

10-92(A)/15

①

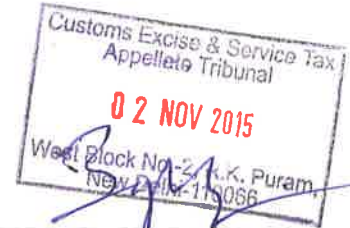
First Appeal under Section 19 of the Right to Information Act, 2005

Ref. No. :RTI/P-537/(9547/15)/Appeal/16026

Dated : 30-10-2015

To

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



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 S.K. Verma CPIO & Asstt. Registrar
		(b) Address	Customs Excise & Service Tax Appellate Tribunal, West Block 2, R.K.Puram, New Delhi - 110066
2.	Date of submission of application (Copy of application attached)	08-10-2015	
3.	Details of the order appealed against	Letter ID No.10-201/15 dated 14-10-2015	
4.	Prayer or relief sought	See Prayer clause at the end	
5.	Last date for filing the appeal	14-11-2015	
6.	Whether Appeal in Time.	Appeal in time	
7.	Copies of documents relied upon by the applicant	1. Copy of RTI application dated 8-10-2015.(Annexure-1) 2. Copy of CPIO's letter dated 14-10-2015.(Annexure-2) 3. Copy of Appellant's reminder letters dated 19-10-2015.(collectively marked as Annexure-3) 4. Copy of CPIO's letter dated 23-10-2015.(Annexure-4)	

		5. Copy of the CIC decision in the case of Brig. Davinder Singh Grewal (Annexure-5)
--	--	---

BRIEF FACTS OF THE CASE

- (1) That the appellant has filed an application dated 08-10-2015 (**Annexure – 1**) under Section 6 of the RTI Act, 2005 requesting for the following information:
- (A) *Please provide information as to the date from which CESTAT additional bench at Chandigarh and Hyderabad are likely to start functioning*
- (B) *Please provide date-wise details of the steps taken from 1-7-2015 till the date of providing the information, for making the CESTAT additional Benches at Chandigarh and Hyderabad functional and operational.*
- (C) *Please provide the list of the cases which have been adjourned due to the reason that the impugned orders were passed by Shri R.K. Singh or due to the recusal of Shri R.K. Singh, Member (T) from all Benches of Delhi.*
- (D) *Please provide copies of the register of pending appeals for all the Branches of Delhi as prescribed under Circular F. No. 08/04/ Circular/CESTAT/2014 dated 4.9.2014 in compliance to Gujarat High Court Order.*
- (E) *Please provide copy of the Registrar report submitted in pursuance to the order dated 15-4-2013 of court No. 2 in application Nos. C/Misc/376-382/2011 and C/Misc/793/2009 in Appeal Nos. C/453, 455, 457, 459-461, 463 & 454/2009 in the case of Davinder Singh Dawar v. CC (Import & General), New Delhi and also provide copies of all note sheets and consequential orders passed by the Bench and the Competent Authority. Please also provide inspection of the relevant Case File and if separate file is opened by the Registry, then intimate the said file No. and provide the same for inspection.*
- (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 S.K.Verma, CPIO & Asst. Registrar has deliberately and malafidely not provided complete and correct information as sought by the appellant and merely offered inspection of various points by number of the CPIOs without specifying the points for which the information is to be provided by different CPIOs. The appellant being aggrieved by the said order of the CPIO is filing the present appeal.

GROUND OF APPEAL

- (1) That the order in question of the CPIO is incorrect and illegal and contrary to the provisions and spirit of the RTI Act, 2005 hence liable to be set aside.
- (2) That the information sought by the appellant is not exempted under Section 8 or 9 or any other provisions of the RTI Act, 2005, therefore, there was no valid cause or reason or ground for not providing the information.
- (3) That the appellant has sought specific information in his RTI application and even sought copies of specific documents the CPIO instead of providing the information and copies of the documents has allowed inspection of record at various Deemed CPIOs even without specifying the information for which inspection is to be provided by 5 different Deemed CPIOs within two hours. Since the information has sought specific information he is entitled to the same and mere offering of inspection of record is not sufficient compliance to the requirements of the RTI Act. The CIC in the case of Brig. Davinder Singh Grewal (**Annexure-5**) has held that when specific information is sought offering of inspection is not a substitute of providing the information.
- (4) That the CPIO has deliberately and malafidely not even provided the copies of the documents specified sought in point (E) of the RTI application. When the copies of specific documents is sought, mere offering of inspection without even pointing out the Deemed CPIO, who has to provide inspection, amounts to obstruction to the information without any reasonable, as the CPIO has not given any reason for not

providing copies of the requested documents. Therefore, the order of the CPIO is liable to be set aside with direction to provide point-wise information to the appellant within time bound frame and he is 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

- (5) That the malafide of Shri S.K. Verma, Asstt. Registrar (SM) and CPIO is further reflected from the fact that on 14-10-2015, he directed the appellant for undertaking inspection on 27-10-2015 at various Deemed CPIOs including Shri S.K. Verma, Asstt. Registrar (SM) also, but Shri S.K. Verma as Asstt. Registrar, Single Member by letter dated 16-10-2015 denied all information. This exhibits that the inspection allowed by him is false and only to cause delay and obstruction to the information and harassment to the appellant. Therefore, the order of the CPIO is liable to be set aside with direction to provide point-wise information to the appellant within time bound frame and he is 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 the CPIO has erred in directing the appellant to undertake inspection of the records in relation to different points of his RTI application at various Deemed CPIO without specifying
- (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 point-wise 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 : 30-10-2015

Sc

Annexure - 1 6

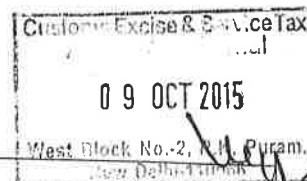
Application under Section 6 of the Right to Information Act, 2005

Ref. No. : RTI/P-195/9547/15

Dated : 8-10-2015

To

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



1.	Name of the Applicant	R.K. Jain
2.	Address	1512-B, Bhishm Pitamah Marg Wazir Nagar, New Delhi-110003
	(b) Phone Nos.	09810077977, 011-24651101, 011-24690707
	(c) Fax No.	011-24635243
3.	Whether a Citizen of India	Yes
4.	Particulars of Information	
	Details of information required	(A) Please provide information as to the date from which CESTAT additional bench at Chandigarh and Hyderabad are likely to start functioning (B) Please provide date-wise details of the steps taken from 1-7-2015 till the date of providing the information, for making the CESTAT additional Benches at Chandigarh and Hyderabad functional and operational. (C) Please provide the list of the cases which have been adjourned due to the reason that the impugned orders were passed by Shri R.K. Singh or due to the recusal of Shri R.K. Singh, Member (T) from all Benches of Delhi. (D) Please provide copies of the register of pending appeals for all the Branches of Delhi as prescribed under Circular F. No. 08/04/ Circular/CESTAT/2014 dated 4.9.2014 in compliance to Gujarat High Court Order. (E) Please provide copy of the Registrar report submitted in pursuance to the order dated 15-4-2013 of court No. 2 in application Nos. C/Misc/376-382/2011 and C/Misc/793/2009 in Appeal Nos. C/453, 455, 457, 459-461, 463 & 454/2009 in the case of Davinder Singh Dawar v. CC (Import & General), New Delhi and also provide copies of all note sheets and consequential orders passed by the Bench and the Competent Authority. Please also provide inspection of the relevant Case File and if separate file is opened by the

		Registry, then intimate the said file No. and provide the same for inspection. Note:-Please provide pointwise information/response for each of above points.
5.	I state that the information sought is covered under RTI Act and does not fall within the exemptions contained in sections 8 or 9 or any other provisions of the Right to Information Act, 2005 and to the best of my knowledge it pertains to your office. Information is being sought in larger public interest.	
6.	A Postal Order No. 32F 042650 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/....

Annexure-2

F.No. 10-201 / CESTAT/CPIO-ND/PP/2015, ^{SKV}
Customs, Excise and Service Tax, Appellate Tribunal,
West block No.2, R.K.Puram, New Delhi-110066.

Dated 14/10/15

ID No. 10-201/15

Subject: Information sought under RTI Act 2005.

Sir,

Please refer to RTI application of
Shri R. K. Jain
Under RTI Act 2005 vide No. 9547/15 dated
08/10/15 (copy enclosed) wherein certain information are sought
as mentioned therein is related to your section.

Therefore, in terms of the provisions of Section 6(3) and Section
5(4) read with Section 5(5) of RTI Act, 2005, the RTI application
No. 9547/15 dated 08/10/15 CPIO ID No 10-201/2015 is
forwarded herewith to the following officers as deemed CPIO with the
request to provide correct and para-wise information/inspection on or
before _____ 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

Inspection is allowed on
22/10/15 between 3:00 PM to
5:00 PM directly with deemed CPIO
(Sd/- Vernika)
Asstt. Registrar CPIO
6/14/15

1 Registrar

2 Asstt. Registrar Admin/Excise/customs/SM

3

4. AC/Po, Computer P/c for uploading on website

Copy for information to:-

Sd/- R. K. Jain
1512-B BHISHAM PITAMAH MARG,
1100710 NAGAR

16650
ground file.

O/C

Annexure-3

19

R.K. JAIN

M.Com., LL.B.

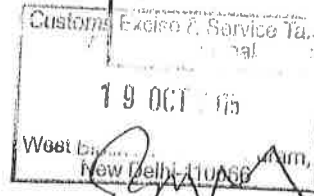
President, Excise and Customs Bar Association

Editor of

EXCISE LAW TIMES & SERVICE TAX REVIEW

and author of

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



**1512-B, Bhishm Pitamah Marg,
Wazir Nagar,**

NEW DELHI - 110 003.

PHONE : 24693001-3004

MOBILE : 9810077977

Fax No. 011-24635243

RTI/P-195/9547/15/R17010

19-10-2015

Registrar

Customs Excise & Service Tax Appellate Tribunal,

West Block 2, R.K.Puram,

New Delhi- 110066

Sub: My RTI Application No. RTI/9547/15, dated 8/10/2015

Dear Sir,

This refers to the letter F.No. 10-201/CESTAT/CPIO-ND/SKV/2015 dated 14-10-2015 of Mr. S.K. Verma, Asstt. Registrar/CPIO, transferring my aforesaid RTI application to you under section 6(3) and section 5(4) read with section 5(5) of the RTI Act, 2005, for providing the information to me. You are requested to kindly provide the information at the earliest as under section 7(1) of the RTI Act, information is to be provided within 30 days of the RTI Application.

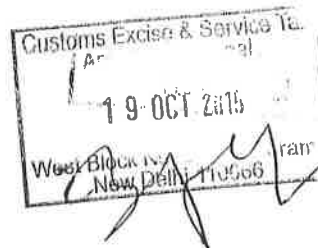
Thanking you,

Yours faithfully,

[R.K. Jain]

O/C

10



R.K. JAIN M.Com., LL.B.
President, Excise and Customs Bar Association
Editor of
EXCISE LAW TIMES & SERVICE TAX REVIEW
and author of

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

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

RTI/P-195/9547/15/R17011
19-10-2015

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

Sub: My RTI Application No. RTI/9547/15, dated 8/10/2015

Dear Sir,

This refers to the letter F.No. 10-201/CESTAT/CPIO-ND/SKV/2015 dated 14-10-2015 of Mr. S.K. Verma, Asstt. Registrar/CPIO, transferring my aforesaid RTI application to you under section 6(3) and section 5(4) read with section 5(5) of the RTI Act, 2005, for providing the information to me. You are requested to kindly provide the information at the earliest as under section 7(1) of the RTI Act, information is to be provided within 30 days of the RTI Application.

Thanking you,

Yours faithfully,

[R.K. Jain]

de

11

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



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

RTI/P-195/9547/15/R17014
19-10-2015

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

Sub: My RTI Application No. RTI/9547/15, dated 8/10/2015

Dear Sir,

This refers to the letter F.No. 10-201/CESTAT/CPIO-ND/SKV/2015 dated 14-10-2015 of Mr. S.K. Verma, Asstt. Registrar/CPIO, transferring my aforesaid RTI application to you under section 6(3) and section 5(4) read with section 5(5) of the RTI Act, 2005, for providing the information to me. You are requested to kindly provide the information at the earliest as under section 7(1) of the RTI Act, information is to be provided within 30 days of the RTI Application.

Thanking you,

Yours faithfully,

[R.K. Jain]

alc

12

R.K. JAIN

M.Com., LL.B.

President, Excise and Customs Bar Association

Editor of

EXCISE LAW TIMES & SERVICE TAX REVIEW

and author of

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

Customs Excise & Service Tax
Appellate Tribunal

19 OCT 2015

1512-B, ~~West Block 2, R.K. Puram~~ Pitamah Marg,
Wazir Nagar,
NEW DELHI - 110 003.
PHONE : 24693001-3004
MOBILE : 9810077977
Fax No. 011-24635243

RTI/P-195/9547/15/R17013
19-10-2015

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

Sub: My RTI Application No. RTI/9547/15, dated 8/10/2015

Dear Sir,

This refers to the letter F.No. 10-201/CESTAT/CPIO-ND/SKV/2015 dated 14-10-2015 of Mr. S.K. Verma, Asstt. Registrar/CPIO, transferring my aforesaid RTI application to you under section 6(3) and section 5(4) read with section 5(5) of the RTI Act, 2005, for providing the information to me. You are requested to kindly provide the information at the earliest as under section 7(1) of the RTI Act, information is to be provided within 30 days of the RTI Application.

Thanking you,

Yours faithfully,



[R.K. Jain]

af

13

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

President, Excise and Customs Bar Association

Editor of

EXCISE LAW TIMES & SERVICE TAX REVIEW

and author of

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



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

RTI/P-195/9547/15/R17012
19-10-2015

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

Sub: My RTI Application No. RTI/9547/15, dated 8/10/2015

Dear Sir,

This refers to the letter F.No. 10-201/CESTAT/CPIO-ND/SKV/2015 dated 14-10-2015 of Mr. S.K. Verma, Asstt. Registrar/CPIO, transferring my aforesaid RTI application to you under section 6(3) and section 5(4) read with section 5(5) of the RTI Act, 2005, for providing the information to me. You are requested to kindly provide the information at the earliest as under section 7(1) of the RTI Act, information is to be provided within 30 days of the RTI Application.

Thanking you,

Yours faithfully,

[R.K. Jain]

Annexure-4

14

F.No. 10-201/ CESTAT/CPIO-ND/RP/2015
Customs Excise and Service Tax Appellate Tribunal
West Block No 2, R.K.Puram, New Delhi-110 066

Dated- 23/10/15
ID No. 10-201/15

To,

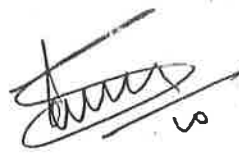
Shri R.K. Jain,
1512-B, Bhishm Pitamah Marg,
WAZIR NAGAR,
New Delhi - 110003

Subject: Information under Right to Information Act 2005.

Sir,

Please refer to your RTI application No. 9547/15 Dt. 08-10-15
and our ID No. 10-201/15 the information received from _____
containing 1 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.


26/10
(C.S.K. VERMA)
Asstt. Registrar CPIO

Encl:- As above

Copy to:- Computer Section for Website

16770

Gaurav K. J.

(15)

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

DT. 16-10-2015

**Ref: SUPPLY OF INFORMATION IN RTI No. 9547/2015, ID NO
10-201/2015. SM (BR).**

Following information are supplied for informer for RTI information
seeker.

Point (A) Not pertains to SM BR.

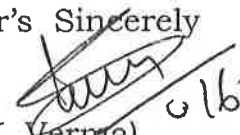
Point (B) Not pertains to SM BR.

Point (C) No record.

Point (D) NIL.

Point (E) Not pertains to SM BR.

Your's Sincerely


(S. K. Verma)

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

16/10/15
CPRO

16/10

Implication of Records is not no substitute of providing specific information

16

1038

Central Information Commission

Room No.307, II Floor, B Wing, August Kranti Bhawan, Bhikaji Cama Place, New
Delhi-110066
Telefax:011-26180532 & 011-26107254 website-cic.gov.in

Adjunct to Appeal: No. CIC/DS/A/2011/003080

Appellant /Complainant : Brig. Davinder Singh Grewal
(Retd.), Chandigarh
Public Authority : Police Department, UT Chandigarh
(Shri B. S. Chadha, DSP, Sh. Kamal
Deep, DSP and Sh.
Ashok Kumar, Constable)

Date of Hearing : 07 August 2012

Date of Decision : 07 August 2012

Facts:-

1. In pursuance of show cause notice issued vide Commission's order of even number dated 1.6.2012, the former CPIO alongwith other representatives of the Public Authority appeared before the Commission. Appellant was also present.

Decision Notice

2. After hearing both parties, Commission is convinced that there has been delay in providing information to the appellant. Initially the information that was provided was not specific and did not satisfy the appellant. Now, Commission directs the current CPIO to provide specific point-wise information to the appellant and while providing photo copies of various documents, indicate the corresponding page numbers which hold information as sought under each of the points mentioned in the RTI application. Merely providing a sheaf of papers and expecting the appellant to cull out information as sought under each of the points of his RTI application is not the appropriate manner to handle application received under the transparency Act. CPIO is

provided four weeks time to provide specific point-wise information to the appellant along with an affidavit to the Commission with copy to the appellant that no further information is held by them pertaining to the issues raised in the RTI application. As regards the show cause notice to the former CPIO, he has not carried out the obligations cast upon him under the RTI Act as per Section 7(1) of the Act. It is evident from his reply dated 8.7.2011 that the CPIO has disposed of the matter in a very casual and disinterested manner. The specific information sought by the appellant has not been addressed and invitation by the CPIO to the appellant to visit his office and inspect the relevant file is not a substitute for the obligation cast upon him under the Act and he cannot take shelter under this action. The Act specifically places the onus upon the CPIO for providing the information to the appellant and no-where in the Act it is mandated that the appellant will visit the office of the CPIO to ferret out the requested information from the mountains of papers placed before him. Accordingly, under the provisions of Section 20(1) of the Act, Commission imposes the maximum penalty of Rs.25,000/- on the CPIO as he has not been able to establish any credible reason for not having discharged his functions viz-a-viz the appellant's request.

