
CUSTOMS &
APPELLATE TRIBUNAL
NEW DELHI-110066

(27)

ID 10-27(A)/2015

183/RK(AA)/15

24/03

Dy No. 936/EX-15
24/3/15

CPV

①

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

Ref. No. : RTI/P-537/(8761/14)/Appeal/15695

Dated : 20-03-2015

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

24 MAR 2015

West Block No.-2
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)	28-10-2014	
3.	Details of the order appealed against	Letter F.No.09-170/CESTAT/CPIO-ND/RP/2014 dated 12.03.2015.	
4.	Prayer or relief sought	See Prayer clause at the end	
5.	Last date for filing the appeal	12-4-2015	
6.	Whether Appeal in Time.	Appeal in time	
7.	Copies of documents relied upon by the applicant	1. Copy of RTI Application dated 28-10-2015.(Annexure-1) 2. Copy of CPIO's letter dated 12-3-2015.(Annexure-2)	

sh. v. k.

hpl
30/3/15

24/3/15

BRIEF FACTS OF THE CASE

- (1) That the appellant has filed an application dated 28-10-2014 (**Annexure – 1**) under Section 6 of the RTI Act, 2005 requesting for the following information:
- (A) *Please provide list of the Anti-dumping Appeals pending as on 1-10-2014 or any other day of 1st September to 30th October, 2014, as is convenient to you.*
 - (B) *Please provide list of the Stay Applications, which are pending in Anti-dumping Appeals as on 1-10-2014 or any other day of 1st September to 30th October, 2014, as is convenient to you.*
 - (C) *Please provide list/records of the Early Hearing Applications which are pending in Anti-dumping Appeals as on 1-10-2014 or any other day of 1st September to 30th October, 2014, as is convenient to you.*
 - (D) *Please provide list / records of the Anti-dumping Matters mentioned from 1-1-2014 till date and copies of the Mention Memos / applications and directions issued thereon.*
 - (E) *Please provide the criteria by which the Anti-dumping appeals and stay applications/Misc. cases are listed out-of-turn/out-of-sequence without any direction from the Bench and officer of the Registry who is competent to exercise such jurisdiction.*
 - (F) *The applicant had learnt that on considerations other than legal and instructions of the Higher Officials, the case of Huawei Technologies Co. Ltd. v. G.D.G & Co. - AD/STAY/1669/2012 has been listed 27-10-2014 as Item No. 1 in Regular Matters while it was a Miscellaneous Matter and thus, it was an attempt to dispose off the appeal itself at the stage of hearing the Stay Application. Moreover, the cause lists for 28th, 29th and 30th October, 2014 of the Court No. 1 clearly shows that the Stay Applications filed in the year 2011 has been listed subsequently, while the Stay Application in the case of Huawei*

Technologies was of 2012. In this regard, please provide the following information:-

- (i) Please provide a copy of the Order by which an out-of-turn hearing of the Stay Application in Appeal No. AD/13/2012 was directed.*
 - (ii) Please provide criteria for listing of Anti-dumping Appeals, Stay Applications and Misc. Applications.*
 - (iii) Please provide the details of the action taken for out-of-turn listing of the case of the Huawei Technologies Co. Ltd.*
 - (iv) Please provide Records of the Proceedings of the objection taken by the authorised representative of the Deptt. regarding inappropriate listing of the case of Huawei Technologies out-of-turn.*
 - (v) Please provide date on which the aforesaid case of Huawei Technologies was mentioned in the Court No. 1 during 2014 and copies of the directions issued on the said Mention and also copy of the Mention Memo.*
 - (vi) Please provide copies of all the Orders/Directions issued by the Bench or the Hon'ble President and also copies of Note sheets put up by the Registry with directions thereon in the aforesaid appeal of Huawei Technologies.*
- (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 not provided complete and correct 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) The CPIO has erred in denying the information as sought in Point (C) & (D) of the RTI Application on the ground that such information is not maintained. Under the RTI Act, the maintenance of information is not the pre-requisite for providing the information. Since the information sought is held by the public authority, it is to be provided. Recently the First Appellate Authority of the CIC in the case of S.C. Agarwal V/s. CIC – First appeal No. CIC/AA/A/2013/269 decided on 3-10-2013 basing its decision on Supreme Court judgment held as under: -

*"...Under Section 2(j), the Right to Information conferred on the citizen means Right to Information "**accessible**" under the Act, which is "**held by**" or is "**under the control of**" any Public Authority. The attention of the CPIO is also drawn to judgment of Hon'ble Supreme Court in the case of Secretary General, Supreme Court of India Vs. the petitioner in LPA No. 501/2009, wherein the court has defined the words "**held by**" and "**under the control of**" as under:-*

*"The words 'held by' or 'under the control of' under Section 2(j) will include not only information under the legal control of the public authority but also all such information which is otherwise **received** or **used** or **consciously retained** by the public authority in the course of its functions and its official capacity." (emphasis supplied)*

The information sought for by the appellant squarely falls within the ambit of the information of as defined under the RTI Act, there is no denying that it is within the mischief of section 2 (j) of the RTI Act.

In view of this, and the reliance placed on the judgment of the Commission dated 23.05.2013 in the case of R.K. Jain Vs. CIC, the replies given in response to the four queries namely 4, 5, 7 and 8 by the nodal CPIO is set-aside and he is directed to obtain the information from the concerned registries or provide access to the information seeker to peruse the records and get the required information. The CPIO is free to proceed in terms of the provisions of the RTI Act while replying again to these queries."

In view of the above decision of the First Appellate Authority of the CIC , CPIO and Deemed CPIOs are required to provide the information as sought in point (E) of the RTI application. Therefore, the order of the CPIO is incorrect and illegal and liable to be set aside and the CPIO be directed to provide the information in time bound frame.

Recently a Division Bench of the Bombay High Court in the case of Sayyed Education Society v. State of Maharashtra-W.P. 1305/2011 decided on 12-2-2014 has held that public authorities are under a statutory obligation to maintain records and disseminate as per the provisions of section 4 of the RTI Act. The High Court, in this respect, specifically held as under:-

"20. Needless to state and as observed by the Hon'ble Apex Court in paragraph No. 14 in the case of C.B.S.E. and another (supra), Public Authorities are under an obligation to maintain records and disseminate the information in the manner provided under Section 4 of the RTI Act. The submission of the petitioner that it is an onerous task to supply documents, therefore, is required to be rejected. When the Law mandates preserving of documents, supplying copies thereof to an applicant, in our view, cannot be said to be an onerous task."