3. The I.G.Police, UT Chandigarh is directed to recover the amount of Rs. 25,000/- from the salary of Shri B.S.Chandha, Dy. SP/CPIO/W&CSU, UT Chandiarh and remit the same by a demand draft or a Banker's cheque in the name of the Pay & Accounts Officer, CAT, payable at New Delhi and send the same to Shri Pankaj K.P. Shreyaskar, Director and Joint Registrar of the Central Information Commission, 2nd. Floor, August Kranti Bhawan, New Delhi-110066. The amount may be deducted at the rate of Rs. 5000/- per month every month from the salary of

18

Shri B.S. Chadha, Dy.SP/CPIO and remitted by the 10th of every month starting from September, 2012. The total amount of Rs. 25,000/- will be remitted by 10th of March 2013.

(Smt. Deepak Sandhu)
Information Commissioner (DS)

Authenticated true copy:

(T. K. Mohapatra)
Dy. Secretary & Dy. Registrar
Tel. No. 011-26105027

Copy to:-

1. Brig. Davinder Singh Grewal (Retd.)
270, Sector-33-A
Chandigarh-160020
2. The CPIO
Dy. Supdt. of Police
Economic Offence Wing
Chandigarh police
Home Guards Bldg., Sector-17
UT Chandigarh
3. The Appellate Authority
Dy. Insp. Genl. Of Police
Police Headquarters, Sector-9
UT Chandigarh
4. The Inspector General of Police
Police Headquarters, Sector-9
UT Chandigarh
5. Shri Pankaj K.P. Shreyaskar,
Director and Joint Registrar
of the Central Information Commission,
2nd. Floor, August Kranti Bhawan, New Delhi-110066.
6. Shri B.S. Chadha,

Received on 23/08/16

FIRST 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.10-92(A)/2015
Appeal No.10-129(A)/2015
CPIO ID NO. 10-201/CESTAT/CPIO-SKV/2015

Shri R.K.Jain

...Appellant

Vs.

CPIO, CESTAT

...Respondent

Date of Hearing/decision: 26.04.2016

ORDER 120/2016

The grievance of the appellant is that information provided by the deemed CPIO vide reply dated 3.11.2015 are not satisfactory inasmuch as with regard to point No. D, the information provided is not upto date and not for the period covered under the RTI application. With regard to point No. E, the grievance of the appellant is that even if the case matter is subjudice before the Tribunal, the information can be furnished by the concerned section. To support his above stand, the appellant has referred to order No. 69/2016 passed by the First Appellate Authority, CESTAT.

2. With regard to Point No. C, the CPIO submits that since no such list is maintained and available in the CESTAT as regards member-wise recusal for hearing the appeal, the information cannot be furnished and the statute specifically provides that the

Shri

records/ registers maintained can only be furnished and not otherwise. He further submits that wherever the Member recuses in hearing any case matter, the documents are available with the court master which were provided to the applicant on regular basis, pursuant to the RTI application. It is further submitted that if the applicant specifically asked for any information about any particular file, the same can be furnished by the CPIO upon receipt of proper case number from the appellant.

4. I have heard both the sides.

5. I find that with regard to point No. C, the reply of AR vide letter dated 3.11.2015 is that no such list is available in the section. However, while going through the submissions of the CPIO, I find that the CPIO is not reluctant in furnishing the information. But his contention is that the information can be furnished upon receipt of specific reference of appeal viz. name of appellant, appeal number, date of hearing etc. from the appellant. Since the CPIO has stated the modus operandi of maintenance of records and he has not specifically denied in non-submission of the information with regard to Point No. C, I do not find any plausible reason to interfere in such case, and thus, the plea with regard to point No. C is rejected. However, the appellant is at liberty to obtain the information on furnishing particulars of appeal before the concerned section.

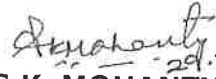
6. With regard to point No. D, I find from the letter dated 3.11.2015 ^{of} ~~from~~ the Assistant Registrar that the related

Shree

information has been provided to the appellant, pursuant to the RTI application dated 04.6.2015. The information provided therein is upto 08.1.2015. In view of the said fact, I direct the CPIO to furnish upto date information maintained in this regard by the Registry.

7. As regards, the appeal in context with Point No. E, I find that this forum vide order No. 69/2016 has recorded that information can be furnished to the appellant. Considering the fact, I direct the CPIO to collect the requisite information from the concerned section and to forward the same within a period of 6 weeks from the date of receipt of this order.

8. The appeal is disposed of in above terms.


(S.K. MOHANTY)
APPELLATE AUTHORITY

Copy to:-

1. Shri.R.K.Jain, 1512-B, Bhishm Pitamah Marg, Wazir Nagar, New Delhi-110003, w.r.t. letter No. RTI/10-102(A)/CESTAT/FAA-SKM/2015.
2. CPIO, CESTAT, New Delhi.
3. Office Copy

10-93(A)/15

1

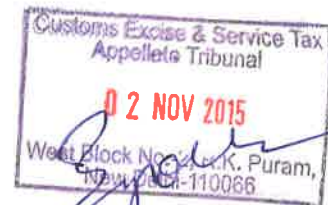
First Appeal under Section 19 of the Right to Information Act, 2005

Ref. No. : RTI/P-537/(9578/15)/Appeal/16028

Dated : 30-10-2015

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 S.K. Verma Asstt. Registrar/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)	21-10-2015
3.	Details of the order appealed against	Letter ID No. 10-222/2015 dated 26-10-2015
4.	Prayer or relief sought	See Prayer clause at the end
5.	Last date for filing the appeal	26-11-2015
6.	Whether Appeal in Time.	Appeal in time
7.	Copies of documents relied upon by the applicant	1. Copy of RTI Application dated 21-10-2015. (Annexure-1) 2. Copy of CPIO letter dated 26-10-2015. (Annexure-2)

BRIEF FACTS OF THE CASE

- (1) That the appellant has filed an application dated 21-10-2015 (**Annexure – 1**) under Section 6 of the RTI Act, 2005 requesting for the following information:
- (A) *Please provide information whether any file of the Delhi Bench were with Smt. Archana Wadhwa after his relieving in December 2014. If yes, please provide list of such files with Appeal No. and the current status of such file with Order No. and Date of Order and place at which the said order was signed by the Hon'ble Member.*
 - (B) *Please provide the list of the files with Appeal No., Name of Parties and Name of Advocate which have been sent by Delhi Bench to Smt. Archana Wadhwa for orders or otherwise and the current location and status of such files with Order No. and Date of Order and the place at which the said order was signed by the Hon'ble Member.*
 - (C) *Please provide whether any Order has been signed or passed by Smt. Archana Wadhwa for the appeals relating to the Delhi Bench, after having been relieved in December 2014 from Delhi Bench. If yes, please provide a list of all such Orders with Name of Parties, Order No. and Date of Order and Place where the said Order was signed by the Hon'ble Member.*
- (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 S.K. Verma, Asstt. Registrar/CPIO merely forwarded the application to Former SPS to Mrs. Archana Wadhwa, Member (J) and deliberately and malafidely did not seek assistance of the Asstt. Registrars of Excise Bench, Customs & Service Tax Bench and Single Member Bench with a view to delay and deny the information. The appellant being aggrieved by the said order of the CPIO is filing the present appeal.
- (4) The CPIO is deliberately and malafidely obstructing the information without any reasonable cause therefore he is liable for penal action. The First Appellate Authority is not empowered to take action under section 20

of the RTI Act, therefore the appellant reserves his right to move direct complaint to CIC u/s 18 of the RTI Act

GROUND OF APPEAL

- (1) That the order in question of the CPIO is incorrect and illegal and contrary to the provisions and spirit of the RTI Act, 2005 hence liable to be set aside.
- (2) That the information sought by the appellant is not exempted under Section 8 or 9 or any other provisions of the RTI Act, 2005, therefore, there was no valid cause or reason or ground for not providing the information.
- (3) That Shri S.K. Verma, Asstt. Registrar/CPIO merely forwarded the application to Former SPS to Mrs. Archana Wadhwa, Member (J) and deliberately and malafidely did not seek assistance of the Asstt. Registrars of Excise Bench, Customs & Service Tax Bench and Single Member Bench with a view to delay and deny the information. The malafide of the CPIO is further reflected that his order dated 26-10-2015 first endorsed the RTI application to the Asstt. Registrar, Single Member/Excise/Customs & Service Tax Bench, but it was subsequently strikethrough to withhold the information. Therefore, the order of the CPIO is liable to be modified with direction to forward the RTI application in question also to the Asstt. Registrars of Central Excise/Customs and Service Tax and Single Member Bench as they are also holding the information, as sought by the appellant.
- (4) That Shri S.K. Verma, Asstt. Registrar (SM) and CPIO is also liable for penal action for deliberate and malafide act of obstructing the information without any reasonable cause.
- (5) That the CPIO has erred in not providing the information to the appellant though as per the provisions of the RTI Act, the appellant is entitled to information as sought by him. Therefore, the order of the CPIO is liable to be set aside with direction to provide point-wise information to the appellant within time bound frame.

- (6) That the information sought is neither voluminous nor relate to older and larger period, thus could have easily been provided by the learned CPIO.
- (7) That as per proviso to Section 8(1) of the RTI Act, 2005, the information which can not be denied to the Parliament or the State Legislatures shall not be denied to any person. The information sought by the appellant in the subject application is the one which cannot be denied to the Parliament or the State Legislatures and hence it cannot be denied or refused to the appellant.
- (8) That a personal hearing may be granted to the appellant before deciding the present appeal.
- (9) This is without prejudice to the right of the appellant to add, alter or modify any of the grounds of this appeal and adduce oral or written evidence at the time of hearing or till the appeal is disposed of.

PRAYER

Under the circumstances, the appellant prays as under:

- (a) That the Original Records may be summoned and perused.
- (b) That the order of the CPIO may be set aside to the extent it has been appealed against and CPIO/Deemed CPIOs may be directed to provide the information in question within time bound frame.
- (c) That imposition of penalty may also be recommended against the CPIO for not providing the complete and correct information.
- (d) That any other relief as the Appellate Authority deem fit and proper may also be ordered in favour of the appellant.
- (e) That a personal hearing may be granted to the appellant before deciding the appeal.



Signature of Appellant
Telephone No. : 9810077977
24651101
Fax No. 011-24635243

Place : New Delhi
Dated : 30-10-2015

ofc

10/10/2015 1 (3)

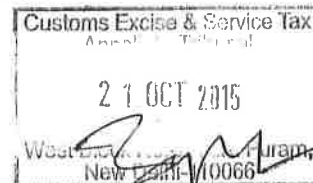
Application under Section 6 of the Right to Information Act, 2005

Ref. No. :RTI/P-195/9578/15

Dated : 21-10-2015

To

CPIO
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 information whether any file of the Delhi Bench were with Smt. Archana Wadhwa after his relieving in December 2014. If yes, please provide list of such files with Appeal No. and the current status of such file with Order No. and Date of Order and place at which the said order was signed by the Hon'ble Member.</p> <p>(B) Please provide the list of the files with Appeal No., Name of Parties and Name of Advocate which have been sent by Delhi Bench to Smt. Archana Wadhwa for orders or otherwise and the current location and status of such files with Order No. and Date of Order and the place at which the said order was signed by the Hon'ble Member.</p> <p>(C) Please provide whether any Order has been signed or passed by Smt. Archana Wadhwa for the appeals relating to the Delhi Bench, after having been relieved in December 2014 from Delhi Bench. If yes, please provide a list of all such Orders with Name of Parties, Order No. and Date of Order and Place where the said Order was signed by the Hon'ble Member.</p> <p>Note:-Please provide pointwise information/response for each of above points.</p>

6

5.	I state that the information sought is covered under RTI Act and does not fall within the exemptions contained in sections 8 or 9 or any other provisions of the Right to Information Act, 2005 and to the best of my knowledge it pertains to your office. Information is being sought in larger public interest.
6.	A Postal Order No. 32F 100315 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

11m/---9578

F.No. 10-222/CESTAT/CPIO-ND/^{SKV}RP/2015,
 Customs, Excise and Service Tax, Appellate Tribunal,
 West block No.2, R.K.Puram, New Delhi-110066.

Dated 26/10/15

ID No. 10-222/2015

Subject: Information sought under RTI Act 2005.

Sir,

Please refer to RTI application of
 Shri R. K. Jain
 Under RTI Act 2005 vide No. 9578/15 dated
21/10/15 (copy enclosed) wherein certain information are sought
 as mentioned therein is related to your section.

Therefore, in terms of the provisions of Section 6(3) and Section 5(4) read with Section 5(5) of RTI Act, 2005, the RTI application No. 9578/15 dated 21/10/15 CPIO ID No 10-222/15 is forwarded herewith to the following officers as deemed CPIO with the request to provide correct and para-wise information/inspection on or before _____ 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


 (S.K. Verma)
 Asstt. Registrar/CPIO

To

1. ~~Asstt. Secy. to Govt. of India, Customs & Excise~~
 former SPS - MCT-AW

3

4. DC/PO, Computer P.O. for uploading on website

Copy for information to:-

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

10-93(A)/15

received on
04/7/16

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.10-93(A)/CESTAT/FAA- SKM/2015
CPIO ID NO. 10-222/2015

Shri R.K.Jain

...Appellant

Vs.

CPIO, CESTAT

...Respondent

Date of decision: 21.6.2016

ORDER 84/2016

Heard both sides.

2. The appellant has not pressed for his grievance made in the appeal memorandum. Thus, the file is closed as not pressed.


(S.K. MOHANTY)
APPELLATE AUTHORITY

Copy to:-

1. Shri.R.K.Jain, 1512-B, Bhishm Pitamah Marg, Wazir Nagar, New Delhi-110003, w.r.t. letter No. RTI/10-102(A)/CESTAT/FAA-SKM/2015.
2. CPIO, CESTAT, New Delhi.
3. Office Copy

10-94(A)/15

①

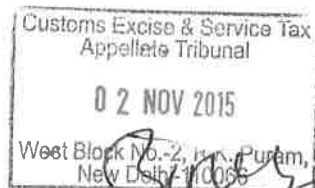
**First Appeal under Section 19 of the Right to Information Act, 2005
against Deemed Refusal**

Ref. No. : RTI/P-537/(9482/15)/Appeal/16036

Dated : 31-10-2015

Shri S.K.Mohanty

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



A. Contact Details :

1.	Name of the Appellant	R.K. Jain
2.	Address	1512-B, Bhishm Pitamah Marg Wazir Nagar New Delhi-110003

B. Details About RTI Request :

1.	Particulars of the CPIO against whose order appeal is preferred	(a) Name (1) Shri S.K. Verma CPIO & Asst. Registrar (2) Shri V.P.Pandey, AR (Excise) & Deemed 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)	18-09-2015
3.	Details of the order appealed against	
4.	Prayer or relief sought	See Prayer clause at the end
5.	Last date for filing the appeal	18-11-2015
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 18-9-2015.(Annexure-1) 2. Copy of CPIO's letter dated 28-9-2015.(Annexure-2) 3. Copy of Appellant's reminder letter dated 8-10-2015.(Annexure-3)

88/SKM/RM/15
4/11/15

BRIEF FACTS OF THE CASE

(1) That the appellant has filed an application dated 18-09-2015 (**Annexure – 1**) under Section 6 of the RTI Act, 2005 requesting for the following information:

(A) *Please provide following information in relation to appeal Nos. (i) E/2206/2012 A. Infrastructure Ltd.) (ii) E/2207/2012 (Sanjay Kanoria) (iii) E/2208/2012 (V K Gupta) (iv) E/2304/2012 (Parasmal Mehta Proprietor) (v) E/2305/2012 (Jai Kumar Singhvi Proprietor) (vi) E/2306/2012 (Darpan Jain Proprietor):-*

- (i) Copies of all Orders, Order Sheets / Record of Proceedings after 30-6-2014 except Final Orders.*
- (ii) Copies of all the notes put up by the registry after 26-6-2013*
- (iii) Details of the date on which the aforesaid matter was mentioned. Please also provide copies of the mention memo, early hearing application and directions thereon.*
- (iv) Provide total Supplementary Cause List issued in relation to each of above case and also provide the date of issue of such supplementary cause list with a copy thereof. In case, no supplementary cause list is issued, kindly provide said information.*
- (v) Copies of all notices of hearing issued to parties.*
- (vi) Copies of any Court directions/orders received in the aforesaid matter or filed by the party.*
- (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) Please provide a copy of the fresh stay petition filed in the matter as per the record of proceeding dated 11-7-2013.*
- (ix) Please provide copy of the Rajasthan High Court order referred to in the Record of Proceeding dated 11-7-2013.*

- (x) *Please provide copies of the Clarification obtained by both the parties from the Hon'ble High Court as per direction dated 22-7-2013 of the Bench.*
- (xi) *Please intimate the current status of the matter and in case it is finally disposed of, kindly intimate the Stay Order No and Final Order No. with date.*
- (B) *Please provide the following information in relation to appeal No. E/1492/2008, E/1946/2008, E/3191/2009, E/1027/2010 & E/2579/2010 (Sharp Menthol India Ltd.):*
 - (i) *Copies of all Orders, Order Sheets / Record of Proceedings from 16-5-2014 except Final Orders.*
 - (ii) *Copies of all the notes put up by the registry with orders thereon from 16-5-2014.*
 - (iii) *Copies of Supplementary Cause Lists from 16-5-2014.*
 - (iv) *Copies of all notice of hearing issued to parties.*
 - (v) *Copies of any Court directions/orders received in the aforesaid matter from 16-5-2014.*
 - (vi) *Copies of all Vakalatnamas and no objections filed in case of change of lawyer. Please also intimate the date of filing of each Vakalatnama.*
- (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 28-9-2015 (**Annexure-2**) of CPIO to AR(Excise) & Deemed CPIO. The Appellant vide letter dated 8-10-2015 (**Annexure-3**) requested the said authority to provide the desired information within the period of 30 days as stipulated under Section 7(1) of the RTI Act, 2005. The Appellant has neither received any information nor any response from the said authority therefore, as per Section 7(2) of the RTI Act, 2005, the request for information shall be deemed to have been refused. Thus being aggrieved by such refusal, this Appeal.