In view of this decision of Bombay High Court, the information cannot be

denied on the ground of its non-maintenance, rather non-maintenance of records is an act of obstruction to the information with malafide intent and purpose and liable for penal action under section 20 of the RTI Act.

- (4) That the CPIO / Deemed CPIO have wrongly denied the information as sought in Point (E) of the RTI Application on the ground that the information does not pertain to the Registry of the Deemed CPIO. In such circumstances, the CPIO / Deemed CPIO should have forwarded or transferred the application under Section 5(4), 5(5), 6(3) of the RTI Act to the holder of the 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.
- (5) That the CPIO / Deemed CPIO have wrongly offered inspection of the records in relation to the information sought in Point (F) (iii) and (iv) of the RTI Application instead of providing the information. The inspection of records is not a substitute of providing the information, but is only a mode of delaying and denying the 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.
- (6) That the CPIO / Deemed CPIO have not enclosed the information as sought in Point (F) (vi) 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.
- (7) 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.
- (8) That the information sought is neither voluminous nor relate to older and larger period, thus could have easily been provided by the learned CPIO.
- (9) 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.

(10) That a personal hearing may be granted to the appellant before deciding the present appeal.

(11) 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 : 20-03-2015

o/c

ANNEXURE-1

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

Ref. No. : RTI/P-195/8761/14

Dated : 28-10-2014

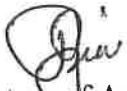
To

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 list of the Anti-dumping Appeals pending as on 1-10-2014 or any other day of 1st September to 30th October, 2014, as is convenient to you.</p> <p>(B) Please provide list of the Stay Applications, which are pending in Anti-dumping Appeals as on 1-10-2014 or any other day of 1st September to 30th October, 2014, as is convenient to you.</p> <p>(C) Please provide list/records of the Early Hearing Applications which are pending in Anti-dumping Appeals as on 1-10-2014 or any other day of 1st September to 30th October, 2014, as is convenient to you.</p> <p>(D) Please provide list / records of the Anti-dumping Matters mentioned from 1-1-2014 till date and copies of the Mention Memos / applications and directions issued thereon.</p> <p>(E) Please provide the criteria by which the Anti-dumping appeals and stay applications/Misc. cases are listed out-of-turn/out-of-sequence without any direction from the Bench and officer of the Registry who is competent to exercise such jurisdiction.</p> <p>(F) The applicant had learnt that on considerations other than legal and instructions of the Higher Officials, the case of Huawei Technologies Co. Ltd. v. G.D.G & Co. - AD/STAY/1669/2012 has been listed 27-10-2014 as Item No. 1 in Regular Matters while it was a Miscellaneous Matter and thus, it was an attempt to dispose</p>

		<p>off the appeal itself at the stage of hearing the Stay Application. Moreover, the cause lists for 28th, 29th and 30th October, 2014 of the Court No. 1 clearly shows that the Stay Applications filed in the year 2011 has been listed subsequently, while the Stay Application in the case of Huawei Technologies was of 2012. In this regard, please provide the following information:-</p> <ul style="list-style-type: none"> (i) Please provide a copy of the Order by which an out-of-turn hearing of the Stay Application in Appeal No. AD/13/2012 was directed. (ii) Please provide criteria for listing of Anti-dumping Appeals, Stay Applications and Misc. Applications. (iii) Please provide the details of the action taken for out-of-turn listing of the case of the Huawei Technologies Co. Ltd. (iv) Please provide Records of the Proceedings of the objection taken by the authorised representative of the Deptt. regarding inappropriate listing of the case of Huawei Technologies out-of-turn. (v) Please provide date on which the aforesaid case of Huawei Technologies was mentioned in the Court No. 1 during 2014 and copies of the directions issued on the said Mention and also copy of the Mention Memo. (vi) Please provide copies of all the Orders/Directions issued by the Bench or the Hon'ble President and also copies of Note sheets put up by the Registry with directions thereon in the aforesaid appeal of Huawei Technologies. <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.	
6.	A Postal Order No. 27F 667020 for Rs. 10 towards payment of fee is enclosed herewith.	


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

Place : New Delhi
 Encl. : as above
 Hira/---HR

F.No. 09-170 CESTAT/CPIO-ND/RP/2014
Customs Excise and Service Tax Appellate Tribunal
West Block No 2, R.K.Puram, New Delhi-110 066

Dated 12-03-2015
ID No. 09-170/2014

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. 8761/2014 Dt. 28-10-2014
and our ID No. 09-170/14 and First Appellate Order no. 05/2015
the information received from AR, Customs containing 08 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:- Computer Section for website

11

CUSTOMS, SERVICE TAX & ANTIDUMPING BRANCH

I.D.No.09-170/14

With reference to your I.D.No.09-196/14 dated 30.10.14 & reminder dated 9.2.2015, the information sought by you is replied as per available record as under:-

1.The list of pending case of Anti-Dumping as on 19.2.2015 is enclosed as sought vide point A.

2.The information sought vide point B is included in the reply of point A.

3.The information sought vide point C, in this regard it is submitted that no such record is maintained.

4. The information sought vide point D, in this regard it is submitted that no such record is maintained.

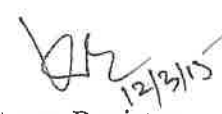
5.The information sought vide point E do not pertains to this bench Registry.

6.The information sought vide point F(i) the copy of open mention dated 27.8.14 is enclosed .The information vide point F(ii) the matters are listed in chronological order .The information sought vide point F(iii & iv), you may inspect the file .The information sought vide point F(v) the copy of mention is enclosed.The information sought vide point F(vi), the copies of order/note sheets are enclosed.

Note : You may inspect the relevant record on any working day with one day prior information.

Dated:10.03.2015

Total Pages - 08


12/3/15
Asstt. Registrar.

Copy to:-

✓ 1.CPIO.

2.O/c.


A.R.

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. 10-27(A)/CESTAT/FAA-RK/2015
CPIO ID NO. 09-170/CESTAT/CPIO-RP/2014

Sh. R.K. Jain.

Appellant

Vs.

Sh. Rajender Prasad,
CPIO, CESTAT

Respondent

ORDER 23/2015

Per: Rakesh Kumar


The applicant vide RTI application dated 28/10/2014 had sought certain information regarding Anti-dumping Appeals. Though the CPIO has furnished the information, According to the applicant, the same is not complete and hence, this appeal has been filed.

2. Heard both the sides.

3. The information in respect of Point no. 'C', 'D' and 'E' has not been supplied at all which must be supplied within 3 weeks' time. With regard to the Point No. 'F', (vi), the enclosure was not found.

The same may also be provided.


(Rakesh Kumar)
First Appellate Authority

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

3. Office copy

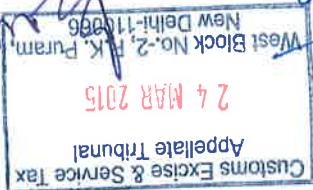
92/4/15
ISSUED ON
SIGN. (OFF
CUSTOMS, E)
APPELLATE
CENTRAL BENCH

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

Ref. No. : RTI/P-537/(8961/15)/Appeal/15682
Dated : 18-03-2015

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)	of 30-01-2015	
3.	Details of the order appealed against	Letter 70(18)/CESTAT/Cash/RTI-10-15/2015 dated 27-2-2015 received by appellant on 3-3-2015.	
4.	Prayer or relief sought	See Prayer clause at the end	
5.	Last date for filing the appeal	3-4-2015	
6.	Whether Appeal in Time.	Appeal in time	
7.	Copies of documents relied upon by the applicant	1. Copy of RTI Application dated 30-1-2015.(Annexure-1) 2. Copy of CPIO's letter dated 27-2-2015.(Annexure-2) 3. Copy of CPIO's letter dated 3-3-2015.(Annexure-3)	

184/RIC(AM)/15
24/3/15

24/3/15

24/3/15

BRIEF FACTS OF THE CASE

(1) That the appellant has filed an application dated 30-01-2015 (Annexure – 1) under Section 6 of the RTI Act, 2005 requesting for the following information:

(A) The applicant has learnt that Shri S.K. Verma, Asstt. Registrar, CESTAT during the year 2009, 2010 and 2011 has submitted Lease Agreement and Rent Receipts for payment of Rs. 10,000/- per month for House in Bangalore. In this regard, you are requested to provide the following information:-

(i) Please provide the period during which the benefit of tax deduction on account of payment of rent of Rs.10,000/- per month for House at Bangalore has been given by the Accounts Section of CESTAT to Shri S.K. Verma while computing his TDS during the aforesaid years.

(ii) Please provide the financial year-wise details of the deduction / the tax benefit that has been given to Shri S.K Verma, Asstt. Registrar for the payment of the rent of Rs.10,000/- per month for the house alleged to have been taken by him on rent at Bangalore.

(iii) Please provide the certified copies of all the Rent Receipts of Rs. 10,000/- submitted by him alongwith copy of the communication in which he has sought deduction from payment of income tax/TDS for the said amount.

(iv) Please provide certified copy of the communication received from Shri S.K. Verma or CESTAT, Bangalore, under which the lease deed for the aforesaid house taken on rent for Rs. 10,000/- per month at Bangalore. Please also provide the copy of the Lease Deed and in case, the Lease Deed is not traceable, kindly provide the name of the Official from whose custody it is missing.

(v) Please provide the address of the House which is stated to have been taken on rent for Rs. 10,000/- by Shri S.K. Verma, at Bangalore.

(vi) Please provide the address of all the Govt. quarters / residential accommodation allotted to Shri S.K. Verma, during his tenure at Bangalore.

(B) Please provide details of the information whether the matter regarding fraudulently claiming the income tax deduction by Shri S.K. Verma by showing a Govt. quarter as private property and then claiming income tax deduction for the monthly rent of Rs.10000/-, has been brought to the notice of the Registrar of the CESTAT and the Hon'ble President of the CESTAT.

(C) Please provide the names and designation of the First Appellate Authority at CESTAT, Delhi and number of days the First Appellate Authority has attended office at Delhi from 15-12-2014 till the date of providing the information.

NOTE: The above information is also held by the office of the Registrar and the Office of the Hon'ble President CESTAT, besides others, therefore the application may also be forwarded to them.

(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, Accounts Officer/CPIO, has deliberately and malafidely provided incomplete and incorrect information so as to suppress the information and irregularities committed in the CESTAT. The appellant being aggrieved by the said order of the CPIO is filing the present appeal.

(4) That the CPIO has deliberately and malafidely provided incomplete and incorrect information with a view to cause obstruction to the information without any reasonable cause. Therefore, he is 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 the CPIO has deliberately and malafidely not provided complete and correct information as sought in points (A)(iii) of the RTI application. He has merely stated that only one receipt is available. He has not provided information as to the whereabouts of the other receipts or whether only one receipt was given by Shri S.K. Verma. The CPIO has provided contradictory and confusing information as regards to the rent receipt received from Shri S.K. Verma. If the copy of the Rent Receipt provided to the appellant was the one which was given by Shri S.K. Verma by hand then the copies sent by Shri S.K. Verma by post alongwith his letter dated 7-6-2010 should also have been provided. 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 deliberately and malafidely provided contradictory and confusing information in relation to point 4 of the RTI application. The letter dated 7-6-2010 of Shri S.K. Verma clearly shows a copy of the Rent Agreement was forwarded to the DDO. The claim of the CPIO about the non-availability of the said Rent Agreement lack credence as the copy of the letter to which the said Agreement was enclosed has been provided by the CPIO. The CPIO should have traced out copy of the Rent Agreement or procured the same from Shri S.K. Verma and provided it to the appellant. In case Rent Agreement has been misplaced from the office of

the Accounts Officer, then as per Delhi High Court's decision in the case of Union of India v. Vishwas Bhambhukar, an inquiry may be held by an Officer not below the rank of Jt. Secretary and thereafter appropriate action may be taken as per the inquiry report, otherwise the CPIO may be directed to provide the information in question within time bound frame.

- (5) That Shri Rajender Prasad, CPIO, CESTAT in order to suppress the information has made contradictory claim in relation to point A(iv) of the RTI application. Firstly, the CPIO claimed that rent agreement provided by Shri S.K. Verma is not traceable but subsequently he claimed that no communication regarding lease deed is available, while a copy of Shri S.K.Verma's letter dated 7-6-2010 in this respect has been supplied. The CPIO is blowing hot and cold just to confuse the issue and suppress the information and fraudulent transactions undertaken on the basis of forged documents causing financial loss to the State. Therefore, the order of the CPIO is incorrect and illegal and liable to be set aside and the CPIO be directed to provide the information in time bound frame and he is also liable for penalty under section 20(1) of the RTI Act and recommendation for disciplinary action under section 20(2) of the RTI Act, for delaying and obstructing the information in question without any reasonable cause.
- (6) That Shri Rajender Prasad, CPIO, CESTAT has deliberately provided incorrect, incomplete and misleading information in relation to point (B) of the RTI Application. His claim that the address mentioned on the Rent Receipt nowhere mentions that it relates to Govt. Quarter whereas the same CPIO under the same reply at point A(v) and A(vi) has given the address of the Govt. Quarter as well as the address given on the Rent Receipt i.e. "105, S-HIG-B7, Yelahanka, Bangalore", therefore the CPIO provided false and incorrect information. Therefore, the order of the CPIO is incorrect and illegal and liable to be set aside and the CPIO be directed to provide the information in time bound frame and he is also liable for penalty under section 20(1) of the RTI Act and recommendation for disciplinary action under section 20(2) of the RTI Act, for delaying and obstructing the information in question without any reasonable cause.