9

GROUNDS 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 S.K.Verma, CPIO & Asst. Registrar & other Deemed 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.

3

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 : 31-10-2015

o/c

Annexure-1

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

Ref. No. : RTI/P-195/9482/15

Dated : 18-9-2015

To

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

Customs Excise & Service Tax
Appellate Tribunal

1.	Name of the Applicant	R.K. Jain	18 SEP 2015
2.	Address	1512-B, Bhishm Pitamah Marg, Wazir Nagar New Delhi-110003	18/9/15
	(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 following information in relation to appeal Nos. (i) E/2206/2012 A. Infrastructure Ltd.) (ii) E/2207/2012 (Sanjay Kanoria) (iii) E/2208/2012 (V K Gupta) (iv) E/2304/2012 (Parasmal Mehta Proprietor) (v) E/2305/2012 (Jai Kumar Singhvi Proprietor) (vi) E/2306/2012 (Darpan Jain Proprietor):-</p> <p>(i) Copies of all Orders, Order Sheets / Record of Proceedings after 30-6-2014 except Final Orders.</p> <p>(ii) Copies of all the notes put up by the registry after 26-6-2013</p> <p>(iii) Details of the date on which the aforesaid mater was mentioned. Please also provide copies of the mention memo, early hearing application and directions thereon.</p> <p>(iv) Provide total Supplementary Cause List issued in relation to each of above case and also provide the date of issue of such supplementary cause list with a copy thereof. In case, no supplementary cause list is issued, kindly provide said information.</p> <p>(v) Copies of all notices of hearing issued to parties.</p> <p>(vi) Copies of any Court directions/orders received in the aforesaid matter or filed by the party.</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>	

	<p>(viii) Please provide a copy of the fresh stay petition filed in the matter as per the record of proceeding dated 11-7-2013.</p> <p>(ix) Please provide copy of the Rajasthan High Court order referred to in the Record of Proceeding dated 11-7-2013.</p> <p>(x) Please provide copies of the Clarification obtained by both the parties from the Hon'ble High Court as per direction dated 22-7-2013 of the Bench.</p> <p>(xi) Please intimate the current status of the matter and in case it is finally disposed of, kindly intimate the Stay Order No and Final Order No. with date.</p> <p>(B) Please provide the following information in relation to appeal No. E/1492/2008, E/1946/2008, E/3191/2009, E/1027/2010 & E/2579/2010 (Sharp Menthol India Ltd.):-</p> <p>(i) Copies of all Orders, Order Sheets / Record of Proceedings from 16-5-2014 except Final Orders.</p> <p>(ii) Copies of all the notes put up by the registry with orders thereon from 16-5-2014.</p> <p>(iii) Copies of Supplementary Cause Lists from 16-5-2014.</p> <p>(iv) Copies of all notice of hearing issued to parties.</p> <p>(v) Copies of any Court directions/orders received in the aforesaid matter from 16-5-2014.</p> <p>(vi) Copies of all Vakalatnamas and no objections filed in case of change of lawyer. Please also intimate the date of filing of each Vakalatnama.</p> <p>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. 32F 041091 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/---IR

Annexure - 2

F.No. 10-165...../CESTAT/CPIO-ND/RP/2015,
Customs, Excise and Service Tax, Appellate Tribunal,
West block No.2, R.K.Puram, New Delhi-110066.

Dated 28/9/15

ID No. 10-165/15

Subject: Information sought under RTI Act 2005.

Sir,

Please refer to RTI application of
Shri R.K. Jain
Under RTI Act 2005 vide No. 9482/15 dated
18/9/15 (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. 9482/15 dated 18/9/15 CPIO ID No 10-165/15 is
forwarded herewith to the following officers as deemed CPIO with the
request to provide correct and para-wise information/inspection on or
before 12/10/15 directly to the applicant and intimate the
undersigned within the stipulated time, failing which you are
personally responsible for delay and penalty if any, under section 20 of
RTI Act. You are, further requested to follow OM No.12/31/2013-IR
dated 12-02-2013 circulated on 23-05-2013

Encl: as above

(Rajender Prasad)
Accounts Officer/CPIO

To

1. AR, Excise, CESTAT, New Delhi

2. _____

3. _____

4. AR/To, Computer R/o for uploading on website

Copy for information to:-

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

16482
16482
16482

dc

Annexure - 3



R.K. JAIN

M.Com., LL.B.

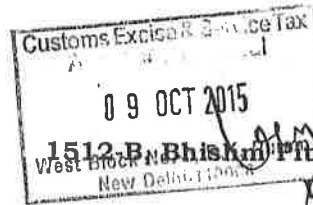
President, Excise and Customs Bar Association

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 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



NEW DELHI - 110 003.

PHONE : 24693001-3004

MOBILE : 9810077977

Fax No. 011-24635243

RTI/P-195/9482/15/R16859

08-10-2015

AR, Excise

Customs Excise & Service Tax Appellate Tribunal,

West Block 2, R.K.Puram,

New Delhi- 110066

Sub: My RTI Application No. RTI/9482/15, dated 18/9/2015

Dear Sir,

This refers to the letter F.No. 10-165/CESTAT/CPIO-ND/2015 dated 28-9-2015 of Mr.Rajender Prasad, Accounts Officer/ CPIO, transferring my aforesaid RTI application to you under section 6(3) and section 5(4) read with section 5(5) of the RTI Act, 2005, for providing the information to me. You are requested to kindly provide the information at the earliest as under section 7(1) of the RTI Act, information is to be provided within 30 days of the RTI Application.

Thanking you,

Yours faithfully,

[R.K. Jain]

Received 03/08/16

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.10-94(A)/2015
CPIO ID NO. 10-165/ 2015

Shri R.K.Jain

...Appellant

Vs.

CPIO, CESTAT

...Respondent

Date of Hearing/decision: 09.03.2016

ORDER

11/7/2016

The appellant has filed this appeal on the ground that the information sought for vide RTI application dated 18.09.2015 have not been furnished by the CPIO. Pursuant to the appeal, the CPIO submits that the information can be furnished and the same is not exempted under the RTI statute. Considering the fact that the information can be furnished from this office, the CPIO is directed to collect the information/ documents from the concerned section and to forward the same to the appellant within a period of 2 weeks from the date of receipt of this order.


(S.K. MOHANTY)

APPELLATE AUTHORITY

Copy to:-

1. Shri.R.K.Jain, 1512-B, Bhishm Pitamah Marg, Wazir Nagar, New Delhi-110003, w.r.t. letter No. RTI/10-102(A)/CESTAT/FAA-SKM/2015.
2. CPIO, CESTAT, New Delhi.
3. Office Copy

10-95(A)15

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

Ref. No. :RTI/P-537/(9473/15)/Appeal/16034

Dated : 31-10-2015

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



A. Contact Details :

1.	Name of the Appellant	R.K. Jain
2.	Address	1512-B, Bhishm Pitamah Marg Wazir Nagar New Delhi-110003

B. Details About RTI Request :

1.	Particulars of the CPIO against whose order appeal is preferred	(a) Name (1) Shri S.K.Verma, CPIO & Asst. Registrar (2) Shri Kripa Shankar, AR(Customs) & Deemed CPIO (3) Shri V.P. Pandey, AR (Excise) & Deemed CPIO (4) Shri A.Mohan Kumar, Registrar & Deemed 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)	15-09-2015
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	15-11-2015
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 15-9-2015.(Annexure-1) 2. Copy of CPIO's letter dated 28-9-2015.(Annexure-2) 3. Copy of Appellant's reminder letters dated 8-10-2015.(collectively marked as Annexure-3)
----	--	---

BRIEF FACTS OF THE CASE

(1) That the appellant has filed an application dated 15-09-2015 (**Annexure – 1**) under Section 6 of the RTI Act, 2005 requesting for the following information:

(A) *Please provide list of Larger Benches which have been recommended by CESTAT Bench, New Delhi from 1-1-2010 but were heard at station other than at New Delhi. Please provide order No. and date of order of Larger Bench, name of parties and city at which Larger Bench heard.*

(B) *Please provide copies of all notesheets & correspondence sent to Registrar CESTAT, New Delhi in relation to cases referred to in Point (A) above.*

(C) *Please provide copies of all notesheets put up by Registrar CESTAT and orders thereon.*

(D) *Provide copies of all records of proceeding in relation to Larger Bench hearings for cases referred to in point (A) above.*

(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 28-9-2015 (**Annexure-2**) of CPIO to various Deemed CPIOs. The Appellant vide letters dated 8-10-2015 (**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 authorities 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 OFS 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 S.K.Verma, CPIO & Asst. Registrar & Other Deemed CPIOs 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.

4

PRAYER

Under the circumstances, the appellant prays as under:

- (a) That the Original Records may be summoned and perused.
- (b) That the CPIO & Deemed CPIOs 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 : 31-10-2015

o/c

Annexure - 1 (B)

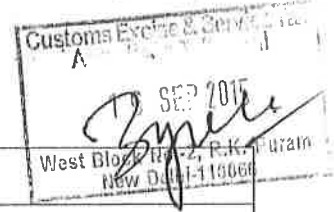
Application under Section 6 of the Right to Information Act, 2005

Ref. No. : RTI/P-195/9473/15

Dated : 15-9-2015

To

CPIO
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 list of Larger Benches which have been recommended by CESTAT Bench, New Delhi from 1-1-2010 but were heard at station other than at New Delhi. Please provide order No. and date of order of Larger Bench, name of parties and city at which Larger Bench heard. (B) Please provide copies of all notesheets & correspondence sent to Registrar CESTAT, New Delhi in relation to cases referred to in Point (A) above. (C) Please provide copies of all notesheets put up by Registrar CESTAT and orders thereon. (D) Provide copies of all records of proceeding in relation to Larger Bench hearings for cases referred to in point (A) above. Note:-Please provide pointwise information/response for each of above points.
5.	I state that the information sought is covered under RTI Act and does not fall within the exemptions contained in sections 8 or 9 or any other provisions of the Right to Information Act, 2005 and to the best of my knowledge it pertains to your office. Information is being sought in larger public interest.	
6.	A Postal Order No. 32F 041083 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

11/9473/KU

Annexure-2 (6)

F.No. 10-164...../CESTAT/CPIO-ND/RP/2015,
Customs, Excise and Service Tax, Appellate Tribunal,
West block No.2, R.K.Puram, New Delhi-110066.

Dated 28/9/15

ID No. 10-164/15

Subject: Information sought under RTI Act 2005.

Sir,

Please refer to RTI application of
Shri R. K. Jain
Under RTI Act 2005 vide No. 9473/15 dated
16/9/15 (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. 9473/15 dated 16/9/15 CPIO ID No 10-164/15 is
forwarded herewith to the following officers as deemed CPIO with the
request to provide correct and para-wise information/inspection on or
before 12/10/15 directly to the applicant and intimate the
undersigned within the stipulated time, failing which you are
personally responsible for delay and penalty if any, under section 20 of
RTI Act. You are, further requested to follow OM No.12/31/2013-IR
dated 12-02-2013 circulated on 23-05-2013

Encl: as above

(Rajender Prasad)
Accounts Officer/CPIO

To Registrar, CESTAT, New Delhi

1 AR, Customs, STAD/Excise/ST, CESTAT, New Delhi

2 _____

3 _____

4 AR/To, Computer R/o for uploading on website

Copy for information to:-

Sh R. K. Jain

1512-B BHISHAM PITAMAH MARG,

WAZIR NAGAR

110002

16480
Gaurab file

o/c
Annexure-3
(7)
Customs Excise & Service Tax
09 OCT 2015
West Block No. 2, R.K. Puram
New Delhi-110066
9/10/15

R.K. JAIN M.Com., LL.B.
President, Excise and Customs Bar Association
Editor of
EXCISE LAW TIMES & SERVICE TAX REVIEW
and author of

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

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

RTI/P-195/9473/15/R16860
08-10-2015

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

Sub: My RTI Application No. RTI/9473/15, dated 15/9/2015

Dear Sir,

This refers to the letter F.No. 10-164/CESTAT/CPIO-ND/2015 dated 28-9-2015 of Mr.Rajender Prasad, Accounts Officer/ CPIO, transferring my aforesaid RTI application to you under section 6(3) and section 5(4) read with section 5(5) of the RTI Act, 2005, for providing the information to me. You are requested to kindly provide the information at the earliest as under section 7(1) of the RTI Act, information is to be provided within 30 days of the RTI Application.

Thanking you,

Yours faithfully,



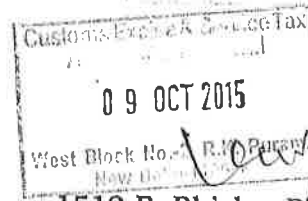
[R.K. Jain]

o/c

(8)

R.K. JAIN M.Com., LL.B.
President, Excise and Customs Bar Association
Editor of
EXCISE LAW TIMES & SERVICE TAX REVIEW
and author of

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



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

RTI/P-195/9473/15/R16861
08-10-2015

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

Sub: My RTI Application No. RTI/9473/15, dated 15/9/2015

Dear Sir,

This refers to the letter F.No. 10-164/CESTAT/CPIO-ND/2015 dated 28-9-2015 of Mr.Rajender Prasad, Accounts Officer/ CPIO, transferring my aforesaid RTI application to you under section 6(3) and section 5(4) read with section 5(5) of the RTI Act, 2005, for providing the information to me. You are requested to kindly provide the information at the earliest as under section 7(1) of the RTI Act, information is to be provided within 30 days of the RTI Application.

Thanking you,

Yours faithfully,

[R.K. Jain]

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

09 OCT 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-195/9473/15/R16862

08-10-2015

AR, Excise

Customs Excise & Service Tax Appellate Tribunal,

West Block 2, R.K.Puram,

New Delhi- 110066

Sub: My RTI Application No. RTI/9473/15, dated 15/9/2015

Dear Sir,

This refers to the letter F.No. 10-164/CESTAT/CPIO-ND/2015 dated 28-9-2015 of Mr.Rajender Prasad, Accounts Officer/ CPIO, transferring my aforesaid RTI application to you under section 6(3) and section 5(4) read with section 5(5) of the RTI Act, 2005, for providing the information to me. You are requested to kindly provide the information at the earliest as under section 7(1) of the RTI Act, information is to be provided within 30 days of the RTI Application.

Thanking you,

Yours faithfully,



[R.K. Jain]

Received 03/08/16

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.10-95(A)/2015
CPIO ID NO. 10-164/ 2015

Shri R.K.Jain

...Appellant

Vs.

CPIO, CESTAT

...Respondent

Date of Hearing/decision: 09.03.2016

ORDER

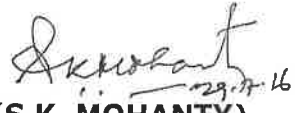
114/2016

The grievance of the appellant in this appeal is that the information sought for vide RTI application dated 15.09.2015 have not been furnished by the CPIO. I have perused the case records and find that the RTI application of the applicant has been forwarded by the CPIO to the Registrar, AR (Customs) and AR (Excise) for necessary compliance.

2. In response to the letter of CPIO, AR(Customs) has submitted his reply dated 4.11.2015 stating that no records are available with regard to the queries raised by the appellant. However, no such information so far has been received from the Registrar and AR (Excise). The AR (Excise) is the present CPIO and during the course of hearing today, he confirms the fact that no records are available with regard to the information sought for by the appellant. The said submissions of the CPIO is taken into consideration in view of the fact that the appellant has no objection to such submissions.



3. However, I find that the office of Registrar has so far not responded to the letter dated 28.09.2015 of the CPIO. Therefore, the Registrar is directed to furnish the information, if any available in his office, preferably within a period of ~~4~~ ² weeks from the date of receipt of this order. The appeal is disposed of accordingly.


(S.K. MOHANTY)
APPELLATE AUTHORITY

Copy to:-

1. Shri.R.K.Jain, 1512-B, Bhishm Pitamah Marg, Wazir Nagar, New Delhi-110003, w.r.t. letter No. RTI/10-102(A)/CESTAT/FAA-SKM/2015.
2. CPIO, CESTAT, New Delhi.
3. Office Copy

New

10-221(A)

10-96(A)15

①

Reg no. 4071/CR-15
2/11/15

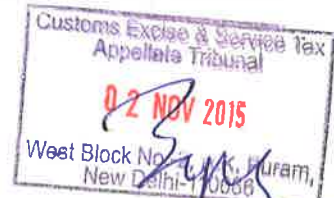
First Appeal under Section 19 of the Right to Information Act, 2005

Ref. No. : RTI/P-537/(9583/15)/Appeal/16032

Dated : 30-10-2015

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 S.K.Verma CPIO & Asst. Registrar
		(b) Address Customs Excise & Service Tax Appellate Tribunal, West Block 2, R.K.Puram, New Delhi - 110066
2.	Date of submission of application (Copy of application attached)	23-10-2015
3.	Details of the order appealed against	Letter F.No. 10-221/CESTAT/CPIO-ND/SKV/2015 dated 26-10-2015
4.	Prayer or relief sought	See Prayer clause at the end
5.	Last date for filing the appeal	26-11-2015
6.	Whether Appeal in Time.	Appeal in time
7.	Copies of documents relied upon by the applicant	1. Copy of RTI Application dated 23-10-2015 (Annexure-1) 2. Copy of Asstt. Registrar/CPIO letter dated 26-10-2015 (Annexure-2) 3. Copy of CIC decision in the case of Brig. Davinder Singh Grewal (Annexure-3)

85/SKM/RTI/15
4/11/15

BRIEF FACTS OF THE CASE

- (1) That the appellant has filed an application dated 23-10-2015 (**Annexure – 1**) under Section 6 of the RTI Act, 2005 requesting for the following information:
- (A) *Please provide copies of after Court cause list for all Benches at Delhi for the period 16-10-2015 till date of providing the information.*
 - (B) *Please provide copies of Assistant Registrar's Diary for the Period 16-10-2015 to 31-1-2016 of the cases fixed for hearing or those adjourned or those heard for all the Benches of the CESTAT at Delhi. Even if there is no entry on any particular date, copy of the same may also be sent to the applicant.*
 - (C) *Please also intimate the date on which the copies of the Assistant Registrar's Diary being supplied to the applicant under this RTI Application, were photocopied.*
 - (D) *Please provide inspection of Court Master Diary/Register and after Court Cause list of all Benches of CESTAT Delhi from 1-4-2013 till date of providing the information.*
- (2) That the appellant vide para 5 of his said application has also made a declaration that the information sought for is not exempted under Section 8 or 9 of the RTI Act, 2005 and also stated that to the best of the knowledge of the appellant, the information pertains to the Office of the CPIO in question.
- (3) That Shri S.K.Verma, CPIO & Asst. Registrar deliberately and malafidely instead of providing the information as sought by the appellant, in point (A), (B) and (C), has offered inspection of the records. The appellant being aggrieved by the said order of the CPIO is filing the present appeal.

GROUND OFS 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 S.K.Verma, CPIO & Asst. Registrar deliberately and malafidely instead of providing the copies of the information as sought by the appellant, in point (A) & (B) has offered inspection of the records, with a view to delay and deny the information as sought by the appellant. The CIC in the case of Brig. Davinder Singh Grewal v. Police Deptt. (Annexure-3) by order dated 7-8-2012 has held that when specific information is sought by the applicant, then mere offering of inspection of records, is not sufficient compliance to the provisions of the RTI Act. Therefore, the order of the CPIO is liable to be set aside with direction to provide point-wise information to the appellant within time bound frame.
- (4) That Shri S.K. Verma, Asstt. Registrar (SM) and CPIO has directed inspection of the records for point (C) of the RTI application, which seeks information in relation to the date on which the photocopies were done. This information cannot be inspected being non-existent due to the order of the CPIO. Therefore, the order of the CPIO is liable to be set aside with direction to provide point-wise information to the appellant within time bound frame.
- (5) That the CPIO has erred in not providing the information to the appellant though as per the provisions of the RTI Act, the appellant is entitled to information as sought by him. Therefore, the order of the CPIO is liable to be set aside with direction to provide point-wise information to the appellant within time bound frame.
- (6) That the information sought is neither voluminous nor relate to older and larger period, thus could have easily been provided by the learned CPIO.
- (7) That as per proviso to Section 8(1) of the RTI Act, 2005, the information which can not be denied to the Parliament or the State Legislatures shall not be denied to any person. The information sought by the appellant in

the subject application is the one which cannot be denied to the Parliament or the State Legislatures and hence it cannot be denied or refused to the appellant.

- (8) That a personal hearing may be granted to the appellant before deciding the present appeal.
- (9) This is without prejudice to the right of the appellant to add, alter or modify any of the grounds of this appeal and adduce oral or written evidence at the time of hearing or till the appeal is disposed of.

PRAYER

Under the circumstances, the appellant prays as under:

- (a) That the Original Records may be summoned and perused.
- (b) That the order of the CPIO may be set aside to the extent it has been appealed against and CPIO/Deemed CPIOs may be directed to provide the information in question within time bound frame.
- (c) That imposition of penalty may also be recommended against the CPIO for not providing the complete and correct information.
- (d) That any other relief as the Appellate Authority deem fit and proper may also be ordered in favour of the appellant.
- (e) That a personal hearing may be granted to the appellant before deciding the appeal.



Signature of Appellant
Telephone No. : 9810077977
24651101
Fax No. 011-24635243

Place : New Delhi
Dated : 30-10-2015

O/C

ANNEXURE

1

(3)

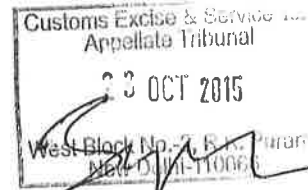
Application under Section 6 of the Right to Information Act, 2005

Ref. No. :RTI/P-195/9583/15

Dated : 23-10-2015

To

Shri S.K.Verma
CPIO & Asst. Registrar
Customs Excise & Service Tax Appellate Tribunal,
West Block 2, R.K.Puram,
New Delhi – 110066



1.	Name of the Applicant	R.K. Jain
2.	Address	1512-B, Bhishm Pitamah Marg Wazir Nagar New Delhi-110003
	(b) Phone Nos.	09810077977, 011-24651101, 011-24690707
	(c) Fax No.	011-24635243
3.	Whether a Citizen of India	Yes
4.	Particulars of Information	
	Details of information required	<p>(A) Please provide copies of after Court cause list for all Benches at Delhi for the period 16-10-2015 till date of providing the information.</p> <p>(B) Please provide copies of Assistant Registrar's Diary for the Period 16-10-2015 to 31-1-2016 of the cases fixed for hearing or those adjourned or those heard for all the Benches of the CESTAT at Delhi. Even if there is no entry on any particular date, copy of the same may also be sent to the applicant.</p> <p>(C) Please also intimate the date on which the copies of the Assistant Registrar's Diary being supplied to the applicant under this RTI Application, were photocopied.</p> <p>(D) Please provide inspection of Court Master Diary/Register and after Court Cause list of all Benches of CESTAT Delhi from 1-4-2013 till date of providing the information.</p> <p>Note:-Please provide pointwise information/response for each of above points.</p>
5.	I state that the information sought is covered under RTI Act and does not fall within the exemptions contained in sections 8 or 9 or any other provisions of the Right to Information Act, 2005 and to the best of my knowledge it pertains to your office. Information is being sought in larger public interest.	

6

6.	A Postal Order No. 32F 100320 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

Hlm/----

F.No. 10-221 /CESTAT/CPIO-ND/^{SKV}RP/2015,
Customs, Excise and Service Tax, Appellate Tribunal,
West block No.2, R.K.Puram, New Delhi-110066.

Dated 26/10/15

ID No. 10-221/2015

Subject: Information sought under RTI Act 2005.

Sir,

Please refer to RTI application of
Shri R. K. Jain
Under RTI Act 2005 vide No. 9583/2015 dated
23/10/15 (copy enclosed) wherein certain information are sought
as mentioned therein is related to your section.

Therefore, in terms of the provisions of Section 6(3) and Section 5(4) read with Section 5(5) of RTI Act, 2005, the RTI application No. 9583/15 dated 23/10/15 CPIO ID No 10-221/2015 is forwarded herewith to the following officers as deemed CPIO with the request to provide correct and para-wise information/inspection on or before _____ 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. *Inspection is Allowed to be conducted on 12/11/15 between 4: PM to 6:00 PM.*
Encl: as above

(Signature) 27/10/15.
(S. K. Verma)
Asstt. Registrar/CPIO

To

- 1 Asstt. Secy / Excise / Customs / ST (with request to provide the inspection directly to the applicant.)
- 2 _____
- 3 _____
4. Asstt. Secy, Computer Cell for uploading on website

Copy for information to:—

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

Implication of Records is not no substitute of providing specific information

8

1038

Central Information Commission

Room No.307, II Floor, B Wing, August Kranti Bhawan, Bhikaji Cama Place, New
Delhi-110066

Telefax:011-26180532 & 011-26107254 website-cic.gov.in

Adjunct to Appeal: No. CIC/DS/A/2011/003080

Appellant /Complainant : Brig. Davinder Singh Grewal
(Retd.), Chandigarh

Public Authority : Police Department, UT Chandigarh
(Shri B. S. Chadha, DSP, Sh. Kamal
Deep, DSP and Sh.
Ashok Kumar, Constable)

Date of Hearing : 07 August 2012

Date of Decision : 07 August 2012

Facts:-

1. In pursuance of show cause notice issued vide Commission's order of even number dated 1.6.2012, the former CPIO alongwith other representatives of the Public Authority appeared before the Commission. Appellant was also present.

Decision Notice

2. After hearing both parties, Commission is convinced that there has been delay in providing information to the appellant. Initially the information that was provided was not specific and did not satisfy the appellant. Now, Commission directs the current CPIO to provide specific point-wise information to the appellant and while providing photo copies of various documents, indicate the corresponding page numbers which hold information as sought under each of the points mentioned in the RTI application. Merely providing a sheaf of papers and expecting the appellant to cull out information as sought under each of the points of his RTI application is not the appropriate manner to handle application received under the transparency Act. CPIO is

provided four weeks time to provide specific point-wise information to the appellant along with an affidavit to the Commission with copy to the appellant that no further information is held by them pertaining to the issues raised in the RTI application. As regards the show cause notice to the former CPIO, he has not carried out the obligations cast upon him under the RTI Act as per Section 7(1) of the Act. It is evident from his reply dated 8.7.2011 that the CPIO has disposed of the matter in a very casual and disinterested manner. The specific information sought by the appellant has not been addressed and invitation by the CPIO to the appellant to visit his office and inspect the relevant file is not a substitute for the obligation cast upon him under the Act and he cannot take shelter under this action. The Acts specifically places the onus upon the CPIO for providing the information to the appellant and no-where in the Act it is mandated that the appellant will visit the office of the CPIO to ferret out the requested information from the mountains of papers placed before him. Accordingly, under the provisions of Section 20(1) of the Act, Commission imposes the maximum penalty of Rs.25,000/- on the CPIO as he has not been able to establish any credible reason for not having discharged his functions viz-a-viz the appellant's request.

3. The I.G.Police, UT Chandigarh is directed to recover the amount of Rs. 25,000/- from the salary of Shri B.S.Chandha, Dy. SP/CPIO/W&CSU, UT Chandiarh and remit the same by a demand draft or a Banker's cheque in the name of the Pay & Accounts Officer, CAT, payable at New Delhi and send the same to Shri Pankaj K.P. Shreyaskar, Director and Joint Registrar of the Central Information Commission, 2nd. Floor, August Kranti Bhawan, New Delhi-110066. The amount may be deducted at the rate of Rs. 5000/- per month every month from the salary of

10

Shri B.S. Chadha, Dy.SP/CPIO and remitted by the 10th of every month starting from September, 2012. The total amount of Rs. 25,000/- will be remitted by 10th of March 2013.

(Smt. Deepak Sandhu)
Information Commissioner (DS)

Authenticated true copy:

(T. K. Mohapatra)
Dy. Secretary & Dy. Registrar
Tel. No. 011-26105027

Copy to:-

1. Brig. Davinder Singh Grewal (Retd.)
270, Sector-33-A
Chandigarh-160020
2. The CPIO
Dy. Supdt. of Police
Economic Offence Wing
Chandigarh police
Home Guards Bldg., Sector-17
UT Chandigarh
3. The Appellate Authority
Dy. Insp. Genl. Of Police
Police Headquarters, Sector-9
UT Chandigarh
4. The Inspector General of Police
Police Headquarters, Sector-9
UT Chandigarh
5. Shri Pankaj K.P. Shreyaskar,
Director and Joint Registrar
of the Central Information Commission,
2nd. Floor, August Kranti Bhawan, New Delhi-110066.
6. Shri B.S. Chadha,

Page 57 03/08/16

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.10-96(A)/2015
CPIO ID NO. 10-221/2015

Shri R.K.Jain

...Appellant

Vs.

CPIO, CESTAT

...Respondent

Date of Hearing/decision: 09.03.2016

ORDER *11/2016*

The appellant submits that during the pendency of appeal, the information sought for have been supplied by the CPIO, and therefore, he does not press for the information. The submission is accepted and accordingly, the appeal is disposed of since not pressed.

S.K. Mohanty
29.7.16

(S.K. MOHANTY)

APPELLATE AUTHORITY

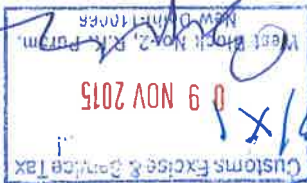
Copy to:-

1. Shri.R.K.Jain, 1512-B, Bhishm Pitamah Marg, Wazir Nagar, New Delhi-110003, w.r.t. letter No. RTI/10-102(A)/CESTAT/FAA-SKM/2015.
2. CPIO, CESTAT, New Delhi.
3. Office Copy

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

Ref. No. : RTI/P-537/(9525/15)/Appeal/16056
Dated : 06-11-2015

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



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 S.K. Verma Asstt. Registrar/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)	01-10-2015	
3.	Details of the order appealed against	Letter F.No. 10-195/CESTAT/CPIO-ND/RP/2015 dated 2-11-2015	
4.	Prayer or relief sought	See Prayer clause at the end	
5.	Last date for filing the appeal	2-12-2015	
6.	Whether Appeal in Time.	Appeal in time	
7.	Copies of documents relied upon by the applicant	1. Copy of RTI Application dated 1-10-2015 (Annexure-1) 2. Copy of Asstt. Registrar/CPIO letter dated 2-11-2015 (Annexure-2)	

BRIEF FACTS OF THE CASE

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

(A) Please provide the following information in relation to Appeal Nos. ST/242/2008-CU(DB), ST/398/2008-CU(DB), ST/399/2008-CU(DB), ST/762/2008-CU(DB) [Idea Mobile Communication Ltd. & Others]

(i). Copies of all Orders, Order Sheets / Record of Proceedings except Final Orders.

(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 including Supplementary Cause Lists, if any.

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

(vii). Copies of any Court directions/orders received in the aforesaid matter.

(viii). Copy of compliance report, if any and current status of the case with next Date of hearing.

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

(x). Please provide date of the notesheets of the registry on which the Difference of Opinion matter has been placed before the Hon'ble President for nomination of the Member/Members to deal with the difference of opinion. Provide copy of the notesheet and orders thereon.

(B) After providing the above information, please provide inspection of all records, documents, note-sheets and files relating to the information as referred to in point (A) above. Please provide inspection of complete file(s) even if they contain part of the information. Please note that I will undertake the inspection only if it is necessary in view of incorrect and incomplete information provided by you.

- (2) That the appellant vide para 5 of his said application has also made a declaration that the information sought for is not exempted under Section 8 or 9 of the RTI Act, 2005 and also stated that to the best of the knowledge of the appellant, the information pertains to the Office of the CPIO in question.
- (3) That Shri S.K. Verma, Asstt. Registrar/CPIO has wrongly denied the information by deliberately and malafidely applying non-applicable exemption . 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 order passed by Shri S.K. Verma, Asstt. Registrar (SM) and CPIO is neither in clear terms nor in proper form rather they are confusing therefore the right of the appellant to file appeal is getting effected. Further, the order passed by Shri S.K. Verma, Asstt. Registrar (SM) and CPIO also does not comply with the provisions of section 7(8) of the RTI Act. Therefore suitable direction may be issued to Shri S.K. Verma, Asstt. Registrar (SM) and CPIO to pass reasoned order in proper form complying with all requirements of RTI Act and Rules.

- (4) The Shri S.K. Verma, Asstt. Registrar (SM) and CPIO has deliberately and malafidely denied the information as sought in the RTI application by wrongly applying section 8(1)(h) of the RTI Act. The said Section 8(1)(h) of the RTI Act, 2005 reads as under:

“information which would impede the process of investigation or apprehension or prosecution of offenders”

A perusal of the above would show that disclosure of information is exempted when it would impede any of the following three:

- 1) Investigation
- 2) Apprehension of offenders
- 3) Prosecution of offenders

None of the above elements are involved in relation to the information as sought by the appellant under the present RTI application as Tribunal is neither an Investigating Agency nor Law Enforcing Agency nor a Prosecuting Authority, but is an Appellate Forum. The information sought relates to the orders passed by the quasi-judicial authority and records created by the Registry in relation to the appeals before it, thus, section 8(1)(h) has no applicability. Therefore, the order of the CPIO is liable to be set aside with direction to provide point-wise information to the appellant within time bound frame.

- (5) That the appellant has merely sought copies of the Orders, Record of Proceedings, Note Sheets of the Registry, directions for listing of the cases out of turn, date and copies of Mention Memo, copies of After Court Cause Lists, Notice of Hearings and Vakalatnamas and copy of the Compliance Report of CESTAT order and current status of the case, which are records of the quasi-judicial authority, therefore, are part of the ‘public records’ and are disclosable under the RTI Act and section 8(1)(h) has no applicability as there is no investigation that is pending in the matter. Moreover, these records are created by the Tribunal and not emanating from any third party, they are ‘public records’ created by public

authorities. As per Section 74(1)(ii) of the Evidence Act, the documents confirming the records of the acts of official body or Tribunal, are treated as public documents. The section 74(1)(ii) of the Evidence Act, 1872, reads as under :

"74. Public documents. – The following documents are public documents :-

- (1) documents forming the acts or records of the Acts -
 - (i) of the sovereign authority;
 - (ii) **of official bodies and tribunals, and**
 - (iii) of public officers, legislative, judicial and executive [of any part of India or of the Commonwealth], or of a foreign country.
- (2) public records kept in [any State] of private documents.

In view of the above provisions read with section 76 of the Evidence Act, the records of the Tribunal being public records and are disclosable to public. On the basis of these provisions, Allahabad High Court in the case of *Alla Buksh v. Ratan* – A.I.R. 1958 (All) 829, held, that an "assessment order" passed by Sales Tax Officer to be a public document. Similarly, the Mysore High Court in the case of *Mahboob Mills Co. Ltd. v. Vittal* – A.I.R. 1959 Mys. 180 held that the records of the Labour Tribunal as public documents; likewise Patna High Court in the case of *Hira Lal v. Ramanand Chaudhury* – A.I.R. 1959 Patna 515 held that assessment order is a public documents. In these circumstances, the order of Shri S.K. Verma, Asstt. Registrar (SM) and CPIO claiming exemption under section 8(1)(h) of the RTI Act is bad in law and liable to be set aside and the CPIO be directed to provide the information.