- (7) That the CPIO has deliberately and malafidely not provided the information sought in point (C) of the RTI application on the ground that it does not pertain to Accounts Section. Shri Rajendra Prasad is not only the Head of the Accounts Section, but also the CPIO, therefore, he should have forwarded/transferred this part of the RTI application to the holder of the 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.
- (8) 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.
- (9) That the information sought is neither voluminous nor relate to older and larger period, thus could have easily been provided by the learned CPIO.
- (10) 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.
- (11) That a personal hearing may be granted to the appellant before deciding the present appeal.
- (12) 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 : 18-03-2015

o/c

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(8)

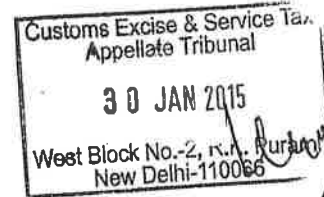
Application under Section 6 of the Right to Information Act, 2005

Ref. No. :RTI/P-195/8961/15

Dated : 30-1-2015

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	(A) The applicant has learnt that Shri S.K. Verma, Asstt. Registrar, CESTAT during the year 2009, 2010 and 2011 has submitted Lease Agreement and Rent Receipts for payment of Rs.10,000/- per month for House in Bangalore. In this regard, you are requested to provide the following information:- (i) Please provide the period during which the benefit of tax deduction on account of payment of rent of Rs.10,000/- per month for House at Bangalore has been given by the Accounts Section of CESTAT to Shri S.K. Verma while computing his TDS during the aforesaid years. (ii) Please provide the financial year-wise details of the deduction / the tax benefit that has been given to Shri S.K. Verma, Asstt. Registrar for the payment of the rent of Rs. 10,000/- per month for the house alleged to have been taken by him on rent at Bangalore. (iii) Please provide the certified copies of all the Rent Receipts of Rs. 10,000/- submitted by him alongwith copy of the communication in which he has sought deduction from payment of income tax/TDS for the said amount. (iv) Please provide certified copy of the communication received from Shri S.K. Verma or CESTAT, Bangalore, under which the lease deed for the aforesaid house taken on rent for Rs. 10,000/- per month at Bangalore. Please also provide the copy of

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	<p>the Lease Deed and in case, the Lease Deed is not traceable, kindly provide the name of the Official from whose custody it is missing.</p> <p>(v) Please provide the address of the House which is stated to have been taken on rent for Rs. 10,000/- by Shri S.K. Verma, at Bangalore.</p> <p>(vi) Please provide the address of all the Govt. quarters / residential accommodation allotted to Shri S.K. Verma, during his tenure at Bangalore.</p> <p>(B) Please provide details of the information whether the matter regarding fraudulently claiming the income tax deduction by Shri S.K. Verma by showing a Govt. quarter as private property and then claiming income tax deduction for the monthly rent of Rs.10,000/-, has been brought to the notice of the Registrar of the CESTAT and the Hon'ble President of the CESTAT.</p> <p>(C) Please provide the names and designation of the First Appellate Authority at CESTAT, Delhi and number of days the First Appellate Authority has attended office at Delhi from 15-12-2014 till the date of providing the information.</p> <p>NOTE: The above information is also held by the office of the Registrar and the Office of the Hon'ble President CESTAT, besides others, therefore the application may also be forwarded to them.</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. 16F 266794 for Rs. 10 towards payment of fee is enclosed herewith. You are requested to filling the name in which the Postal Order is payable.
7.	As per Section 7 of the RTI Act, 2005 information is to be provided within 30 days of the Application.



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

Place : New Delhi
Encl. : as above

Hira/-----
HR

ANNEXURE-2 (10)

F.No. 70(18)/CESTAT/Cash/RTI-10-15/2015
Customs Excise & Service Tax Appellate Tribunal
West Block No. 2, R.K.Puram, New Delhi-110066

Dated: 23/02/2015

To

CPIO, CESTAT, New Delhi

Sub:- Information under RTI Act-2005 I.D No. 10-15/2015 reg.

Sir,

Please refer to your letter F.No. 10-15/2015/CESTAT/CPIO-ND/RP/2015 dt. 02.02.2015 therein certain information is called for the reply is submitted as below.

Sr. No.	
Point – A(i)	Benefit on account of rent was given for financial year 2009-10 & 2010-11.
(ii)	HRA exemption was given for Rs.81486/- for the financial year 2009-10 & Rs. 86806/- for financial year 2010-11.
(iii)	Certified copy of receipt No. 12 dt. 1/03/2010 of Rs. 10000/- is enclosed. One receipt is available only. <u>it seems that the receipt was given by hand by Sh. S.K.Verma, AR.</u>
(iv)	Certified copy of the communication received from Sh. S.K.Verma, AR Bangalore forwarding rent agreement copy enclosed. Presently the rent agreement is not traceable. As regard Lease Deed no such communication is available.
(v)	As per Rent Receipt No. 12 dt. 1/03/2010 of Rs. 10000/- in the name of Sh. S.K.Verma, shows the residential address No. 105 S-HIG-B7, 4 th Cross 5 th Phase, Yelahanka, New Town Bangalore .
(vi)	As per records of the section Sh. S.K. Verma, AR has been allotted the following Govt. Quarter:- (i) B-8-127(Type-III) Yelahanka, Bangalore, (ii) Q.No. B-07-105 (Type-III) Yelahanka, Bangalore. The above information was received on 06/09/2011.
B	As per address mention on the receipt nowhere mention Govt. Qtr. hence the matter was not brought into the higher authority.
C	Not Pertains to Accounts Section.

(2 pages)

Yours Faithfully

(Rajender Prasad)
Accounts Office

Copy to:- Sh. R.K.Jain, 1512-B, Bhisham Pitamah Marg, Wazir Nagar, New Delhi- for information.