- (6) That the Shri S.K. Verma, Asstt. Registrar (SM) and CPIO has wrongly claimed exemption u/s 8(1)(h) of the RTI Act, as the said section is applicable only when disclosure of the information would cause impediment to the on-going investigation. The information sought by the appellant does not relate to a case where any investigation is pending. Even if it is assumed that investigation in the matter is still pending, the key issue for consideration is that whether disclosure of information as sought by the appellant/complainant would, in any way, impede the

process of said inquiry/investigation. The Hon'ble Delhi High Court in Addl. Commissioner of Police (Crime) Vs CIC; W.P(C). No. 7930 of 2009 while dealing with the provision of this section had made following observations:

"85. Mere pendency of investigation, or apprehension or prosecution of offenders is not a good ground to deny information. Information, however, can be denied when furnishing of the same would impede process of investigation, apprehension or prosecution of offenders. The word —impedell indicates that furnishing of information can be denied when disclosure would jeopardize or would hamper investigation, apprehension or prosecution of offenders. In Law Lexicon, Ramanatha Aiyar 2nd Edition 1997 it is observed that —the word —impedell is not synonymous with obstruct'. An obstacle which renders access to an inclosure inconvenient, impedes the entrance thereto, but does not obstruct it, if sufficient room be left to pass in and out. Obstruct' means to prevent, to close up."

86. The word —impede therefore does not mean total obstruction and compared to the word obstruction' or prevention', the word impede' requires hindrance of a lesser degree. It is less injurious than prevention or an absolute obstacle. Contextually in Section 8(1)(h) it will mean anything which would hamper and interfere with procedure followed in the investigation and have the effect to hold back the progress of investigation, apprehension of offenders or prosecution of offenders. However, the impediment, if alleged, must be actual and not make belief and a camouflage to deny information. To claim exemption under the said Sub-section it has to be ascertained in each case whether the claim by the public authority has any reasonable basis. Onus under Section 19(5) of the RTI Act is on the public authority. The Section does not provide for a blanket exemption covering all information relating to investigation process and even partial information wherever justified can be granted. Exemption under Section 8(1)(h) necessarily is for a limited period and has a end point i.e. when process of investigation is complete or offender has been apprehended and prosecution ends. Protection from disclosure will also come to an end when disclosure of information no longer causes impediment to prosecution of offenders, apprehension of offenders or further investigation."

(7) In another matter of Bhagat Singh Vs CIC; W.P. (C) No. 3114/2007; dated 03.12.2007 the Hon'ble Delhi High Court had observed as follows:

"Access to information, under Section 3 of the Act, is the rule and exemptions under Section 8, the exception. Section 8 being a restriction on this fundamental right, must therefore be strictly construed. It should not be interpreted in manner as to shadow the very right itself. Under Section 8, exemption from releasing information is granted if it would impede the process of investigation or the prosecution of the offenders. It is apparent that the mere existence of an investigation process cannot be a ground for refusal of the information; the authority withholding information must show satisfactory reasons as to why the release of such information would hamper the investigation process. Such reasons should be germane, and the opinion of the process being hampered should be reasonable and based on some material. Sans this consideration, Section 8(1)(h) and other such provisions would become the haven for dodging demands for information"

The decision of Delhi High Court in Bhagat Singh's case has been approved by Division Bench in Addl. Commissioner of Income Tax Vs. UOI – LPA No. 1377/2007 decided on 17-12-2007

- (8) That Hon'ble Delhi High Court again in the case of B.S. Mathur v. Delhi High Court – W.P.(C) No. 295/2011 dated 3-6-2011 again held as under:-

"The mere pendency of an investigation or inquiry is by itself not a sufficient justification for withholding information. It must be shown that the disclosure of the information sought would 'impede' or even on a lesser threshold 'hamper' or 'interfere with' the investigation. This burden the Respondent has failed to discharge"

- (9) That as per the above judgments of Hon'ble Delhi High Court mere pendency of an investigation cannot be the ground for denial of information under section 8(1)(h) of the RTI Act, but the CPIO must show that the disclosure of such information would certainly impede the process of investigation. Hon'ble Court has further clarified that section 8(1)(h) does not provide for blanket exemption from providing information relating to investigation process. Even partial information wherever justified needs to be disclosed. Further, onus to prove that denial is justified is on the public authority. However, unfortunately in the present case, the CPIO has not properly examined the contents of the information in question, but just has denied the information by invoking section 8(1)(h) without giving any

reason or ground. Therefore, the order of the Shri S.K. Verma, Asstt. Registrar (SM) and CPIO is liable to be set aside with direction to provide point-wise information to the appellant within time bound frame..

(10) That further, as observed by the Hon'ble Delhi High Court in the above quoted judgment, the onus to prove that a denial is justified shall be on the CPIO as per section 19(5) of the RTI Act. But, in the instant case, nowhere in the order of the CPIO denial of information has been justified. He did not even indicate a single reason which made him believe that disclosure of information would impede the process of investigation/examination. Shri S.K. Verma, Asstt. Registrar (SM) and CPIO did not give any such reason in support of denial of 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.

(11) That the Shri S.K. Verma, Asstt. Registrar (SM) and CPIO has erred in not appreciating that the information sought relates to evasion of taxes and violation of the statutory provisions adversely affecting the public revenue, therefore the information sought is in larger public interest. Therefore the CPIO should have applied section 8(2) of the RTI Act and provided the information.

(12) That the Shri S.K. Verma, Asstt. Registrar (SM) and CPIO has not given any reasons or grounds as to how the information is exempted from disclosure under section 8(1)(h) of the RTI Act, therefore his order is a non-speaking order and passed in violation of the principles of natural justice, hence is liable to be set aside on this ground alone.

(13) That Shri S.K. Verma, Asstt. Registrar (SM) and CPIO has been providing copies of similar information to the appellant till now and as the appellant has made certain complaints to the authorities against irregularities and manipulations of Shri S.K. Verma, Asstt. Registrar, he is causing harassment and inconvenience to the appellant by denying the

information which CESTAT has continuously been providing to the appellant as per the provisions of the RTI Act. Therefore, the order of the CPIO is liable to be set aside with direction to provide point-wise information to the appellant within time bound frame.

- (14) That the learned Shri S.K. Verma, Asstt. Registrar (SM) and CPIO has deliberately and malafidely denied the copies of the documents as sought by the appellant by wrongly applying section 8(1)(h) of the RTI Act, so as to cause delay and deny the information with malafide intent and purpose therefore, he is liable for penal action under Section 20 of the RTI Act, 2005 and the appellant is also entitled to compensation for the harassment and inconvenience caused to him. The appellant reserves his right to file a direct complaint to CIC, as the First Appellate Authority has no powers to take penal action under section 20 of the RTI Act. -
- (15) That the CPIO has erred in not providing the information to the appellant though as per the provisions of the RTI Act, the appellant is entitled to information as sought by him. Therefore, the order of the CPIO is liable to be set aside with direction to provide point-wise information to the appellant within time bound frame.
- (16) That the information sought is neither voluminous nor relate to older and larger period, thus could have easily been provided by the learned CPIO. ...
- (17) 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.
- (18) That a personal hearing may be granted to the appellant before deciding the present appeal.
- (19) 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 : 06-11-2015

o/c

ANNEXURE

(11)

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

Ref. No. :RTI/P-195/9525/15

Dated : 1-10-2015

To

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

01 OCT 2015

Key
1/10/15

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. ST/242/2008-CU(DB), ST/398/2008-CU(DB), T/399/2008-CU(DB), ST/762/2008-CU(DB) [Idea Mobile Communication Ltd. & Others]</p> <p>(i). Copies of all Orders, Order Sheets / Record of Proceedings except Final Orders.</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 including Supplementary Cause Lists, if any.</p> <p>(vi). Copies of all notice of hearing issued to parties.</p> <p>(vii). Copies of any Court directions/orders received in the aforesaid matter.</p> <p>(viii). Copy of compliance report ,if any and current status of the case with next Date of hearing.</p>

		<p>(ix). Copies of all Vakalatnamas and no objections filed in case of change of lawyer. Please also intimate the date of filing of each Vakalatnama</p> <p>(x). Please provide date of the notesheets of the registry on which the Difference of Opinion matter has been placed before the Hon'ble President for nomination of the Member/Members to deal with the difference of opinion. Provide copy of the notesheet and orders thereon.</p> <p>(B) After providing the above information, please provide inspection of all records, documents, note-sheets and files relating to the information as referred to in point (A) above. Please provide inspection of complete file(s) even if they contain part of the information. Please note that I will undertake the inspection only if it is necessary in view of incorrect and incomplete information provided by you.</p> <p>Note:-Please provide pointwise information/ response for each of above points.</p>
5.	I state that the information sought is covered under RTI Act and does not fall within the exemptions contained in sections 8 or 9 or any other provisions of the Right to Information Act, 2005 and to the best of my knowledge it pertains to your office. Information is being sought in larger public interest.	
6.	A Postal Order No. 32F 041593 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

11jun/....9525

ANNEXURE 2

13

F.No/10-1957 CESTAT/CPIO-ND/RP/2015
Customs Excise and Service Tax Appellate Tribunal
West Block No 2, R.K.Puram, New Delhi-110 066

Dated--02/11/15
ID No. 10-1957/15

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. 9525/15 Dt. 01/10/15
and our ID No. 10-1957/15. The information received from AR Customs
containing 1 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. Application
is disposed of by claiming exemption 4, 8 (1)(b) of
the RTI Act. If aggrieved the applicant can prefer
an appeal before Honble Mr. S.K. Mohanty, Joint
Appellate Authority under RTI Act.

(S. S. Sharma)
Asstt. Registrar/CPIO 2/11/15

Encl:- As above

Copy to:- Computer Section for Website

-16852
Gul Pile

(14)

CUSTOMS, SERVICE TAX & ANTIDUMPING BRANCH

I.D.No.10-195/2015

With reference to I.D.No.10-195/2015 dated 29.10.2015 , the information sought by you, in the A.No.ST/242,398-399,762/2008.In this regard it is submitted that the above matters are sub-judice before the Hon'ble Tribunal. Therefore information sought by is exempted under section 8(1)(h) of the RTI Act, therefore the information can not be provided. Further, the inspection allowed by the CPIO may be treated as cancelled.

Dated:02.11.2015

Asstt. Registrar.

Copy to:-

✓ 1.CPIO.

2.O/c.

A.R.

Received on
04/07/2016

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

Appeal No.10-97(A)/CESTAT/FAA- SKM/2015
CPIO ID NO. 10-195/2015

Shri R.K.Jain

...Appellant

Vs.

CPIO, CESTAT

...Respondent

Date of decision: 21.6.2016

ORDER

85/2016

The grievance of the appellant in this appeal is that the information sought for vide RTI application dated 01.10.2015 have not been provided by the CPIO. The information relates to the records pertaining to the appeals filed before the CESTAT.

2. In response to the appeal, the CPIO submits that the CESTAT Procedure Rules, 1982 provides the manner of furnishing the documents relating to the appeal matters. Thus, according to him, there is no scope for furnishing any information under the RTI Act. In support of the said stand, the CPIO has referred to the order dated 02.01.2012 of the Hon'ble CIC in the case of Rakesh Kumar Gupta vs High Court of Delhi and also the decision dated 18.09.2007 in the case of Rakesh Kumar Gupta vs ITAT.

3. The appellant submits that Section 22 of the Right to Information Act, 2005 has the overriding effect over the other statutes, so far as furnishing of information are concerned. Thus, according to the appellant since the RTI statutes clearly mandates providing information, the same can be furnished without prejudice to the provisions contained in the CESTAT (Procedure) Rules, 1982. He

Amey

further submits that the information sought for are not expressly prohibited under any statute, and thus, the information can be furnished upon an application filed under the RTI Act.

4. I have heard both sides and perused the records.

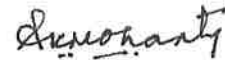
5. A perusal of Section 22 contained in the RTI Act, 2005, would reveal that the said Section has the overriding effect over any other Acts/Rules, so far as furnishing the information is concerned. Since the RTI Act in clear and unambiguous terms provides for furnishing of information, other than the information specified in Section 8, the same can be furnished on filing of an application to that effect. It is an admitted fact that information sought under the application dated 1.10.2015 are not falling under exempted category as specified in Section 8 of the RTI Act, 2005. Therefore, I am of the considered view that the information cannot be denied on the ground that the CESTAT Procedures Rules provides the manner of furnishing documents relating to the appeal matters. With regard to the overriding effect of Section 22 of the RTI Act, 2005 over any other Act, Rules and Regulations, I find support from the judgment relied upon by the appellant in the case of Reserve Bank of India vs. Jayantilal N. Mistry (Civil Appeal No. 91 of 2015), wherein the Hon'ble Apex Court has held that RTI Act shall prevail upon the other Acts. The relevant paragraph in the said judgment is extracted herein below:

"43.... RTI Act 2005 contains a clear provision (Section 22) by virtue of which it overrides all other Acts including Official Secrets Act. Thus, notwithstanding anything to the contrary contained in any other law like RBI Act or Banking Regulation Act, the RTI Act, 2005 shall prevail insofar as transparency and access to information is concerned.

QKH.

Moreover, the RTI Act, 2005 being a later law, specifically brought in to usher transparency and to transform the way official business is conducted, would have to override all earlier practices and laws in order to achieve its objective. The only exceptions to access to information are contained in RTI Act itself in Section 8."

6. In view of the judgment of Hon'ble Supreme Court in the case of Jayantilal N. Mistry (supra), the information can be furnished. In view of the settled principle of law, the decision of Hon'ble CIC relied upon by the CPIO will not hold the field. Therefore, the CPIO is directed to furnish the information within a period of three weeks from the date of receipt of this order.



(S.K. MOHANTY)

APPELLATE AUTHORITY

Copy to:-

1. Shri.R.K.Jain, 1512-B, Bhishm Pitamah Marg, Wazir Nagar, New Delhi-110003, w.r.t. letter No. RTI/10-102(A)/CESTAT/FAA-SKM/2015.
2. CPIO, CESTAT, New Delhi.
3. Office Copy

10-98(A)15

①

Dyno. 4222/ER-15
9/11/15
89/501/15/RTI
9/11/15

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

Ref. No. : RTI/P-501/(9519/15)/Appeal/16055

Dated : 07-11-2015

To

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



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 S.K. Verma Asstt. Registrar/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)	29-09-2015	
3.	Details of the order appealed against	Letter F.No.10-190/CESTAT/CPIO-ND/RP/2015 Dated 2-11-2015	
4.	Prayer or relief sought	See Prayer clause at the end	
5.	Last date for filing the appeal	2-12-2015	
6.	Whether Appeal in Time.	Appeal in time	
7.	Copies of documents relied upon by the applicant	1. Copy of RTI Application dated 29-9-2015 (Annexure-1) 2. Copy of Accounts Officer/CPIO letter dated 30-9-2015 (Annexure-2) 3. Copy of Appellant letters dated 12-10-2015 (Annexure-3) 4. Copy of Asstt. Registrar/CPIO letter	

		dated 2-11-2015 (Annexure-4) 5. Copy of the Order No. 61/2014 dated 14-10-2014 of First Appellate Authority, CESTAT, Delhi (Annexure-5)
--	--	--

BRIEF FACTS OF THE CASE

- (1) That the appellant has filed an application dated 29-09-2015 (**Annexure – 1**) under Section 6 of the RTI Act, 2005 requesting for the following information:
- (A) *Please provide the information as sought in the enclosed Annexure-A in relation to Appeal No. ST/2335/2012 (Nortal Networks India Ltd.) for the period subsequent to 18-7-2013 (RTI 8319)*
- B) *Please provide the information as sought in the enclosed Annexure-A in relation to Appeal No. ST/57240/2013 (Microsoft Corporation) for the period subsequent to 28-7-2014 (RTI 8315)*
- C) *Please provide the information as sought in the enclosed Annexure-A in relation to Appeal No. ST/1029/2011-Cus(DB) (Vodafone Essar Digilink Ltd.)) for the period subsequent to 3-8-2012 (RTI 8311)*
- D) *Please provide the information as sought in the enclosed Annexure in relation to Appeal No. ST/832/08 (Jabalpur Motors Ltd.)) for the period subsequent to 24-4-2014 (RTI 8312)*
- (E) *Please provide the following information in relation to Appeal No. ST/841/2010 (Galilio India Pvt. Ltd. (RTI 8312)*
- (i) *Please provide the date on which the stay application heard in the matter and the name of the members who heard it.*
- (ii) *Please also provide the details of pronouncement of stay order in case the order was reserved and the copies of relevant documents related thereto including copy of stay order in this Appeal and in Appeal Nos. ST/824, 934, 946/2010*

- (iii) Please also provide the copies of record of proceedings/order sheet for the period 1-10-2011 to 1-7-2013 and 1-11-2013 to 1-3-2014 including the dates 8-12-2011 and 3-1-2014.
- (F) Please provide the copies of the requisitions received from PA and PS for preparation of list for pronouncement or for any other purpose which is being maintained from 1-1-2014 as per the order of the First Appellate Authority reflected in the letter of the AR (Excise) to the CPIO (Annexure -B)
- (G) Please provide list of the CESTAT officials/employees including Members of the Tribunal, who have filed Annual Property Return for the year 2013, 2014 & 2015 and date of filing in respect to each one of them.
- (H) Please provide list of the CESTAT officials/employees including Members of the Tribunal, who have not filed Annual Property Return for the year 2013, 2014 & 2015 and details of the action taken for ensuring compliance to the Government Rules in this respect.
- (I) Please provide information as to the dates when the Hon'ble President has filed his Annual Property Return for the year 2013, 2014 & 2015.
- (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 S.K. Verma, Asstt. Registrar/CPIO and Shri Mukesh Gupta – Assistant Registrar (Administration), Deemed CPIO, have deliberately and malafidely denied the information as sought in Point (G) & (H) of the RTI Application by claiming wrong exemption. 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 and Deemed 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 S.K. Verma, Asstt. Registrar/CPIO and Shri Mukesh Gupta – Assistant Registrar (Administration), Deemed CPIO, have deliberately and malafidely denied the information as sought in Point (G) of the RTI Application by claiming wrong exemption just to delay and deny the information. In these points, the appellant has merely sought the list of the officials who have filed the Annual Property Return for the years 2013-2014 & 2014-2015 and date of filing in respect of each of them. Such information can by no stretch of imagination be treated as personal information exempted under Section 8 (1)(j) of the RTI Act, as the appellant has not sought copies or details of the contents of the Annual Property Returns. Therefore, the order of the CPIO and Deemed CPIO are liable to be set aside with direction to provide point-wise information to the appellant within time bound frame.
- (4) That Shri S.K. Verma, Asstt. Registrar/CPIO and Shri Mukesh Gupta – Assistant Registrar (Administration), Deemed CPIO, have deliberately and malafidely denied the information as sought in Point (H) of the RTI Application by claiming wrong exemption just to delay and deny the information. In these points, the appellant has merely sought the list of the officials who have not filed the Annual Property Return for the years 2013-2014 & 2014-2015 and action taken thereon for ensuring compliance to the Government Rules in this respect. Such information can by no stretch of imagination be treated as personal information exempted under Section 8 (1)(j) of the RTI Act, as the appellant has not sought copies or details of

the contents of the Annual Property Returns. Therefore, the order of the CPIO and Deemed CPIO are liable to be set aside with direction to provide point-wise information to the appellant within time bound frame.

- (5) That the issue regarding supply of the information as sought in Point (G) & (H) of the RTI Application is no more *res integra*. The First Appellate Authority of the CESTAT, Delhi, by order dated 61/2014 dated 14-10-2014 (**Annexure-5**) has clearly held that such information is not exempted from disclosures under Section 8(1)(j) of the RTI Act.
- (6) That Shri S.K. Verma, Asstt. Registrar (SM) and CPIO and Shri Mukesh Gupta – Assistant Registrar (Administration), Deemed CPIO, have deliberately and malafidely not responded to the Point (I) of the RTI Application regarding the details of the dates when the Hon'ble Presided had filed Annual Property Return for the years 2013, 2014 & 2015. They may therefore, be directed to provide the information within time bound frame. Therefore, the order of the CPIO is liable to be set aside with direction to provide point-wise information to the appellant within time bound frame.
- (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 point-wise 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 : 07-11-2015

o/c

ANNEXURE-1 (7)

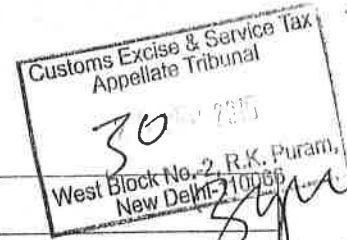
Application under Section 6 of the Right to Information Act, 2005

Ref. No. : RTI/P-195/9519/15

Dated : 29-9-2015


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 information as sought in the enclosed Annexure-A in relation to Appeal No. ST/2335/2012 (Nortal Networks India Ltd.) for the period subsequent to 18-7-2013 (RTI 8319)</p> <p>(B) Please provide the information as sought in the enclosed Annexure-A in relation to Appeal No. ST/57240/2013 (Microsoft Corporation) for the period subsequent to 28-7-2014 (RTI 8315)</p> <p>(C) Please provide the information as sought in the enclosed Annexure-A in relation to Appeal No. ST/1029/2011-Cus(DB) (Vodafone Essar Digilink Ltd.) for the period subsequent to 3-8-2012 (RTI 8311)</p> <p>(D) Please provide the information as sought in the enclosed Annexure in relation to Appeal No. ST/832/08 (Jabalpur Motors Ltd.) for the period subsequent to 24-4-2014 (RTI 8312)</p> <p>(E) Please provide the following information in relation to Appeal No. ST/841/2010 (Galilio India Pvt. Ltd. (RTI 8312)</p> <p>(i) Please provide the date on which the stay application heard in the matter and the name of the members who heard it.</p> <p>(ii) Please also provide the details of pronouncement of stay order in case the order was reserved and the copies of relevant documents related thereto including copy of stay order in this Appeal and in Appeal Nos. ST/824,</p>

	<p>(iii) Please also provide the copies of record of proceedings/order sheet for the period 1-10-2011 to 1-7-2013 and 1-11-2013 to 1-3-2014 including the dates 8-12-2011 and 3-1-2014.</p> <p>(F) Please provide the copies of the requisitions received from PA and PS for preparation of list for pronouncement or for any other purpose which is being maintained from 1-1-2014 as per the order of the First Appellate Authority reflected in the letter of the AR (Excise) to the CPIO (Annexure -B)</p> <p>(G) Please provide list of the CESTAT officials/employees including Members of the Tribunal, who have filed Annual Property Return for the year 2013, 2014 & 2015 and date of filing in respect to each one of them.</p> <p>(H) Please provide list of the CESTAT officials/employees including Members of the Tribunal, who have not filed Annual Property Return for the year 2013, 2014 & 2015 and details of the action taken for ensuring compliance to the Government Rules in this respect.</p> <p>(I) Please provide information as to the dates when the Hon'ble President has filed his Annual Property Return for the year 2013, 2014 & 2015.</p> <p>Note:-Please provide pointwise information/response for each of above points.</p>
5.	I state that the information sought is covered under RTI Act and does not fall within the exemptions contained in sections 8 or 9 or any other provisions of the Right to Information Act, 2005 and to the best of my knowledge it pertains to your office. Information is being sought in larger public interest.
6.	A Postal Order No. 32F 041592 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

Annexure-A

- (i). Copies of all Orders, Order Sheets / Record of Proceedings except Final Orders.
- (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). Copies of all applications made by the Parties.
- (v). Details of the date on which the aforesaid mater was mentioned.
Please also provide copies of the mention memo and directions thereon.
- (vi). Copies of all Supplementary Cause Lists.
- (vii). Copies of all notice of hearing issued to parties.
- (viii). Copies of any Court directions/orders received in the aforesaid matter.
- (ix). Copy of compliance report, if any and current status of the case with next Date of hearing.
- (x). Copies of all Vakalatnamas and no objections filed in case of change of lawyer. Please also intimate the date of filing of each Vakalatnama.

RTI/5710

EXCISE BRANCH

Amenu B

ID NO.09-160/2014

To,

✓ The CPIO ,
CESTAT, West Block No.-2,
R.K.Puram , New Delhi-110066.

Sub: Information sought under RTI Act, 2005-reg.

With reference to your letter No.09-160/2015 dated 09.02.2015.

In this reference to required information furnished as under:

This is not used to maintain the folder of requisitions received from PA/PS for preparing of Lists for pronouncement, but not w.e.f. Jan. 2015 as per direction of the appellate authority this registry is keeping it waiting for RTI application of the applicant. If the information seeker wants to take it in RTI, may take it without wasting any further time.

✓
Assistant Registrar
Excise Branch
23.04.2015

0850
21/04/2015

ANNEXURE-2 (11)

F.No. 10-190/CESTAT/CPIO-ND/RP/2015,
Customs, Excise and Service Tax, Appellate Tribunal,
West block No.2, R.K.Puram, New Delhi-110066.

Dated 30/09/15

ID No. 10190/2015

Subject: Information sought under RTI Act 2005.

Sir,

Please refer to RTI application of
Shri R.K. Jain
Under RTI Act 2005 vide No. 9519/15 dated
29/9/15 (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. 9519/15 dated 29/9/15 CPIO ID No 10190/15 is
forwarded herewith to the following officers as deemed CPIO with the
request to provide correct and para-wise information/inspection on or
before 26/10/15 directly to the applicant and intimate the
undersigned within the stipulated time, failing which you are
personally responsible for delay and penalty if any, under section 20 of
RTI Act. You are, further requested to follow OM No.12/31/2013-IR
dated 12-02-2013 circulated on 23-05-2013

Encl: as above


(Rajender Prasad)
Accounts Officer/CPIO

To

① AR, Customs, ST & AD, CESTAT, New Delhi.

2 AR (Admin) CESTAT ND.

3

4. AR/PO, Computer P/c for uploading on website

Copy for information to:-

Sh R.K. Jain,

1512-B BHISHAM PITAMAH MARG,

WAZIR NAGAR

NEW DELHI - 110003.

16535
Grand file

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

ANTEXT... 3 (12)

Customs Excise & Service Tax
Appellate Tribunal

13 OCT 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-195/9519/15/R16926

12-10-2015

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

Sub: My RTI Application No. RTI/9519/15, dated 29/9/2015

Dear Sir,

This refers to the letter F. No. 10-190/CESTAT/CPIO-ND/RP/2015 dated 30-9-2015 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 Reference;
Service Tax Law Guide; Service Tax Handbook;
Handbook of Duty Drawback on Goods &
Services; Valuation under Central Excise; Hand-
book of Foreign Trade Policy & Procedures

Customs Excise & Service Tax
Appellate Tribunal

13 OCT 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-195/9519/15/R16927

12-10-2015

Assistant Registrar, Admin.

Customs Excise & Service Tax Appellate Tribunal,

West Block 2, R.K. Puram,

New Delhi - 110066

Sub: My RTI Application No. RTI/9519/15, dated 29/9/2015

Dear Sir,

This refers to the letter F. No. 10-190/CESTAT/CPIO-ND/RP/2015 dated 30-9-2015 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,



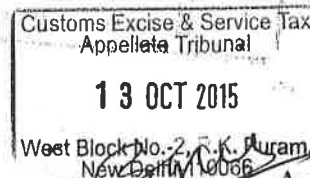
[R.K. Jain]

e/c

(19)

R.K. JAIN M.Com., LL.B.
President, Excise and Customs Bar Association
Editor of
EXCISE LAW TIMES & SERVICE TAX REVIEW
and author of

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



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

RTI/P-195/9519/15/R16928
12-10-2015

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

Sub: My RTI Application No. RTI/9519/15, dated 29/9/2015

Dear Sir,

This refers to the letter F. No. 10-190/CESTAT/CPIO-ND/RP/2015 dated 30-9-2015 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]

ANNEXURE-4 (15)

F.No. 10-190 / CESTAT/CPIO-ND/RP/2015
Customs Excise and Service Tax Appellate Tribunal
West Block No 2, R.K.Puram, New Delhi-110 066

Dated- 02/11/15
ID No. 10-190/15


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. 9579/15 Dt. 29/9/15
and our ID No. 10-190/15 the information received from AR Admn.
containing 1 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.


(C.S.K. Verma)
Asstt. Registrar/CPIO

Encl:- As above

Copy to:- Computer Section for website

V-16855
Gandhi

(16)

F.No. 33(329)/RTI/Misc/CESTAT/ND/Adman-2016
Customs Excise & Service Tax Appellate Tribunal
West Block-2, R.K. Puram
New Delhi-66

Dated: 27/10/2015

Sub : Information sought under RTI Act 2005-reg.

Sir,

Kindly refer to CPIO letter No. 10-190/CESTAT/CPIO-ND/RP/2015 dated 30/09/2015 and RTI application No. RTI/P-195/9519/15 dated 29.09.2015, the requisite information in point No. (G) & (H) asked by Shri. R.K. Jain is seems to be personal records and the same are exempted under Section 8(1) (j) of RTI Act 2005.


(Mukesh Gupta)
Assistant Registrar (Admn)

To,

- ✓ 1. Shri. S.K. Verma, Assistant Registrar/CPIO, New Delhi.

RTI-8588

1

Annexure 5

15475

17

6-633

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

Date of Hearing/decision: 14.10.2014

**Appeal No.09-062(A)/CESTAT/FAA-RK/2014
CPIO, I.D. No. 09-139/CESTAT/CPIO-ND/RP/2014**

Sh. R.K.Jain

Appellant

Vs.

Sh. Rajender Prasad, CPIO

Respondent

ORDER 06/12/2014

Per Rakesh Kumar:-

1. The appellant vide RTI Application dt.16.08.2014 has sought the following information:-

- (A) Please provide list of the CESTAT officials/ employees including Members of the Tribunal, who have not so far filed Annual Property Returns for the year 2012, 2013 & 2014 and the details of the action taken for ensuring compliance to the Government Rules in this respect.
- (B) Please provide information as to the dates when the Hon'ble President has filed his Annual Property Return for the year 2013 & 2014.
- (C) Please provide information as to pro-active disclosure of the information under RTI Act, 2005, as referred to in Point (A) & (B) above. If no pro-active disclosure has been made, please provide copies of the Annual Returns filed by the Hon'ble President, Hon'ble Members and the Registrars, Deputy Registrars and Assistant Registrars.

12

Ghansal/12

- (D) Please provide list of files from which the information as sought above is provided
- (E) Please provide copies of all note sheets and correspondence pages of the RTI file in which this application has been dealt with till the date of providing the information. In case of correspondence emanating from me, only copy of first page of each document may be provided.


2. The information sought is the list of the CESTAT officials/ employees including Tribunal members, who have not so far filed Annual Property Returns (Immovable Property Returns) for the year 2012, 2013 & 2014 and also pro-active disclosure of this information on the CESTAT's website under RTI Act, 2005. The CPIO under his reply dt. 19.09.2014 has enclosed a letter dt. 16.09.14 from the AR (Admin) mentioning that requisite information is covered by exemption under section 8(1)(j) of the RTI Act, 2005. Hence this appeal has been filed.

3. Heard both the sides.

4. The information sought is about the details of the officials/ employees including Members of the Tribunal, who have so far not filed Annual Immovable Property Returns (IPR) for the year 2012, 2013 & 2014 and also the details of the action taken for ensuring compliance in this regard. The applicant also seeks information about the action taken for pro-active disclosure under RTI Act, on the CESTAT's website of the above mentioned information. The applicant does not want the copies of the returns or the details of the IPRs filed by the individual officials/employees and he wants only the names of

~ ~

the official/employees who have not filed the Immovable Property Returns for the years 2012,2013 and 2014. This information is not covered under section 8(1)(j) of the RTI Act, 2005. The necessary information may be please be provided to the appellant within three weeks time.


(Rakesh Kumar)
Member(Technical)

To

- ✓ 1. Sh. R.K.Jain, 1512, Bhishm Pitamah Marg
Wazir Nagar, New Delhi-110 003.
2. Copy to CPIO.
3. *Encl the 1st*

APPELLATE AUTHORITY

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

Received on
04/08/16

Appeal No.10-98(A)/2015
CPIO ID NO. 10-190/2015

Shri R.K.Jain

...Appellant

Vs.

CPIO, CESTAT

...Respondent

Date of Hearing/decision: 09.03.2016

ORDER 27/2016

The information sought for vide RTI application dated 29.09.2015, though was forwarded by the CPIO vide his letter dated 30.09.2015 to the concerned office for submission of information, but so far the information has not been received from the DR (Customs) with regard to information contained in paragraph A to F, which has been confirmed by the appellant during the course of personal hearing today. I also find from the available records that the DR (Customs) has not responded to the RTI application of the appellant. Considering the same, I am of the view that the information sought for by the RTI applicant can be furnished in the circumstances of the case. Therefore, the DR (Customs) is directed to furnish the information ^{sought} ~~called~~ for within a period of 4 weeks from the date of receipt of this order. The appellant is not pressing for the point No. G & H, since the information sought for has already been received by the appellant during the pendency of the appeal. The appeal is disposed of accordingly.


(S.K. MOHANTY)
29.7.16

APPELLATE AUTHORITY

Copy to:-

1. Shri.R.K.Jain, 1512-B, Bhishm Pitamah Marg, Wazir Nagar, New Delhi-110003, w.r.t. letter No. RTI/10-102(A)/CESTAT/FAA-SKM/2015.
2. CPIO, CESTAT, New Delhi.
3. Office Copy

10-99(A)/15

①

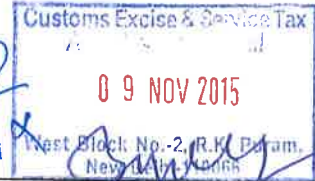
Dy. No. 4221/CX-15
9/11/15
9075/15/R92
9/11/15

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

Ref. No. : RTI/P-501/(9582/15)/Appeal/16057

Dated : 06-11-2015

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



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 S.K.Verma CPIO & Asst. Registrar
		(b) Address Customs Excise & Service Tax Appellate Tribunal, West Block 2, R.K.Puram, New Delhi - 110066
2.	Date of submission of application (Copy of application attached)	23-10-2015
3.	Details of the order appealed against	Letter F.No. 10-223/CESTAT/CPIO-ND/RP/2015 dated 2-11-2015
4.	Prayer or relief sought	See Prayer clause at the end
5.	Last date for filing the appeal	2-12-2015
6.	Whether Appeal in Time.	Appeal in time
7.	Copies of documents relied upon by the applicant	1. Copy of RTI Application dated 23-10-2015 (Annexure-1) 2. Copy of Asstt. Registrar/CPIO letter dated 26-10-2015 (Annexure-2) 3. Copy of 1st Appeal dated 30-10-2015 (Annexure-3) 4. Copy of Asstt. Registrar/CPIO letter dated 2-11-2015 (Annexure-4) 5. Copy of CIC decision in Nanak Chand

		Arora (Annexure-5) 6. Copy of Delhi H.C. decision in MCD V. R.K. Jain (Annexure-6)
--	--	--

BRIEF FACTS OF THE CASE

- (1) That the appellant has filed an application dated 23-10-2015 (Annexure – 1) under Section 6 of the RTI Act, 2005 requesting for the following information:
- (A) Please provide the following information in relation to (i) Appeal No C/52138/2014 (Esskay International, (ii) C/52139/2014 (Chirag Exports), (iii) C/52140/2014 (Subal Exports) and (iv) C/3302/2012 (Artex Textile Pvt. Ltd.)
 - (i). Computerized Report from CESTAT CASE INFORMATION SYSTEM also containing details of Case History, Application History, Appeal/Application details etc. with Diary No. and Impugned Order details as available on CESTAT Database for each of the above cases.
 - (ii). Copies of all Orders, Order Sheets / Record of Proceedings except Final Orders.
 - (iii). Copies of all the notes put up by the registry/Hon'ble Members with orders thereon.
 - (iv). Copies of any order/directions for out of turn listing of the matter
 - (v). Details of the date on which the aforesaid matter was mentioned. Please also provide copies of the mention memo and directions thereon.
 - (vi). Copies of AR Diary & After Court Cause list for 23-9-2015
 - (vii). Copies of all the After Court Supplementary Cause Lists, if any.
 - (viii). Copies of all notice of hearing issued to parties.
 - (ix). Copy of any instruction issued for listing of matter.
 - (x). Copies of any Court directions/orders received in the aforesaid matter.
 - (xi). Copy of compliance report, if any and current status of the case with next Date of hearing.