Rajender Prasad
Accounts Officer

Guard Note

V=13510

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CUSTOMS, EXCISE & SERVICE TAX APPELLATE TRIBUNAL
SOUTH ZONAL BENCH, FKCCI – WTC BUILDING,
K.G. ROAD, BANGALORE – 560 009

File No. 01/CESTAT/Bang/SKV

Dated: 07/06/2010

To,

The Drawing Disbursement Officer,
CESTAT
New Delhi-110 066

Subject: Forwarding of documents - Regarding

Please find enclosed herewith the following documents in respect of Shri S.K. Verma, A.R. of this Bench, for further action at the earliest:-

- (a) Computation of Income
- (b) Salary Statement
- (c) Rent Receipt
- (d) Rent Agreement
- (e) Resident home loan Interest Certificate (11/2004 -03/2007)
- (f) LIC Receipt for 02/2010,04/2009,06/2009,03/2009,07/2009
- (g) Insurance Receipt (ICICI) 02/2010
- (h) Advance Tax Challan for Rs. 2500/-

Yours faithfully,

(S.K. Verma)
Assistant Registrar

10/6/10
H/c

Accounts Officer
Customs, Excise & Service Tax
Bangalore

557CASH/10

1076110

RENT RECEIPT

No. 12

Date 1/3/2010

Received from M/s. S.K. VERMA

the sum of Rs. ten thousand only

being the rent for No. 105 S-High-B7. 4th cross 5th phase

street Yelahanka New town Bangalore

for the month of MARCH 2010.

Rs. 10,000

Cheque payment subject to realisation

[Signature]
Signature

Customs & Excise Tax
Appellate Tribunal
Department of Revenue
New Delhi-66

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(B)

F.No. 10-15 / CESTAT/CPIO-ND/RP/2015
Customs Excise and Service Tax Appellate Tribunal
West Block No 2, R.K.Puram, New Delhi-110 066

Dated- 03-03-2015
ID No. 10-15/2015

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. 8961/2015 Dt. 30-01-2015
and our ID No. 10-15/2015 the information received from AR (Admin.)
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

Encl: As above

Copy to:- Computer section for website

V=13575
Gurpreet Singh

I.D. No. 10-15/2015
Dated : 02.03.2015

Sub. : The information sought under RTI ACT 2005 - reg.

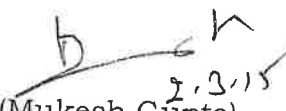
Sir,

Kindly refer to Sh. R.K. Jain RTI application No. RTI/P-195/8961/15 dated 30.01.15 and CPIO letter no. 10-15/CESTAT/CPIO-ND/RP/2015 dated 02.02.15 wherein sought information relating to point 'A to C' under RTI Act 2005.

In this connection, the point wise information is as under:-

Point A & B. Not pertaining to Administration Section, CESTAT, Delhi.

Point - C - Sh. Rakesh Kumar, Hon'ble Member (Technical), 1st Appellate Authority at CESTAT, Delhi has regularly attended office at Delhi from 15.12.2014, except on 05.02.15, he had taken ½ day casual leave.


(Mukesh Gupta)
Assistant Registrar (Admn.)

To
Sh. Rajender Prasad, Accounts Officer/CPIO, CESTAT, New Delhi

Sh. VR for n-l.
Indy
02/3/15

**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: 10.04.2015

Appeal No.10-28 (A)/CESTAT/FAA/RK/2015

CPIO, I.D. No. 10-15/CESTAT-CPIO/RP/2015

Sh. R.K.Jain

Appellant

Vs.

Sh. Rajender Prasad, CPIO, CESTAT

Respondent

ORDER

24/2015

Per Rakesh Kumar:-

The applicant vide application dated 30th January 2015 filed under Section 6 of the RTI Act, 2005 had sought the following information :-

“(A) The applicant has learnt that Shri S.K. Verma, Asstt. Registrar, CESTAT during the year 2009, 2010 and 2011 has submitted Lease Agreement and Rent Receipts for payment of Rs. 10,000/- per month for House in Bangalore. In this regard, you are requested to provide the following information :-

(i) Please provide the period during which the benefit of tax deduction on account of payment of rent of Rs. 10,000/- per month for House at Bangalore has been given by the Accounts Section of CESTAT to Shri R.K. Verma while computing his TDS during the aforesaid years.



(ii) Please provide the financial year-wise details of the deduction/the tax benefit that has been given to Shri S.K. Verma, Asstt. Registrar for the payment of the rent of Rs. 10,000/- per month for the house alleged to have been taken by him on rent at Bangalore.

(iii) Please provide the certified copies of all the Rent Receipts of Rs. 10,000/- submitted by him alongwith copy of the communication in which he has sought deduction from payment of income tax/TDS for the said amount.

(iv) Please provide certified copy of the communication received from Shri S.K. Verma or CESTAT, Bangalore, under which the lease deed for the aforesaid house taken on rent for Rs. 10,000/- per month at Bangalore. Please also provide the copy of the Lease Deed and in case, the Lease Deed is not traceable, kindly provide the name of the Official from whose custody it is missing.

(v) Please provide the address of the House which is stated to have been taken on rent for Rs. 10,000/- by Shri S.K. Verma, at Bangalore.

(vi) Please provide the address of all the Govt. quarters/ residential accommodation allotted to Shri S.K. Verma, during his tenure at Bangalore.

(B) Please provide details of the information whether the matter regarding fraudulently claiming the income tax deduction by Shri S.K. Verma by showing a Govt. quarter as private property and then claiming income tax deduction for the monthly rent of Rs. 10,000/-, has been brought to the notice of the Registrar of the CESTAT and the Hon'ble President of the CESTAT



(C) Please provide the names and designation of the First Appellate Authority at CESTAT, Delhi and number of days the First Appellate Authority has attended office at Delhi from 15-12-2014 till the date of providing the information.

NOTE : The above information is also held by the office of the Registrar and the Office of the Hon'ble President CESTAT, besides others, therefore the application may also be forwarded to them."

under AHe dt 27/2/15
 2. Though the CPIO₁ has furnished the reply enclosing the information, the applicant not satisfied with the reply of the CPIO furnishing the information, has filed this appeal, as according to the applicant in respect of Point A (iii), A (iv), A (v), A (vi) and Point B only part information has been furnished and the required documents have not been furnished.

3. This matter had been heard on 10/4/15.

4. Before coming to the point of dispute in this appeal it would be worthwhile stating the background of this RTI application, as disclosed by the CPIO at the time of hearing.