- (xii). *Copies of all Vakalatnamas and no objections filed in case of change of lawyer. Please also intimate the date of filing of each Vakalatnama.*
- (B) *After providing the above information, please provide inspection of all records, documents, note-sheets and files relating to the information as referred to in point (A) above. Please provide inspection of complete file(s) even if they contain part of the information. Please note that I will undertake the inspection only if it is necessary in view of incorrect and incomplete information provided by you.*
- (C) *Please provide copies of all note sheets and correspondence pages of the RTI file in which this application has been dealt with, till the date of providing the information. In case of correspondence emanating from me, only copy of first page of each document may be provided.*
- (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 S.K. Verma, Asstt. Registrar/CPIO has wrongly denied the information vide his order dated 26-10-2015 by deliberately and malafidely applying non-applicable exemption under section 8(1)(h) of the RTI Act. He subsequently, by his order dated 2-11-2015 reviewed his earlier order and further denied the information on the ground that the matter is sub-judice. 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.

- (4) That Shri S.K. Verma, Asstt. Registrar/ CPIO has by his order dated 26-10-2015 (**Annexure-2**) denied part-information claiming exemption 8(1)(h). Thereafter, the CPIO illegally, malafidely and without any authority of law, reviewed his said order by a subsequent order dated 2-11-2015 (**Annexure-3**) by further rejecting the request for information on the ground that the matter is sub-judice. The appellant being aggrieved by the said order of the CPIO is filing the present appeal.
- (5) The CPIO has deliberately and malafidely obstructed the information without any reasonable cause therefore he is liable for penal action. The First Appellate Authority is not empowered to take action under section 20 of the RTI Act, therefore the appellant reserves his right to move direct complaint to CIC u/s 18 of the RTI Act

GROUND OF APPEAL

- (1) That the order in question of the CPIO is incorrect and illegal and contrary to the provisions and spirit of the RTI Act, 2005 hence liable to be set aside.
- (2) That the information sought by the appellant is not exempted under Section 8 or 9 or any other provisions of the RTI Act, 2005, therefore, there was no valid cause or reason or ground for not providing the information.
- (3) That Shri S.K. Verma, Asstt. Registrar/ CPIO has by his order dated 26-10-2015 (**Annexure-2**) denied part-information claiming exemption 8(1)(h). Thereafter, the CPIO illegally, malafidely and without any authority of law, reviewed his said order by a subsequent order dated 2-11-2015 (**Annexure-3**) by further rejecting the request for information on the ground that the matter is sub-judice. The CPIO has no power under the RTI Act, to review his own order / decision. It is an established law that power of review unless conferred by a statute, it cannot be exercised by an Authority. In this regard, the Hon'ble Supreme Court in *Kuntesh Gupta v. Management of Hindu Kanya Maha Vidyalaya* – 1987 (32) ELT 8 (SC) held as under:

11. It is now well established that a quasi-judicial authority cannot review its own order, unless the power of review is expressly conferred on it by the statute under which it derives its jurisdiction.

In view of the above establish, position of law, the order of the CPIO reviewing his own order is incorrect, illegal, malafide and without authority of law, hence, it is liable to be set aside and the CPIO may be directed to provide the information in time bound frame.

- (4) That the CPIO has deliberately and malafidely denied the information on the ground that the matter is sub-judice. In this regard, the Central Information Commission in the case of *Shri Nanak Chand Arora v. State Bank of India* – Case No. CIC/MA/A/2006/00018, decided on 30-6-2006 (**Annexure-5**), has held that the information cannot be denied on the ground that the matter is sub-judice because there is no provision in the RTI Act, which restricts the disclosure of information on the ground that the matter is sub-judice before the Court. Further, the Hon'ble Delhi High Court in the case of *MCD V. R.K. Jain* – WP (C) No. 14120 of 2009, decided 23-9-2010 (**Annexure-6**), has held that merely because the matter is sub-judice before a Court, is not a ground for denial of information under the RTI Act. In specific words, the Hon'ble Court held as under:

“The matter being sub judice before a court is not one of the categories of information which is exempt from disclosure under any of the clauses of Section 8(1) of the RTI Act.”

In view of the above binding decisions, the CPIO cannot deny the information under RTI on the ground that the matter is sub-judice. Therefore, the order of the CPIO is liable to be set aside with direction to provide point-wise information to the appellant within time bound frame.

- (5) That Shri S.K. Verma, Asstt. Registrar (SM) and CPIO has deliberately and malafidely denied the information as sought in the RTI application by wrongly applying section 8(1)(h) of the RTI Act. The said Section 8(1)(h) of the RTI Act, 2005 reads as under:

'information which would impede the process of investigation or apprehension or prosecution of offenders'

A perusal of the above would show that disclosure of information is exempted when it would impede any of the following three:

- 1) Investigation
- 2) Apprehension of offenders
- 3) Prosecution of offenders

None of the above elements are involved in relation to the information as sought by the appellant under the present RTI application as Tribunal is neither an Investigating Agency nor Law Enforcing Agency nor a Prosecuting Authority, but is an Appellate Forum. The information sought relates to the orders passed by the quasi-judicial authority and records created by the Registry in relation to the appeals before it, thus, section 8(1)(h) has no applicability. Therefore, the order of the CPIO is liable to be set aside with direction to provide point-wise information to the appellant within time bound frame.

- (6) That the appellant has merely sought copies of the Orders, Record of Proceedings, Note Sheets of the Registry, directions for listing of the cases out of turn, date and copies of Mention Memo, copies of After Court Cause Lists, Notice of Hearings and Vakalatnamas and copy of the Compliance Report of CESTAT order and current status of the case, which are records of the quasi-judicial authority, therefore, are part of the 'public records' and are disclosable under the RTI Act and section 8(1)(h) has no applicability as there is no investigation that is pending in the matter. Moreover, these records are created by the Tribunal and not

emanating from any third party, they are 'public records' created by public authorities. As per Section 74(1)(ii) of the Evidence Act, the documents confirming the records of the acts of official body or Tribunal, are treated as public documents. The section 74(1)(ii) of the Evidence Act, 1872, reads as under :

"74. Public documents. – The following documents are public documents :-

- (1) documents forming the acts or records of the
- Acts -
- (i) of the sovereign authority;
 - (ii) **of official bodies and tribunals, and**
 - (iii) of public officers, legislative, judicial and executive [of any part of India or of the Commonwealth], or of a foreign country.
- (2) public records kept in [any State] of private documents.

In view of the above provisions read with section 76 of the Evidence Act, the records of the Tribunal being public records and are disclosable to public. On the basis of these provisions, Allahabad High Court in the case of *Alla Buksh v. Ratan* – A.I.R. 1958 (All) 829, held, that an "assessment order" passed by Sales Tax Officer to be a public document. Similarly, the Mysore High Court in the case of *Mahboob Mills Co. Ltd. v. Vittal* – A.I.R. 1959 Mys. 180 held that the records of the Labour Tribunal as public documents; likewise Patna High Court in the case of *Hira Lal v. Ramanand Chaudhury* – A.I.R. 1959 Patna 515 held that assessment order is a public documents. In these circumstances, the order of Shri S.K. Verma, Asstt. Registrar (SM) and CPIO claiming exemption under section 8(1)(h) of the RTI Act is bad in law and liable to be set aside and the CPIO be directed to provide the information.

- (7) That the Shri S.K. Verma, Asstt. Registrar (SM) and CPIO has wrongly claimed exemption u/s 8(1)(h) of the RTI Act, as the said section is applicable only when disclosure of the information would cause impediment to the on-going investigation. The information sought by the

appellant does not relate to a case where any investigation is pending. Even if it is assumed that investigation in the matter is still pending, the key issue for consideration is that whether disclosure of information as sought by the appellant/complainant would, in any way, impede the process of said inquiry/investigation. The Hon'ble Delhi High Court in Addl. Commissioner of Police (Crime) Vs CIC; W.P(C). No. 7930 of 2009 while dealing with the provision of this section had made following observations:

"85. Mere pendency of investigation, or apprehension or prosecution of offenders is not a good ground to deny information. Information, however, can be denied when furnishing of the same would impede process of investigation, apprehension or prosecution of offenders. The word —impedell indicates that furnishing of information can be denied when disclosure would jeopardize or would hamper investigation, apprehension or prosecution of offenders. In Law Lexicon, Ramanatha Aiyar 2nd Edition 1997 it is observed that —the word —impedell is not synonymous with obstruct'. An obstacle which renders access to an inclosure inconvenient, impedes the entrance thereto, but does not obstruct it, if sufficient room be left to pass in and out. Obstruct' means to prevent, to close up."

86. The word —impede therefore does not mean total obstruction and compared to the word obstruction' or prevention', the word impede' requires hindrance of a lesser degree. It is less injurious than prevention or an absolute obstacle. Contextually in Section 8(1)(h) it will mean anything which would hamper and interfere with procedure followed in the investigation and have the effect to hold back the progress of investigation, apprehension of offenders or prosecution of offenders. However, the impediment, if alleged, must be actual and not make belief and a camouflage to deny information. To claim exemption under the said Sub-section it has to be ascertained in each case whether the claim by the public authority has any reasonable basis. Onus under Section 19(5) of the RTI Act is on the public authority. The Section does not provide for a blanket exemption covering all information relating to investigation process and even partial information wherever justified can be granted. Exemption under Section 8(1)(h) necessarily is for a limited period and has a end point i.e. when process of investigation is complete or offender has been apprehended and prosecution ends. Protection from disclosure will also come to an end when disclosure of information no longer

causes impediment to prosecution of offenders, apprehension of offenders or further investigation."

- (8) In another matter of Bhagat Singh Vs CIC; W.P. (C) No. 3114/2007; dated 03.12.2007 the Hon'ble Delhi High Court had observed as follows:

"Access to information, under Section 3 of the Act, is the rule and exemptions under Section 8, the exception. Section 8 being a restriction on this fundamental right, must therefore be strictly construed. It should not be interpreted in manner as to shadow the very right itself. Under Section 8, exemption from releasing information is granted if it would impede the process of investigation or the prosecution of the offenders. It is apparent that the mere existence of an investigation process cannot be a ground for refusal of the information; the authority withholding information must show satisfactory reasons as to why the release of such information would hamper the investigation process. Such reasons should be germane, and the opinion of the process being hampered should be reasonable and based on some material. Sans this consideration, Section 8(1)(h) and other such provisions would become the haven for dodging demands for information"

The decision of Delhi High Court in Bhagat Singh's case has been approved by Division Bench in Addl. Commissioner of Income Tax Vs. UOI – LPA No. 1377/2007 decided on 17-12-2007

- (9) That Hon'ble Delhi High Court again in the case of B.S. Mathur v. Delhi High Court – W.P.(C) No. 295/2011 dated 3-6-2011 again held as under:-

"The mere pendency of an investigation or inquiry is by itself not a sufficient justification for withholding information. It must be shown that the disclosure of the information sought would 'impede' or even on a lesser threshold 'hamper' or 'interfere with' the investigation. This burden the Respondent has failed to discharge"

- (10) That as per the above judgments of Hon'ble Delhi High Court mere pendency of an investigation cannot be the ground for denial of information under section 8(1)(h) of the RTI Act, but the CPIO must show that the disclosure of such information would certainly impede the process of investigation. Hon'ble Court has further clarified that section 8(1)(h) does not provide for blanket exemption from providing information relating

to investigation process. Even partial information wherever justified needs to be disclosed. Further, onus to prove that denial is justified is on the public authority. However, unfortunately in the present case, the CPIO has not properly examined the contents of the information in question, but just has denied the information by invoking section 8(1)(h) without giving any reason or ground. Therefore, the order of the Shri S.K. Verma, Asstt. Registrar (SM) and CPIO is liable to be set aside with direction to provide point-wise information to the appellant within time bound frame..

- (11) That further, as observed by the Hon'ble Delhi High Court in the above quoted judgment, the onus to prove that a denial is justified shall be on the CPIO as per section 19(5) of the RTI Act. But, in the instant case, nowhere in the order of the CPIO denial of information has been justified. He did not even indicate a single reason which made him believe that disclosure of information would impede the process of investigation/examination. Shri S.K. Verma, Asstt. Registrar (SM) and CPIO did not give any such reason in support of denial of 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.
- (12) That Shri S.K. Verma, Asstt. Registrar (SM) and CPIO has erred in not appreciating that the information sought relates to evasion of taxes and violation of the statutory provisions adversely affecting the public revenue, therefore the information sought is in larger public interest. Therefore the CPIO should have applied section 8(2) of the RTI Act and provided the information.
- (13) That Shri S.K. Verma, Asstt. Registrar (SM) and CPIO has not given any reasons or grounds as to how the information is exempted from disclosure under section 8(1)(h) of the RTI Act, therefore his order is a non-speaking order and passed in violation of the principles of natural justice, hence is liable to be set aside on this ground alone.

- (14) That Shri S.K. Verma, Asstt. Registrar (SM) and CPIO has been providing copies of similar information to the appellant till now and as the appellant has made certain complaints to the authorities against irregularities and manipulations of Shri S.K. Verma, Asstt. Registrar, he is causing harassment and inconvenience to the appellant by denying the information which CESTAT has continuously been providing to the appellant as per the provisions of the RTI Act. Therefore, the order of the CPIO is liable to be set aside with direction to provide point-wise information to the appellant within time bound frame.
- (15) That Shri S.K. Verma, Asstt. Registrar (SM) and CPIO has deliberately and malafidely denied the copies of the documents as sought by the appellant by wrongly applying section 8(1)(h) of the RTI Act, so as to cause delay and deny the information with malafide intent and purpose therefore, he is liable for penal action under Section 20 of the RTI Act, 2005 and the appellant is also entitled to compensation for the harassment and inconvenience caused to him. The appellant reserves his right to file a direct complaint to CIC, as the First Appellate Authority has no powers to take penal action under section 20 of the RTI Act.
- (16) That the CPIO has erred in not providing the information to the appellant though as per the provisions of the RTI Act, the appellant is entitled to information as sought by him. Therefore, the order of the CPIO is liable to be set aside with direction to provide point-wise information to the appellant within time bound frame.
- (17) That the information sought is neither voluminous nor relate to older and larger period, thus could have easily been provided by the learned CPIO.
- (18) That the appellant has filed first appeal No. 16029 dated 30-10-2015 (**Annexure-3**) against the order dated 26-10-2015 of the CPIO. The said appeal may also be decided alongwith this appeal.
- (19) 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.

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

(21) 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 : 06-11-2015

5/2

ANNEXURE-1 (13)

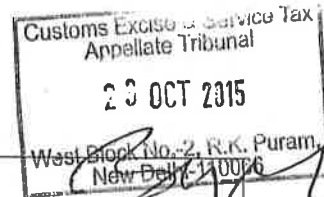
Application under Section 6 of the Right to Information Act, 2005

Ref. No. :RTI/P-195/9582/15

Dated : 23-10-2015

To

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



1.	Name of the Applicant	R.K. Jain
2.	Address	1512-B, Bhishm Pitamah Marg Wazir Nagar New Delhi-110003
	(b) Phone Nos.	09810077977, 011-24651101, 011-24690707
	(c) Fax No.	011-24635243
3.	Whether a Citizen of India	Yes
4.	Particulars of Information	
	Details of information required	(A) Please provide the following information in relation to (i) Appeal No C/52138/2014 (Esskay International), (ii) C/52139/2014 (Chirag Exports), (iii) C/52140/2014 (Subal Exports) and (iv) C/3302/2012 (Artex Textile Pvt. Ltd.) <i>and Connected matters</i> (i) Computerized Report from CESTAT CASE INFORMATION SYSTEM also containing details of Case History, Application History, Appeal/Application details etc. with Diary No. and Impugned Order details as available on CESTAT Database for each of the above cases. (ii) Copies of all Orders, Order Sheets / Record of Proceedings except Final Orders. (iii) Copies of all the notes put up by the registry/Hon'ble Members with orders thereon. (iv) Copies of any order/directions for out of turn listing of the matter (v) Details of the date on which the aforesaid mater was mentioned. Please also provide copies of the mention memo and directions thereon. (vi) Copies of AR Diary & After Court Cause list for 23-9-2015 (vii) Copies of all the After Court Supplementary Cause Lists, if any.

Received
29/08/16

**APPELLATE AUTHORITY
UNDER RIGHT TO INFORMATION ACT, 2005
CUSTOMS, EXCISE AND SERVICE TAX
APPELLATE TRIBUNAL,
WEST BLOCK 2, R.K. PURAM, NEW DELHI – 110 066**

Date of Hearing/decision: 26.08.2016

Appeal No.10-99 (A)/CESTAT/FAA/VP/2015

CPIO, I.D. No. 10-223/CESTAT/CPIO-VPP/2015

Sh. R.K.Jain

Appellant

Vs.

Sh. V.P. Pandey, Asst. Registrar/CPIO

Respondent

ORDER *133/2016*

The appellant has sought information under A (i) to A (iii):- (i) Appeal No. C/52138/2014 (Esskay International), (ii) C/52139/2014 (Chirag Exports), (iii) C/52140/2014 (Subal Exports). These pertain to CPIO, Chandigarh who is directed to provide the said information within a period of three weeks from receipt of the order.