4.1 It appears that Shri S.K. Verma, presently posted as Asstt. Registrar, CESTAT, New Delhi, during his posting at Bangalore as Assistant Registrar, Bangalore Bench during period 1 . 2009-2011, while staying in the Government quarter allotted to him had also drawn HRA and beside this, the licence fee for . . . occupying of the Government quarter was also not being deducted. This appears to


[Signature]

have happened as his pay and allowances were being drawn from Delhi and as per the records of the Account Officer in the office of the CESTAT, New Delhi, based on certain communications alleged to have been received from Shri Verma, he during his posting at Bangalore was staying in a rented house, not in the Government accommodation. It also appears that besides drawing HRA while staying in a Government quarter and non-deduction of the licence fee, Shri Verma had also produced rent receipt alongwith rent agreement for claiming Income Tax exemption in respect of the house rent allowance being drawn by him. According to CPIO, this irregularity was detected when on Shri Verma's transfer to Delhi, vacation report of the Government quarter vacated by him at Bangalore was received ~~on~~ the CESTAT's office. The CPIO while replying to the applicant under his letter dated 27/2/15 had enclosed certified copy of the communication received from Shri S.K. Verma (Asstt. Registrar, Bangalore) forwarding "rent receipt" and "certified copy of receipt No. 12 dated 01/3/10 of Rs. 10,000/-" CPIO's letter dated 27/2/15 mentions that rent agreement is not traceable. As per CPIO's letter dated 27/2/15, while the rent receipt No. 12 dated 1/3/10 is in respect of "house No. 105S - HIG B7, 4th Cross Road, 5th Phase, Yelahanka, New Town, Bangalore", the Governemnt house allotted to him as per information received on 6/9/11 was "B-7-105 (Type III), Yelahanka, Bangalore".

6. The information in respect of - (a) period during which the benefit of tax deduction on account of payment of rent of Rs. 10,000/- per month for a house at Bangalore had been given by the Account Section to Shri S.K. Verma; (b) financial yearwise details of deduction/tax benefit given to Shri S.K. Verma for payment of rent of

Rs. 10,000/- per month for the house alleged to have been taken on rent at Bangalore" and (c) the name and designation of the First Appellate Authority at CESTAT, Delhi and the number of days the First Appellate Authority had attended the office at Delhi from 15/12/14 till the date of providing the information" has already been furnished. The dispute is only in respect of the points A (iii), A (iv), A (v), A (vi) and B.

7. Point A (iii) is for providing certified copies of all the rent receipts submitted by Shri S.K. Verma alongwith the copy of the communication in which he has sought income tax exemption on HRA being claimed by him. Point A (iv) is about providing certified copy of the communication received from Shri S.K. Verma under which the lease deed for the house taken by him on rent of Rs. 10,000/- per month at Bangalore had been forwarded. Point A (v) is about the address of the house stated to have been taken on rent of Rs. 10,000/- by Shri S.K. Verma at Bangalore. Point A (vi) is about providing the address of all the Government quarters/residential accommodation allotted to Shri S.K. Verma during his tenure at Bangalore. Point B is regarding providing of details of information whether the matter regarding fraudulent claim of income tax deduction by Shri Verma by showing Government quarter as private property and claiming income tax deduction for the monthly rent of Rs. 10,000/- has been brought to the notice of the Registrar and Hon'ble President.



7.1 In my view the information/factual position in respect of point A (v), A (vi) and B can be provided ^{Accordingly} the same may be provided forthwith.

8. As regards the points A (iii) and A (iv), the same are in respect of providing certified copies of all the rent receipts of Rs. 10,000/- per month submitted by Shri Verma alongwith the copy of the communication in which he had sought income tax exemption in respect of HRA and providing certified copy of the communication received from Shri S.K. Verma, Asstt. Registrar, CESTAT, Bangalore under which the lease deed for the house claimed to have been taken by him on monthly rent of Rs. 10,000/- per month had ~~been~~ ^{been} enclosed. According to the CPIO, who is the Account Officer, these documents are not traceable. With regard to the lease deed, the CPIO in his reply ^{dt 27/2/15} to the applicant has stated that the same is not traceable and with regard to the rent receipts, except for copy of one rent receipt, other rent receipts are not available. However, photocopy of the letter dated 07/6/10 of Shri S.K. Verma, the then Asstt. Registrar, Bangalore addressed to Drawing and Disbursement Officer, CESTAT, New Delhi, does indicate that under this letter, beside the computation of his income, salary statement etc. he had enclosed the "rent receipt" and "rent agreement". ~~The~~ ^{The} rent receipt No. 12 dated 01/3/10 given by the Land Lord of the "house No. 105 S-HIG-B-7, 4th Cross Road, 5th Phase, Yelahanka, New Town, Bangalore" ^{is} enclosed with this letter. Thus from the letter dated 07/6/10 it is clear that the rent agreement had been forwarded, but according to the CPIO the same is not traceable. From the reply dated 27/2/15 of the CPIO to the applicant in respect of Point A (vi) it appears that the "quarter No.

105 S-HIG-B-7, 4th Cross Road, 5th Phase, Yelahanka, New Town, Bangalore" mentioned in the rent receipt was a Government quarter which ~~has~~ been allotted to him. If this is so, presenting rent receipt by Shri Verma showing the Government quarter allotted to him as having been taken on rent would be a serious mis-conduct. In this background it is all the more necessary to make all possible efforts to trace the document – the rent agreement and the rent receipts.

9. Hon'ble Delhi High Court which is the Jurisdictional High Court, in the case of **Union of India vs. Vishwas Bhamburkar** vide judgment dated 13/09/2013 in a similar matter, where the records of the Ministry of Tourism indicated that certain document sought by the applicant Shri Bhamburkar had been received, but the same was not traceable, Hon'ble High Court has directed that a thorough and meaningful inquiry in terms of the directions of the Central Information Commission (CIC) should be carried out by an Officer not below the rank of Joint Secretary and copy of such commission should be provided to the CIC as well as to the respondent (Shri Vishwas Bhamburkar). In para 7 of this judgment Hon'ble High Court has observed that – **"ordinarily, the information which at some point of time or the other was available in the records of the government, should continue to be available with the concerned department unless it has been destroyed in accordance with the rules framed by that department for destruction of old record and therefore when an information is sought and it is not readily available, a thorough attempt needs to be made to search and locate the information wherever it may be available and it is only in a case where despite a**

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thorough search and inquiry made by the responsible officer, it is concluded that the information sought by the applicant cannot be traced or was never available with the government or has been destroyed in accordance with the rules of the concerned department that the CPIO/PIO would be justified in expressing his inability to provide the desired information".

Hon'ble High Court in this case ordered for conducting a thorough and meaningful inquiry within a specified time and for submitting copy of the inquiry report to CIC as well as to the applicant. In the present case, the receipt of the letter dated 07/6/10 of Shri S.K. Verma addressed to DDO, CESTAT, New Delhi is not disputed. There is nothing to show that the rent receipt and the rent agreement forwarded by Shri S.K. Verma had been destroyed in accordance with the prescribed procedure alongwith old files. In view of this, there is no option but to make a thorough search for the missing documents within a specified time and if the documents are not traceable, an inquiry is to be conducted for fixing responsibility for loss of the documents.

10. In view of the above discussion, the following order is passed.

10.1 In respect of Point A (v), A (vi) and Point B, the CPIO is directed to furnish the required information within two week's time.

10.2 In respect of as regards Point A (iii) and A (iv) regarding supply of certain documents ^(rent receipts and rent agreements), the Registrar should depute a responsible person for search of the documents within a period of one month. If the documents are not traced, the matter should be placed before Hon'ble President for orders for an inquiry into the loss of the



documents. If the documents are traced, the same should be furnished to the applicant. But if the documents are not traceable, ^{and} an inquiry is conducted, a copy of the inquiry report should be furnished to the applicant.



(Rakesh Kumar)
First Appellate Authority

To

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

Appeal No. 10-23(A)/2015

①

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

Ref. No. : RTI/P-537/(7337/13)/Appeal/15728

Dated : 09-05-2015

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, Accounts Officer/CPIO,
		(b) Address	Customs, Excise & Service Tax Appellate Tribunal, West Block 2, R.K.Puram, New Delhi - 110066
2.	Date of submission of application (Copy of application attached)	17-10-2013	
3.	Details of the order appealed against	Letter F.No.08-214/CESTAT/CPIO-ND/ RP/2015 dated 7-5-2015.	
4.	Prayer or relief sought	See Prayer clause at the end	
5.	Last date for filing the appeal	7-6-2015	
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 Accounts Officer/CPIO letter dated 7-5-2015. (Annexure-2)	

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, Accounts Officer/CPIO and the 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, Accounts Officer/CPIO and the Deemed CPIO, have deliberately and malafidely provided incomplete and incorrect information. They have admitted to have not complied with the provisions of Section 4 read with DoPT Office Memoranda in question dated 15.04.2013 despite repeated reminders issued by DoPT. 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 and the Deemed CPIO have failed to provide complete and correct information as sought by the appellant in his RTI Application dated 17.01.2013 though a period of one year six months has already lapsed. 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.
- (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 : 09-05-2015

Handwritten: 1/10/2013

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>

Handwritten: 16/10/13

Stamp: RTI Cell

Act to be

	<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. 08-214/ CESTAT/CPIO-ND/RP/2013
Customs Excise and Service Tax Appellate Tribunal
West Block No 2, R.K.Puram, New Delhi-110 066

Dated---07/05/2015
ID No. 08-214/2013

To,

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

Subject: Information under Right to Information Act 2005.

Sir,

Please refer to your RTI application No. 7337/13 Dt. 17/10/13,
and our ID No. 08-214/13... the information received from RR Computer
containing ---20--- pages is enclosed herewith for your reference
please.

RA order
18/2015

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

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

Dated: 01.05.2015

Note

Sub: CPIO ID No 08-214/2013

**Refer: 08-214/CESTAT/CPIO-ND/RP/2013 dt.
24/04/2015**

Please refer to note dated 24/04/2014 of CPIO enclosing the captioned Appellate Authority order no. 18/2015. Accordingly, the information available is elaborated as under.

A. Computer Section is uploading RTI applications appeals/replies on the website as and when received from the CPIO. As regards search facility based on keywords there is a constraint to implement the same since the computer section is in receipt of only physical (hard copy) of the RTI application, reply. The same is possible only if the appeal/application are received in soft copy form from the CPIO.

B. As regards action taken by the computer section enclosed are the copies of all the correspondences made between CESTAT (computer section) and NIC regarding compliance of the guidelines under suo motu disclosure. As a result of persistent following up of the

Sh. VPC
Jyoti
26/5/15

matter with NIC, the dynamic module of the website is under the process of security audit by NIC.

- C.** Action taken by the computer section for compliance of the Para 4.1,4.2,4.4 & 4.7 in respect of displaying the information on the website is pending for want of dynamic module of website, the action taken in respect of the same is already stated in point B.
- D.** The role of computer section is limited to displaying/uploading the information records received from the various section of CESTAT which is done on the regular basis.
- E.** Compliance of the Suo Motu Disclosure guidelines pertaining to computer section, in its entirety is possible only on: 1). The implementation of dynamic module of website of CESTAT which is to be launched by NIC 2). All the information/disclosure are made available to the section in digital form by different section of CESTAT.

Encl: ²⁰~~14~~ pages


01/11/15

Yakshi J Chauhan
Assistant Registrar

To

- 1 Shri Rajender Prasad, CPIO.
- 2 PA to Registrar for information please.

APPELLATE AUTHORITY
UNDER RIGHT TO INFORMATION ACT, 2005
Customs, Excise & Service Tax Appellate Tribunal,
West Block-2, R.K. Puram, New Delhi-66.

**Appeal No.10-29(A)/CESTAT/FAA-RK/2015 AGAINST ID
NO.08-2014**

Shri R.K. Jain

....Appellant

Vs.

CPIO, CESTAT

....Respondent

Date of Hearing: 18.06.2015

NO. _____ Dated 18/06/2015

ORDER 25/2015

The applicant vide his application dated 17.10.2013 filed under Section 6 of the RTI Act, 2005 had sought certain information about the implementation of the directions issued in para 1.4.1 of the Guidelines enclosed with Office Memoranda No.1/6/2011-IR dated 15th April, 2013 of the DOPT regarding proactive disclosure of RTI applications, appeals received and their responses on the Website with search facility on keyword also copy of the Action Taken Report submitted on the compliance of the Guidelines. The CPIO had furnished the information under his letter dated 1.5.2015. The applicant being not satisfied with the information has filed this appeal.