2. The appeal is disposed of in above terms.

V. Padmanabhan
(V. Padmanabhan)
Appellate Authority *26/8/16*

Copy to :-

1. Sh. R.K.Jain, 1512, Bhishm Pitamah Marg
Wazir Nagar, New Delhi-110 003.
2. Shri V.P. Pandey, Asst. Registrar/CPIO, CESTAT, New Delhi.
3. Office copy

By No. 4220/CR-15
9/11/15
9/11/15/RTI
9/11/15

10-100(A)/15

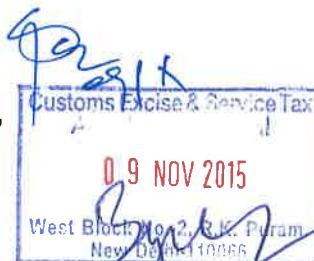
①

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

Ref. No. RTI/P-537/(9213/15)/Appeal/16060
Dated : 07-11-2015

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 (1) Shri S.K. Verma Asstt. Registrar/CPIO (2) Shri S. Santhil Kumaran SPS to Shri R.K. Singh – Member (T) and Deemed 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)	04-06-2015
3.	Details of the order appealed against	Letter ID No. 10-68/15 dated 23-10-2015
4.	Prayer or relief sought	See Prayer clause at the end
5.	Last date for filing the appeal	23-11-2015
6.	Whether Appeal in Time.	Appeal in time

7.	Copies of documents relied upon by the applicant	<ol style="list-style-type: none">1. Copy of RTI Application dated 4-6-2015. (Annexure-1)2. Copy of CPIO letter dated 23-10-2015. (Annexure-2)3. Copy of the Appellate Order No.36/2015 dated 10-8-2015 (Annexure-3)4. Copy of the extracts of CESTAT Judicial Manual (Annexure-4)
----	--	---

BRIEF FACTS OF THE CASE

(1) That the appellant has filed an application dated 04-06-2015 (**Annexure – 1**) under Section 6 of the RTI Act, 2005 requesting for the following information:

(A) *Please provide Digital copy of the Supplementary Cause List of Delhi Benches from 01.01.2014 till the date of providing the information. A Postal Order No.79G 498746 of Rs. 50/- is enclosed being fee for supplying the information on CD/DVD. Please note that all Supplementary Cause Lists are not displayed on the website, hence, this request.*

(B) *Please provide list of all the files relating to tour and travel of CESTAT personnel for the years 2013, 2014 and 2015. Please provide copies of all the note sheets of the said file for the year 2014 and 2015. After providing the said copies, please also provide inspection of all the files and records relating to tour and travel including expenses incurred thereon.*

(C) *Please provide inspection of the Roaster File for the years 2014 and 2015.*

(D) *Please provide date-wise details of the action taken on the representations received from Shri J.K. Mittal Advocate. Please also intimate the file Nos. in which the said representations have been dealt with and provide copies of all the note sheets.*

- (E) Please provide date-wise details of the leave (all types including station leave and LTC) taken by Shri Rajendra Prasad, Accounts Officer, from 1-1-2013 till the date of providing the information.
- (F) Please provide copies of the FAA's Orders of CESTAT New Delhi, Mumbai, Chennai, Kolkata, Ahmedabad and Bangalore from 1-1-2014 till the date of providing the information. Orders except those pertaining to the applicant i.e. Shri R.K. Jain, may only be provided.
- (G) Please provide copies of all note sheets and correspondence pages of the RTI file in which this application has been dealt with, till the date of providing the information. In case of correspondence emanating from me, only copy of first page of each document may be provided.
- (H) Please provide Daily Diary and Dak Diary/regular of, Shri Rakesh Kumar, Member (Technical), Smt. Archana Wadhwa, Member (Judicial) and Shri R.K. Singh, Member (Technical) from 1-1-2014 till the date of providing the information for CESTAT, Delhi
- (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 S.K. Verma, Asstt. Registrar/CPIO and Shri S. Santhil Kumaran, SPS to Shri R.K. Singh, Member (Tec.) have deliberately and malafidely not provided complete and correct information as sought by the appellant, despite order of the First Appellate Authority. The appellant being aggrieved by the said order of the CPIO is filing the present appeal.
- (4) The Shri S.K. Verma, Asstt. Registrar (SM) and CPIO and Shri S. Santhil Kumaran, SPS to Shri R.K. Singh, Member (Tec.) and Deemed CPIO are deliberately and malafidely obstructing the information despite the order of the First Appellate Authority, without any reasonable cause therefore they are liable for penal action. The First Appellate Authority is not empowered to take action under section 20 of the RTI Act, therefore the appellant

reserves his right to move direct complaint to CIC u/s 18 of the RTI Act

GROUND OF APPEAL

- (1) That the order in question of the CPIO is incorrect and illegal and contrary to the provisions and spirit of the RTI Act, 2005 hence liable to be set aside.
- (2) That the information sought by the appellant is not exempted under Section 8 or 9 or any other provisions of the RTI Act, 2005, therefore, there was no valid cause or reason or ground for not providing the information.
- (3) That Shri S.K. Verma, Asstt. Registrar/CPIO and Shri S. Santhil Kumaran, SPS to Shri R.K. Singh, Member (Tec.) and Deemed CPIO have deliberately and malafidely not provided complete and correct information as sought by the appellant, despite order of the First Appellate Authority. Shri S. Santhil Kumaran, SPS to Shri R.K. Singh, Member (Tec.) and Deemed CPIO, first denied the information on the pretext that Shri R.K. Singh, Member (Tec.) has not joined the Tribunal till 1-1-2014. In such circumstances, he should have provided the information from the date Shri R.K. Singh – Member (Tec.) joined the CESTAT. Now even after the order No.36/2015 dated 10-8-2015 of the First Appellate Authority, directing for providing the information in question to the appellant, the CPIO and the Deemed CPIO, are raising flimsy grounds to delay and deny the information, whereas the records in question are held by Shri S. Santhil Kumaran, SPS to Shri R.K. Singh, Member (Tec.) and Deemed CPIO. The CPIO and the Deemed CPIO instead of complying the order of the First Appellate Authority are wrongly and malafidely asking the nature of the records and the details of the office orders under which such records are required to be maintained, while such records are actually maintained by the SPS and in the past the SPS of other Members have provided such information. The appellant is enclosing herewith the extracts from the Chapter XIII of the CESTAT Judicial Manual and para 13.05 and 13.06, such records are required to be maintained. Even

otherwise, such records are being maintained in the CESTAT right from the beginning and as per the information of the appellant, such records are also maintained being maintained and held by Shri S. Santhil Kumaran, SPS to Shri R.K. Singh, Member (Tec.) and Deemed CPIO, but he is raising false pleas to delay and deny the information. Therefore, the order of the CPIO and Deemed CPIO are liable to be set aside with direction to provide point-wise information to the appellant within time bound frame and they are 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.

- (4) That the CPIO has erred in not providing the information to the appellant though as per the provisions of the RTI Act, the appellant is entitled to information as sought by him. Therefore, the order of the CPIO is liable to be set aside with direction to provide point-wise information to the appellant within time bound frame.
- (5) That the information sought is neither voluminous nor relate to older and larger period, thus could have easily been provided by the learned CPIO.
- (6) That as per proviso to Section 8(1) of the RTI Act, 2005, the information which can not be denied to the Parliament or the State Legislatures shall not be denied to any person. The information sought by the appellant in the subject application is the one which cannot be denied to the Parliament or the State Legislatures and hence it cannot be denied or refused to the appellant.
- (7) That a personal hearing may be granted to the appellant before deciding the present appeal.
- (8) This is without prejudice to the right of the appellant to add, alter or modify any of the grounds of this appeal and adduce oral or written evidence at the time of hearing or till the appeal is disposed of.

PRAYER

Under the circumstances, the appellant prays as under:

- (a) That the Original Records may be summoned and perused.

- (b) That the order of the CPIO may be set aside to the extent it has been appealed against and CPIO/Deemed CPIOs may be directed to provide the information in question within time bound frame.
- (c) That imposition of penalty may also be recommended against the CPIO for not providing the complete and correct information.
- (d) That any other relief as the Appellate Authority deem fit and proper may also be ordered in favour of the appellant.
- (e) That a personal hearing may be granted to the appellant before deciding the appeal.



Signature of Appellant
Telephone No. : 9810077977
24651101
Fax No. 011-24635243

Place : New Delhi
Dated : 07-11-2015

AC

ANNEXURE - 1 (7)

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

Ref. No. : RTI/P-195/9213/15

Dated : 4-6-2015

To

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

04 JUN 2015

1.	Name of the Applicant	R.K. Jain
2.	Address	1512-B, Bhishm Pitamah Marg Wazir Nagar New Delhi-110003
	(b) Phone Nos.	09810077977, 011-24651101, 011-24690707
	(c) Fax No.	011-24635243
3.	Whether a Citizen of India	Yes
4.	Particulars of Information	
	Details of information required	(A) Please provide Digital copy of the Supplementary Cause List of Delhi Benches from 01.01.2014 till the date of providing the information. A Postal Order No.79G 498746 of Rs. 50/- is enclosed being fee for supplying the information on CD/DVD. Please note that all Supplementary Cause Lists are not displayed on the website, hence, this request. (B) Please provide list of all the files relating to tour and travel of CESTAT personnel for the years 2013, 2014 and 2015. Please provide copies of all the note sheets of the said file for the year 2014 and 2015. After providing the said copies, please also provide inspection of all the files and records relating to tour and travel including expenses incurred thereon. (C) Please provide inspection of the Roaster File for the years 2014 and 2015. (D) Please provide date-wise details of the action taken on the representations received from Shri J.K. Mittal Advocate. Please also intimate the file Nos. in which the said representations have been dealt with and provide copies of all the note sheets. (E) Please provide date-wise details of the leave (all types including station leave and LTC) taken by Shri Rajendra Prasad, Accounts Officer, from 1-1-2013 till the date of providing the information.

8

	<p>(F) Please provide copies of the FAA's Orders of CESTAT New Delhi, Mumbai, Chennai, Kolkata, Ahmedabad and Bangalore from 1-1-2014 till the date of providing the information. Orders except those pertaining to the applicant i.e. Shri R.K. Jain, may only be provided.</p> <p>(G) Please provide copies of all note sheets and correspondence pages of the RTI file in which this application has been dealt with, till the date of providing the information. In case of correspondence emanating from me, only copy of first page of each document may be provided.</p> <p>(H) Please provide Daily Diary and Dak Diary/Regular of Shri Rakesh Kumar, Member (Technical), Smt. Archana Wadhwa, Member (Judicial) and Shri R.K. Singh, Member (Technical) from 1-1-2014 till the date of providing the information for CESTAT, Delhi</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. 26F 027437 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/---lk

ANNEXURE-2

F.No. ~~10-68~~ / CESTAT/CPIO-ND/RP/2015
Customs Excise and Service Tax Appellate Tribunal
West Block No 2, R.K.Puram, New Delhi-110 066

Dated- 23/10/15
ID No. 10-68/15

To,

Shri R.K. Jain,
1512-B, Bhishm Pitamah Marg,
WAZIR NAGAR,
New Delhi - 110003

Subject: Information under Right to Information Act 2005.

Sir,

Please refer to your RTI application No- 9213/15 Dt- 17/7/15
and our ID No. 10-68/15 the information received from -----
containing 1 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.

(S.K. VERMA)
Asstt Registrar/CPIO

Encl:- As above

Copy to:- Computer Section for Website

-16764
Ground file.

To

The CPIO,
CESTAT,
New Delhi

Sub: Information sought under RTI Act, 2005.

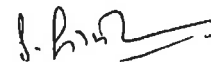
Sir,

Please refer to your letter No.10-68/CESTAT/CPIO-ND/RP/2015, dated 21-09-2015 and the First Appellate Authority's Order No.36/2015, dated 10.08.2015.

2. I am directed to convey that in Para 4(H) of the RTI application dated 04.06.2015, the applicant asked to provide "Daily Diary" and "Dak Diary/Regular" of Hon'ble Shri R.K. Singh, Member (Technical). It is requested to advise what are these records, i.e., under what office orders these records are required to be maintained and in what proforma to enable us to reply to your letter.

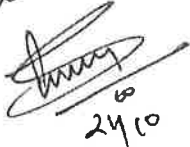
Thanking you,

Yours faithfully,



(S. Senthil Kumaran)
Sr. P.S. to Member
28 September, 2015

Recd. on 21/10/15


24/10

Please forward to Information
seeker.


24/10

Annu 9313
15837

11-346 11

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. 10-40 (A)/CESTAT/ FAA-SKM/2015
CPIO ID No. 10-68/CESTAT/CPIO-RP/2015

Shri R.K.Jain

...Appellant

Vs.

Shri Rajender Prasad, Accounts Officer/CPIO

...Respondent

Date of Hearing/Decision: 10.08.2015

ORDER No. 36/2015

Being aggrieved with the order dated 01.07.2015 of the CPIO; the present appeal has been preferred by the appellant before this Forum. The grievance of the appellant is that the information in relation to point No. (H) in the RTI application dated 4.6.2015 has not been furnished by the CPIO.

2. Heard both the sides.

3. In response to the grounds of appeal, the CPIO submits that the information were called for from the concerned officials vide letter dated 08.06.2015. He further submits that the S.P.S. to Shri R.K. Singh, Member (Technical) vide his letter dated 22.6.2015 has expressed inability to provide the requisite information from 01.01.2014, since Shri R. K. Singh did not join the Tribunal on that date. During the course of hearing, the applicant prays that the information can be furnished from the date of joining of Shri R.K. Singh as Member (Technical) in the Tribunal. The CPIO has no objection to the prayer made by the appellant.

5. In view of above, the CPIO is directed to obtain the information as sought for vide paragraph 4(H) in the RTI application dated 04.06.2015 from the S.P.S of Shri R. K. Singh and forward the same to the applicant immediately, preferably within a period of 4 weeks from the date of receipt of this order.

(Signature)

(S.K. MOHANTY)
APPELLATE AUTHORITY

Copy to:

1. Shri.R.K.Jain, 1512-B, Bhishm Pitamah Marg, Wazir Nagar, New Delhi-110003, w.r.t. letter No, RTI/P-537/(9313/15)/Appeal/15837 dated 17.07.2015
2. Shri Rajender Prasad, CPIO/Assistant Registrar, CESTAT, New Delhi.
3. Office Copy

3rd file

CHAPTER-XIII**DISPOSAL OF APPEALS, CROSS-OBJECTIONS, STAY APPLICATIONS AND MISCELLANEOUS APPLICATIONS AND DISPATCH OF ORDERS TO THE PARTIES:**

13.01 After the sitting of the bench is over all files/folders, except the main folder on which orders are yet to be recorded by the bench, should be collected by the Court Master from the Presiding Member or the other Member of the bench and placed together. He shall then segregate cases that have been adjourned after hearing in part or without hearing. He shall check whether the order-sheets are signed by all the Members and if so, he shall handover the files to the Assistant Registrar on the same day after making a note of further dates in his own court diary. He shall then obtain the orders of the bench on all the main folders of the files on which the orders are yet to be recorded by the bench.

13.02 All such files in which orders are to be dictated or were dictated in the open court but have to be typed shall be handed over to the SPS/PA of the concerned Member (a Presiding Member of the bench or the other Member if the file is marked by the Presiding Member to the other Member) on obtaining his signature in a note book.

13.03 After taking down the dictation, the SPS/PA of the Member shall type a draft order and take a printout on white paper and send the same, along with the main folder of the file, to the Member who dictated the order. After making necessary

~~Annexure~~

13

corrections, if any, he shall take a final print out on the green sheet and send it to the Member for his dated signature.

13.04 On receipt of the order from the said Member duly signed, he shall send the order, along with the main folder, to the SPS/PA of the other Member (applicable only in respect of division bench matters).

13.05 On receipt of such orders, the SPS/PA shall obtain the dated signature of the concerned Member and send the green-sheet order along with the first folder of the file back to the SPS/PA from whom he had received the same under a movement register meant for the purpose.

13.06 On receipt of the green-sheet order along with the main folder, the concerned SPS/PA shall attach the duplicate folders to the main folder keeping the original green-sheet order copy in the main folder and send it to the concerned Assistant Registrar through a movement register and obtain his dated signature, in token of having received the orders along with the files.

13.07 The concerned Assistant Registrar will then record the decision in the court diary or in the after court cause list as also the date of receipt of the order from the SPS/PA and then send the said files to the concerned Head Clerk for preparation of preamble to the orders.

Received 07.03.08/16

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.10-100(A)/2015
CPIO ID NO. 10-68/2015

Shri R.K.Jain

...Appellant

Vs.

CPIO, CESTAT

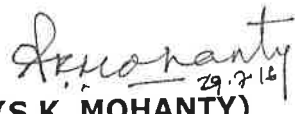
...Respondent

Date of Hearing/decision: 09.03.2016

ORDER 112/2016

Letter dated 28.09.2015 of Sh. Senthil Kumaran (SPS), addressed to the CPIO CESTAT New Delhi is the subject matter of present dispute. In the said letter, SPS to Member (T) Sh. R.K. Singh sought certain clarification with regard to the manner of maintenance of the daily and dak diary by the concerned Member. In response to the said letter, the appellant has referred to the paragraph 13.3 and 13.06 of CESTAT Judicial Manual, wherein there is specific mention about maintenance of file movement register.

2. In view of the fact that the SPS to M(T) has expressed certain queries with regard to the specific information to be furnished, and the same according to the appellant has been prescribed in the CESTAT Judicial Manual, I am of the view that SPS to M(T) should look into the Judicial Manual and if any such records are maintained, pursuant to the said manual, the same may be furnished to the appellant within a period of 3 weeks from the date of receipt of this order. The appeal is disposed of accordingly.


(S.K. MOHANTY)
APPELLATE AUTHORITY

Copy to:-

1. Shri.R.K.Jain, 1512-B, Bhishm Pitamah Marg, Wazir Nagar, New Delhi-110003, w.r.t. letter No. RTI/10-102(A)/CESTAT/FAA-SKM/2015.
2. CPIO, CESTAT, New Delhi.
3. Office Copy