2. Heard both the sides.

3. With regard to the Point A, the CPIO has stated that, at present, the RTI applications are being uploaded on the System ID-wise but since the

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ISSUED ON
28/6/15
R.K.
SIGN. (DEPT. SECTION)
CUSTOMS, EXCISE & SERVICE TAX
APPELLATE TRIBUNAL
NEW DELHI-110066


replies are coming from different sections on different dates, the uploading of the replies is done only when the replies from all the Sections have been received. The applicant, however, states that all the replies are not being uploaded on the Website. **The CPIO is directed, as also agreed to by the appellant to upload all the replies within 60 days from the receipt of the applications.**

4. With regard to Point – B in the RTI application, the applicant has stated that the Action Taken Report on the compliance of the Guidelines issued under Office Memoranda No.1/6/2011-IR dated 15.04.2013, which is required to be submitted to CIC/DOPT have not been provided. **If the Action Taken Report has been sent to the CIC/DOPT, a copy of the same may be provided and if Action Taken Report has not been sent to CIC/DOPT, the factual position in this regard may be communicated to the Applicant within weeks' time.**

5. With regard to Points-C, D & E, the same are in respect of the implementation of para 4.1, 4.2, 4.4, 4.7 and 3.6 of the Office Memoranda No.1/6/2011-IR dated 15th April, 2013. The applicant seeks copy of the Action Taken Report in respect of the directions in the above paras, which according to him has not been provided. On going through the reply in respect of this point furnished by CPIO under his letter dated 1.5.2015, it is seen that the factual position in this regard has not been intimated. **The copy of the Action Taken report in respect of the paras 3.6, 4.1, 4.2, 4.4 and 4.7 of the DOPT Office Memoranda dated 15.4.2013 may be provided within a weeks' time. If the guidelines in respect of the above mentioned paras of the DOPT Office Memoranda dated 15.4.2013 have not been**

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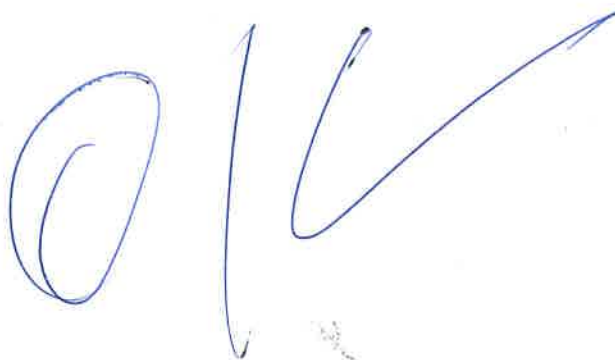
implemented, the factual position in this regard may be intimated to the applicant. In respect of the Points C & E, the CPIO states that Action Taken Report by the Computer Section for compliance of para 4.1, 4.2, 4.4 and 4.7 in respect of displaying the information on the website is pending for want of dynamic module of website. The applicant, however, states that till the dynamic module of the website is available, the information should be placed on record in whatever form possible. **The CPIO is directed to take necessary action in this regard and report compliance to the applicant. The above action should be taken within four weeks.**


(Rakesh Kumar)
Appellate Authority

Copy to:-

1. Shri R.K. Jain, 1512-B, Bhishma Pitamaha Marg, Wazir Nagar, New Delhi-110 003.
2. Shri Rajendra Prasad, CPIO/Accounts Officer, CESTAT, New Delhi.

Ckp



Appeal No. 10-30(A)/2015

①

11/05/2015
27/5/15

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

Ref. No. : RTI/P-545/(8791/14)/Appeal/15733

Dated : 25-05-2015

To

First Appellate Authority Under RTI Act, 2005
Customs, Excise & Service Tax Appellate Tribunal
2, West Block, 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	Letter F.No.09-180/CESTAT/CPIO-ND/RP/2014 dated 30-4-2015.	
4.	Prayer or relief sought	See Prayer clause at the end	
5.	Last date for filing the appeal	30-5-2015	
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 letter dated 30-4-2015.(Annexure-2)	

	3.
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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 the CPIO and Deemed CPIO has wrongly denied the information as sought in point (A) of the RTI application on the ground that the information about the Third Party Audit Report is not held by the Computer Section. If it was so, this part of the RTI application should have been forwarded to the Holder of the 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 the CPIO has erred in not providing the complete and correct information as sought in point (B) of the RTI Application. The copies of the note sheet pages provided are incomplete and has no continuity of the matter. 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.
- (5) That the CPIO has erred in not providing response to the information as sought in point (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.
- (6) 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.

- (7) That the information sought is neither voluminous nor relate to older and larger period, thus could have easily been provided by the learned CPIO.
- (8) 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.
- (9) That a personal hearing may be granted to the appellant before deciding the present appeal.
- (10) 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 : 25-05-2015

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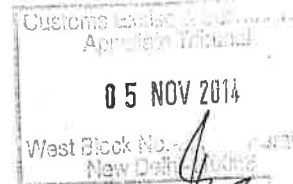
Application under Section 6 of the Right to Information Act, 2005

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

⑦

F.No. 9430/ CESTAT/CPIO-ND/RP/2015 2014
Customs Excise and Service Tax Appellate Tribunal
West Block No 2, R.K.Puram, New Delhi-110 066

Dated---30/4/15.

ID No. 09-180/2014

To,

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

Subject: Information under Right to Information Act 2005.

Sir,

In compliance of PAA's Order No. 16/2015,
Please refer to your RTI application No. 8791/2014 Dt. 4/11/14
and our ID No. 09-180/2014 the information received from AR Computer
containing 15 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 Section for uploading on website

V. 14/5/15

10/11/15

APPELLATE AUTHORITY
UNDER RIGHT TO INFORMATION ACT, 2005
Customs, Excise & Service Tax Appellate Tribunal,
West Block-2, R.K. Puram, New Delhi-66.

Appeal No.10-30(A)/CESTAT/FAA-RK/2015

Shri R.K. Jain

....Appellant

Vs.

CPIO, CESTAT

....Respondent

Date of Hearing: 18.06.2015


NO. _____ Dated _____

ORDER

26/2015

Heard both the sides.

2. The appeal is dismissed as withdrawn.


(Rakesh Kumar)
Appellate Authority

Copy to:-

1. Shri R.K. Jain, 1512-B, Bhishma Pitamaha Marg, Wazir Nagar,
New Delhi-110 003.
2. Shri Rajendra Prasad, CPIO/Accounts Officer, CESTAT, New Delhi.

hpdh
28/6/15

[Handwritten signature]

29/6/15 ON
Rb
SIGN. (DEPUTY SECTION)
CUSTOMS, EXCISE & SERVICE TAX
APPELLATE TRIBUNAL
NEW DELHI-110006